

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JULY 8, 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.

Board met with Butler County Economic Development Director Jeff Kolb, Parkersburg Economic Development Group Director Virgil Goodrich, and Rick Whalen, Butler County Rural Electric Cooperative, to hear a proposal that the Parkersburg Economic Development Group put up a building in Parkersburg to serve as commercial rental space for businesses displaced by the tornado, or others desiring space in the city, as there are currently no locations available in Parkersburg's main business district. Whalen explained that a pool of funds made available by Rural Electric Cooperatives from across the State would be made available as a loan to the Parkersburg Economic Development Group, with the requirement that the loan be guaranteed by either the City of Parkersburg or Butler County. He indicated that the City of Parkersburg was willing to give such a loan guarantee, however it was determined that they did not have enough remaining bonding capacity to do so. Therefore, the Parkersburg Economic Development Group is requesting that Butler County commit to such a loan guarantee for this project. After much discussion, it was moved by Zimmerman, second by Oldenburger to agree that Parkersburg Economic Development Group would go forward with the proposal, subject to the attorneys for Butler County Rural Electric Cooperative and Butler County, Iowa developing and approving an agreement outlining the details of a loan guarantee by Butler County, Iowa, not to exceed \$800,000.00.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman
Ken Oldenburger

NAYS: Larry Backer

Motion carried.

Board met with County Engineer John Riherd to discuss proposed purchase of a motor grader. He presented quotes as follows:

Ziegler, Inc. Mason City, Iowa	Caterpillar 140M Less trade-in 1994 JD Net Cost	\$247,910 - 41,400 \$206,510
Murphy Tractor & Equipment	John Deere 770D Less trade-in 1994 JD Net Cost	\$201,265 - 32,000 \$169,265

Riherd recommended the Caterpillar 140M, even though more costly. He cited better fuel efficiency and the prediction that any initial cost savings on the John Deere 770D would be used in increased fuel costs over the life of the motor grader. It was then moved by Zimmerman, second by Oldenburger to accept the quote offered by Ziegler, Inc. for the Caterpillar 140M at a net cost of \$206,510. Motion carried.

Board reviewed Resolution to exclude parking lots of Butler County public buildings from the Iowa Smokefree Air Act. Present were Deputy Auditor Amy Stanbrough, Sheriff Jason Johnson, and Engineer John Riherd. After discussion, it was moved by Oldenburger, second by Zimmerman to adopt said Resolution as follows:

RESOLUTION NO. 638

RESOLUTION TO EXCLUDE COUNTY PARKING LOTS FROM THE DEFINITION OF GROUNDS OF A PUBLIC BUILDING FOR PURPOSES OF THE IOWA SMOKEFREE AIR ACT

Be it enacted by the Board of Supervisors of Butler County, Iowa:

WHEREAS, Iowa Code Section 142D.3(2)(e) and 641 IAC, Section 153.2 authorizes the County to exclude parking lots from being included in the definition of "grounds of a public building" of property owned, leased or controlled by the County; and

WHEREAS, such exclusion is deemed appropriate to accommodate those desiring to smoke tobacco products while not otherwise being in close proximity to others or in an enclosed area; and

WHEREAS, such exclusion does not permit smoking of tobacco products at any other outdoor area of a County owned, leased or controlled building that is used in connection with the building, including but not limited to, a sidewalk immediately adjacent to the building; a sitting or standing area immediately adjacent to the building; a patio; a deck, a curtilage or courtyard; a swimming or wading pool; or a beach, or any other outdoor area as designated by the person having custody or control of the County building; and

WHEREAS, such exclusion shall not apply when any type of public event is held on said parking lots which would otherwise prohibit smoking;

IT IS HEREBY RESOLVED THAT all parking lots, or portions thereof, owned, leased or controlled by the County which are not covered, enclosed, or adjacent within twenty (20) feet of a County owned, leased or controlled building are excluded from the definition of "grounds of public buildings" under the Iowa Smokefree Air Act and all rules and regulations regarding such Act.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman
Larry Backer
Ken Oldenburger

NAYS: None

WHEREUPON the Resolution was declared duly adopted this 8th day of July, 2008.

ATTEST: Holly A. Fokkena, County Auditor

Board acknowledged receipt of Manure Management Plan Annual Updates for F100 and Worley sites.

Board reviewed Quarterly Reports of Sheriff and Auditor and ordered placed on file.

Upon request of Stan Mehmen and due to DNR requirements, it was moved by Oldenburger, second by Zimmerman to amend the minutes of May 6, 2008 to replace "Board acknowledged said plan" with "Board approved said plan." Motion carried.

Moved by Oldenburger, second by Zimmerman to adjourn to Tuesday, July 15, 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 July 8, 2008.