

PROCEEDINGS

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 25, 2021.

With social distancing guidelines being maintained at in-person meetings, an electronic participation option is made available. This complies with Iowa Code section 21.8 that outlines the guidelines to hold an electronic meeting when there are valid concerns that an in-person meeting is "impossible or impractical".

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

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

No public comment received. Time set for Public Hearing on proposed Amendment to Fiscal Year 2021 County Budget. Motioned by Eddy, second by Barnett to open the Public Hearing. All ayes. Motion carried. Public Health Director, Jennifer Becker explained Public Health needs the additional money for overtime and medical supplies related to vaccination clinics. Misty Day explained she needs additional funds to cover unexpected INRCOG fees. Chris Luhning, Parkersburg, was present in-person to explain some public concern with total ending fund balance in the amendment. Luhning suggested the county consider a procurement policy and mentioned he did not have a chance

to discuss with County Auditor Leslie Groen prior to the meeting. Barnett explained he felt there was a procurement policy in place and County Engineer, John Riherd provided some details from the procurement policy. Barnett asked Finance Deputy, Mindy Pecha to provide details regarding the FY21 ending fund balance. Pecha explained they have re-estimated expenses of \$845,000 that will not be spent and an additional \$1.1 million in revenue that was not in the FY21 budget. Pecha also explained we are currently at 77 % spending for FY21 as of May 24, 2021, and Barnett shared that historically spending has been at 85-86% spending rate. Barnett stated the projected and actual fund balance are two different things and can be confusing. Luhning agreed and said that is why he mentioned the previous year's amendment showed a balance that was \$4 million off what the actual fund balance ended up being. Luhning suggested to have minutes reflect that information in the future. Barnett thanked Luhning for coming and sharing his concerns and reiterated Pecha and Groen are getting us on track. Motioned by Heidenwirth, second by Eddy to close the public hearing. All ayes. Motion carried.

Upon close of Public Hearing, it was moved by Barnett, second by Eddy to adopt said amendment as follows:
RECORD OF HEARING AND DETERMINATION ON THE AMENDMENT TO COUNTY BUDGET
The County Board of Supervisors met on May 25, 2021, 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
Physical Health and Social Services, \$40,00, Additional Expenses
County Environment & Education...
Professional Fees \$3,000
WHEREUPON, the Chairperson declared the motion carried and Amendment duly adopted.

RESOLUTION #986
WHEREAS, it was moved by Barnett, seconded by Eddy to approve appropriations for the following:
Public Health .....\$40,000
Zoning.....\$3,000
The roll was called and the vote thereon was:

AYES: Rusty Eddy, Greg Barnett, Tom Heidenwirth
NAYS:

THEREFORE, be it resolved that the motion was carried.

WHEREUPON the Resolution was declared duly adopted this 25th day of May 25, 2021
Greg Barnett
Chair, Board of Supervisors
ATTEST:
Leslie Groen, County Auditor
Public Health Director, Jennifer Becker, provided an explanation of the subcontract between the Board of Supervisors and Pathways. The contract is partially grant funded but the grant application is not competitive this year. The grant provides \$7,500 from the state the Board of Supervisors approves funding the \$22,500 for a total of \$30,000 in the subcontract amount with Pathways. Eddy asked about the funding being used for individuals who can not afford substance abuse treatment. Becker explained it also

includes educational opportunities for schools and community-based opportunities. Motioned by Heidenwirth, second by Eddy to approve the subcontract between the Board of Supervisors and Pathways. All ayes. Motion carried.

County Attorney, Dave Kuehner, provided the Board with two examples of moratoriums regarding special use permits. Kuehner explained the county was already in the process of updating their 100+ page zoning ordinance document and while he knows other counties have specific, targeted moratoriums, he feels the county's approach is to use a moratorium to ensure anything setup in the future is in-line with the future zoning ordinances, once passed. The first option is to put a stop to all special use permits with an applicable time frame for when new zoning ordinances are done. Planning and Zoning Environmental Health Specialist, Misty Day, explained special use permits would go through the Board of Adjustments for approval and include: cell towers, wind towers, and that industrial districts many times need a special use permit but she was not familiar with any upcoming projects that would require that process in the next six months. Day mentioned that may be a question for Jeff Kolb with Butler/Grundy Development Alliance and Barnett agreed he didn't want to hinder anything from a moratorium on all special use permits. The second moratorium option is targeting alternative energy production facilities also within a specified time frame. Kuehner shared Iowa Code defines alternative energy production facilities as including: solar, wind turbine, waste management,

resource recovery, refuse-derived fuel, agricultural corps or residues, or woodburning facility. Kuehner summarized it as anything out there producing energy in a non-traditional way. The second moratorium also includes verbiage stating the effects of these facilities are not fully know at this time. Heidenwirth asked if the ethanol plant would be considered an alternative energy production facility and Day explained the ethanol plant would be a considered a processing plant more than energy. Kuehner explained he would prefer a moratorium that would ban everyone and the specifics be spelled out in the new zoning ordinances vs. targeting a specific industry. He feels targeting wind energy may not be successful and something that could be argued in court. Discussions were held regarding existing plants, economic development, timing with any possible prospects and possible impacts on quarries. Eddy stated he did not have a problem using the second option to single out an industry. Kuehner explained it is good practice to put a moratorium in place until new zoning ordinances are completed in the future as long as there are no pending permits now. Day confirmed we do not have any pending permits. Kuehner also mentioned since a moratorium is taking away someone's right to apply for a special use permit that should be treated as if it were an amendment to the zoning ordinance and have a public hearing. Motioned by Barnett, second by Eddy to table the approval of a moratorium document to next week. All ayes. Motion carried.

Motioned by Heidenwirth, second by Barnett to approve utility permit

for MidAmerican Energy to R/R overhead line & poles on 200th St (Hickory to Ivy). All ayes. Motion carried.

Finance Deputy, Mindy Pecha, explained the County Auditor, Leslie Groen, has applied for the American Rescue Plan Act (ARPA) funds and we are working with the state auditor to possibly create a sub-fund within the general fund due to the quarterly reporting requirements. Groen explained we will be receiving half of the \$2.8 million in funding now and the other half next year. Groen also mentioned other counties are creating a committee of department heads to steer their county's use of the ARPA funds. Motioned by Barnett, second by Eddy to create an account and accept the ARPA funds. All ayes. Motion carried.

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

The Board acknowledged receipt of Manure Management Plan Annual Updates for Allison Finisher Farm, Reeser Finisher Farm, Sean Fox Finisher and Kampman Finisher Farm.

Motioned by Heidenwirth, second by Eddy to adjourn the regular meeting at 9:39 A.M. to June 1, 2021 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 25, 2021.
Attest: Butler County Auditor
Chairman of the Board of Supervisors

**PUBLIC NOTICE**

Notice is hereby given that a public hearing will be held by the City Council of the City of Shell Rock, Iowa in the City Council Chambers located at 802 North Public Road in Shell Rock, Iowa at 6:00 PM on June 22, 2021. The purpose of this hearing is to solicit citizen input on a proposed draft of a Shell Rock Zoning Ordinance Update.

The draft Shell Rock Zoning Ordinance Update, in addition to text, also includes an Official Map and proposes to regulate land use, density, and bulk requirements (i.e. yard setbacks, height, yard area, etc.) within the incorporated area of the city. A copy of the proposed Ordinance is available at City Hall and on the City's website.

Any persons wishing to be heard on this matter will be afforded the opportunity to be heard. Written comments will be accepted through 1:00 PM the day of the public hearing. Comments may be sent to City Hall, P.O. Box 522; Shell Rock, Iowa 50670. Oral questions or comments can be directed to City Hall at (319) 885-6555.

CS-23

**PUBLIC NOTICE**

**NOTICE OF PUBLIC HEARING  
BUTLER COUNTY BOARD OF  
SUPERVISORS**

The Butler County Board of Supervisors will meet at 9:00 am on Tuesday, June 22, 2021, in the EOC Conference Room, Basement of the Butler County Courthouse, Allison, Iowa. At this meeting the Board will: Hold a Public Hearing to consider Resolution #987 Alternate Energy Production Facilities Permit as follows:

**RESOLUTION 987  
ALTERNATE ENERGY PRODUCTION FACILITIES PERMIT**

WHEREAS, the Butler County Planning and Zoning Commission are in the process of amending the Butler County Zoning Ordinance in that the proposed revisions have been drafted and are

being reviewed; and  
WHEREAS, the County has been made aware of an interest in building one or more alternate energy production facilities; and  
WHEREAS, the effects of alternate energy production facilities are not fully known at this time; and  
WHEREAS, Butler County desires a consistent application of zoning regulations in order to protect the health, safety, and general welfare of the citizens of Butler County; and

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Butler County, Iowa, that Butler County now imposes a moratorium, effective immediately for the consideration and approval of any special use permits for alternate energy produc-

tion facilities. This moratorium shall remain in effect for a period of one-hundred eighty days or until the approval of the amended Butler County Zoning Ordinance, whichever occurs first.

Written or oral comments may be submitted to the Butler County Auditor, Leslie Groen, at the Courthouse, P.O. Box 325, Allison, Iowa or via email [lgroen@butlercolowa.org](mailto:lgroen@butlercolowa.org). For oral comments, please call 319-267-2670 or participate telephonically with the following: Dial-in number: 312-626-6799, Meeting ID: 958 0086 8991 Passcode: 927327 or <https://zoom.us/j/95800868991?pwd=N0s4NmNhZytEVINqNk8xYSVtVWWhYUt09>

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Chairman of the Board of Supervisors