

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 28, 2024.

Meeting called to order at 9:00 A.M. by Chairman Wayne Dralle with members Rusty Eddy and Greg Barnett present. Moved by Eddy second by Barnett to approve the agenda. All ayes. Motion carried.

Minutes of the previous meeting were read. Motioned by Barnett, second by Eddy to approve the minutes as read. All ayes. Motion carried.

During public comment Eddy commended John Riherd, Engineer, on meeting him in New Hartford to discuss potential flooding and ideas to improve the situation there.

Motioned by Eddy, second by Barnett to open a Public Hearing on an FY24 Budget Amendment. Leslie Groen, Auditor, stated that she has not received any oral or written comments. Groen detailed the amendment line items and read the explanation provided in the publication. Hearing no additional comments, motioned by Barnett, second by Eddy to close the Budget Amendment Public Hearing. All ayes. Motion carried.

**RECORD OF HEARING AND DETERMINATION
ON THE AMENDMENT TO THE FY24 COUNTY BUDGET**

The County Board of Supervisors met on May 28, 2024, 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.

EXPENDITURES

Public Safety & Legal Services	\$41,500	New Car, School of Instruction
Roads and Transportation	\$520,000	Project wage changes, culvert materials, slurry patching, piling
TOTAL EXPENDITURES	\$561,500	

WHEREUPON, it was moved by Eddy, seconded by Barnett to adopt the Amendment and Resolution 2005-2024. Upon roll call the Chairperson declared the motion carried, Amendment and Resolution 2005-2024 duly adopted as follows:
RESOLUTION #2005-2024

WHEREAS, it was moved by Eddy, seconded by Barnett to approve increasing appropriations for the following:

<u>Service Area/Department</u>	<u>Additional Appropriation FY2024</u>
05 Sheriff	\$40,000
28 Medical Examiner	\$1,500
20 Secondary Roads	\$520,000

The roll was called and the vote thereon was:

AYES: Rusty Eddy Wayne Dralle Greg Barnett	NAYS: None	ABSENT: N/A
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THEREFORE, be it resolved that the motion was carried.

WHEREUPON the Resolution was declared duly adopted this 28th day of May 2024

Wayne Dralle
Chair, Board of Supervisors

ATTEST:
Leslie Groen, County Auditor

Motioned by Barnett, second by Eddy to open a Public Hearing on a request from BMC Aggregates to rezone 72 acres from A-1 to A-2 for a sandpit dredging operation on a parcel located in the W1/2 NW1/4 S & W of RR of Section 34, Township 92 North, Range 15 West of the 5th P.M. Misty Day-Kofron, Planning & Zoning, detailed the request and explained any concerns regarding the rezoning. The Planning & Zoning Commission recommended approval of the rezoning. Sherman Lundy, BMC Aggregates, was present and explained that it was a dredging operation and that there should not be any concerns with wells. It was also stated that this area is in a flood plain and is a good fit for the land. Motioned by Eddy, second by Barnett to close the Public Hearing.

Board considered Ordinance Title VI, Number 35 – An Ordinance Amending the Official Zoning Map. Motioned by Barnett, second by Eddy to approve the first reading of the Ordinance Amending the Official Zoning Map. Roll call was taken: Ayes – Eddy, Dralle, Barnett. Nays – None. Motioned by Eddy, second by Barnett to waive a second and third reading. All ayes. Motion carried and the ordinance was adopted as follows:

ORDINANCE TITLE VI, NUMBER 35

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING

ORDINANCE (ORDINANCE TITLE VI, NUMBER 28, ADOPTED ON NOVEMBER 1, 2022)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, "A-1" Agriculture, on a parcel legally described as follows:

All that part of the Northwest Quarter (NW¹/₄) of Section Thirty-four (34), Township (92) North, Range Fifteen (15) West of the 5th P.M. in Butler County, Iowa, lying southwest of Highway #3 and consisting of 73 acres, more or less.

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation "A-2" Limited Agricultural for the property legally described above, on the Official Zoning Map.

Section 3. INTEGRATION WITH CODE. Each section, provision or part of this Ordinance which is followed by a section number shall be inserted in the Butler County Zoning Ordinance (Ordinance No. Title VI, Number 28, adopted on November 1, 2022) as indicated by said section number and hereafter shall be cited by reference to said section number.

Section 4. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

Section 6. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of the Ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its final passage and publication as provided by law.

PUBLIC HEARING AND FIRST PASSAGE (READING) on MAY 28, 2024.

SECOND PASSAGE (READING) waived on MAY 28, 2024.

THIRD AND FINAL PASSAGE (READING) waived on May 28, 2024, AND ADOPTION waived on MAY 28, 2024.

BUTLER COUNTY BOARD OF SUPERVISORS
Wayne Dralle, Chair

Leslie Groen, County Auditor

Riherd provided an Engineer's update and stated that there is some damage from the flooding that needs repairing. Work is progressing on C13 with a cold in place, and bridge work is continuing. He commented that he had a concern from a farmer who stated that his neighbor has made changes that are causing soil loss on his land. Riherd mentioned that there is an ordinance and he will be investigating the situation more to see what can be done.

Motioned by Barnett, second by Eddy to approve claims. All ayes. Motion carried.

Motioned by Eddy, second by Barnett to adjourn the regular meeting at 9:33 A.M. to June 4, 2024 at 9:00 A.M. All ayes. 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 28, 2024.

Attest: Leslie Groen
Butler County Auditor

Wayne Dralle
Chairman of the Board of Supervisors