

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 2, 2008.

Meeting called to order at 9:00 a.m. by Chairman Larry Backer with members Ken Oldenburger and John Zimmerman present.

Minutes of the previous meeting were read and approved as read.

Time set for a Public Hearing on a Revolving Loan Fund application by Timothy Ungs, dba Norma Mae's, Allison, Iowa. No taxpayers were present. No written or oral comments were received. It was moved by Oldenburger, second by Zimmerman to adopt said Resolution as follows:

RESOLUTION NO. 642

WHEREAS, The Butler County Board of Supervisors (hereinafter referred to as **The Board**) has approved a Small Business Loan Plan by Motion on September 2, 2008 to be administered by **The Board** for the purposes of assisting small businesses; and

WHEREAS, Timothy Ungs, dba Norma Mae's, of Allison, Iowa has applied for a small business loan from the Butler County Revolving Loan Fund in the amount of \$5,000.00, and

WHEREAS, the request has been approved by the Butler County Revolving Loan Fund Loan Review Committee.

NOW, THEREFORE The Board approves the loan request subject to the terms and conditions as follows:

1. That a loan of \$5,000.00 be approved for Timothy Ungs, dba Norma Mae's of Allison, Iowa, subject to proof of additional financing from a lead bank and proof of at least ten percent (10%) owner equity into the project.
2. That the interest rate should be fixed at five percent (5%) per annum.
3. That the loan shall be repaid into the Revolving Loan Fund inclusive of all interest realized thereon according to the schedule:

Term The term of the note should be five years.

Payments Monthly payments of interest and principal.

4. That Timothy Ungs, dba Norma Mae's of Allison, Iowa, enter into a Loan Agreement with Butler County.
5. Penalties for late payment:
 1. After delinquency of five (5) days, the borrower shall be charged a late penalty the greater of \$25.00 or one and one-half percent (1.5%) per month of the payment due.
 2. After ten (10) days, the borrower will be notified by certified mail. A meeting will be set up between **The Board** and the borrower to determine the degree of the problem and the steps needed for payment compliance.
 3. Non-payment after sixty (60) days following the meeting between **The Board** and borrower will cause Butler County to initiate foreclosure procedures unless a satisfactory repayment schedule is negotiated.
6. This loan shall be secured by machinery and equipment.

UPON Roll Call the vote thereon was as follows:

AYES:	John Zimmerman Larry Backer Ken Oldenburger	NAYS: None
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WHEREUPON the Resolution was declared duly adopted this 2nd day of September, 2008.

ATTEST: Holly A. Fokkena, County Auditor

Time set for a Public Hearing for the Second Reading of a proposed Amendment to Ordinance Title V, Number 9, Health Regulations of Butler County by Creation of Septic Contractor Licensing. Robert Ross, Greene was present. No written comments were received. Mr. Ross inquired as to whether or not county licensing would transfer from county to county or if contractors would have to apply and pay a fee in each individual county wherein they perform services. He also voiced concerns on the amount of time necessary to earn and maintain certification. It was moved by Zimmerman, second by Oldenburger to approve said Amendment to Ordinance Title V, Number 9, upon its Second Reading as follows:

Butler County Ordinance
An Ordinance Amending Title V, Ordinance #9 – Health Regulations of Butler County By Creation of Septic Contractor Licensing

BE IT ENACTED BY THE BUTLER COUNTY, IOWA, BOARD OF SUPERVISORS:

SECTION 1. Title V, Ordinance #9 is amended by the addition of the following to Section 1 – Definitions:

7. “Septic Contractor” means any person, or business firm, installing, repairing, or providing maintenance of on-site wastewater treatment and disposal systems for compensation.
8. “County Sanitarian” means the Butler County Environmental Health Specialist.

SECTION 2. Title V, Ordinance #9 is amended by the addition of the following to Section II – General Requirements:

- 9 Any septic contractor who designs, constructs, installs, alters or repairs or provides maintenance on any on-site wastewater treatment and disposal system in Butler County, must have a current license, issued by Butler County Board of Health, under the provisions of Section XII of this regulation.

SECTION 3. Title V, Ordinance #9 is amended by the addition of the following Section XII – Septic Contractor License:

Any person, firm or corporation desiring to construct, alter, repair or provide maintenance of any private on-site wastewater treatment and disposal system in Butler County, Iowa shall first file for a license and approval with the Butler County Sanitarian, conditioned on the faithful performance or all duties and regulations required by the Butler County Board of Health, and all Ordinances and Regulations of Butler County and the Iowa Department of Natural Resources governing “On-site Wastewater Treatment and Disposal Systems”.

1. Persons desiring to obtain a Butler County license to install, repair, alter or maintain on-site wastewater treatment and disposal systems must be a holder in good standing of an Iowa On-site Wastewater Association (IOWWA) certification as a Certified Installer of On-site Wastewater Treatment System, either **Basic or Advanced Levels. Certification must be obtained by July 1, 2010. Continuing education credits to be defined by IOWWA Certification requirements.** Prior to July 1, 2010, the applicant must maintain 12 hours of continuing education through training provided by IOWWA, or training approved by the Butler County Sanitarian. **All inspections of on-site wastewater treatment and disposal systems require that an IOWWA Certified Installer be on site during the inspection.**
2. The Administrative Authority will issue a Contractor’s License, valid for a period of twelve (12) months, provided the applicant is the holder in good standing of the IOWWA Certified Installers License and has met the continuing education requirements of such certification.
3. An annual license fee shall be established by the Butler County Board of Health and shall be paid at the time of application.
4. License fees will be determined by the Butler County Board of Health.
5. Revocation and Denial of License. The septic contractor license may be revoked by the Administrative Authority if terms of this Regulation or any part of Title V, Ordinance #9 or the Iowa Code, Environmental Protection [567], Chapter 69 are violated. The contractor may only be reinstated at the discretion of the Butler County Board of Health.
6. Revocation Period. Application for renewal of license, when the license has been revoked, will not be allowed for a period of one (1) year from the date of revocation.
7. Appeal Hearing. An appeal hearing on license denial or revocation may be requested in writing to the Butler County Board of Health.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED by the Board of Supervisors on this 2nd day of September, 2008.

Larry Backer
Chairman

John Zimmerman
Supervisor

Ken Oldenburger
Supervisor

Attest: Holly A. Fokkena, County Auditor

It was further moved by Oldenburger, second by Zimmerman to waive the Third Reading of said Amendment. Motion carried.

Time set for a Public Hearing on a request by John and Kim Renfrow to rezone a parcel in Section 30-92-15 (Butler Township) from "A-1" to "R-1". Zoning Administrator Steve Busse was present. Also present were Bruce Johnston and Kim Renfrow. Busse informed the Board that Butler County Planning & Zoning Commission had recommended approval by the Board. He indicated the Commission had some concerns regarding sanitary systems, sharing of an existing well and maintenance of the roadway. Those concerns would be addressed however by a Homeowners Association Agreement. No written comments were received. Mr. Johnston voiced his concerns about water runoff to the south of the project onto his property. He also stated that he may be interested in placement of a confinement operation on his property. It was moved by Zimmerman, second by Oldenburger to approve said request rezoning the property from "A-1" to "R-1".

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman
Larry Backer
Ken Oldenburger
NAYS: None

It was further moved by Oldenburger, second by Zimmerman to waive the Second and Third hearings on said request. Motion carried.

Board met with Senator Bill Heckroth to discuss property tax issues due to recent natural disasters and the financial impact of same. Present were Sheriff Jason Johnson, Auditor Holly A. Fokkena, Treasurer Louise Squires, Deputy Michele Shultz, Engineer John Riherd, and Emergency Management Director Steve Ulrichs.

Board met with County Engineer John Riherd to review FY08 Annual Report to the Iowa DOT. Board also reviewed a Construction Agreement between Butler County and Parkersburg Lumber for the New Hartford Out-shed project for a cost of \$75,310.00. Moved by Zimmerman, second by Oldenburger to approve said Agreement. Motion carried.

Board met with Treasurer Louise Squires regarding Resolution Naming Approved Depositories. Moved by Oldenburger, second by Zimmerman to adopt said Resolution as follows:

RESOLUTION NO. 643

BE IT RESOLVED that the Board of Supervisors of Butler County, in Allison, Iowa approved funds in conformance with all applicable provisions of Iowa Code Chapters 12B and 12C . The County Treasurer and Other Officials are hereby authorized to deposit the Butler County funds in amounts not to exceed the maximum approved for each respective financial institution as set out below:

	DEPOSITORIES	LOCATION OF:	MAXIMUM BALANCE IN EFFECT UNDER PRIOR RESOLUTION	MAXIMUM BALANCE IN EFFECT UNDER THIS RESOLUTION
Treasurer	Iowa State Bank	Clarksville	5,000,000.00	6,000,000.00
	Security State Bank	Shell Rock	4,000,000.00	4,000,000.00
	Wells Fargo	Des Moines	2,000,000.00	2,000,000.00
	Lincoln Savings	Reinbeck	5,000,000.00	6,000,000.00
	Midwest One Bank	Parkersburg	4,000,000.00	4,000,000.00
Sheriff	Lincoln Savings	Reinbeck	1,000,000.00	1,000,000.00
Auditor	Lincoln Savings	Reinbeck	100,000.00	100,000.00
	Iowa State Bank	Clarksville	100,000.00	100,000.00
Recorder	Lincoln Savings	Reinbeck	100,000.00	100,000.00

CERTIFICATION: I hereby certify that the foregoing is a true and correct copy of a Resolution of the Board County Board of Supervisors adopted at a meeting of said public body, duly called and held on the 2nd day of September, 2008, a quorum being present, as said resolution remains of record in the minutes of said meeting, and it is now in full force and effect.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger
John Zimmerman
Larry Backer
Nays: None

WHEREUPON the Resolution was declared duly adopted this 2nd day of September, 2008.

ATTEST: Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to authorize the County Auditor to issue checks for the claims on file as follows:

Access Inc.,Mh Exp	6955.74
Aces,Equip Cont-It	2720.50
Agility Recovery Solutions,Comp Equip-It	250.00
Agvantage Fs,Fuel-Sr	24509.03
Airgas North Central,Weld Suply-Sr	96.19
Allison Pharmacy,Bd&Care-Jail	178.59
Allison Pharmacy,Mh Exp	27.45
Allsion Area Foster Parents,Trng-Cbcap	711.11
At&T,Tele -Shf Comm	32.29
Bauer Built Inc.,Tires-Sr	868.98
Becker, Jennifer L.,Mlge - Ph	757.68
Black Hawk County Cpc,Mh Exp	85.00
Broadwing Telecommunications,Tele -Atty	5.32
Buseman Industries, A.L.,Equip-Sr	500.00
Business Card,Sup- Jail	819.50
Butler County Public,Sal-Gen Rel	3333.34
Butler County R.E.C.,Lights-Sr	295.60
Butler County Sheriff,Mh Exp	836.58
Carpenter Uniform Company,Unif-Shf Admin	174.39
Cdw-G,Comp Equip-It	280.57
Cdw-G,Spc Proj-Bt-Ph	58.04
Centec Cast Metal Products,Grave Mrkrs - Va	153.72
Cerro Gordo County Cpc,Mh Exp	1176.35
Cessford Construction Company,Asphlt-Sr	869.42
Community Care Inc.,Mh Exp	153.56
Cooper Motor Company,Car Exp-Shf Admin	56.30
Covenant Health Medical Center,Mh Exp	3372.00
Croell Redi-Mix, Inc.,E3n-Sr	967.50
Croell Redi-Mix, Inc.,Develop-Cc	1159.00
Dave's Crane & Wrecker Service,E3n10-Sr	78939.20
Debner, Lonna,Mlge - Ph	113.06
Dept. Of Human Services, Cashier,Mh Exp	67431.00
Dewitt, Cindy,Mlge-Ph	276.57
Don's Truck Sales,Prts-Sr	2319.35
Dralle Plumbing & Heating,Rprs- Jail	45.00
Dralle, Sarah,Mlge-Ph	151.07
Drenkow & Co, Rd,Self Funding	3059.40
Dumont Telephone Co.,Rprs-Shf Comm	108.49
Dunkerton Coop,Dst Cntrl-Sr	135.00
Election Systems & Software In,Coding/Layout-Sch Elctn	2707.82
Evans, Kent,Mh Exp	193.80
Exceptional Persons Inc.,Mh Exp	340.76
Farm & Home Publishers,Plat Bks	1424.00
Farm & Home Publishers,Ofc Sup-Supv	110.00
Fechts Sinclair Station,Car Exp-Unif Ptrl	133.85
Fechts Sinclair Station,Mh Exp	28.85
Floyd County Treasurer,Mh Exp	926.41
Forry, Bonnie Kay,Mlge - Ph	444.06
Francis Lauer Youth Services,Mh Exp	233.25
Franklin County Home Care Svcs,Cont Svcs-Ph	154.00
Frey, Joyce,Mlge - Ph	364.39
Gierke-Robinson Co.,Prts-Sr	186.06
Goodwill Industries,Mh Exp	190.46
Graves Construction,H36w-Sr	8532.49
Hinders, Mary Ann,Mlge - Ph	436.75
Hopkins Medical Products,Med Sup-Ph	48.95
Iaccva,Dues - Va	60.00
Iowa Dot,Brdg Inspect-Sr	2630.74
Iowa Municipalities,Work Comp	8292.00
Iowa Northland Regional,Prof Fees-Haz Mit	376.12
Iowa Prison Industries,Signs-Sr	3517.54
Iowa Prison Industries,Ofc Sup-Dhs	359.00
Iowa Telecom,Tele -Atty	51.89
Isac,Dues Fy09-Supv	250.00
Johnson, Mary J.,Mlge - Ph	243.68
Jordan, Joe,Rent-Gen Rel	400.00
Kampman, Dorothea,Mlge - Ph	249.48
Kluiter Auto Repair,Prts/Lbr-Sr	63.29
Larrabee Center Inc.,Mh Exp	4313.75
Lawler & Swanson P.L.C.,Mh Exp	68.75
Lindaman, Dale,Twp Exp	20.00
Mail Services, Llc,Sup/Pstge	3819.22

Mail Services, Llc,Sup-Treas	16.69
Mason City Clinic,Mh Exp	475.00
Mel's T.V. & Appliance,Equip-Jail	600.00
Metal Culverts Inc.,Culvt/Bnd-Sr	18080.70
Mid Country Machinery, Inc,Equip-Sr	6128.00
Midamerican Energy,Mh Exp	147.72
Midamerican Energy,Util-Sr	112.82
Miller Building Supplies,Rpr- Jail	15.44
Miller, Wendale,Twp Exp	20.00
Morgan, Jane,Ems Trng-Ph	75.00
Myers-Cox Co.,Bd&Care-Jail	680.77
Nelsen, Dorothy,Mlge - Ph	394.96
Next Generation Technologies,Mh Exp	246.09
Niemann Const. Co., Paul,Rock-Sr	42432.21
North Iowa Vocational Center I,Mh Exp	169.19
North Star Community Services,Mh Exp	1435.48
Office Depot Inc.,Ofc Sup-Ph	91.83
Office Depot Inc.,Ofc Sup-Dhs	135.05
Office Elements,Ofc Sup -Shf Admin	123.65
Paetec,Tele -Dhs	650.51
Paetec,Mh Exp	12.63
Paetec,Tele-Sr	35.85
Parkersburg Lumber,Lumbr-Sr	153.00
Pathways DbA Cedar Valley,Mh Exp	28855.22
Prairie View,Mh Exp	3255.00
Psychiatric Associates,Mh Exp	218.00
Qwest,Tele -Pat	247.32
Qwest,Tele -Atty	46.92
Radio Communication Systems,Car Exp-Cont Law	378.00
Redneck Inc.,Maint-Cc	59.08
Rider, Tammy,Lbr-Sr	230.00
Roose, Karolyn,Mlge - Ph	305.97
Schrages Cleaners,Lndry - Jail	190.00
Schumacher Elev. Co.,Maint-Cthse	180.99
Schumacher Elev. Co.,Rprs-Dhs	136.65
Secretary Of State,Misc-Shf Admin	30.00
Shepard Gibson & Lievens,Prof Fees-Cthse	65.49
Sidwell Company, The,Equip Cont-It	600.00
Siechs Pharmacy,Mh Exp	400.89
Snap-On Tools Corp.,Suply-Sr	53.70
Star Graphics,Sup-Rec	182.10
Star Graphics,Ofc Sup-Shf Admin	16.10
Sult Electric,Reserve-Cc	5898.71
The Pride Group,Mh Exp	667.92
Tjabring, Thola,Mlge - Ph	344.98
Treasurer, State Of Iowa,Mh Exp	15389.06
Trepp, Sara R.,Tele-It	39.95
U.S. Cellular,Tele -Shf Comm	397.92
U.S. Cellular,Tele -Pat	115.95
U.S. Cellular,Mnr Equip-Unif Ptrl	197.66
U.S. Cellular,Tele-Sr	220.43
U.S. Post Office,Pstg -Elctns	1366.25
U.S. Post Office,Box Rent-Fy09	432.00
United Healthcare Plan Of,Ins	3499.03
Universal Communications,Mh Exp	78.00
Viet, Carole,Mlge-Ph	268.29
Visa,Sch Of Instr-Va	22.98
Wal Mart Community,Maint-Cc	379.93
Waverly Health Center,Bd&Care-Jail	82.00
Waverly Tire Company,Tube-Sr	14.00
Wedeking Sr., Joe,Rent-Gen Rel	350.00
Weinberg, Mike,Mlge-Eh	395.64
Wellsburg Ag,Mh Exp	234.42
West Group Payment Ctr.,Law Lbry	43.50
Wiegmann, Dennis,Twp Exp	20.00
Wilken & Sons,Maint-Cc	55.00
Wix Water Works,Suply-Sr	5.00
Wubbena, Chris,Reserve Acct-Cc	10000.00
Ziegler Inc.,Prts-Sr	1414.51

Motion carried.

Moved by Zimmerman, second by Oldenburger to adjourn to **Friday, September 12, 2008** at 9:00 A.M. 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 September 2, 2008.