

## **MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 12, 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 met with Jeff Kolb, Butler County Development Director, to consider a Revolving Loan Fund application by Scott L. Peterson, Jeffery S. Peterson and Anthony J. Charley. Moved by Nelson, second by Zimmerman to set Public Hearing on said application for Tuesday, June 2, 2009 at 10:00 a.m. Motion carried.

Board met with Jennifer Becker, Public Health Director, to discuss an Agreement between the Butler County Board of Health and the Butler County Board of Supervisors detailing administrative services provided by Public Health to the Environmental Health department. Moved by Zimmerman, second by Nelson to approve said Agreement. Motion carried.

Acknowledged receipt of a Manure Management Plan Annual Update for Johnson Swine LLC.

Board met with Michael J. Ryan, P.E., Howard R. Green Company to discuss the Greene Dam project. Also present were Roy Edeker, Butler County Conservation Board; Dan McClain, McClain & Co.; Gary Veeder, Allied Construction; Dave Allen, Iowa DNR; and Ken Huntley, McClain & Co. McClain requested clarification on various quality of work complaints received by his company. Ryan, as the Project Engineer, stated there were issues concerning the many delays, safety and quality of work performed. Brunsma reported that he had major concerns regarding the methods used and the quality of work performed to date. Zimmerman questioned whether the grout was able to cure when underwater and also how it would be determined if there are voids in the grout under the apron of the dam. Ryan indicated that to ensure the work had been satisfactorily completed, core boring of the apron or inspection by divers may be necessary. Oldenburger stressed that Ryan, as Project Engineer, should be prepared to do one or both of those things to assure the Conservation Board and the Board of Supervisors the work was satisfactory.

Brunsma and Zimmerman questioned whether there would be cost overruns for rock due to it washing out at least twice in high water. Huntley indicated he did not feel there would be an issue of overrun on rock quantities.

Ryan informed the Board that the McClain & Co. had submitted a request for an extension of time to complete the project. Final steps to complete the project cannot be taken until the water level drops, possibly not until Fall 2009. Ryan stated that a compromise would have to be reached on liquidated damages from February 27, 2009 to the present and that he felt no new liquidated damages should accrue after the extension is approved.

McClain voiced his displeasure that someone had made an inquiry to their bonding company, causing a questionnaire to be mailed out to the Butler County Conservation Director requesting information about satisfaction regarding the contractor's performance. Brunsma stated he completed the questionnaire as honestly as he could and repeated that overall he was dissatisfied with the work performed.

A continuation of a Public Hearing held on June 10, 2008 was held. Steve Busse, Zoning Administrator, was present. No taxpayers were present. No written or oral comments were received. Busse reported that David Allen, had submitted a written withdrawal of his original request to rezone property located in Section 2-93-17 and indicated that the June 10<sup>th</sup> Public Hearing could now be closed. It was then moved by Zimmerman, second by Nelson to close said hearing. Motion carried. It was further moved by Nelson, second by Zimmerman to deny the original request. Motion carried.

Moved by Nelson, second by Zimmerman to adjourn to Tuesday, May 19, 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 May 12, 2009.