

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 19, 2020.**

With no public access to the courthouse due to COVID-19, this meeting was held telephonically with the public able to participate. 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 Tom Heidenwirth with members Greg Barnett and Rusty Eddy present.

Minutes of the previous meeting were read and approved as read.

Time and place for a public hearing on an application by BMC Aggregates L.C. to rezone 16 acres from A-1 to A-2 located in the W<sup>1</sup>/<sub>2</sub> of the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 8, Township 91 North, Range 16 West. Auditor reported no written or oral comments received. Sherman Lundy, Elk Run Heights, Iowa commented that everything will be pretty much the same. Just an expansion of the NW corner where the quarry is. The operation will be the same. Environmental Health Specialist Misty Kroeze stated that the Planning and Zoning Commission approved the request and that she did not receive any comments during her public hearing, either. At the close of the public hearing it was moved by Barnett, second by Eddy to approve. It was further moved by Barnett, second by Heidenwirth to waive the second and third readings of said amendment. All ayes. Motion carried. Amendment to Zoning Ordinance is as follows:

**ORDINANCE TITLE VI, No. 21**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 8, ADOPTED ON MAY 25, 2004)**

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

The North 15 acres of the West 240 feet on the East 1/2 of the Northeast 1/4 in Section 8, Township 91 North, Range 15 West of the 5<sup>th</sup> P.M. in Butler County, Iowa. All subject to easements of record and public highways,

on the Official Zoning Map as was originally adopted.

**Section 2. ADOPTION.** This Ordinance adopts in lieu thereof a new zoning designation "A-2", Agriculture, 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 8, adopted on May 25, 2004) 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 19, 2020.**

**SECOND PASSAGE (READING) WAIVED.**

**THIRD AND FINAL PASSAGE (READING) AND ADOPTION WAIVED.**

**ATTEST:** *Lizbeth Williams*, County Auditor      *Tom Heidenwirth*, Board Chair

Emergency Management Coordinator Chris Showalter and Director of Public Health gave a COVID-19 update. Butler County currently has 14 cases with 12 released from isolation. The State will now update their website with the number of cases in real time.

Moved by Eddy, second by Barnett to accept the recommendation of Engineer Riherd and approve a Utility Permit for Windstream service line installation at 33809 Holly Avenue. All Ayes. Motion carried.

Board set May 26, 2020 at 9:30 A.M. as the date and time for a public hearing on a Construction Application by Henry's Finisher Farm, owner J & S Kramer, LLC for a new swine facility. Location of proposed facility is in the NW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 4, Tier 91 North, Range 17 West of Ripley Township.

Board set May 26, 2020 at 9:40 as the date and time for a public hearing on a Construction Application by Best Finisher Farm, owner Maximus Decimus Meridius, LLC for a new swine facility. Location of proposed facility is in the SE¼ of the SE¼ of Section 13, Tier 90North, Range 18West of Washington Township.

Environmental Health Specialist Misty Kroeze provided an update on Sinclair Finisher Farm and reported that Pinnacle submitted a withdrawal letter for their Construction Application for Sinclair Finisher Farm to the DNR and to the Auditor's Office.

Moved by Barnett, second by Heidenwirth to approve an Agreement with Pitney-Bowes for a postage machine for DHS at \$132.94 for 60 months. All ayes. Motion carried.

Board discussed audio and/or visual meetings going forward. Butler County Emergency Management Coordinator and Network Administrator gave a brief description of how the system works. A permanent camera in the Boardroom was suggested. Supervisor Barnett is in favor of trying video. Supervisor Heidenwirth is against using video. Supervisor Eddy has had one member of the community request video, and didn't feel strongly either way. Following discussion, it was moved by Barnett to go with audio/visual temporarily and revisit at a later date. Motion died for the lack of a second. Moved by Barnett, second by Heidenwirth to go with audio only. All ayes. Motion carried.

Public comment: Becky Schipper, Aplington, Iowa wondered if there were a different system with better audio. There is a lot of mumbled discussion going on at the table that the public can't hear. Sara Trepp explained that another system will be put to use next week that will have better sound quality. In listening, Schipper hears whispers at the table that the public can't understand, and asked if they could project their voices. Supervisor Heidenwirth explained that we have been meeting from home, not in the Boardroom, until today. Sara Trepp said there will be an amplifier on the system for next week. Leslie Groen, Allison, Iowa wondered if the Supervisors have tested the system Sara has set-up. Sara responded that she and two others have tested it but the Board have not seen it yet. Groen wondered why the Board was letting it die if they hadn't seen how it worked and wondered what system it was. Sara Trepp responded Free Conference calls for government and non-profit entities. John Zimmerman, Greene, Iowa wondered if there would be in-house polling the Saturday before the election. Yes, there will be. He inquired if this audio/visual system was a safe and secure. Sara Trepp responded, yes. He also inquired what the plexiglass shields for all of the windows cost. Showalter responded they were about \$160 per sheet for 7 sheets.

Board approved claims as submitted.

Acknowledge receipt of new Manure Management Plan Construction Applications for Henry's Finisher Farm and Best Finisher Farm.

Moved by Barnett, second by Eddy to adjourn the meeting at 10:13 A.M. to Tuesday, May 26, 2020 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 19, 2020.