

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON June 14, 2022.

Meeting called to order at 9:01 A.M. by Chairman Rusty Eddy with Greg Barnett present. Tom Heidenwirth was absent. Several others were in attendance. Moved by Barnett, second by Eddy to approve the agenda. All ayes. Motion carried.

Minutes of the June 7, 2022, regular meeting were read. Motioned by Barnett, second by Eddy to approve the minutes as read. All ayes. Motion carried. Minutes of the June 9, 2022, special meeting were read. Motioned by Barnett, second by Eddy to approve the minutes as read. All ayes. Motion carried.

During public comment, Helen Bowen, Shell Rock, was present and shared her concerns with the railroad crossings being blocked. Bowen understands the tracks need to be blocked on occasion and usually allows 30 minutes, but on Saturday they were blocked in for 1.5 hours. Barnett shared that he has already spoken with the railroad and they are reviewing the situation. Bowen feels the railroad should be fined large amounts when this happens so there is some accountability. County Engineer, John Riherd, explained the County's Secondary Roads 5 Year Plan includes realigning Lake Rd to reduce road crossings which would alleviate some of these issues; however, they are in the early stages of this planning. Barnett thanked Bowen for coming to share her concerns and he will call them back with additional information.

Motioned by Barnett, second by Eddy to open a Public Hearing on a Proposed Reclassification from an Area Level "B" to Area Level Service "C" of that portion of Orange Ave commencing 0.25 miles East of the NW corner Sec 28, T-93N, R16W (Dayton Twp) thence running South 0.55 miles. Riherd explained the location, reason for the reclassification and invited the property owners to comment. Steve Robisky, Cedar Falls, explained the road gets many unwanted visitors doing things they shouldn't be doing. Dallas Foster shared concerns regarding a small concrete bridge at the end of that road that needs work and felt it should be done before the road is gated. They explained the bridge is their only access to a couple of fields. Riherd felt a Level B or Level C road would be maintained in the same manner and they could repair that bridge as time allows. Riherd committed to repairing the small bridge and stated such commitment would be recorded in today's board minutes and the bridge repairs would be addressed prior to harvest. Barnett motioned to close the Public Hearing, second by Eddy. All ayes. Motion carried.

Motioned by Barnett, second by Eddy to approve Resolution #1034 as follows:

**Resolution #1034
Resolution to classify road(s) to Area Service Level C
of Orange Ave in Sec 28 Dayton TWP**

Moved by Barnett and seconded by Eddy to approve the following resolution:

WHEREAS, Butler County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier; and

WHEREAS, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Level Service "C" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County has previously adopted Ordinance Title IV, Number 9 Class "C" Roads; and

WHEREAS, the County has received a petition, signed by all adjoining landowners, requesting that:

That portion of Orange Ave commencing 0.25 miles East of the NW corner Sec 28, T-93N, R16W (Dayton Twp) thence running South 0.55 miles.

be reclassified from an Area Level Service "B" to Area Level Service "C"; and

WHEREAS, upon reclassification to Area Service Level C, the only persons who will have access rights to the previously described road(s) shall be:

- The owner, lessee, or person in lawful possession of any adjoining land,
- The agent or employee of the owner, lessee or person in lawful possession of any adjoining land,
- Any peace officer,
- Any magistrate,
- Any public employee whose duty it is to supervise the use or perform maintenance of the road,
- Any agent or employee of any utility located upon the road; and

WHEREAS, upon reclassification to Area Service Level C, the minimum level of maintenance on the previously described road(s) shall be as follows:

- Blading. Blading or dragging will not be performed on a regular basis
- Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded or salted on a regular basis
- Signing. Road shall be identified with a sign at all points of access to warn the public of the lower level of maintenance and except for load limit posting for bridges, other signing shall not be continued or provided
- Weeds, Brush and Trees. Mowing or spraying of weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained
- Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon
- Road Surfacing. There will be no surfacing materials applied to Area Service System C Roads on a regular basis.

- Shoulders. Shoulders will not be maintained on a regular basis
- Crown. A crown will not be maintained on a regular basis
- Repairs. There will be no road repair on a regular basis
- Uniform Width. Uniform width for the traveled portion of the road will not be maintained
- Inspections. Regular inspections will not be conducted; and

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Butler County that this County does hereby establish previously described roads(s) Area Level Service “C” road(s), with restricted access and a minimal level of maintenance.

Passed and Approved this 14th day of June, 2022

ATTEST: Leslie Groen
Butler County Auditor

Rusty Eddy, Chairman
Butler County Board of Supervisors

Moved by Barnett, second by Eddy to open the Public Hearing on proposed updates to Butler County Zoning Ordinances Title VI, Number 7. All ayes. Motion carried. Barnett opened the public hearing by explained the zoning ordinance updates have been worked on by the Planning and Zoning Commission for over two years. Planning and Zoning Administrator, Misty Day, explained she has checked with INRCOG regarding the carbon pipelines and explained counties do not have much authority regarding zoning or enforcing County ordinances. Barnett explained the carbon pipelines are state regulated. Day suggested the County could address the pipeline in a stand-alone ordinance when those ordinances become available. County Attorney, Dave Kuehner, addressed the use of resolutions, ordinances, and petitions that were suggested throughout the meeting, regarding both carbon pipelines and wind energy. Kuehner shared concern that County ordinances that were not enforceable and could end up in litigation, which would not benefit the County. George Cummings, Charles City, shared information regarding the Summit pipeline progress with easements, surveying, local support statements, etc. Barnett shared POET has announced it will sign on with the Navigator pipeline which will expand that pipeline, require a new application and restart the public hearing process. Barnett also explained the process of hiring a company to be the County’s inspector and that the pipeline in turn compensates the county to pay those inspectors. Additional discussions were held regarding the overall opposition of wind turbines and carbon pipelines and discussed the negative effects of both. Many comments included rights of non-participating landowners and the negative effects on rich farm land, bird migration and property values. Eddy and Barnett both stated they do not wish to have wind turbines in Butler County. Eddy shifted the conversation to hog farms because he feels hog farms have similarities to wind turbines and carbon pipelines does not want any more of those in the County either. Kim Junker, New Hartford, reiterated they are in attendance to request stricter ordinances regarding the wind energy because the setbacks are still too close. Junker appreciated the public hearing requirements, but would like setbacks readdressed. Barnett asked Junker to email him the setbacks they would like to see. Day explained the Planning and Zoning Commission took INRCOG guidance regarding the setbacks and felt those with were sufficient with the additional ordinance standards in place. Discussions were held regarding public notice options and the opportunity to attend and provide input throughout the zoning ordinance update process. Day explained the Planning and Zoning Commissions held work sessions and public hearings leading up to today’s Board of Supervisors Public Hearing. Ted Junker, New Hartford, reminded the board they and collected over 450 signatures opposed to wind turbines in Butler County and feels that is enough to reconsider a stricter ordinance. Crystal Klahsen, Aplington, thanked the Board for their time and mentioned they have been at Grundy County Board of Supervisors in the past and Grundy County is looking to Butler County to see how we handle these ordinances. Klahsen requested some additional time to relook at the ordinances. Motioned by Barnett to close the public hearing, second by Eddy. All ayes. Motion carried. Motioned by Barnett, second by Eddy to table the first reading of the Butler County Zoning Ordinance Title VI, Number 7.

Motioned by Barnett, second by Eddy to open the Public Hearing on the Public Health Addition Project. EMA Director, Chris Showalter, reviewed the project and bid process. With no additional questions or comments, motioned by Barnett, second by Eddy to close the public hearing.

Motioned by Eddy, second by Barnett to approve Resolution 1039 to approve the Butler County Public Health Building Project as follows:

**RESOLUTION #1039
TO APPROVE THE BUTLER COUNTY
PUBLIC HEALTH BUILDING PROJECT**

WHEREAS, The Butler County Board of Supervisors previously approved \$1.5 million of the American Rescue Plan Funds for a new Public Health Building Project on February 15, 2022.

WHEREAS, The Butler County Board of Supervisors held a Public Hearing on June 14, 2022, to review the Project Manual for the proposed Butler County Public Health Addition, Project #2112202420, as provided by Shive-Hattery, Inc.

THEREFORE, BE IT RESOLVED; The Board of Supervisors of Butler County, State of Iowa, hereby approves the Project Manual including the Advertisement for Bids for the Public Health Building Project as presented June 14, 2022.

Upon Roll Call the vote thereon was as follows:

AYES: Rusty Eddy NAYS: None ABSENT: Tom Heidenwirth
Greg Barnett

WHEREUPON, the Resolution was declared duly adopted this 14th day of June, 2022.

Rusty Eddy
Chairman, Board of Supervisors

ATTEST:
Leslie Groen, County Auditor

County Engineer requested to table the review of Resolution 1037 amending FY2023 County 5 Year Program until next week as he is waiting on some additional information. Motioned by Eddy, second by Barnett to table Resolution 1037.

County Engineer, John Riherd, recommended to approve the utility permit for MidAmerican Energy to rebuild along Hickory/Ivy near 200th St. Motioned by Barnett to approve utility permit, second by Eddy. All ayes, motion carried.

Board canvassed the results of the June 7, 2022 Primary Election with Election Deputy Matt Wilken. General Election Party nominations for Butler County are as follows:

	<u>Republican</u>	<u>Democratic</u>
Supervisor District 2:	Wayne Allan Dralle	No nomination
Supervisor District 3:	Rusty Eddy	No nomination
County Treasurer:	Roxanne Nicolaus	No nomination
County Recorder:	Janice Jacobs	No nomination
County Attorney:	David Kuehner	No nomination

Motioned by Barnett, second by Eddy to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Short Form Annual Updates for RIG East #69505, RIG 2 West #69512, and Millertime Finisher Farm #63822.

Motioned by Barnett, second by Eddy to adjourn the regular meeting at 1:15 P.M. to June 21st, 2022 at 9:00 A.M. All ayes. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on June 14, 2022.

Attest: Leslie Groen
Butler County Auditor

Rusty Eddy
Chairman of the Board of Supervisors