

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JANUARY 2, 2009.

Meeting called to order at 9:00 a.m. by Chairman Larry Backer with members John Zimmerman and Ken Oldenburger present. Supervisor-Elect Karl Nelson was also present.

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

Backer proceeded to administer the Oath of Office to Sheriff Jason Johnson, Supervisor Karl Nelson, and Auditor Holly A. Fokkena.

Moved by Zimmerman, second by Nelson to appoint Ken Oldenburger as Chairman of the Board of Supervisors for the year of 2009. Motion carried. John Zimmerman was appointed as Chairman Pro-tem.

Board met with County Engineer John Riherd to consider Resolution to Accept Newly Aligned Utica Avenue into the Butler County Secondary Road System. Moved by Nelson, second by Zimmerman to adopt said Resolution as follows:

Resolution# 657

WHEREAS, Utica Ave between Iowa Highway #3 and County Road 212th Street has been realigned to better serve traffic in and out of Hawkeye Shell Rock, LLC ethanol plant, and

WHEREAS, This improvement was designed and constructed according to Iowa Department of Transportation Standards and Specifications in place at the time of said improvement, and

WHEREAS, Hawkeye Shell Rock, LLC, has granted an easement recorded with the Butler County Recorder as Document #2008-5333, and

WHEREAS, All costs associated with the improvement were paid by Hawkeye Shell Rock, LLC, and

WHEREAS, The County Engineer recommends that the Board of Supervisors accept the easement and improvements thereto.

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that they accept the newly aligned Utica Ave into the Butler County Secondary Road System.

UPON Roll Call the vote thereon was as follows:

AYES:	John Zimmerman	NAYS: None
	Karl Nelson	
	Ken Oldenburger	

WHEREUPON the Resolution was declared duly adopted this 2nd day of January, 2009.

ATTEST: Holly A. Fokkena, County Auditor

Board considered Resolution to Place Stop Sign on 212th Street at the Intersection with Utica Avenue. Moved by Zimmerman, second by Nelson to adopt said Resolution as follows:

Stop Sign Resolution #658

WHEREAS, The Board of Supervisors is empowered under authority of Section 321.236, 321.255 and 321.345 of the Code of Iowa to designate any highway under their jurisdiction as a through highway, and to designate any intersection as a stop intersection and to erect the signs at one or more entrances to such intersection, and

WHEREAS, An engineering study has been made by the County Engineer at the intersection of 212th Street and Utica Ave (in Section 33 Butler Twp) and he has determined that one or more warrants for stop signs presently exist, and

WHEREAS, The traveling public could be better served and it would be acceptable to stop the traffic on 212th Street at the intersection with Utica Ave.

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that for the safety and convenience of the traveling public, that the above described intersection shall be designated as a stop approach for traffic entering Utica Ave and that the County Engineer erect signs accordingly.

UPON Roll Call the vote thereon was as follows:

AYES:	Karl Nelson	NAYS: None
	John Zimmerman	
	Ken Oldenburger	

WHEREUPON the Resolution was declared duly adopted this 2nd day of January, 2009.

ATTEST: Holly A. Fokkena, County Auditor

Board considered Federal Aid Agreement No. 2-08-HBRRS-30 for bridge replacement project on 140th Street over Flood Creek. Moved by Zimmerman, second by Nelson to approve same. Motion carried.

Board considered Construction Evaluation Resolution for 2009, adopting use of the DNR Master Matrix for confinement feeding operations. Moved by Zimmerman, second by Nelson to adopt said Resolution as follows:

RESOLUTION #659

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2009 and January 31, 2010 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

UPON Roll Call the vote thereon was as follows:

AYES:	Ken Oldenburger	NAYS:	None
	Karl Nelson		
	John Zimmerman		

WHEREUPON the Resolution was declared duly adopted this 2nd day of January, 2009.

ATTEST: Holly A. Fokkena, County Auditor

Board held a Public Hearing for Final Consideration of bids received on December 23, 2008 for the repair of the Greene Mill Dam. Present were Conservation Director Steve Brunsmas; Conservation Board Members Mike Majewski, Charles Backer, Kelly Harken, and Roy Edeker; County Engineer John Riherd; and Project Engineer Michael J. Ryan of Howard R. Green Company. Project Engineer Ryan reported his findings upon a detailed review of bids received, including the checking of references to determine qualifications for a project of this scope. He further reported that he was presently waiting for a response from the low bidder (McClain & Company) to discuss details of the project. He requested that final determination of the winning bidder be delayed to Tuesday, January 6, 2009. In consideration of said request, it was moved by Nelson, second by Zimmerman to continue said Public Hearing to Tuesday, January 6, 2009 at 10:00 a.m. Motion carried.

Board met with Jim Willis, 1st Insurance, to hear update on health insurance quotes for March renewal. Also present were Butler County Health Insurance Committee Members John Riherd, Amy Stanbrough, and Jason Johnson. Willis reported on a quote received from Wellmark, as well as the quote from present provider, United Healthcare. It was the Board’s desire that the Health Insurance Committee continue to work with Willis to negotiate a favorable rate and bring a recommendation to the Board on Tuesday, January 6, 2009 at 11:00 a.m.

Board acknowledged receipt of Manure Management Annual Updates for A-P Pork and Markley Koop.

Moved by Nelson, second by Zimmerman to approve and reaffirm appointments to the following boards. Motion carried. (new appointments are indicated by * prior to name)

Board of Adjustment	3-year term	Term Expires
Mark Gerdes		1/1/2012
Paul Leerhoff		1/1/2010
Jeff Reints		1/1/2012
Jim Siebrands		1/1/2010
Ron Brocka		1/1/2011
Planning and Zoning	3-year term	Term Expires
*Eric Kruse		1/1/2012
Jim Norton		1/1/2010
Meinard Koop		1/1/2012
Vernon Stockdale		1/1/2010
Martin Bramer		1/1/2011
Board of Health	3-year term	Term Expires
Roger Skierka, MD		12/31/2010
Jodi Bangasser		12/31/2009
*Todd Kalkwarf		12/31/2011
*Larry Backer		12/31/2010
Ken Oldenburger		12/31/2011
Veteran Affairs	3-year term	Term Expires
Duane Harms		6/30/2010
Norm Gulick		6/30/2009
Robert Smeins		6/30/2011
Richard Vickers		6/30/2009
Bernard Franken		6/30/2010
Conservation Commission	5-year term	Term Expires
Charles Backer		12/31/2012
Roy Edeker		12/31/2013
Kelly Harken		12/31/2010
Dale Pothast		12/31/2009
Mike Majewski		12/31/2011
Compensation Board	4year term	Term Expires
*Henry Groeneveld	Treasurer	7/1/2009
Kyle Rice	Sheriff	7/1/2011
Gene Chinander	Recorder	7/1/2009
Jerry Liebold	Supervisors	7/1/2009
Tonya Kregel	Supervisors	7/1/2009
Dale Hansmann	Attorney	7/1/2009
*Jeff Kolb	Auditor	7/1/2011

Following appointments of county officials were made and approved:

BOARD	APPOINTED	ALTERNATE
2 nd Judicial District Dept. of Correctional Services	Karl Nelson	John Zimmerman
North Iowa Juvenile Detention Center	Karl Nelson	Ken Oldenburger
Butler County Zoning Administrator	Steve Busse	
Community Service/General Relief Director	Bob Lincoln	
Iowa Northland Regional Housing Authority	Ken Oldenburger	Karl Nelson
Mental Health Institute Citizens Advisory Board	John Zimmerman	Ken Oldenburger
Regional Transit Commission Board	Ken Oldenburger	Karl Nelson
Butler County Weed Commissioner	Dan Forry	
Mental Health Retardation Coordinator	Bob Lincoln	
HAZMAT Board	Ken Oldenburger	Steve Ulrichs
DECAT Board	Ken Oldenburger	John Zimmerman
Iowa Northland Regional Council of Governments (INRCOG)	Karl Nelson	Ken Oldenburger
Butler County Resource and Development	John Zimmerman	
Local Emergency Planning Commission	Karl Nelson	
North Iowa Community Action	John Zimmerman	
Cedar Valley Resource, Conservation & Development Pathways Behavioral Services	John Zimmerman	
	Karl Nelson	
Butler County Safety Committee	John Zimmerman	Karl Nelson
Butler County Community Foundation	John Zimmerman	Holly Fokkena
Iowa Workforce Development	Ken Oldenburger	
County Social Services 28E Governing Board	Ken Oldenburger	
Butler County Board of Health	Ken Oldenburger	
Butler County Solid Waste Commission	John Zimmerman	

Board considered Resolution regarding Compensation Commission in Eminent Domain Proceedings and it was moved by Zimmerman, second by Nelson to approve same.

**RESOLUTION # 342-09
COMPENSATION COMMISSION IN EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Butler County Board of Supervisors, in compliance with Section 6B.4 of the Code of Iowa entitled "Commission to Assess Damages" relating to the appointment of persons eligible to serve as members of the Compensation Commission in Eminent Domain proceedings, do hereby appoint the following residents of the County to serve on said Commission:

REAL ESTATE AGENTS/BROKERS:

Martin Bramer	15677 110 St.	Greene, IA 50636
Mike Campbell	1210 S. Johnson St.	Parkersburg, IA 50665
David Kelm	420 E Prospect St.	Clarksville, IA 50619
Galen Miller	14361 120 St.	Bristow, IA 50611
Joyce Harrenstein	505 Day St.	Parkersburg, IA 50665
Tonya Kregel	1401 W Broadway	Dumont, IA 50625
Milton Ulfers	22809 Hickory Ave.	Allison, IA 50602

FARMERS:

Ronald Brocka	22757 300 St.	Parkersburg, IA 50665
Dale Cain	23391 Union Ave.	Shell Rock, IA 50670
Paul Gerdes	24407 Birch Ave.	Dumont, IA 50625
Douglas Severs	27373 Range Rd.	Clarksville, IA 50619
Clyde Stuntz	22768 120 St.	Greene, IA 50636
Donn E. Tindall	13624 Elm Ave.	Bristow, IA 50611
Reed Weinberg	550 W. Wamsley	Clarksville, IA 50619

BANKERS OR AUCTIONEERS:

Dan Castle	518 N. 5 th	Greene, IA 50636
Duane Harms	23585 Willow Ave.	Shell Rock, IA 50670
Fred Maifeld	26504 Grand Ave.	Kesley, IA 50649
Henry (Bud) Mennenga	120 W. Wamsley	Clarksville, IA 50619
Dana Uhlenhopp	266 Birch St., Box 702	Allison, IA 50602
Ralph Wessels	502 7 th St.	Aplington, IA 50604
Dave White	29776 220 St.	Shell Rock, IA 50670

OWNERS OF CITY AND TOWN PROPERTY:

Dale Brinkman	320 Mill St., P.O. Box 306	New Hartford, IA 50660
Raymond Grapp	321 Pine St., Box 125	Allison, IA 50602
Gaylan Hempen	28342 195 St.	Clarksville, IA 50619
Eldon Peterson	520 N. 5 th St.	Greene, IA 50636
Charles Backer	420 E. Superior St.	Clarksville, IA 50619
Wayne Rohlwing	401 S. Church	Clarksville, IA 50619
David Shear	832 Grand St.	Dumont, IA 50625
Robert Smeins	501 Florence St.	Parkersburg, IA 50665
Alan Stockdale	1321 Circle Drive	Aplington, IA 50604
Leon Thorne	412 2 nd St.	Parkersburg, IA 50665

And the County Auditor is hereby directed to certify the list of appointees to Kurt L. Wilke, Chief Judge of the Second Judicial District.

UPON Roll Call the vote thereon was as follows:

AYES: Karl Nelson	NAYS: None
John Zimmerman	
Ken Oldenburger	

WHEREUPON the Resolution was declared duly adopted this 2nd day of January, 2009.

Ken Oldenburger
Chairman, Board of Supervisors

ATTEST:
Holly A. Fokkena, County Auditor

Moved by Nelson, second by Zimmerman to approve Resolution establishing guidelines to facilitate operation of County Relief office.

RESOLUTION # 70-09

COUNTY RELIEF

BE IT RESOLVED by the Butler County Board of Supervisors that certain guidelines be established to facilitate and aid in the operation of the County Relief Director’s Office:

- I. That the Relief Director has been appointed to handle all Butler County relief.
- II. That the Relief Director has been appointed as agent for the Butler County Board of Supervisors for processing Iowa City papers, and is to make authorizations for all County Clinical pay patients before commitment to Iowa City.
- III. Patient or responsible relative or guardian must make application for assistance for all medical house calls, office calls, and for hospitalization, except in emergencies. In case of emergency, the responsible relative or guardian must come to the Relief Director to fill out applications, or bills will not be paid by the County. The Relief Office or Director must be contacted within twenty-four (24) hours or by the first working day.
- IV. Authorization forms that patient takes to the Doctor must be filled out in full. This includes diagnosis, services rendered. And medicines named and itemized and must accompany any statement sent to the County for collection or the bills will not be allowed by the County.
- V. Butler County Relief will not be responsible for any medical or hospital charges for any obstetrical deliveries.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman Ken Oldenburger Karl Nelson	Nays: None
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WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger Chairman, Board of Supervisors	ATTEST: Holly A. Fokkena, County Auditor
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Moved by Zimmerman, second by Nelson to approve Resolution empowering County Engineer to execute certificate of completion for Farm to Market projects.

**RESOLUTION # 63-09
FARM TO MARKET**

BE IT RESOLVED by the Board of Supervisors of Butler County, Iowa that John D. Riherd, the County Engineer of Butler County, Iowa be hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to Market construction projects in this county.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger Karl Nelson John Zimmerman	Nays: None
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WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger Chairman, Board of Supervisors	ATTEST: Holly A. Fokkena, County Auditor
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Moved by Nelson, second by Zimmerman to authorize Engineer and staff to sign permits.

**RESOLUTION # 65-09
SIGNATURE OF PERMITS**

BE IT RESOLVED that the Butler County Board of Supervisors hereby authorizes the Butler County Engineer and office staff to sign permits for the movement of vehicles and loads excess size and weight.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman Karl Nelson Ken Oldenburger	Nays: None
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WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger Chairman, Board of Supervisors	ATTEST: Holly A. Fokkena, County Auditor
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Moved by Nelson, second by Zimmerman to authorize County Engineer to close roads during emergency or for planned work.

**RESOLUTION # 66-09
ROAD CLOSINGS**

BE IT RESOLVED that the Butler County Board of Supervisors hereby authorizes the County Engineer to close any County Road for emergency maintenance purposes and also all of the roads shown on the 2009 Construction program for construction work.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger NAYS: None
 John Zimmerman
 Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger
Chairman, Board of Supervisors

ATTEST:
Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Nelson to authorize State DOT to conduct bid lettings.

**RESOLUTION # 69-09
CONDUCT LETTINGS**

BE IT RESOLVED by the Butler County Supervisors, that the State Department of Transportation be designated, authorized and empowered on behalf of the Board of Supervisors of said County to conduct lettings on "S", "SN", or "FM" projects until further notice.

UPON Roll Call the vote thereon was as follows:

AYES: Karl Nelson NAYS: None
 Ken Oldenburger
 John Zimmerman

WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger
Chairman, Board of Supervisors

ATTEST:
Holly A. Fokkena, County Auditor

Moved by Nelson, second by Zimmerman to authorize the County Engineer to temporarily reduce load limits.

**RESOLUTION # 438-09
TEMPORARY WEIGHT EMBARGO**

BE IT RESOLVED the Butler County Supervisors hereby authorize the County Engineer to temporarily reduce allowable load limits on various stretches of county roads that could be damaged by allowing legal load limits.

The temporary weight embargo shall be formed in accordance with Chapter 321.471 and 321.474 of the Code of Iowa.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman NAYS: None
 Ken Oldenburger
 Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger
Chairman, Board of Supervisors

ATTEST:
Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Nelson to provide funds for membership in ISAC and allow attendance at educational sessions.

**RESOLUTION #71-09
ISAC ASSOC.**

BE IT RESOLVED that the Butler County Board of Supervisors appropriate from the County General Basic Fund necessary funds to provide membership in the Iowa State Association of Counties, and to authorize attendance at schools of instruction by County officers, appointees and employees as the schools are called by the Association and to authorize attendance at the annual meetings of the association.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger
Karl Nelson
John Zimmerman

NAYS: None

WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger
Chairman, Board of Supervisors

ATTEST:
Holly A. Fokkena, County Auditor

Moved by Nelson, second by Zimmerman to allow for payment of certain bills prior to Board approval.

**RESOLUTION # 73-09
PRIOR PAYMENT OF BILLS**

WHEREAS, at certain times it is necessary to pay bills prior to an official Board of Supervisors meeting in order to allow for the efficient operation of county government.

THEREFORE BE IT RESOLVED, that the following list of items can be paid for in advance of an official Board of Supervisors meeting. Items listed on previously approved contracts, items which would result in the loss of a discount or result in interest payments, utility bills, payroll, payroll benefit checks, postage or shipping charges, gas and diesel fuel and emergency law enforcement investigation funds.

UPON Roll Call the vote thereon was as follows:

AYES: Karl Nelson
Ken Oldenburger
John Zimmerman

NAYS: None

WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009

Ken Oldenburger
Chairman, Board of Supervisors

ATTEST:
Holly A. Fokkena, County Auditor

Board considered Resolution Appointing Deputy County Officials for the 2009 Calendar Year. Moved by Zimmerman, second by Nelson to adopt said Resolution as follows:

RESOLUTION # 554-09

**RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS
FOR THE 2009 CALENDAR YEAR**

BE IT RESOLVED, that the following persons shall be appointed deputies for the following offices as recommended by the elected officials according to Chapter 331.903, Code of Iowa:

Gregory M. Lievens, County Attorney

Martin Petersen, Assistant Co Attorney

Holly A. Fokkena, Auditor

Mary Brouwer, Deputy Auditor
Dan Clark, Deputy Auditor

Amy Stanbrough, Deputy Auditor

Louise Squires, Treasurer

Sharlene Miller, Deputy Treasurer
Vicki Schoneman, Deputy Treasurer
Pamela Aukes, Deputy Treasurer

Craig J. Franken, Recorder

Janice Jacobs, Deputy Recorder
Connie Rottink, Deputy Recorder

Jason Johnson, Sheriff

Larry Crawford, Deputy Sheriff
Collin Freeseemann, Deputy Sheriff
Denise Junker, Civil Deputy
Mike Lammers, Deputy Sheriff
Curt Lubben, Deputy Sheriff
Shane Oldenburger, Deputy Sheriff
Steven Schmadeke, Chief Deputy Sheriff
Justin Trees, Deputy Sheriff
Kiley Winterberg, Deputy Sheriff
Lane Bass, Deputy Sheriff

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman Ken Oldenburger Karl Nelson	NAYS: None
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WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger Chairman, Board of Supervisors	ATTEST: Holly A. Fokkena, County Auditor
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Board considered Resolution Naming Official Newspapers for 2009. Moved by Zimmerman, second by Oldenburger to adopt said resolution as follows:

**RESOLUTION #72-09
OFFICIAL NEWSPAPERS**

There was presented to the Board of Supervisors the following written applications for appointment as official newspapers for Butler County for the year 2009:

Butler County Tribune-Journal, by Brad Hicks, Publisher
The Clarksville Star, by Bard Hicks, Publisher
Eclipse-News-Review, by Leon M. Thorne, Editor
The Greene Recorder, by Ross Hawker, Editor

All of said newspapers are of general circulation in Butler County. There was also presented the application of the above named Butler County Tribune-Journal, The Clarksville, Star, Eclipse-News-Review and The Greene Recorder for appointment as official newspapers in Butler County, Iowa, for the year 2009, to be paid for compensation of three papers.

WHEREUPON The Following Resolution was introduced by Karl Nelson, seconded by John Zimmerman and moved its adoption:

BE IT RESOLVED by the Butler County Board of Supervisors that the above applications be accepted and that the Butler County Tribune-Journal, The Clarksville Star, Eclipse-News-Review, The Greene Recorder, be and the same are hereby declared the Official Newspaper in Butler County, Iowa, for the year 2009.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman Karl Nelson Ken Oldenburger	NAYS: None
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WHEREUPON the Resolution was declared duly adopted this 2nd day of January 2009.

Ken Oldenburger Chairman, Board of Supervisors	ATTEST: Holly A. Fokkena, County Auditor
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Moved by Zimmerman, second by Nelson to adjourn to Tuesday, January 6, 2009 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 January 2, 2009.