

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON December 21, 2021.

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

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

No public comment received.

Butler County Conservation Executive Director, Mike Miner, provided the Board with the County Conservation Board's annual report. Miner mentioned some highlights including: the Eisentrager Wildlife acquisition was completed, continued increased in camping fees and park use from COVID-19, and Annette Wittrock hired when Steve Martin retired. Miner shared the nature center building is complete, now fund-raising for displays and outside work yet to be completed. Barnett asked about the Franklin County bounty on beaver. Miner explained they have had some issues which were taken care of in-house, but no ongoing concerns on the County Conservation property. Miner explained he could not speak for private property owners.

Weed Commissioner, Calvin Steere, presented his annual report to the Board. There were no additional questions or concerns.

Motioned by Heidenwirth, second by Barnett to appoint Calvin Steere as Butler County Weed Commissioner. All ayes. Motion carried.

Mike Miner explained the purpose of the Shell Rock Watershed Management Authority Board Fiscal Agent Agreement. Miner shared the Auditor researched document options and after speaking with the DNR, it was determined other watersheds are currently using basic fiscal agent agreements vs. 28E agreement. Kuehner explained all entities involved are government entities with their own auditing requirements and felt the fiscal agreement presented would be fine. Motioned by Barnett, second by Heidenwirth to approve the Shell Rock Watershed Management Authority Board Fiscal Agent Agreement. All ayes. Motion carried.

Time set for Public Hearing on Knock Miner Plat located at 21517 Newell Ave in the NE ¼ SE ¼ of Section 31, Township 90N, Range 16W. Motioned by Heidenwirth, second by Barnett to open the public hearing. All ayes. Motion carried. County Auditor, Leslie Groen, reported no written or oral comments were received. No taxpayers present had comments. Planning and Zoning Administrator Misty Day reviewed the minor subdivision plat recommendation. Motioned by Heidenwirth, second by Eddy to close the Public Hearing. All ayes. Motion carried. Motioned by Eddy, second by Barnett to adopt Resolution 1012. The roll was called and the votes were: AYES: Eddy, Barnett, Heidenwirth. NAYS: None; therefore, the resolution was adopted as follows:

RESOLUTION 1012

**BUTLER COUNTY BOARD OF SUPERVISORS
APPROVING "KNOCK MINOR PLAT" WITH THE RECOMMENDATION OF THE BUTLER COUNTY PLANNING AND ZONING COMMISSION**

BE IT RESOLVED by the Butler County Board of Supervisors as follows:

- Section 1. The Butler County Planning and Zoning Commission held a Public Hearing on December 17, 2021, to consider a Minor Subdivision Plat entitled "Knock Minor Plat".
- Section 2. The area is located in Part of the NE¼ & SE¼ of Section 31, Township 92 North, Range 16 West of the 5th P.M.
- Section 3. The Planning & Zoning Commission has made the recommendation that the Minor Subdivision Plat entitled "Knock Minor Plat" be approved.
- Section 4. The Board of Supervisors held its own public hearing on this Minor Subdivision Plat on December 21, 2021.
- Section 5. The Board of Supervisors hereby approve the Minor Subdivision Plat entitled "Knock Minor Plat" located in the NE¼ & SWE¼ of Section 31, Township 92 North, Range 16 West of the 5th P.M.
- Section 6. This resolution shall take effect immediately.

The vote thereon was as follows:

AYES: Greg Barnett NAYS: None ABSENT: None
 Rusty Eddy
 Tom Heidenwirth

Passed and approved this 21st day of December, 2021.

ATTEST: Leslie Groen, County Auditor

Time set for Public Hearing on Longhorn Acres final subdivision plat located in the NW ¼ of Section 7, Township 90N, Range 16W. Motioned by Eddy, second by Heidenwirth to open the public hearing. All ayes. Motion carried. County Auditor, Leslie Groen, reported no written or oral comments were received. No taxpayers present had comments. Planning and Zoning Administrator Misty Day reviewed the final plat recommendation. Motioned by Eddy, second by Heidenwirth to close the Public Hearing. All ayes. Motion carried. Motioned by Eddy, second by Heidenwirth to adopt Resolution 1013. The roll was called and the votes were: AYES: Eddy, Barnett, Heidenwirth. NAYS: None; therefore, the resolution was adopted as follows:

**BUTLER COUNTY RESOLUTION NO 1013
RESOLUTION APPROVING PLAT OF LONGHORN ACRES, BUTLER COUNTY, IOWA**

WHEREAS, there has been submitted to Butler County, Iowa, a proposed subdivision plat concerning property within Butler County, Iowa, which plat is of the following described real property, to-wit:

Parcel "E" of Plat of Survey filed January 19, 2021, in Doc. No. 2021-0221, being a part of the Northwest Fractional Quarter of Section 7, Township 90 North, Range 15 West of the 5th P.M., Butler County, Iowa.

AND WHEREAS, the Butler County Board of Supervisors has determined that said subdivision conforms to its comprehensive plan;

AND WHEREAS, the Butler County Board of Supervisors has given consideration to the possible burdens on public improvements and to a balance of interest between the proprietor, future purchasers and the public interest in the subdivision;

AND WHEREAS, said plat conforms with Iowa Code Sections 356.6, 354.11 and 355.8;

IT IS THEREFORE RESOLVED by the Butler County Board of Supervisors that the subdivision plat submitted to it by Steve Lodge, Member of LodgeSenn Land Company, LLC, Owner, Longhorn Acres, governing the above-described property is hereby approved.

Dated: 12/21/21

Greg Barnett

ATTEST:

Leslie Groen

Time set for Public Hearing on a request on an application from Clayton McDivitt to rezone approximately 2 acres from A-1 Agriculture to "M" Manufacturing located at 25672 Hwy 57 in the E ½ W ½ NE ¼ of Section 34, Township 90N, Range 16W. Motioned by Eddy, second by Heidenwirth to open the public hearing. All ayes. Motion carried. County Auditor, Leslie Groen, reported no written or oral comments were received. Planning and Zoning Administrator, Misty Day, summarized the Planning and Zoning Commission meeting and recommendation to table the decision. Day explained the request came about because of the number of cars on McDivitt's property constitute as a junkyard and she has received complaints dating back to 2018. These complaints resulted in two notices of violation being sent to Mr. McDivitt in 2019 and 2021. McDivitt also has some cars extending beyond his property line. Clayton McDivitt, Parkersburg, was present and explained the use of the cars, steps taken to ensure cars are salvaged properly and recent conversations with surrounding property owners. Discussions were held regarding what defines a junkyard in our current ordinance, the results of rezoning this area to Manufacturing, and all property owners' concerns. Motioned by Eddy, second Heidenwirth to close the Public Hearing. All ayes. Motion carried. In agreement with the Planning & Zoning Commission, it was motioned by Eddy, second by Heidenwirth, to table this decision until after the Planning & Zoning Commission's January 20th meeting and give McDivitt an opportunity to get all vehicles moved to his property. All ayes. Motion carried.

Day presented information regarding the County's current junk vehicle ordinance, reviewed how violations were handled in the past, and offered options to update the ordinance. Rick Swarts, New Hartford, was present and asked the definition of junk which Day read from the current ordinance. Swarts also asked about an exemption for a farm and Day explained there is a farm exemption if the correct criteria is met. Additional discussions were held regarding the use of personal property, zoning considerations, the definition of what a fence is made of and fence setbacks. Also discussed if/what enforcement options the County would have and available. Day explained this is a complaint driven process and she is not looking for violations. Barnett said he would reach out to other counties to see what they are doing. After some additional research has been completed, future discussions will be needed.

The Butler County Compensation Board recommendations were presented to the Board to for consideration. County Attorney, Dave Kuehner, provided information to the board regarding his proposed pay increase due to not hiring an assistant and how that compares to other County Attorneys in Iowa. Eddy explained the County Attorney pay increase has been discussed in the past when Kuehner elected not to hire an assistant attorney. Barnett, Eddy, and County Recorder, Janice Jacobs, all mentioned Kuehner is a huge asset to the County and is available whenever needed. Discussions were held regarding the other elected officials recommended increase and current COLA. Eddy mentioned he did not see anything out-of-line with the Compensation Board recommendations and that he spoke with a few of them prior to today's meeting. Barnett mentioned there should be a discussion regarding the Planning and Zoning Administrator position as there is a substantial increase in that workload. Day said it is approximately 1/3 of her workload now. Eddy asked for the Planning and Zoning administrator job duties to be put on the December 28th agenda. With no additional comments, motioned by Heidenwirth, second by Eddy to approve the Butler County Compensation Board Recommendations which are represented in Resolution 858-21. The roll was called and the vote was: AYES: Heidenwirth, Barnett, Eddy. NAYS: None; therefore, Resolution 858-21 was approved as follows:

RESOLUTION #858-21

WHEREAS, the Butler County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907, and

WHEREAS, the Butler County Compensation Board met on November 17, 2021 and made the following salary recommendations for the following elected officials for the fiscal year beginning July 1, 2022:

Elected Official	Current Salary	Proposed Increase	Recommended Salary
Auditor	\$ 64438.00	% 5.0436	\$ 67688.00

