

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON FEBRUARY 17, 2009.

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

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

Board presented Years of Service Awards to Steve Busse, County Engineers Office for 20 years of service and Larry Crawford, Sheriffs Office and Deb McWhirter, Assessors Office for 30 years of service. Not available was Mary Johnson who has served Butler County Public Health for 20 years.

Board acknowledged receipt of Manure Management Plan Annual Updates for McCandless #2 Finisher Farm; Quail Finisher Farm; RB Winkowitsch Finisher Farm; Roose South Finisher Farm; Riverton Site 1; Norwood Site; Brad Finisher Farm; Kuper Finisher Farm; and Butler Finisher Farm

Moved by Nelson, second by Zimmerman to set a Public Hearing on the proposed Fiscal Year 2010 County Budget for Tuesday, March 10, 2009 at 10:00 a.m. Motion carried.

Time set for Public Hearing on proposed Amendment to Fiscal Year 2009 County Budget. County Engineer John Riherd was present. No taxpayers were present. No written or oral comments were received. It was moved by Zimmerman, second by Nelson to adopt said amendment as follows:

**RECORD OF HEARING AND DETERMINATION
ON THE AMENDMENT TO COUNTY BUDGET**

The County Board of Supervisors met on February 17, 2009, to adopt an amendment to the current County budget as summarized below. The amendment was adopted after compliance with the public notice, public hearing, and public meeting provisions as required by law.

REVENUES:

Intergovernmental:	\$815,000	FEMA Reimbursement- Conservation
	\$500,000	FEMA Reimbursement-Secondary Roads
	\$2,000	City Reimbursement-Election Costs

EXPENDITURES:

County Environment & Education:	\$50,000	Conservation- Engineering and Inspection Fees- Greene Dam
Roads & Transportation:	\$500,000	Increased costs in Equipment, Materials, and Fuel due to 2008 Disasters
Government Services to Residents:	\$2,000	Special City Election-New Hartford
Capital Projects:	\$892,560	Conservation- repairs to Bike Trails, Headquarters, Parks and Greene Dam- 2008 disasters

WHEREUPON, the Chairperson declared the motion carried and Amendment duly adopted.

RESOLUTION #666

WHEREAS, it was moved by Zimmerman, seconded by Nelson to approve appropriations for the following offices:

Conservation:	\$942,560
Elections:	\$2,000
Secondary Roads:	\$500,000

The roll was called and the vote thereon was,

AYES: John Zimmerman	NAYS: None
Karl Nelson	
Ken Oldenburger	

THEREFORE, be it resolved that the motion was carried.

WHEREUPON the Resolution was declared duly adopted this 17th day of February, 2009.

ATTEST: Holly A. Fokkena, County Auditor

COUNTY NAME: BUTLER	RECORD OF HEARING AND DETERMINATION ON THE AMENDMENT TO COUNTY BUDGET	COUNTY NO: 12
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Date budget amendment was adopted: February 17, 2009	For Fiscal Year Ending: June 30, 2009
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The County Board of Supervisors met on the date specified immediately above to adopt an amendment to the current County budget as summarized below. The amendment was adopted after compliance with the public notice, public hearing, and public meeting provisions as required by law.

Iowa Department of Management Form 653 A-R Sheet 2 of 2 (revised 09/20/06)		Total Budget as Certified or Last Amended	Adopted Current Amendment	Total Budget After Current Amendment
REVENUES & OTHER FINANCING SOURCES				
Taxes Levied on Property	1	4,775,538	0	4,775,538
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0
Less: Credits to Taxpayers	3	243,300	0	243,300
Net Current Property Taxes	4	4,532,238	0	4,532,238
Delinquent Property Tax Revenue	5	0	0	0
Penalties, Interest & Costs on Taxes	6	8,000	0	8,000
Other County Taxes/TIF Tax Revenues	7	519,578	0	519,578
Intergovernmental	8	6,197,444	1,317,000	7,514,444
Licenses & Permits	9	12,300	0	12,300
Charges for Service	10	451,485	0	451,485
Use of Money & Property	11	373,675	0	373,675
Miscellaneous	12	160,065	0	160,065
Subtotal Revenues	13	12,254,785	1,317,000	13,571,785
Other Financing Sources:				
General Long-Term Debt Proceeds	14	0	0	0
Operating Transfers In	15	1,373,950	0	1,373,950
Proceeds of Fixed Asset Sales	16	0	0	0
Total Revenues & Other Sources	17	13,628,735	1,317,000	14,945,735
EXPENDITURES & OTHER FINANCING USES				
Operating:				
Public Safety & Legal Services	18	1,752,202	0	1,752,202
Physical Health & Social Services	19	1,537,810	0	1,537,810
Mental Health, MR & DD	20	1,498,040	0	1,498,040
County Environment & Education	21	726,887	50,000	776,887
Roads & Transportation	22	4,280,000	500,000	4,780,000
Government Services to Residents	23	431,332	2,000	433,332
Administration	24	1,331,418	0	1,331,418
Nonprogram Current	25	280,000	0	280,000
Debt Service	26	38,763	0	38,763
Capital Projects	27	1,756,940	892,560	2,649,500
Subtotal Expenditures	28	13,633,392	1,444,560	15,077,952
Other Financing Uses:				
Operating Transfers Out	29	1,373,950	0	1,373,950
Refunded Debt/Payments to Escrow	30	0	0	0
Total Expenditures & Other Uses	31	15,007,342	1,444,560	16,451,902
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	32	(1,378,607)	(127,560)	(1,506,167)
Beginning Fund Balance - July 1,	33	4,505,582	0	4,505,582
Increase (Decrease) in Reserves (GAAP Budgeting)	34	0	0	0
Fund Balance - Reserved	35	0	0	0
Fund Balance - Unreserved/Designated	36	0	0	0
Fund Balance - Unreserved/Undesignated	37	3,126,975	(127,560)	2,999,415
Total Ending Fund Balance - June 30,	38	3,126,975	(127,560)	2,999,415

Date original budget adopted: 03/11/08	Date(s) current budget was subsequently amended: 10/7/08, 11/25/08
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The below-signed certify that proof of publication of the hearing notice and proposed amendment is on file for each official County newspaper, that all public hearing notices were published not less than 10, nor more than 20 days prior to the public hearing, and that adopted expenditures do not exceed published amounts for any of the 10 individual expenditure classes, or in total.

Time set for a Public Hearing on proposed road vacation of Utica Avenue south of Highway 3 to 212th Street. Present were County Engineer John Riherd and Zoning Administrator Steve Busse. Also present were Brad Schmitt and Joel Rider, Butler-Bremer Communications and Jim Good of Shell Rock. Written comments were received from Joe E. Renning in which he voiced concerns regarding access to Renning Farms LLC property, relocation of utility lines, and restoration of the abandoned road bed. Riherd outlined the details of the new road developed by Hawkeye Renewables and the desire to vacate the old roadway due to it being no longer necessary. He further stated that the present utility easements would remain with the land and revert back to the adjoining landowners once titled passed. He also stated that the utility companies would not be forced to move their lines. There was however some concern about the possible exposure of the lines if the road bed is removed. Good stated he was in favor of the vacation and would like to see the land restored to farm land. Schmitt and Rider indicated they would prefer the road bed remain in tact to assure their lines are not disturbed. They indicated they were not opposed to the vacation. Upon close of the Public Hearing, it was moved by Nelson, second by Zimmerman to approve a Resolution vacating said portion of Utica Avenue as follows:

• **Resolution # 665**

BE IT RESOLVED by the Butler County Board of Supervisors that pursuant to a resolution dated January 20, 2009, a Hearing was held on February 17, 2009, at the Courthouse in Allison, Iowa on the proposed vacation of the following described road:

Utica Avenue, originally established as Low's Road #39 in Section 33, Township 92 North, Range 15 West of the 5th P.M., Butler Township, Butler County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 33; Thence North 89°28'02" East 33.00 feet along the South line of said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Thence North 0°44'08" West 857.47 feet along the East right-of-way line of Utica Avenue to the Southerly line of parcel K as shown on Plat of Survey recorded as Instrument No. 2007- 4466 in the County Recorders Office; Thence Northwesterly 155.50 feet along a curve with a radius of 580.87 feet and a chord bearing of North 25°57'01" West 154.92 feet to the existing West right-of-way line of Utica Avenue; Thence South 0°44'08" East 997.40 feet along said West line to the South line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33; Thence North 89°28'02" East 33.00 feet to the point of beginning, excepting the South 33.00 feet thereof.

The Board finds that proper notice of said hearing was published in a newspaper of general circulation in Butler County prior to said Hearing and that proof of publication is now on file in the office of the County Auditor. The Board finds that proper notice was mailed by certified mail to the adjoining property owners, utility companies, Iowa Department of Transportation and any interested governmental Boards or Commissions.

The Board, after considering all objections offered at said Public Hearing, hereby declares and orders all of the above described road be vacated subject to prescriptive rights to utility companies and easements of record. The Board also disallows any and all claims for damages. Butler County hereby Quit Claim its' interest in said road to the adjoining property owners as follows:

1. To: Hawkeye Shell Rock, L.L.C.

That part of Utica Avenue in Section 33, Township 92 North, Range 15 West of the 5th P.M., Butler County, Iowa, described as follows:

Beginning at the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 33; Thence North 89°28'02" East 33.00 feet along the South line of said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Thence North 0°44'08" West 857.47 feet along the East right-of-way line of Utica Avenue to the Southerly line of parcel K as shown on Plat of Survey recorded as Instrument No. 2007-4466 in the County Recorder's Office: Thence along said Southerly line of parcel K Northwesterly 66.89 feet along a curve concave Northeasterly with a radius of 580.87 feet and chord bearing North 30°18'42" West 66.86 Feet to the West line of said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Thence South 0°44'08" East 515.50 feet; Thence North 89°51'03" West 33.00 feet to the West right-of-way line of Utica Avenue; Thence South 0°44'08" West 400.40 feet to the South line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 33; Thence North 89°28'02" East 33.00 feet along said South line to the point of beginning.

Said parcel contains 0.97 acres.

Note: The West line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33 was assumed to bear North 0°44'08" West for this description.

2. To: Renning Farms L.L.C.

That Part of Utica Avenue in Section 33, Township 92 North, Range 15 West of the 5th P.M., Butler County, Iowa, described as follows:

Beginning at a point on the East line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 33 that is North 0°44'08" West 400.00 feet from the Southeast corner of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, said point being the Northeast corner of parcel D as shown on Plat of Survey recorded as Instrument No. 2006-3240; Thence North 89°51'03" West 33.00 feet along the North line of said parcel D to the existing right-of-way line of said Utica Avenue; Thence North 0°44'08" West 597.00 feet; Thence Southeasterly 88.61 feet along a curve, concave Northeasterly having a radius of 580.87 feet and a chord bearing South 22°39'11" East 88.41 feet to the East line of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Thence along said East line South 0°44'08" East 515.50 feet to the point of beginning.

Said parcel contains 0.42 acres.

Note: The East line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33 was assumed to bear North 0°44'08" West for this description.

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 17th day of February, 2009.

ATTEST: Holly A. Fokkena, County Auditor

Board met with Conservation Director Steve Brunnsma and Naturalist Steve Martin to hear update on repairs to the Greene Dam. Brunnsma indicated that work has now ceased due to high water on the Shell Rock River. He further indicated that he has been corresponding with the project engineer expressing his concerns regarding the delays. He also presented the Board a copy of an Amendment to the Contract for Engineering Services between Butler County Conservation Commission and Howard R. Greene Company increasing engineering costs by \$36,500.00 to \$67,000.00. Said Amendment was necessary to cover additional services required to comply with the Federal Energy Regulatory Commissions regulations.

Moved by Zimmerman, second by Nelson to set a Public Hearing on the following rezoning requests for Tuesday, March 3, 2009 at 10:00 a.m. Motion carried.

- 1) request by Gerald Hobson to rezone parcel in Section 34-92-15 from "A-1" to "A-2"
- 2) request by Andrew Hogenkamp Jr. to rezone a parcel in Section 29-92-15 from "A- 1" to "A-2"

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

Aces,Comp Equip-It	15000.00
Advanced Systems Inc.,Ofc Sup-Cc	88.50
Agvantage Fs,Maint-Cc	460.00
Airgas North Central,Suply-Sr	313.15
Alliant Energy,Util-Sr	92.08
Allison Farmers Feed & Grain,Envir Educ-Cc	77.50
Allison Pharmacy,Bd&Care-Jail	115.66
Allison Pharmacy,Sup-Jntr	114.26
Allison Pharmacy,Suply-Sr	41.36
Allison Pharmacy,Ofc Sup-Dhs	7.09
Allison Propane Gas,Envir Educ-Cc	77.70
Allison, City Of,Util-Sr	62.77
Allison, City Of,Util -Cthse	52.67
Allison, City Of,Util -Jail	35.57
Allison, City Of,Util -Res Ctr	25.15
Allison, City Of,Util-Dhs	22.64
At&T,Tele -Shf Comm	32.09
Bauer Built Inc.,Tire-Sr	3608.00
Bienemann, Jerome,Twp Exp	60.00
Black Hills Energy,Util-Sr	367.97
Bluhm Electric, Inc.,Tool-Sr	340.00
Briggs Corporation,Med Sup-Ph	357.53
Business Card,Ph Exp	98.78
Butler Bremer Communications,Tele -Cc	98.70
Butler County Engineer,Car Exp-Cthse	88.37
Butler County Public,Test-Sr	20.00
Butler County R.E.C.,Maint-Cc	427.97
Butler County R.E.C.,Util/Lghts-Sr	459.53
Butler County Solid,Misc-Jail	9.00
C & L Service,Car Exp-Cont Law	28.75
Cdw-G,Comp Equip-It	288.83
Cedar Valley Community,Mh Exp	30.90
Central Iowa Distr.,Sup-Jntr	482.16
Cerro Gordo County Treas,Juv Svc Exp	3068.84
Clarksville Lumber Co,Maint-Cc	42.98
Clarksville Pharmacy,Med-Gen Rel	531.24
Clarksville, City Of,Util-Sr	50.75
Cooper Motor Company,Car Exp-Shf Admin	236.25
Cordes Excavating,Snow Rmvl-Res Ctr	265.00
Covenant Health Medical Center,Mh Exp	3276.00
Dell Marketing L.P.,Comp Equip-It	1952.06
Dept. Of Human Services,Cashier,Mh Exp	141097.98
Dimensions,Spc Proj-Bt-Ph	150.00
DIt Solutions Inc.,Comp-Sr	4051.05
Don's Truck Sales,Reserve Acct-Cc	4183.00
Drenkow & Co, Rd,Self Funding	2911.23
Duane's Repair Shop,Car Exp-Shf Invgtg	32.95

Dumont Telephone Co.,Rprs-Shf Comm	117.22
Eagle Point,Comp-Sr	1200.00
Eclipse News Review,Bd Proc-Supv	460.07
Eclipse News Review,Public-Cthse	165.00
Electronic Engineering Co.,2way-Sr	58.90
Electronic Engineering Co.,Equip Cont-Ph	42.00
Electronic Engineering Co.,Tele -Dhs	13.00
Farm Plan,Prts-Sr	150.36
Fastenal Company,Suply-Sr	358.55
Fechts Sinclair Station,Car Exp-Cont Law	167.70
Floyd County Sheriffs,Svc Not	33.75
Fokkena, Holly,Mlge-Cthse	77.28
Force America Inc.,Prts-Sr	1878.54
Forry, Dan,Sch Of Instr-Cc	110.00
Greene Recorder, The,Bd Proc-Supv	352.95
Greene Recorder, The,Public-Cthse	110.00
Greene, City Of,Util-Sr	24.00
Greenlee, Robert J,Twp Exp	20.00
Grundy County Sheriff,Svc Not	41.90
Harken Lumber,Reserve-Cc~	57.06
Harold's Repair,Car Exp-Cont Law	179.65
Hauser, Eldon,Twp Exp	120.00
Ia Attorney General's Office,Sch Of Instr-Treas	100.00
Ikon Office Solutions,Equip Cont-It/Elctns	2955.33
Iowa Division Of Labor Svcs,Boiler Insp-Cthse	50.00
Iowa Dot,Rpr-Sr	50.00
Iowa Outdoors,Envir Educ-Cc	24.00
Iowa Prison Industries,Car Exp-Shf Admin	325.16
Iowa State University,Reg-Sr	30.00
Isac,Sch Of Instr-Supv	110.00
J & C Grocery,Bd&Care-Jail	1397.27
J & C Grocery,Ofc Sup-Dhs	7.10
J.F. Brennan Co., Inc.,Greene Dam	4700.00
Johnson Plumbing & Htg.,Nh-Sr	10.80
Johnson Sanitary Products Inc,Suply-Sr	50.82
Johnson, Diane,Mlge - Ph	48.64
Johnson, Keith,Twp Exp	204.00
Konken Electric,Nh-Sr	716.49
Koop Jr., Meinard,Twp Exp	20.00
Life Skills Training Center In,Mh Exp	241.80
Meck, Donna,Mh Exp	15.59
Menards,Maint-Cc	46.18
Mercy Medical Center,Mh Exp	3375.00
Mid-America Publishing Corp.,Bd Proc-Supv	1129.48
Mid-America Publishing Corp.,Public-Cthse	220.00
Mid-America Publishing Corp.,Bd Exp-Cc	57.94
Mid-America Publishing Corp.,Women & Diab-Ph	54.00
Mid-America Publishing Corp.,Ups-Sr	10.86
Midamerican Energy,Util -Cthse	4302.64
Midamerican Energy,Util -Dhs	401.46
Midamerican Energy,Util -Res Ctr	269.02
Midamerican Energy,Util-Sr	4790.63
Midamerican Energy,Maint-Cc	21.99
Midwest Answering Service,Equip Cont-Ph	66.00
Miller Building Supplies,Sup-Jntr	1.74
Myers-Cox Co.,Bd&Care-Jail	280.85
Nacvso, C/O Jim Golangart,Treasurer,Sch Of Instr-Va	275.00
Napa Auto Parts (P'burg),Prts-Sr	678.26
Niacc,Reg-Sr	25.00
Norbys Farm Fleet,Maint-Cc	69.09
North Iowa Juvenile,Youth Detention	240.00
Northeast Iowa Cooperative,Fuel-Sr	11175.39
Oak Hill Rehabilitation Llc,Cont Svcs-Ph	616.00
Office Depot Inc.,Sup-Cthse	142.55
Office Depot Inc.,Ofc Sup-Dhs	244.96
Office Elements,Mnr Equip-Dhs	549.95
Office Elements,Ofc Suply-Sr	64.46
Ottumwa Printing,Book- Rec	559.50
Paetec,Tele	237.97
Paetec,Tele -Cc	24.01
Parkersburg Lumber,Nh-Sr	398.50
Parkersburg True Value,Nh-Sr	1137.02
Pathways DbA Cedar Valley,Prof Fees-Jan 09	2500.00

Pothast, Dale,Mlge-Cc	80.64
Prairie Land Coop,Suply-Sr	1525.31
Qwest,Tele -Atty	51.74
Rileys Inc.,Sup-Cthse	355.00
Rileys Inc.,Sup-Rec	28.77
Rileys Inc.,Ofc Sup-It	23.79
Rileys Inc.,Sup-Aud	5.00
School Bus Sales,Prts-Sr	844.86
Schrage, Shari,Mlge - Pat	188.98
Schuck Enterprises,Rent-Gen Rel	145.00
Schumacher Elev. Co.,Maint-Cthse	184.61
Shell Rock, City Of,Util-Sr	32.55
Siems, Maria,Mlge - Pat	160.23
Sietsema-Vogel Funeral Home,Burial Exp-Gen Rel	1500.00
Smith, John W.,Twp Exp	20.00
Snap-On Tools Corp.,Tool-Sr	544.94
Society Of Land,Reg-Sr	620.00
St. Lukes Center For, Occupational Health,Test-Sr	36.00
Superior Lamp & Supply,Suply-Sr	512.47
Taylor Physical Therapy,Cont Svc - Ph	375.00
Timmer, Tyanne,Mlge - Pat	213.24
Todd's Repair,Car Exp-Cont Law	225.44
Treasurer, State Of Iowa,Mh Exp	34762.14
Treasurer, State Of Iowa,Youth Detention	12428.90
Trepp, Sara R.,Tele-It	39.95
U.S. Cellular,Tele-Sr	278.91
U.S. Cellular,Tele -Cc	98.71
U.S. Cellular,Tele -Shf Comm	372.09
U.S. Post Office,Pstg Fee-Dhs	565.00
Universal Communications,Tele -Dhs	334.21
Universal Communications,Tele -Ph	258.70
Universal Communications,Comp Equip-It	257.84
Universal Communications,Tele -Shf Comm	237.85
Universal Communications,Tele-Sr	218.34
Universal Communications,Internet	174.10
Universal Communications,Tele -Treas	121.86
Universal Communications,Tele -Rec	120.06
Universal Communications,Tele -Aud	48.02
Universal Communications,Tele-Sr	39.22
Universal Communications,Tele -Cthse	39.22
Universal Communications,Tele -Supv	39.22
Universal Communications,Tele -Va	39.22
Universal Communications,Tele -Treas	39.22
Universal Communications,Tele -Atty	39.22
Universal Communications,Tele -Cthse	38.42
Wal Mart Community,Envir Educ-Cc	9.94
Waste Management Of,Maint-Cc	51.07
Waste Management Of,Disp Fee -Dhs	45.42
Wellsburg Ag,Fuel-Sr	17860.74
Wellsburg Ag,Fuel	4741.45
Willson, Kenneth H.,Twp Exp	20.00

Motion carried.

Moved by Zimmerman, second by Nelson to adjourn to Tuesday, February 24, 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 February 17, 2009.