

## **January 3, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, January 3, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Shonka to approve Don Shonka as Chairman of the Board and Gary Gissel Chairman pro-tem for 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve amendment to the agenda to add Buchanan County Tourism request. All in favor motion carried.

Motion by Gissel second by Shonka to approve the minutes of the December 27 & 30, 2021 meeting as presented. All in favor, motion carried.

Motion by Ohrt second by Gissel to approve Supervisors' committee appointments for 2022. As follows:

Gary Gissel – Buchanan County Sanitary Landfill Commission; Buchanan County Trails Association; Courthouse Security; Disaster Recovery Coalition; 1<sup>st</sup> Judicial District Dept. of Corrections; Habitat for Humanity; Iowa Northland Regional Council of Governments and Regional Transit; Local Emergency Planning Committee; Buchanan County Child Abuse Prevention Council; Mental Health/Disability Services of the East Central Region; Operation Threshold; Transportation Policy Board; Upper Wapsipinicon River Watershed Authority Alternate; Maquoketa River Watershed Management Authority; Regional Economic Development.

Clayton Ohrt – Buchanan County Economic Development Commission; Buchanan County Homeless Council; Buchanan County Sanitary Landfill Commission; Buchanan County Tourism; MHI Advisory Board; Central Iowa Juvenile Detention Alternate; E911 Board Alternate; First Judicial District Dept. of Corrections Alternate; Iowa Northland Regional Council of Governments Solid Waste Advisory Committee; Iowa Workforce Development; Middle Cedar River Watershed Management Authority Alternate; North Iowa Juvenile Detention Alternate; Pathways; Resource Enhancement and Protection.

Don Shonka – Buchanan County Empowerment Board; Buchanan County Economic Development Commission Alternate; Buchanan County Council on Aging; Buchanan County Greater Foundation; Buchanan County Sanitary Landfill Commission; Central Iowa Juvenile Detention; E911 Service Board; Heartland Acres Agribition Center; Independence Area Food Pantry; Mental Health/Disability Services of the East Central Region Alternate; Middle Cedar River Watershed Authority; North Iowa Juvenile Detention; Operation Threshold Alternate; Resource Conservation & Development; Upper Wapsipinicon River Watershed Authority, Building Direction for Families.

Motion by Ohrt second by Gissel to approve claims filed with the County Auditor for \$242,855.53. All in favor motion carried.

Motion by Ohrt second by Gissel to approve Board/Commission appointments. All in favor motion carried.

Janice Budzine – Board of Health – 3-year term  
Corrine Love – Preservation Commission – 3-year term  
Charles Beltz – Preservation Commission – 3-year term  
Jim Alberts – Compensation Commission  
Carl Dodge – Certified Local Government Commission – 3-year term

Motion by Ohrt second by Gissel to approve re-appointment of Sherlyn Hazen, Weed Commissioner. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Master Matrix Resolution. All in favor motion carried.

## **RESOLUTION 22-01**

### **CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2022 and January 31, 2023 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUCHANAN COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Passed this 3<sup>rd</sup> day of January, 2022.

Motion by Ohrt second by Gissel to approve IRS mileage rate change from .56 cents to .585 cents per mile effective January 1, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Home Business permit for Prairie Log Furniture. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the removal of Jesup Citizen Herald as official newspaper of Buchanan County, due to closing. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for: Alan Fuller Site 1, Byron Township, Section 25; Slattery Brothers Farms, LLC, Middlefield Township, Section 30. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the minor plat for Michael Grover. All in favor motion carried.

#### **RESOLUTION 22-02**

**WHEREAS**, a minor plat request was filed by Michael Grover proposing a minor plat of +/- 4.70 total acres; and

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Michael Grover Minor Plat, is approved as described as follows:

PARCEL "B" IN THE NW ¼ OF SECTION 2, TWP 87 NORTH, RANGE 9 WEST OF THE 5<sup>TH</sup> P.M., BUCHANAN COUNTY IOWA; BEGINNING AT THE WEST ¼ CORNER OF SECTION 2, TOWNSHIP 87 NORTH, RANGE 9 WEST OF THE 5<sup>TH</sup> P.M., BUCHANAN COUNTY IOWA; THENCE N00'13'13"W, 405.00 FEET ALONG THE WEST LINE OF THE NW ¼ OF SAID SECTION 2; THENCE N88'28'34"E, 506.00 FEET; THENCE S00'13'13"E, 405.00 FEET TO THE SOUTH LINE OF THE NW ¼ OF SAID SECTION 2; THENCE ALONG SAID SOUTH LINE S88'28'34"W, 506.00 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 4.70 ACRES INCLUDING 0.34 ACRES OF PUBLIC ROAD RIGHT OF WAY AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Passed this 3<sup>rd</sup> day of January 2022.

Auditor Wilgenbusch presented to the Board reviewed the preliminary redistricting maps. No action

Supervisor Ohrt presented an Emergency Medical Services resolution. After discussion the Board would like to consider a different resolution. Directed County Auditor to place on agenda for next week.

The Board reviewed the presented bidding policy. After discussion, motion by Gissel second by Ohrt to approve the Buchanan County Bidding policy. All in favor motion carried.

## **BIDDING REQUIREMENTS AND PROCEDURES**

### POLICY

It is the policy of Buchanan County to have and use clear and consistent bidding requirements and procedures. Minimum insurance requirements for bidders are provided in the County's Certificate of Insurance and Insurance Requirements Policy.

### SCOPE

This policy is applicable to all bids for the purchase of goods, materials, supplies, equipment and services, EXCEPT AS REGARDS "Public Improvement" (see Iowa Code §26.2 as amended) that meet the threshold amounts set out in Iowa Code §§ 26.3 and 26.14, as amended. In those situations that meet the threshold of Chapter 26, this policy shall not apply. In those situations where the threshold of the project does not meet that set out in Chapter 26, this policy shall apply. In addition, this policy is applicable to all bids for the purchase of goods, materials, supplies, equipment and services except as regards buildings, roads, bridges and culvert projects, WHICH shall be governed by Iowa Code Chapters 26, 309, 310, and 314, as amended. The Board of Supervisors shall give prior approval to all bidding projects, except those of \$1,000.00 or less. The Board of Supervisors will accept and open the bids unless otherwise indicated in the bid notice or request for proposal. Competitive bidding is not required for professional service contracts. The monetary value of a project should be based upon the responsible department head's reasonable estimate based on the best evidence available as to the cost of the project in order to determine which procedure will be followed.

### PROCEDURES/REQUIREMENTS

I. GENERAL PROCEDURES. This policy will apply to all purchases and construction projects, regardless of whether the project is a "public improvement" as set out in Iowa Code §26.1 and following. The procedure to be followed will be that set out in Iowa Code §26.1 and following, and Iowa Code §384.103, with the additional provision that it will apply to all purchases. A contract for public improvement must be awarded to the lowest responsible bidder.

A. SECONDARY ROAD PROJECTS. Secondary road or bridge construction work and materials for which the Engineer's estimate exceeds \$100,000, except surfacing materials obtained from local pits or quarries shall be governed by the provisions of Iowa Code Chapters 309, 310, and 314, as amended.

B. PROJECTS OF \$1,000 OR LESS. When the estimated cost of a purchase or project is

\$1,000 or less, no bidding procedure is required. It is suggested that the department head or elected official will use their discretion in authorizing the project or purchase, and communicate with the Board of Supervisors.

- C. PROJECTS OF \$1,001 up to \$25,000. When the estimated cost of a purchase or project is between \$1,001 up to \$25,000, bidding procedure may be used in which requests for written bids are submitted to at least three prospective bidders unless the County official in charge of said bids states in writing that less than three prospective bidders are available.
- D. PROJECTS OF \$25,001 TO \$100,000. When the estimated total costs of a project is between the sum of \$25,001 and \$100,000, the County shall submit requests for proposals to prospective bidders. Notice to bidders need not be published. Any applicable bids obtained by the State of Iowa should also be reviewed and considered.
- E. PROJECTS EXCEEDING \$100,000. When the estimated total cost of a project exceeds the sum of \$100,000, the County shall submit requests for proposals and advertise for sealed bids by publishing a notice to bidders as provided in Iowa Code §26.3, as amended, except that notice to bidders may be published not less than four (4) and not more than forty-five (45) days before the date for filing bids. See Iowa Code §26.1 and following.
- F. PUBLIC HEARING. When the estimated total cost of a prospective bid exceeds the sum of \$100,000, the Board shall not enter into a contract until it has held a public hearing on the proposed plans, specifications, form of contract, and estimated costs, with notice as provided in Iowa Code §331.305, as amended. At the hearing, any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated costs of the improvement. After hearing objections, the governing board shall by resolution enter its decision on the project. See Iowa Code §26.1 and following.
- G. PUBLIC IMPROVEMENT AND SECURITY AND PERFORMANCE BONDS. In any project with an estimated value of \$25,000 or more, involving a “public improvement,” meaning any building or construction work, the County shall require a security bond in a minimum amount of five percent (5%) with each bid and a performance bond in the amount of 100 percent (100%) to be submitted with the award of the contract. Bonds are to be by cash or by an insurance carrier recognized and approved by the State of Iowa or approved by the County. The County may waive a portion of the performance bond under unusual circumstances. See Iowa Code §331.341, §26.1 and following, and Iowa Code Chapter 573, as amended. NOTE: Bid security is not required for the purchase of vehicles.
- H. NOTICE TO BIDDERS. Notice to bidders shall be as set out in Iowa Code §26.1 and following, as amended.

- I. **GENERAL SERVICES CONTRACTS.** When the County wishes to purchase an item that has been bid by the State of Iowa, Department of General Services, under the provisions of Iowa Code §8A.311 as amended, the Board, after hearing, may forego any other bidding and accept the terms of the contract entered into by the State with the respective bidder.
- J. **OPENING BIDS.** The Board of Supervisors shall open the bids, announce the amount of the bids, and file all proposals received at the time and place specified in the notice to bidders. The Board may award the contract to the bidder submitting the best bid, or it may reject all bids, fix a new date for receiving new bids, and order publication of a new notice to bidders. Bid security furnished by the successful bidder must be retained by the County until the approved contract has been executed and a bond filed by the bidder guaranteeing performance of the contract, and both the contract and the bond have been approved by the County. Checks or bidder bonds of the unsuccessful bidders must be promptly returned to the bidders by the governing body as soon as the successful bidder is determined or within thirty (30) days, whichever is sooner.
- K. **DELEGATION OF OPENING OF BIDS.** When bids or proposals are required to be taken in connection with a bid letting, the County may delegate by resolution to the Auditor, Engineer, or other public officer, the duty of receiving and opening bids and announcing the results. The officer shall report the results of the bidding, with the officer's recommendation thereon, to the governing body at its next meeting.
- L. **EMERGENCY REPAIRS.** When emergency repair or replacement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the County, the County shall by resolution make a finding of the necessity to institute emergency proceedings under Iowa Code §384.103 as amended, and shall procure a certificate from a competent registered professional engineer, architect, or professional or expert in the field affected by the emergency, and not a regular employee of the County, certifying that emergency repairs are necessary.
- M. **COMPETITIVE BIDDING NOT REQUIRED FOR PROFESSIONAL SERVICE CONTRACTS.** Although bidding is preferred when obtaining professional services, this Policy does not require it. Professional services may turn on subject of elements that are not susceptible to formulation in the bidding process. See 1992 Iowa Opinion of Attorney General 190 to City of Clinton v Sheridan, 530 NW2d 690-695 (IA 1995), Iowa Code §331.342 (4), as amended.

The Board of Supervisors met with Josh Demmer from Demmer Architecture, regarding an update for the remodeling of the former Rydell Building. After discussion, motion by Gissel second by Ohrt to approve the agreement with Demmer Architecture to proceed with the remodel. All in favor motion carried.

County Engineer Keierleber presented proposals for asphalt work at Brandon. Motion by Gissel second by Ohrt to accept the proposal from Kluesner Construction for

\$139.00 per ton for road work on 330<sup>th</sup> Street by Brandon, East side of bridge on D-48 for \$395.00 and 330<sup>th</sup> Street bridge approach for \$395.00 per ton. All in favor motion carried.

Motion by Ohrt second by Gissel to adjourn at 10:24 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

### **January 10, 2022**

The Buchanan County Board of Supervisors met in a work session at 12:30 pm on Monday, January 10, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Board met with County Attorney Shawn Harden to review fiscal year 2023 budget request. No action taken.

The Board met with Roadside Management Director Sherlyn Hazen to review fiscal year 2023 budget request. No action taken.

The Board reviewed their fiscal year 2023 budget request. No action taken.

The Board met with County Auditor Kris Wilgenbusch to review fiscal year 2023 budget request. No action taken.

Motion by Gissel second by Ohrt to adjourn at 3:50 pm. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

**January 10, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, January 10, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Shonka to approve additions to the agenda discuss resolution for EMS funding and set public hearing for redistricting maps. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the minutes of the January 3, 2022 meeting as presented. All in favor, motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$699.52. All in favor motion carried.

Motion by Ohrt second by Gissel to approve promotion of Curtis Price, Secondary Roads to Operator 3, effective January 10, 2022 at \$23.71 per hour. All in favor motion carried.

Motion by Ohrt second by Gissel to Approve monthly report Sheriff's Office weapons account \$960.00, Civil Account 2 for \$5,333.47, Civil Account 1 for \$3,674.28; Recorder's Office \$16,749.67. All in favor motion carried.

Motion by Ohrt second by Gissel to approve Employee Health Plan report for November and December 2021. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Board/Commission Appointments. All in favor motion carried.

Pete Gaumer – Board of Adjustment – 5-year term  
Pete Gaumer – Airport Board of Adjustment – 4-year term  
Julie Osborne – Roadside Advisory Board – Farm Bureau Rep  
Jeanette Beyer – Roadside Advisory  
Donna Hosch – Veterans Commission, 3-year term  
Nate Clayberg – Airport-Zoning Commission- 4-year term  
Tim Recker – Compensation Commission – Owner/Operator Agricultural Property

Motion by Gissel second by Ohrt to approve place on file manure management plans for: C & C Farm, LLC, Middlefield Township, Section 21; Baragary Finisher, LLC, Middlefield Township, Section 26. All in favor motion carried.



Motion by Ohrt second by Gissel to approve the Law Enforcement Contracts for fiscal year 2023. All in favor motion carried.

At 9:15 am the board proceeded to open bids for rock for fiscal year 2023. Bruening Rock Products: Division I, 52,800 tonnage, \$11.649 unit price, total \$615,067.20; Division II, 52,800 tonnage, \$11.649 unit price, total \$615,067.20. BMC Aggregates: Division 1, 52,800 tonnage, \$11.68 unit price, total \$616,704; Division II, Division I, 52,800 tonnage, \$11.68 unit price, total \$616,704. After discussion motion by Ohrt second by Gissel to approve the bid from Bruening Rock Products for Division I and Division II.

The Board met with Karen Stephenson, Human Resources Deputy to review draft Covid-19 policy regarding vaccination mandates. No action at this time.

Meet with Julie Davison, Community Services Director, Fund Balance projects. No action at this time.

The Board met with County Engineer Brian Keierleber to discuss vacating portion of Nelson Ave. After discussion public hearing was set for Feb 7 at 9:10 am.

The Board reviewed snow removal ordinance. No action at this time.

Motion by Gissel second by Ohrt to adjourn at 10:46 AM. All in favor motion carried.

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Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**January 13, 2022**

The Buchanan County Board of Supervisors met in a work session at 1:00 pm on Tuesday, January 13, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Board met with GIS Director Evan Sinnott to review fiscal year 2023 budget request. No action taken.

The Board met with Recorder Michelle Mangrich to review fiscal year 2023 budget request. No action taken.

The Board met with Conservation Director Dan Cohen to review fiscal year 2023 budget. No action taken.

Motion by Gissel second by Ohrt to adjourn at 4:25 pm. All in favor motion carried.

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Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

**January 17, 2022**

The Buchanan County Board of Supervisors met in a regular session at 9:00 am on Monday, January 17, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was cited.

Motion by Ohrt second by Gissel to amend the agenda to add approval of temporary precinct ordinance. All in favor, motion carried.

Motion by Gissel second by Ohrt to approve Ordinance 22-04 and waive the second and third hearing. All in favor motion carried.

**ORDINANCE 22-04**

AN ORDINANCE AMENDING CHAPTER 8 (Election Precincts)  
BUCHANAN COUNTY CODE OF ORDINANCES – 2022

BE IT ENACTED by the Supervisors of Buchanan County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to establish voting precincts for Buchanan County. These precincts are temporary approve. Final approval will come upon map approval from the Iowa Secretary of State's Office.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. “Voting precinct” or “precinct” shall mean a county or municipal subdivision devised for casting and counting votes in elections.
2. “Township” shall mean a civil and political subdivision of the county, consisting of a parcel of territory six miles on each side.

SECTION 3. General Provisions.

All voting precincts (except Independence Precincts established by the Independence City Council) shall be designated as follows:

AURORA PRECINCT shall consist of Buffalo Township, Madison Township, the City of Aurora; the City of Lamont and the City of Stanley.

BRANDON PRECINCT shall consist of Jefferson Township and the City of Brandon.

FAIRBANK PRECINCT shall consist of Fairbank Township and the City of Fairbank which lies within the boundaries of Buchanan County.

HAZLETON PRECINCT shall consist of Hazleton Township and the City of Hazleton.

INDEPENDENCE 1<sup>ST</sup> WARD PRECINCT shall consist of Washington Township and the City of Independence First Ward as drawn by the City of Independence.

INDEPENDENCE 3<sup>RD</sup> WARD PRECINCT shall consist of Sumner Township and the City of Independence Third Ward as drawn by the City of Independence.

JESUP PRECINCT shall consist of the City of Jesup which lies within the boundaries of Buchanan County.

PERRY/WESTBURG PRECINCT shall consist of Perry Township and Westburg Township.

QUASQUETON PRECINCT shall consist of Liberty Township, Middlefield Township, Newton Township and the City of Quasqueton.

ROWLEY PRECINCT shall consist of Cono Township, Homer Township and the City of Rowley.

WINTHROP PRECINCT shall consist of Byron Township, Fremont Township and the City of Winthrop.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance and the precinct boundaries established herein shall become effective January 15, 2022.

Passed and adopted.

Motion by Gissel second by Ohrt to approve the minutes of the January 10 meeting and work session January 10 & 13 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans for: D & L Hogs, LLC, Fremont Township, Section 16; Doug Reck, Byron Township, Section 25; Bacon Barns, LLC, Perry Township, Section 25. All in favor motion carried.

Supervisor Ohrt presented letter for the Depot Covenant. After research it was determined that Buchanan County is removed from the Covenant and all obligations and responsibilities have been transferred to Buchanan County Tourism. Motion by Ohrt second Gissel to approve the letter, all in favor motion carried.

The Board met with Community Services Director Julie Davison to review requested items for reductions of fund balance. After discussion motion by Gissel second by Ohrt to approve the expenditures with changes. All in favor motion carried.

The Board met with County Auditor Kris Wilgenbusch to review budgets. No action taken. Motion by Ohrt second by Gissel to adjourn at 12:26 pm. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**January 18, 2022**

The Buchanan County Board of Supervisors met in a work session at 8:30 am on Tuesday, January 18, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Board met with County Treasurer Gina Mether to review fiscal year 2023 budget request. No action taken.

The Board met with IT Director Jason Vandenburg to review fiscal year 2023 budget request. No action taken.

The Board reviewed miscellaneous fiscal year 2023 budgets request. No action taken.

The Board met with Public Health Director Tai Burkhart to review fiscal year 2023 budget request. No action taken.

The Board met with Emergency Management Coordinator Rick Wulfekuhle and E911 Coordinator Chris Hare to review fiscal year 2023 budget request. No action taken.

Motion by Gissel second by Ohrt to adjourn at 3:529pm. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

### **January 19, 2022**

The Buchanan County Board of Supervisors met in a work session at 12:30 pm on Wednesday, January 19, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Board met with Community Service Director Julie Davison to review fiscal year 2023 budget request. No action taken.

Motion by Gissel second by Ohrt to adjourn at 2:19 pm. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

### **January 21, 2022**

The Buchanan County Board of Supervisors met in a work session at 8:30 am on Friday, January 21, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Board met with County Engineer Brian Keierleber to review fiscal year 2023 budget request. No action taken.

The Board met with Zoning/Environmental Health Director Chad Beatty to review fiscal year 2023 budget request. No action taken.

The Board met with Sheriff Scott Buzynski to review fiscal year 2023 budget request. No action taken.

Motion by Gissel second by Ohrt to adjourn at 1:14 pm. All in favor motion carried.  
**January 24, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, January 24, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve the minutes of the January 17, 18, 19 and 21, 2022 meeting and work sessions. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$550.00. All in favor motion carried.

Motion by Ohrt second by Gissel to approve Gary Waters to the Airport Zoning Commission. All in favor motion carried.

Motion by Ohrt second by Gissel to set the following zoning public hearings. All in favor motion carried.

**RESOLUTION 22-5  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 21-R & C-1  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Perry Township, Section 8, 3 acres +/- from "A-1" agricultural to "R-1" residential and "C" Commercial

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The East ½ of the Northeast ¼ and the East ½ of the West ½ of the Northeast ¼ of Section 8, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M. in Buchanan County, Iowa, EXCEPT land deeded to Buchanan County Conservation Board in Book 309, Page 408 and EXCEPT Parcel G in

the Northeast ¼ of Section 8, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M., in Buchanan County, Iowa, as shown in Plat of Survey in File No. 2017R01874. Exact legal to be determined by Plat of Survey.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:20 a.m. on February 7, 2021 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 24<sup>th</sup> day of January 2022.

**RESOLUTION 22-6  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-R-2  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Perry Township, Section 30, 2.73 acres +/- from "A-1" agricultural to "R-1" residential

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcels F and G in the Southwest ¼ of Section 30, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa as described in Plat of Survey in File No. 2020R03889

Subject to 10' Wide ingress/egress easement shown on Plat of Survey in File No. 2020R03889 (Parcel F)

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:30 a.m. on February 7, 2021 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 24<sup>th</sup> day of January 2022.

**RESOLUTION 22-7  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-A-3  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Liberty Township, Section 17, 6.86 acres +/- from "A-1" agricultural to "A-2" residential

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Northeast ¼ of the Northwest ¼ in Section 20; and that portion lying South of the road in the Southeast corner of the Southeast ¼ of the Southwest ¼ of Section 17; all in Township 88 North, Range 8 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa, except Parcel G in the Northeast ¼ of the Northwest ¼ of

Section 20, Township 88 North, Range 8 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa, as described in Plat of Survey in File No. 2017R03184.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:40 a.m. on February 7, 2021 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 24<sup>th</sup> day of January 2022.

The Board of Supervisors met with Winthrop Mayor Gerald Dennie and County Engineer Brian Keierleber regarding construction on 1<sup>st</sup> Street in the City of Winthrop. After discussion motion by Gissel second by Ohrt to approve the construction project of approximately \$60,929 and a 28(E) agreement be signed.

At 9:15 am Public Hearing was held to review and approve the temporary election districts, final approval will be done upon approval from the Secretary of State. Public present were John Klotzbach, Brian Keierleber, Amber Lorenzen, Dawn Vogel and Pete Gummer. Motion by Ohrt second by Gissel to close the public hearing. Motion by Gissel second by Ohrt to approve the following resolution. All in favor motion carried.

### **Buchanan County Redistricting Resolution 22-8**

Buchanan County is a Plan One County. In Plan One Counties the board of supervisors is elected by supervisor At-Large position.

District 1 – All Fairbank Township, INCLUDING the City of Fairbank, only residents residing in Buchanan County. Total Population – 1,783

District 2 – All of Hazleton Township, INCLUDING the City of Hazleton. Total Population – 1,577

District 3 – All of Buffalo Township, Madison Township, City of Lamont, City of Aurora and City of Stanley, only for residents residing in Buchanan County. Total Population – 1,102

District 4 – All of Perry Township, Westburg Township, EXCLUDING the City of Jesup. Total Population – 1,304

District 5 – All of the City of Jesup, ONLY residents residing in Buchanan County. Total Population – 2,335

District 6 – All of Jefferson Township, INCLUDING the City of Brandon. Total Population – 820

District 7 – All of Homer Township and Cono Township, INCLUDING the City of Rowley. Total Population – 912



District 8 – All of Byron Township and Fremont Township, INCLUDING the City of Winthrop, INCLUDING the residents residing within the City limits of Winthrop living in Liberty Township. Total Population 1,335

District 9 – All of Liberty Township EXCLUDING residents within the City of Winthrop, Middlefield Township and Newton Township. Total Population – 1,813

District 10 – All of Washington Township, Sumner Township and City of Independence. Total Population – 7,586

**BE IT RESOLVED** the Buchanan County Board of Supervisors hereby approves and adoption of Resolution 2022-7 regarding the temporary districts in Buchanan County. Final approval will be done by resolution, upon approval from the Secretary of State.

PASSED AND ADOPTED this 24th day of January 2022.

Motion by Ohrt second by Gissel to adjourn at 12.26 PM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

**January 31, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, January 31, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the minutes of the January 31, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with the County Auditor for \$354,163.27. All in favor motion carried.

Motion by Gissel second by Ohrt to approve tentative agreement with Sheriff's Department and Teamsters Local 238. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans for Hillside Partners, LLC, Middlefield Township, Section 21. All in favor motion carried.

Motion by Gissel second by Ohrt to approve resolution regarding a Memorandum of Settlement reached during Mediation in Buchanan County Iowa vs. City of Hazleton Iowa, LACV009939. All in favor motion carried.

### **RESOLUTION 22-9**

WHEREAS, a Memorandum of Settlement reached during Mediation in Buchanan County Iowa vs. City of Hazleton Iowa, LACV009939

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Buchanan County, Iowa, met in closed session on June 28 at 9:35 am to discuss the memorandum of settlement and authorize the county attorney's office to file the necessary documents with the court. Motion to approve memorandum by Gissel, second Shonka. All in favor motion carried.

WHEREAS, THE MEMORANDUM STATES: On this 22 day of June 2021, the undersigned parties agreed to settlement of their dispute through voluntary mediation on the following operative terms and conditions:

1. Subject to final approval and resolution by each entity's appropriate board or council the City of Hazleton and Buchanan County agree to the payment for road repaving, water line replacement/improvement and curbing completed in approximately 2018 [known as the C57Project] for the total sum of \$565, 000.

2. A good faith down payment of \$ 65,000 shall be made by the City of Hazleton on execution of Resolution approving this agreement, then \$50,000 annually interest free for ten years until paid in full.

3. Plaintiff shall execute a Release and authorize the filing of a Dismissal with Prejudice and any other documentation necessary to complete this settlement.

4. This settlement includes all claims, known or unknown, related to the dispute as set forth in more detail in the Petition filed in Buchanan County District Court, which gave rise for this mediation.

5. Each party will put this issue on their board or council agenda for approval as soon as practicable. The parties agree to cooperate with all necessary actions to complete this agreement in a timely manner.

6. Each party will bear its own legal costs, fees and expenses for this matter. Cost of mediation will be divided equally.

7. Other provisions: Both parties agree that all discussions leading up to this agreement shall be kept confidential as provided by Iowa law.

WHEREAS, the Buchanan County Board of Supervisors approve this formal resolution on this 31<sup>st</sup> day of January 2022.

The Board met with County Auditor Wilgenbusch to discuss budgets. Motion by Ohrt second by Gissel to increase allocation funding by three percent for the libraries. All in favor motion carried.

Motion by Ohrt second by Gissel to adjourn at 10:23 PM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

### **February 7, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, February 7, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the minutes of the January 31, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with the County Auditor for \$269.70. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly reports from Jail \$15,537.07, December; \$24,732.19, January. All in favor motion carried.

Motion by Ohrt second by Gissel to approve salary resolution for elected officials. All in favor motion carried.

### **RESOLUTION 22-10**

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

<u>Elected Official</u>	<u>Current Salary</u>	<u>Proposed Increase</u>	<u>Recommended Salary</u>
Auditor	\$68,986.86	\$3,033.00	\$72,019.86
County Attorney	\$105,778	\$4,246.00	\$110,025.00
Recorder	\$66,831.02	\$2,768.00	\$69,599.02
Sheriff	\$89,736.82	\$5,300.00	\$95,037.00
Supervisors	\$39,420.96	\$5,579.00	\$45,000.00
Treasurer	\$66,831.02	\$3,715.00	\$70,546.02

THEREFORE, BE IT RESOLVED that the Buchanan County Board of Supervisors adopts the salary recommendations for elected officials for the fiscal year beginning July 1, 2022 as recommended by the Buchanan County Compensation Board.

Passed this 7<sup>th</sup> day of February 2022.

Motion by Ohrt second by Gissel to approve Coleen McDowell as Cono Township Trustee. All in favor motion carried.

Motion by Ohrt second by Gissel to approve minor plat for Kevin and Nancy Kress

#### **RESOLUTION 22-14**

**WHEREAS**, a minor plat request was filed by Kevin B. and Nancy A. Kress proposing a minor plat of +/- 2.66 total acres; and

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Michael Grover Minor Plat, is approved as described as follows:

Commencing at the Northeast corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 31, Township 88 North, Range 8 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa; thence North  $89^{\circ}16'54''$  West, 874.80 feet along the North line of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 31 to the point of beginning; thence continuing North  $89^{\circ}16'54''$  West, 450.00 feet to the West line of said Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  then along said West line South  $00^{\circ}16'31''$  East, 225.00 feet; thence South  $89^{\circ}16'54''$  East, 450.00 feet; thence North  $88^{\circ}51'03''$  East, 874.60 feet to the East line of the Northeast  $\frac{1}{4}$  of said Section 31; thence along said East line North  $00^{\circ}13'13''$  West, 16.50 feet; thence South  $88^{\circ}51'03''$  West, 874.60 feet; thence North  $00^{\circ}16'31''$  West, 208.50 feet to the point of beginning.

Passed this 7<sup>th</sup> day of February 2022.

Motion by Gissel second by Ohrt to place on file manure management plans for Doug Reck, Byron Township, Section 25; Indy, Byron Township, Section 19; L & S Monaghan Farms, Inc, Middlefield Township, Section 35; Meyers Pork, Buffalo Township, Section 26; Quasky Site, Cono Township, Section 12; Tenderloin Ranch LLC, Middlefield Township, Section 13; Wulfekuhle Site, Newton Township, Section 24; WB Farms Section 27, Fairbank Township, Section 27; WB Farms Section 33, Perry Township, Section 33. All in favor motion carried.

The Board met with Auditor Kris Wilgenbusch to review revenues received from Local Option Sales Tax. No action taken.

At 9:15 am a public hearing was held regarding the vacation of a portion of Nelson Ave. Motion by Ohrt second by Gissel to close public hearing at 9:16 am. All in favor motion carried.

### **RESOLUTION 22-15 and NOTICE OF PUBLIC HEARING**

BE IT RESOLVED that a hearing on the vacation and closure of a road in Buchanan County was held at 9:15 a.m. on the 7<sup>th</sup> day of February 2022 at the Board of Supervisors Chambers of the Courthouse in Independence, Iowa and that the County Auditor cause notice of said time and place of hearing and location of said road to be published not less than four (4) nor more than twenty (20) days prior to the date of hearing.

The proposed road closing is described as:

The West Half of the South 464 feet along the centerline of 66 feet wide Nelson Avenue lying adjacent to the North Right of Way of U.S. Highway 20 and adjacent to the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 6, Township 88 North, Range 8 West of the 5<sup>th</sup> P.M. in Buchanan County, Iowa.

The East Half of the South 464 feet along the centerline of 66 feet wide Nelson Avenue lying adjacent to the North Right of Way of U.S. Highway 20 and adjacent to: Commencing at a point 775 feet North of the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  , thence East 303 feet, thence South 440 feet, thence West 303 feet, thence North 440 feet to the place of beginning AND Commencing at a point 335 feet North of the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , thence East 303 feet, thence South 305 feet to U.S. Highway 20, thence along said Highway 20 a distance of 305 feet, thence North 227 feet to point of beginning, all in Section 6, Township 88 North, Range 8 West of the 5<sup>th</sup> P.M. in Buchanan County, Iowa.

Whereas, the Buchanan County Board of Supervisor approve the resolution. Motion by Gissel, second by Ohrt.

Ohrt: Yay  
Gissel: Yay  
Shonka: Yay

Passed this 7<sup>th</sup> day of February 2022

At 9:20 am the public hearing for the rezoning request from Alan Trebon of property located in Perry Township, Section 8, 3 acres +/- from "A-1" agricultural to "R-1" residential and "C" Commercial. Present were Pete Gaumer, Rodger Sill, John Klotzbach, Lisa Kremer, Teegan McEnany, Scott Buzynksi, Dan Walter, Chris Hare, Rick Wulfekuhle and Mitch Munson. Motion by Gissel second by Ohrt to close public hearing at 9:25 am. All in favor motion carried.

### **RESOLUTION 22-11**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 7<sup>th</sup> day of February 2022.

UPON MOTION made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

### **ZONING ORDINANCE AMENDMENT 22-R & C-1 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Perry Township, Section 8, 3 acres +/- from "A-1" agricultural to "R-1" residential and "C" Commercial

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The East ½ of the Northeast ¼ and the East ½ of the West ½ of the Northeast ¼ of Section 8, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M. in Buchanan County, Iowa, EXCEPT land deeded to Buchanan County Conservation Board in Book 309, Page 408 and EXCEPT Parcel G in the Northeast ¼ of Section 8, Township 89 North, Range 10 West of the 5<sup>th</sup>

P.M., in Buchanan County, Iowa, as shown in Plat of Survey in File No. 2017R01874.  
Exact legal to be determined by Plat of Survey.

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 7<sup>th</sup> day of February 2022.

At 9:30 am a public hearing for the rezoning request from Mitch Munson of property located in Perry Township, Section 30, 2.73 acres +/- from "A-1" agricultural to "A-2" agricultural. Present were Pete Gaumer, Rodger Sill, John Klotzbach, Lisa Kremer, Teegan McEnany, Scott Buzynksi, Dan Walter, Chris Hare, Rick Wulfekuhle and Mitch Munson. Motion by Gissel second by Ohrt to close public hearing at 9:34 am.

### **RESOLUTION 22-12**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 7<sup>th</sup> day of February 2022.

UPON MOTION made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

### **ZONING ORDINANCE AMENDMENT 22-A-2 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Perry Township, Section 30, 2.73 acres +/- from "A-1" agricultural to "A-2" agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcels F and G in the Southwest ¼ of Section 30, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa as described in Plat of Survey in File No. 2020R03889

Subject to 10' Wide ingress/egress easement shown on Plat of Survey in File No. 2020R03889 (Parcel F)

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 7<sup>th</sup> day of February 2022.

At 9:40 am a public hearing was held for the rezoning request from Daron Cornell of property located in Liberty Township, Section 17, 6.86 acres +/- from "A-1" agricultural to "A-2" agricultural. Present were Pete Gaumer, Rodger Sill, John Klotzbach, Lisa Kremer, Teegan McEnany, Scott Buzynksi, Dan Walter, Chris Hare, Rick Wulfekuhle and Mitch Munson. Motion by Gissel and second by Ohrt to close public hearing at 9:44 am. All in favor motion carried.

### **RESOLUTION 22-13**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 7<sup>th</sup> day of February 2022.

UPON MOTION made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

### **ZONING ORDINANCE AMENDMENT 22-A-3 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Liberty Township, Section 17, 6.86 acres +/- from "A-1" agricultural to "A-2" residential

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:



The Northeast ¼ of the Northwest ¼ in Section 20; and that portion lying South of the road in the Southeast corner of the Southeast ¼ of the Southwest ¼ of Section 17; all in Township 88 North, Range 8 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa, except Parcel G in the Northeast ¼ of the Northwest ¼ of Section 20, Township 88 North, Range 8 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa, as described in Plat of Survey in File No. 2017R03184.

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 7<sup>th</sup> day of February 2022.

The Board met with Deputy Daniel Walter and Sheriff Scott Buzynski to discuss funding for Buchanan County Sheriff's Office Rescue Program. Motion by Ohrt and second by Gissel to direct the Sheriff's Office to apply for outside funding/grant for the purchase of a cardiac monitor. Once that is completed the Board of Supervisors will award or match with American Rescue Plan funding. All in favor motion carried.

Supervisor Ohrt presented information regarding repairs to courthouse parking lot. After discussion motion by Gissel second Ohrt to approve using American Rescue Plan Funding in the amount of \$130,932.00. All in favor motion carried.

Supervisor Ohrt read through previous approved projects for American Rescue Plan Funding. No action taken.

Supervisor Ohrt brought to discussion using American Rescue Plan Funds for funding for Buchanan County Tourism to hire a Tourism Director. After discussion motion by Ohrt second by Gissel to approve paying Buchanan County Tourism, \$165,000 to fund the hiring of a Tourism Director, payments will be made equally over a three-year period. All in favor motion carried.

#### **Resolution 22-16**

#### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT.**

**WHEREAS**, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

**WHEREAS**, Buchanan County applied for and has been received the first tranche of funds for the American Rescue Plan Act totaling \$4,113,006.00.

**WHEREAS**, the Buchanan County Board of Supervisors has reviewed some requests and determined some that will qualify for the American Rescue Plan Act and

**WHEREAS**, based on the distribution guidelines from the US Department of Treasury, the following projects have been approved for the use of said funds:

- Courthouse Parking lot reconstruction \$130,932.00
- Buchanan County Tourism for the hiring of a Director \$165,000 divided over 3 years.

**BE IT RESOLVED** that the Buchanan County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the items listed and authorizes the Auditor to make these payments as they are presented.

PASSED AND ADOPTED this 7th day of February, 2021

Supervisor Ohrt presented information regarding State Historical Society of Iowa Field Service Program. After discussion motion by Ohrt second by Gissel to approve proceeding with services from State Historical Society of Iowa Field Service Program to review the structure of the Buchanan County Courthouse. All in favor motion carried.

Motion by Shonka second by Ohrt to adjourn at 11:12 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**February 14, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, February 14, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the minutes of the February 14, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with the County Auditor for \$926,520.50. All in favor motion carried.

Motion by Ohrt second by Gissel to election claims filed with County Auditor for \$1,385.63. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly report from Recorder's Office for \$13,385.65. All in favor motion carried.

Motion by Gissel second by Ohrt to approve liquor license for JJAM Racing, Inc. dba Independence Motor Speedway. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the minor plat for Richard Byersdorfer. All in favor motion carried.

### **RESOLUTION 22-17**

**WHEREAS**, a minor plat request was filed by Richard Byersdorfer proposing a minor plat of +/- 7.509 total acres; and

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Commencing at the West ¼ corner of Section 22, thence North 89°09'32" East (assumed bearing), 1,075.22 feet along the North line of the Southwest ¼ of said section to the point of beginning; thence continuing North 89°09'32" East, 851.57 feet along said North line to the Northwest corner of a parcel of land as shown and described in plat of survey recorded May 8, 1992 in Book 535 on Page 407 on file in the Buchanan County Recorder's Office, Independence, Iowa; thence South 00°03'28" East 297.68 feet along the West line of said parcel of land to the Southwest corner thereof; thence South 77°42'29" West, 871.09 feet; thence North 00°04'47" West, 470.63 feet to the point of beginning all in Township 90 North, Range 10 West of the 5th P.M., Buchanan County, Iowa.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Richard Byersdorfer Minor Plat, is approved as described as follows:

Roll Call: Ohrt – Yay; Gissel – Yay and Shonka – Yay

Passed this 14<sup>th</sup> day of February 2022.

Motion by Ohrt second by Gissel to approve the hiring of Brittney Brecht as Administrative Assistant Deputy, Sheriff's Office at \$44,868.41. All in favor motion carried

Motion by Gissel second by Ohrt to approve the hiring of Rita Smith as Accounts Payable Clerk, Auditor's Office at \$16.58 per hour. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for Pech South, Fremont Township, Section 19; Ries Site, Middlefield Township, Section 24. All in favor motion carried.

The Board met with Community Service Director Julie Davison regarding fund balance. After discussion motion by Gissel second by Ohrt to approve second round of request for MHDS funding for Independence Community, East Buchanan Community School, Buchanan County Health Center Buchanan and Buchanan County Community Services. Roll call: Ohrt – Yay, Gissel – Yay and Shonka – Yay. All in favor motion carried.

The Board met with Emergency Management Director Rick Wulfekuhle and E911 Director Chris Hare to discuss the purchase of command trailer. Motion by Gissel second by Ohrt to approve the purchase of the command trailer with American Rescue Plan Funds. Roll call: Ohrt – Yay, Gissel – Yay and Shonka – Yay. All in favor motion carried.

The Board proceeded to canvass the City of Independence Special Election for council person At-Large. Motion by Ohrt second by Gissel to approve the canvass. Roll call: Ohrt – Yay, Gissel – Yay and Shonka – Yay. All in favor motion carried.

Supervisor Ohrt presented information regarding a possible blood drive for county employees and families. After discussion no action taken.

Supervisor Ohrt presented information regarding architecture proposals regarding bathroom remodeling at the courthouse. Motion by Ohrt second Gissel to approve Demmer Architecture to proceed with restrooms remodel project. Roll call: Ohrt – Yay, Gissel – Yay and Shonka – Yay. All in favor motion carried.

Motion by Gissel second by Ohrt to approve settlement agreement with American Family Mutual Insurance Company, subrogee of Scott Williams vs. Buchanan County, Kendrick Long, SCSC025789. Roll call: Ohrt – Yay, Gissel – Yay and Shonka – Yay. All in favor motion carried.

Motion by Gissel second by Ohrt to approve 28E agreement with the City of Winthrop regarding construction on W-45 also known as First Street South. Roll call: Ohrt – Yay, Gissel – Yay and Shonka – Yay. All in favor motion carried.

Board met with County Engineer Brian Keierleber regarding rental of bridge deck equipment. After discussion the Board directed Keierleber to prepare a rental agreement and report back to the Board.

County Engineer Brian Keierleber presented information regarding shoulders on Quasqueton Diagonal Boulevard. No action taken.

Motion by Gissel second by Ohrt to adjourn at 10:32 AM. All in favor motion carried.

Don Shonka, Chairman

Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

**February 22, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, February 22, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve the minutes of the February 14, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$2,951.64. All in favor motion carried.

Motion by Ohrt second by Gissel to approve Post-Election Audit report for the Independence Special Election. All in favor motion carried.

Motion by Gissel second by Ohrt to approve liquor license for Buchanan County Fair Association and Denali's LLLC dba Denali's on the River. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of Klint Bentley, Deputy Sheriff effective February 11, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the minor plat for Ed Larson/Three Elms Development. All in favor motion carried.

**RESOLUTION 22-18**

**WHEREAS**, a minor plat request was filed by Ed Larson/Three Elms Development, LLC proposing a minor plat of +/- 3.49 total acres; and

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

PARCEL "V" IN THE SE ¼ OF SECTION 10 AND THE SW ¼ OF SECTION 11, TWP 88 NORTH, RANGE 9 WEST OF THE 5TH P.M., BUCHANAN COUNTY IOWA

PARCEL "V" DESCRIPTION:

COMMENCING AT THE CENTER ¼ CORNER OF SECTION 10, TOWNSHIP 88 NORTH, RANGE 9 WEST OF THE 5<sup>TH</sup> P.M., BUCHANAN COUNTY IOWA; THENCE N88°15'37"E, 2681.85 FEET ALONG THE NORTH LINE OF THE SE ¼ OF SAID SECTION 10 TO THE EAST ¼ CORNER OF SAID SECTION 10; THENCE S01°44'23"E, 73.96 FEET TO THE POINT OF BEGINNING; THENCE S67°48'36"W, 526.50 FEET; THENCE S24°12'18"W, 172.20 FEET TO THE NORTH LINE OF U.S. HIGHWAY 20; THENCE ALONG SAID NORTH LINE N84°58'04"E, 564.75 FEET; THENCE S79°54'23"E, 84.70 FEET TO THE CENTER LINE OF THREE ELMS PARK ROAD. THENCE ALONG SAID CENTERLINE N10°27'19"E, 299.94 FEET; THENCE N79°32'41"W, 144.69 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 3.49 ACRES INCLUDING 0.28 ACRES OF PUBLIC ROAD RIGHT OF WAY.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, Ed Larson/Three Elms Development, LLC the Minor Plat, is approved as described as follows:

Roll Call:

Gissel – Yay  
Ohrt – Yay  
Shonka - Yay

Passed this 22<sup>nd</sup> day of February 2022.

Motion by Gissel second by Ohrt to place on file manure management plans for F & F Pork, Liberty Township, Section 25. All in favor motion carried.

The Board met with John Evers regarding Buchanan County IMWCA renewal. After discussion no action was taken. Renewal will be July 1, 2022.

The Board discussed the request for moving furniture from the Clerk of Court for the permanent judge. After discussion motion by Gissel second by Ohrt to have the court system move the furniture for the incoming permanent judge. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the fund transfer. All in favor motion carried.

**RESOLUTION 22-19**

BE IT RESOLVED that the Buchanan County Board of Supervisors approves the following operating fund transfers:

1. Rural Services to Secondary Roads \$954,519.00
2. General Fund to General Supplement \$500,000.00
3. General Fund to Conservation Reserve Fund \$10,000.00
4. General Fund to Capital Project Fund \$20,000.00

Passed this 22<sup>rd</sup> day of February 2022.

Roll Call:

Gissel – Yay

Ohrt – Yay

Shonka - Yay

Discussion was held regarding wall repair at the Senior Center. After discussion Supervisor Shonka will reach out to contractors to look at project and submit a bid.

County Engineer Brian Keierleber presented information from the City of Fairbank regarding an overlay project on V-62 by Fairbank. The project would be a short quarter of a mile. No action taken.

The Board reviewed the proposed 28E with City of Brandon. After discussion no action taken, until further information is available.

Motion by Ohrt second by Gissel to adjourn at 10:15 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**February 28, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, February 28, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve amending the agenda to add budget discussion. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the minutes of the February 22, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with the County Auditor for \$287,309.90. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the hiring of Dawn Vogel, part-time Office Manager Conservation Department, start date to begin when background check is received. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans for Bill Schmitz Farm, Blackhawk County, Fox Township, Section 21. All in favor motion carried.

The Board reviewed the contract presented by B.G. Brecke for maintenance on the courthouse HVAC system. After discussion motion by Gissel second by Ohrt to approve the three-year contract, in the amount of \$43,176.00, payments to be made quarterly. All in favor motion carried.

The Board met with Leanne Harrison, Buchanan County Certified Local Government. Harrison presented the annual report after discussion motion by Ohrt second by Gissel to approve the annual report and authorize the chair to sign. All in favor motion carried.

The Board met with Conservation Director Dan Cohen to discuss the TAP grant application. If accepted these funds will covered eighty percent of the trail project. Cohen is hoping to receive additional grant for the remainder of the funding for the project. After discussion motion by Gissel second by Ohrt to approve the letter of support. All in favor motion carried.

The Board met with IT Director Jason Vandenburg to discuss camera system in the jail. The old system needs to be upgraded along with additional cameras approximate cost of \$70,000.00. After discussion additional funding will be researched either to use American Rescue Plan Funds and/or Mental Health Fund Balance. To be placed on the agenda at a later date.



County Engineer Brian Keierleber presented information regarding railroad crossing south of Fairbank. A grant application for funds to repair railroad crossing. Motion by Ohrt second by Gissel to have Keierleber to proceed with funding application. All in favor motion carried.

Keierleber presented information regarding D62 project in Fairbank. After discussion motion by Gissel second Ohrt to have Keierleber proceed with the project. Approximate cost of the project is \$130,000. All in favor motion carried.

The Board discussed budgets, after discussion no action taken.

Motion by Ohrt second by Gissel to adjourn at 10:15 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**March 7, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, March 7, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve the minutes of the February 28, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$638.55. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly report from Jail for \$17,615.45; Recorder for \$9,991.38 All in favor motion carried.

Motion by Gissel second by Ohrt to approve resignation of Pam Albert, County Attorney's Office effective March 25, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to 1st tier canvass from the Jesup Community School Special Election. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for HST LLC, Hazleton Township, Section 35; Erickson, Middlefield Township, Section 30; Alan Wulfekuhle-Outback, Middlefield Township, Section 35; Ringold, Cono Township, Section 35; Steve Copenhaver, Washington Township, Section 1; F & F Pork, Liberty Township, Section 25; Tyler & Dexter Paris, Buffalo Township, Section 34; Five Sisters LLC, Sumner Township, Section 19; Fremont Land Farms LC, Fremont Township, Section 2; Five Sisters-Blin, Sumner Township, Section 30; Mike Robinson, Madison Township, Section 21. All in favor motion carried.

County Auditor Kris Wilgenbusch presented information requiring a resolution be passed regarding Township Trustee and Clerk pay. After discussion the Board requested a resolution be drafted and presented next week.

Community Service's Director Julie Davison presented a Memorandum of Understanding with East Central Iowa Region. After discussion motion by Gissel second by Ohrt to approve the Memorandum of Understanding. All in favor motion carried.

The Board met with IT Director Jason Vandenburg & Sheriff Scott Buzynski regarding camera system in the jail. After discussion motion by Gissel second by Ohrt to update the camera system for \$85,625.00 using American Rescue Plan Funds.

### **Resolution 22-22**

#### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT.**

**WHEREAS**, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

**WHEREAS**, Buchanan County applied for and has been received the first tranche of funds for the American Rescue Plan Act totaling \$4,113,006.00.

**WHEREAS**, the Buchanan County Board of Supervisors has reviewed some requests and determined some that will qualify for the American Rescue Plan Act and

**WHEREAS**, based on the distribution guidelines from the US Department of Treasury, the following projects have been approved for the use of said funds:

- Security Cameras in the jail \$85,625.00

**BE IT RESOLVED** that the Buchanan County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the items listed and authorizes the Auditor to make these payments as they are presented.

PASSED AND ADOPTED this 7th day of March, 2022

Motion by Ohrt second by Gissel to adjourn at 9:41 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**March 8, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, March 8, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to set the Public Hearing for Max Levy Notice at March 21, 2022 at 9:15 AM.

Motion by Ohrt second by Gissel to adjourn at 10:04 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**March 14, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, March 14, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the minutes of the March 7 & 8, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$287,688.33. All in favor motion carried.

Motion by Ohrt second by Gissel to 2<sup>nd</sup> tier canvass from the Jesup Community School Special Election. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Health Insurance monthly report for January. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the resignation of Glen Peck, Fremont Township Trustee. All in favor motion carried.

The Board met with Karen Stephenson, Deputy Auditor to review Sheriff's Union Agreement. After discussion motion by Gissel second by Ohrt to approve the agreement. On roll call: Ohrt – Yay, Gissel – Yay, Shonka – Yay. Motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for Hawg Heaven, Homer Township, Section 22; Skyline Pork, LLC, Westburg, Section 36; Eagle Ridge of Iowa LLC, Byron, Section 9; WB Farms Inc., Perry Township, Section 21, WB Farms Inc., Section 15, Perry Township. All in favor motion carried.

County Auditor Kris Wilgenbusch presented information on a resolution regarding Township Trustee and Clerk pay. After discussion motion by Ohrt second by Gissel to approve the resolution. All in favor motion carried.

### **RESOLUTION 22-20 TOWNSHIP TRUSTEE AND CLERK COMPENSATION**

**WHEREAS**, the Buchanan County Board of Supervisors currently authorizes that all Township Trustees and Clerks be compensated at the rate of \$25.00 per meeting, and

**WHEREAS**, the Board has not given any direction in the past as to the expected frequency of meeting for either Township Trustees or Clerks, and

**WHEREAS**, the Board of Supervisors now wishes to set a level of expectation as to the number of compensated meetings per fiscal year for Township Trustees and Clerks.

**NOW THEREFORE BE IT RESOLVED** that the Buchanan County Board of Supervisors authorizes the following compensation and minimum/maximum number of meetings be set as follows:

1. All Township Trustees will be compensated \$25.00 for each official meeting they attend. Trustees are expected to attend a minimum of three (3) meetings per fiscal year (Budget, Pre-Budget and Financial Report) with a maximum number of five (5) county paid meetings per fiscal year. The maximum number of county paid meetings may only be exceeded in any particular year by prior approval of the Board of Supervisors.

2. Clerks are expected to conduct work sessions to update township receipts, disbursements and other official records. Only Township Clerks will be compensated for said work sessions and said sessions are limited to twelve (12) per fiscal year with pay at \$15.00 per month. All Township Clerks will also be compensated for three (3) official meetings per year (Pre-Budget, Budget and Financial Report) with a maximum number of five (5) county paid meetings per fiscal year. The maximum number of county paid meetings may only be exceeded in any particular year by prior approval of the Board of Supervisors.

3. All Township Trustees and Clerks shall turn in their completed timesheets to the County Auditor's Office in a timely manner.

Roll Call:

Don Shonka - Yay

Gary Gissel - Yay

Clayton Ohrt - Yay

Passed on March 14, 2022

The Board discussed the street assessment received from the City of Independence. After discussion motion by Ohrt second by Gissel to approve making first payment of \$1,175.50 due September 1, 2022 to the City of Independence for the street assessment. Remaining payments will be budgeted for fiscal year 2024.

Motion by Gissel second by Ohrt to approve setting public hearing for zoning for Allen Stutzman to rezone 7.25 acres +/- from "A-1" agricultural to "A-2" agricultural. All in favor motion carried.

**RESOLUTION 22-23  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-A-4  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 34, 7.25 acres +/- from "A-1" agricultural to "A-2" agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The North ½ of the NW ¼ of Section 34, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa, except ½ acre for cemetery in the Northwest corner of the Northwest Quarter (NW ¼) of said Section 34. AND the Se ¼ of the NE ¼ of Section 33, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa AND The 7-foot by 19-foot area upon which the windmill is located in the SW ¼ of the NE ¼ of Section 33, all in Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa, (this tract is 19 feet East and West and 7 feet North and South)

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:30 a.m. on March 28, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 14<sup>th</sup> day of March 2022.

Motion by Gissel second by Ohrt to approve setting public hearing for zoning for Bruening Rock Products, Inc. is requesting to rezone approximately 15 acres +/- from "A-1" Agricultural to "M" Manufacturing, to expand the existing Rock Quarry. All in favor motion carried.

**RESOLUTION 22-24  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-M-5  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Hazleton Township, Section 3, 15 acres +/- from "A-1" agricultural to "M" Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

NW fr ¼ of the NE ¼ except beginning at a point on the North line of section 3 Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, 509.35' Westerly of the NE corner of the NW fr ¼ of the NE ¼ of said Section 3, thence South 330.0', thence Westerly and parallel to the North line of said Section 3, 396.0', thence North 330.0' to the North line of said Section 3, thence Easterly along the North line of said Section 3, 396.0' to the point of beginning, and the SW ¼ of the NE ¼, except the E20 rods of the S 26 2/3 rods; the W 10 rods of the N 53 1/3 rods of the SE ¼ of the NE ¼ all in Section 3, Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, subject to public highways and easement

of record. AND NW fractional ¼ of the NW ¼ of Section 1 and the NE fractional ¼ of the NE 1/4, NW fractional ¼ of the NE ¼ and that part of the NE fractional ¼ of the NW ¼ lying E of the centerline of the existing county road, Section 2, all in Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa. Except Parcel “A” being a part of the Northwest ¼ of Section 1, Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, as described in Plat of Survey, Recorded as File No. 1994R04906.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:35 a.m. on March 28, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 14<sup>th</sup> day of March 2022.

Roll Call:

Ohrt – Yay

Gissel – Yay

Shonka – Yay

The Board discussed the proposed 28E agreement with the Buchanan County Library Association. After discussion no action was taken until further information is available.

The Board met with Brian Keierleber, County Engineer to discuss sale of bridges. After discussion motion by Ohrt second by Gissel to set April 4 at 9:10 am to open bids for the sale of Cono 13 42 06 (NBIS 81130), timber string/multi-beam or girder. All in favor motion carried.

The Board met with Brian Keierleber, County Engineer to review the 28E agreement with City of Fairbank. Motion by Gissel second by Ohrt to approve the 28E agreement and authorize the chair to sign. All in favor motion carried. Roll call: Gissel – Yay; Ohrt – Yay; and Shonka – Yay.

Motion by Ohrt second by Gissel to adjourn at 10:07 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**March 21, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, March 21, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the minutes of the March 14, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with the County Auditor for \$912.84. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the hiring of Jacob Schwarting, seasonal Conservation technician effective March 31, 2022 at \$14.00 per hour. All in favor motion carried.

Motion by Gissel second by Ohrt to approve hiring of Isaiah Dvorak, IT assistant at \$48,000 per year effective March 28, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the liquor license for JJAM Racing, Inc d/b/a Independence Motor Speedway. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the loss revenue resolution for the American Rescue Fund Act. All in favor motion carried.

### **22-30 RESOLUTION**

**WHEREAS** in March 2021, the federal government established the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and Tribal governments with the resources needed to respond to the pandemic and its economic effects; and

**WHEREAS** the US Department of the Treasury issued an Interim Final Rule implementing the SLFRF program on May 10, 2021, which included replacing lost revenue to County governments; and

**WHEREAS** on January 6, 2022, the Treasury issued final rules for the SLFRF program, including authorization for Counties to allocate up to \$10,000,000 of their total SLFRF allocation as lost revenue to spend on government services.

**NOW THEREFORE BE IT RESOLVED** that the Buchanan County Board of Supervisors approves of allocating \$4,113,006.00 (all) of its total SLFRF allocation as lost revenue to spend on government services. Resolution adopted this 21st day of March 2022.



Auditor Wilgenbusch presented information regarding a HAVA grant offered by the Iowa Secretary of State's office. After discussion motion by Ohrt second by Gissel for Wilgenbusch to proceed with the grant process to purchase election management software and authorize the chair to sign. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans Kevin Klotzbach, Washington Township, Section 24; Tom Erickson, Middlefield Township, Section 20; Schuman Site, Newton Township, Section 7; Hawg Heaven, Homer Township, Section 22. All in favor motion carried.

The Board discussed the 28E agreement with ISAC. After discussion motion by Ohrt second Gissel to approve the 28E agreement and authorize the chair to sign. All in favor motion carried.

Discuss and review Resolution for EMS. After discussion motion by Gissel second by Ohrt to approve the first reading of the resolution.

**RESOLUTION 22-31**  
**RESOLUTION DECLARING EMERGENCY MEDICAL SERVICES TO BE AN**  
**ESSENTIAL SERVICE**

**WHEREAS**, the Buchanan County Board of Supervisors has the authority under Iowa Code 331.301(1) to "...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents"; and

**WHEREAS**, Buchanan County supports EMS to its residents and seeks to provide Emergency Medical Services to all its citizens and visitors; and

**WHEREAS**, ensuring efficient and effective EMS coverage is essential for maintaining the health and welfare of its residents; and

**WHEREAS**, the Buchanan County Board of Supervisors recognizes the importance of maintaining and advancing the level of care, capability, and coverage of Emergency Medical Services (EMS) in Buchanan County; and

**WHEREAS**, on June 9, 2021, Iowa Senate File 615 was signed into law by Governor Reynolds, amending Iowa Code Section 422D.1, giving Iowa Counties the ability to declare EMS an essential service for their respective county, thereby making it possible for counties to propose additional funding sources for EMS to the county's voters at an election.

**WHEREAS**, Buchanan County Board of Supervisors, on May 23, 2022, directed that notice of the first meeting to consider this resolution be made and any other actions be taken as

necessary to proceed with the process under Iowa Code Section 422D.1 to declare EMS to be an essential county service.

**NOW, THEREFORE, BE IT RESOLVED** by the Buchanan County Board of Supervisors, that: Emergency Medical Services (EMS) is hereby declared an essential service in and for Buchanan County, Iowa, and the Buchanan County Board of Supervisors will exercise the necessary power and functions appropriate to preserve the health, safety, and welfare of Buchanan County residents and provide for an effective and efficient Buchanan County Emergency Medical Services (EMS) System that allows for quality care for the persons living, working or traveling in Buchanan County, Iowa. Exercising said necessary power and function includes, but is not limited to, the establishment of a Buchanan County emergency medical services advisory council and the proposition of a local option income surtax and/or ad valorem property tax to fund EMS to be voted upon by Buchanan County voters.

**NOW, BE IT FURTHER RESOLVED**, that adoption of this resolution will allow 1) For an election to be offered for voter approval of an ad valorem property tax not to exceed seventy-five cents per one thousand dollars of assessed value for EMS and 2) The creation of a county emergency medical services system advisory council to assist in researching / assessing the service needs of the county and guide implementation of the same under Iowa Code Section 422D.1.

**NOW, BE IT FURTHER RESOLVED**, if a proposition to fund EMS through either a local option surtax or ad valorem property tax, or some combination thereof, fails to receive a favorable vote by at least sixty percent of those voting on the question, this resolution shall be deemed null and void.

**HEREBY RESOLVED** by the Board of Supervisors for Buchanan County, Iowa, on this 21<sup>st</sup> day of March 2022.

Roll Call: Ohrt – Yay; Gissel – Yay; Shonka - Yay

Motion by Ohrt second by Gissel to set public hearing for utility easement with Buchanan County Conservation and

### **RESOLUTION 22-26 and**

### **NOTICE OF PUBLIC HEARING**

**WHEREAS**, Iowa Regional utilities Association has requested a limited easement for the placement and maintaining a rural water line; and

**WHEREAS**, said easement will be bored underneath the Conservation Board managed Fontana Park; and

**WHEREAS**, the Conservation Board recommends moving forward with a limited easement on the following described property:

Parcel G being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE1/4) and part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Sixteen (16), Township Ninety (90) North, Range Nice (9) West of the 5<sup>th</sup> P.M., Buchanan County, Iowa, as described in Plat of Survey in File No. 2020R00135

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors will hold a Public Hearing on Monday, March 28, 2022 at 9:15 a.m. Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 21<sup>st</sup> day of March 2022.

Public hearing for Max Levy for proposed property tax was held at 9:15 am, in attendance John Klozrbach and Dan Cohen. After discussion motion by Ohrt second by Gissel to close the public hearing. Motion by Gissel second by Ohrt to approve the max levy for proposed property tax levy for fiscal 2023. All in favor motion carried.

### **RESOLUTION 22-29**

#### Approval of FY23 Maximum Property Tax Dollars

**WHEREAS**, the Buchanan County Board of Supervisors have considered the proposed FY23 county maximum property tax dollars for both General County Services and Rural County Services, and

**WHEREAS**, a notice concerning the proposed county maximum property tax dollars was published as required and posted on the county website, and

**WHEREAS**, a public hearing concerning the proposed county maximum property tax dollars was held on Monday, March 21, 2021.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County that the maximum property tax dollars for General County Services and Rural County Services for FY22 shall not exceed the following:

General County Services – \$6,492,780

Rural County Services - \$2,474,431

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY23 does not represent an increase of 102% from the Maximum Property Tax dollars requested in FY22.

Roll Call Vote:

Ayes – Shonka, Gissel and Ohrt

Nays – None

Passed and adopted this 21<sup>st</sup> day of March 2021.

Motion by Gissel second by Ohrt to set public hearing for proposed budget for April 4, 2022 at 9:15 am. All in favor motion carried.

Auditor Kris Wilgenbusch presented information on Modus Elections Manager software. After discussion no action taken.

The Board met with Sheriff Scott Buzynski and Deputy Auditor Karen Stephenson regarding employee compensation time. After discussion motion by Ohrt second by Gissel to approve the carry-over. All in favor motion carried.

### **RESOLUTION 21-53**

#### **Buchanan County Sheriff Temporary Carry-Over of Compensatory-Time**

##### **Purpose**

With the upcoming fiscal year ending June 30, 2022 the Sheriff is requesting a one-time carry-over of compensatory-time of up-to twenty (20) hours per union employee. The current contract language allows an employee to be paid for their excess hours or receive it in the form of compensatory-time; however, all compensatory time must be used by the end of the fiscal year or paid in cash.

With different issues transpiring throughout the year causing pressure on the 2021-2022 budget and with upcoming community events and shortage of staff the Sheriff is requesting a one-time deviation from the current contract to help out with the remainder of his 2022 budget.

##### **Approval of Leave Terms**

The Sheriff would like to authorize that each employee would be able to carry over twenty (20) hours of their compensatory time into the new fiscal year. This would be a one-time deviation to help out with the current 2022 budget.

Ayes: Shonka, Gissel, Ohrt

Nays: None

Absent/Not Voting: None

Motion by Ohrt second by Gissel to adjourn at 9:33 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**March 28, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, March 28, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the minutes of the March 21, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$146,190.43. All in favor motion carried.

Motion by Ohrt second by Gissel to approve quarterly reports Auditor's Office \$396,620.70. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the hiring of Kenny Slattery, Utility Person, Secondary Roads Department effective March 29, 2022.

Motion by Ohrt second by Gissel to approve the hiring of Christopher Cooksley, Operator 1, Secondary Roads Department effective March 30, 2022.

Motion by Gissel second by Ohrt to approve the hiring of Luke Passick, Operator 1, Secondary Roads Department effective April 4, 2022.

The Board held a discussion regarding the invoice received from Align Architecture & Planning regarding the State Historical Society of Iowa Field Service Program. After discussion motion by Gissel second by Ohrt to approve payment for the invoice in the amount of \$100.00 to Align Architecture & Planning. Pending receipt of the signed contract. All in favor motion carried.

Discussion was held regarding the vacancy on the Buchanan County Veteran's Commission vacancy. After discussion motion by Gissel second by Ohrt to advertise to fill the vacancy on the Veteran's Commission. All in favor motion carried.

At 9:15 am public hearing for utility easement at Conservation was held. In attendance was Pete Gaumer, John Klotzbach, Dan Cohen, Josh Demmer, and Tai Burkhart. After discussion motion by Ohrt second by Gissel to close the public hearing at 9:17 am.

**RESOLUTION 22-27**

**WHEREAS**, Buchanan County Board of Supervisors held a public hearing on March 28, 2021 at 9:15 am; and

**WHEREAS**, no objections were heard on the proposed easement.

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors grant a limited easement for the placement and maintain a rural water line to Iowa Regional Utilities Association on the following described property:

Parcel G being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE1/4) and part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Ninety (90) North, Range Nine (9) West of the 5th P.M., Buchanan County, Iowa, as described in Pat of Survey in File No. 2020R00135.

**BE IT FURTHER RESOLVED** the Buchanan County Board of Supervisors authorizes the Chairman of the Board to execute the Limited Easement document.

Passed this 28th day of March, 2021.

Ohrt – Aye

Gissel – Aye

Shonka – Aye

At 9:30 a public hearing for proposed rezoning for Allen Stutzman to rezone approximately 7.25 acres +/- from “A-1” to “A-2.” In attendance was Pete Gaumer, John Klozbach, Josh Demmer, and Tai Burkhart. After discussion motion by Ohrt second by Gissel to close public hearing at 9:32 am. All in favor motion carried.

**RESOLUTION 22-32**

**WHEREAS**, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 28<sup>th</sup> day of March 2022.

**UPON MOTION** made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

**THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT:** Shonka, Gissel, Ohrt

**THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT:** None

**NOW THEREFORE** the following was read and voted upon by the Board of Supervisors,

and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

**ZONING ORDINANCE AMENDMENT 22-A-4  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 34, 7.25 acres +/- from “A-1” agricultural to “A-2” agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The North ½ of the NW ¼ of Section 34, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa, except ½ acre for cemetery in the Northwest corner of the Northwest Quarter (NW ¼) of said Section 34. AND The Se ¼ of the NE ¼ of Section 33, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa AND The 7-foot by 19-foot area upon which the windmill is located in the SW ¼ of the NE ¼ of Section 33, all in Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa, (this tract is 19 feet East and West and 7 feet North and South)

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 28<sup>th</sup> day of March 2022.

At 9:35 am public hearing for Bruening Rock Products to rezone 15 acres +/- from “A-1” agricultural to “M” Manufacturing. In attendance was Pete Gaumer, John Kloztbach, Josh Demmer, Tai Burkhart, Floyd Hackman, Steve Saathoff, Greg Lammers, Randy Reed and Ron Fadness. After discussion motion by Gissel second by Ohrt to close the public hearing at 9:45 am. All in favor motion carried.

**RESOLUTION 22-33**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 28<sup>th</sup> day of March 2022.

UPON MOTION made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

**ZONING ORDINANCE AMENDMENT 22-M-5  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Hazleton Township, Section 3, 15 acres +/- from "A-1" agricultural to "M" Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

NW fr  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  except beginning at a point on the North line of section 3 Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, 509.35' Westerly of the NE corner of the NW fr  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 3, thence South 330.0', thence Westerly and parallel to the North line of said Section 3, 396.0', thence North 330.0' to the North line of said Section 3, thence Easterly along the North line of said Section 3, 396.0' to the point of beginning, and the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , except the E20 rods of the S 26  $\frac{2}{3}$  rods; the W 10 rods of the N 53  $\frac{1}{3}$  rods of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  all in Section 3, Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, subject to public highways and easement of record. AND NW fractional  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 1 and the NE fractional  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , NW fractional  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and that part of the NE fractional  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  lying E of the centerline of the existing county road, Section 2, all in Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa. Except Parcel "A" being a part of the Northwest  $\frac{1}{4}$  of Section 1, Township 90 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, as described in Plat of Survey, Recorded as File No. 1994R04906.

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 28<sup>th</sup> day of March 2022.

Supervisor Shonka excused himself from the meeting at 9:49 am.

The Board met with Josh Demmer, from Demmer Architecture regarding plans for the remodel of the former Rydell Building for Buchanan County Public Health and Emergency Services. After discussion motion by Gissel second Ohrt to approve opening of bids for the project on May 3 and hold public hearing on May 9. All in favor motion carried.



During public comments Ben Miller spoke regarding the condition of the shoulders on W-13 and poor conditions of gravel roads.

Motion by Ohrt second by Gissel to adjourn at 10:09 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**April 4, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, April 4, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve the minutes of the March 28, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$536.58. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of Victor Laughlin Veteran's Commission. All in favor motion carried.

Motion by Ohrt and Gissel to approve the temporary hiring of Pam Albert, legal secretary County Attorney's Office at \$20.45 per hour beginning March 28, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Courthouse Union and Secondary Roads Union contracts. All in favor motion carried.

Jane Arthur, Operation Threshold presented the proclamation for April as Child Abuse Awareness month after discussion motion by Gissel second by Ohrt to approve. All in favor motion carried.

**WHEREAS**, child abuse and neglect is a serious problem that can be prevented; and

**WHEREAS**, our children are our most valuable resources and will shape the future of Iowa; and

**WHEREAS**, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

**WHEREAS**, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

**WHEREAS**, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community- and faith-based organizations, businesses, law enforcement agencies, and families; and

**WHEREAS**, all members of a community benefit from creating conditions that support strong and healthy families; and

**WHEREAS**, communities must make every effort to promote programs and activities that create strong and thriving children and families; and

**WHEREAS**, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

**WHEREAS**, prevention remains the best defense for our children and families.

**NOW, THEREFORE**, Buchanan County Board of Supervisors do hereby proclaim April as NATIONAL CHILD ABUSE PREVENTION MONTH in Buchanan and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Motion by Gissel second by Ohrt to approve the appointment of Ben Reck as Fremont Township Trustee. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for: Delaware Finisher, Prairie Township, Section 30; Wapsi Pig Inc., Fairbank Township, Section 06; Prairie Gold LLC, Fremont Township, Section 8; Ben Reck, Byron Township, Section 25; RJS Ag, Byron Township, Section 16; FCT LLP, Byron Township, Section 10. All in favor motion carried.

At 9:05 am the Board proceeded to open bids for the sale of bridge CONO 13 42 06 (NBIS 81130), Timber String/multi-beam or girder, 32 x 20 (°Skew) Built 1930, SR=39 Scour=5. Located at 3005 Scott Boulevard. Three bids were received Dale Priebe \$850.00, Jerry Slattery \$200.00 and Brian Donnelly \$300.00. Bidders were allowed to raise their

bids, upon completion of the bid process final bid went to Brian Donnelly for \$3,100.00. Motion by Gissel second by Ohrt to approve the bid. All in favor motion carried.

Zoning Director Chad Beatty presented information regarding minor plat for Daron Cornell. Motion Ohrt second by Gissel to approve the minor plat. All in favor motion carried.

### **RESOLUTION 22-34**

**WHEREAS**, a minor plat request was filed by Daron Cornell property located in Liberty Township, Section 17, 6.86 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

That portion lying South of the road in the Southeast corner of the Southeast ¼ of the Southwest ¼ of Section 17; and Beginning at the North ¼ corner of Section 20, thence South 01° 23' 13" East along the east line of the Northwest ¼ of said Section 20, a distance of 203.00 feet, thence North 89° 35' 01" West a distance of 696.38 feet to the east line of Parcel G, thence North 01° 14' 31" West along the east line of Parcel G, a distance of 203.00 feet to the North line of the Northeast ¼ of the Northwest ¼ of said Section 20 also being the Northeast corner of Parcel G, thence South 89° 35' 01" East along the North line of the Northeast ¼ of the Northwest ¼ of said Section 20, a distance of 695.80 feet to the Point of Beginning, all in Township 88 North, Range 8 West of the 5th P.M., Buchanan County, Iowa.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Daron Cornell Minor Plat, is approved as described as follows:

Roll Call:

Ohrt: Aye

Gissel: Aye

Shonka: Aye

Passed this 4<sup>th</sup> day of April 2022.

Discussion was held regarding lawncare for the upcoming season. After discussion Gissel will reach out to JC Lawncare regarding the upcoming contract. If JC Lawncare not interested in renewing contract, Auditor Wilgenbusch will put it out for bid.

Auditor Kris Wilgenbusch presented the 509A health insurance report for review. No action taken.

The Board discussed the request from Sherlyn Hazen Roadside Manager regarding assisting Blackhawk County during the hiring and training process of a Roadside Manager. After discussion the Board would like a 28E agreement drafted before approval.

The Board met with County Engineer Brian Keierleber to discuss the purchase of an end-loader. After discussion motion by Gissel second by Ohrt to approve the purchase of a Case 621E end-loader for \$59,750.00.

Keierleber presented a draft contract regarding rental of epoxy injection equipment. After review motion by Ohrt second by Gissel to approve the agreement.

Keierleber presented information regarding employees attending the Gold Key Tour in Davenport at John Deere manufacturing to view production of motorgrader.

Motion by Gissel second by Ohrt to adjourn at 9:58 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**April 11, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, April 11, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from April 4, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with County Auditor for \$152,745.96. All in favor motion carried.

Motion by Gissel second Ohrt by approve quarterly reports Auditor's Office for \$103,489.55; Sheriff's Office Civil \$9,796.74. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly report Jail for \$38,637.88, Recorder for \$16,299.05. All in favor motion carried.

Motion by Gissel second by Ohrt to approve monthly health insurance report, presented by County Auditor Wilgenbusch. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for CBL Farms, Newton Township, Section 04; DJS Farms, Westburg, Section 15; Francios Site, Byron Township, Section 27; Gissel Farms, Washington Township, Section 18; Monti Pork, Newton Township, Section 16. All in favor motion carried.

Motion by Gissel second by Ohrt to set public hearing for redistricting/re-precincting for April 18, 2022 at 9:15 am. All in favor motion carried.

## **RESOLUTION 22-36 and**

### **NOTICE OF PUBLIC HEARING**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Re-Precincting Plan

**WHEREAS**, All voting precincts (except Independence Precincts established by the Independence City County shall be designated at follows:

**AURORA PRECINCT** shall consist of Buffalo Township, Byron Township except the City of Winthrop and except the area of Byron Township that lies between the northern corporate limits of the City of Winthrop and the southern Township line, and Madison Township, the City of Aurora; the City of Lamont and the City of Stanley within the boundaries of Buchanan County. (Precinct 3)

**BRANDON PRECINCT** shall consist of Jefferson Township and the City of Brandon. (Precinct 6)

**FAIRBANK PRECINCT** shall consist of Fairbank Township and the City of Fairbank which lies within the boundaries of Buchanan County. (Precinct 1)

**HAZLETON PRECINCT** shall consist of Hazleton Township and the City of Hazleton. (Precinct 2)

**INDEPENDENCE 1ST WARD PRECINCT** shall consist of the City of Independence First Ward as drawn by the City of Independence. (Precinct 10)

**INDEPENDENCE 2ND WARD PRECINCT** shall consist of the City of Independence Second Ward as drawn by the City of Independence. (Precinct 11)

**INDEPENDENCE 3RD WARD PRECINCT** shall consist of Sumner Township, Westburg Township excluding the City of Jesup, that portion of Washington Township bounded by the City of Independence corporate limits and the southern Washington Township line (also

known as Census Block No. 190199505003006) and the City of Independence Third Ward as drawn by the City of Independence. (Precinct 12)

**INDEPENDENCE 4TH WARD PRECINCT** shall consist of the City of Independence Fourth Ward as drawn by the City of Independence. (Precinct 13)

**INDEPENDENCE 5TH WARD PRECINCT** shall consist of the City of Independence Fifth Ward as drawn by the City of Independence. (Precinct 14)

**JESUP PRECINCT** shall consist of the City of Jesup which lies within the boundaries of Buchanan County. (Precinct 5)

**PERRY/WASHINGTON PRECINCT** shall consist of Perry Township and Washington Township excluding the City of Independence and excluding that portion of Washington Township bounded by the City of Independence and the southern Washington Township line (also known as Census Block No. 190199505003006). (Precinct 4)

**QUASQUETON PRECINCT** shall consist of Liberty Township excluding the City of Winthrop, Middlefield Township, Newton Township and the City of Quasqueton. (Precinct 9)

**ROWLEY PRECINCT** shall consist of Cono Township, Homer Township and the City of Rowley. (Precinct 7)

**WINTHROP PRECINCT** shall consist of Fremont Township and the City of Winthrop including the area of Byron Township that lies between the northern corporate limits of the City of Winthrop and the southern Township line. (Precinct 8)

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors will hold a Public Hearing on Monday, April 18, 2022 at 9:15 a.m. Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Chairman of the Board Shonka called the Public Hearing to order at 9:15 am for the fiscal 2023 proposed budget. In attendance was Brian Keierleber, Dawn Vogel, Pete Gaumer, Dan Cohen and Elizabeth Thyer. At 9:18 am motion by Ohrt second by Gissel to close the public hearing. Motion by Gissel second by Ohrt to approve the FY23 budget.

### **RESOLUTION 22-35**

**BE IT RESOLVED** that the Buchanan County Board of Supervisors approve the Buchanan County budget for FY23 as proposed with the following levies: General Basic 3.5; General Supplemental 1.54003; Debt Service .69207 and Rural Services 2.96063.

Roll Call:  
Ohrt – Aye

Gissel – Aye  
Shonka - Aye

Passed this 11<sup>th</sup> day of April 2022.

The Board met with Elizabeth Thyer with Gardiner + Company to review the FY21 audit. After reviewing the audit motion by Gissel second by Ohrt to approve the audit report presented.

The Board of Supervisors discussed 28E agreement with Buchanan County Library Association. After discussion no action taken until discussion can be held with the Buchanan County Library Association.

The Board reviewed the contract with Northeast Iowa Area on Aging Agency. The Board directed Auditor Wilgenbusch to make addressed changes. The contract will then be sent for review to Northeast Iowa Area on Aging Agency.

Motion by Gissel second by Ohrt to adjourn at 9:58 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**April 18, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, April 18, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to amend the current agenda to add meet with IT Director Jason Vandenburg to discuss Dell Lease. All in favor motion carried.

Motion by Gissel second by Ohrt to approve minutes from April 11, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with County Auditor for \$1,913.00. All in favor motion carried.

Motion by Gissel second Ohrt by approve the appointment of Judd Taylor to the Zoning Commission. All in favor motion carried.

Motion by Ohrt second by Gissel to approve hiring of Tyler Klensman, Sheriff's Deputy effective April 22, 2022 at \$25.40 per hour. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the hiring of Amy Ledtje, Legal Secretary, County Attorney's Office effective April 18, 2022, \$19.00 per hour. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans Cook Brothers, LTD, Newton Township, Section 05. All in favor motion carried.

At 9:10 am the board proceeded to open bids for lawn care. One bid was received from Yardies Lawncare.

Courthouse/Jail Complex - \$85.00

Human Resources/Public Health – \$35.00

Emergency Services Annex - \$55.00

Independence Food Pantry – \$40.00

County Home Cemetery - \$35.00

Senior Citizen Center - \$35.00

Public Health/Emergency Service/former Rydell - \$35.00

After discussion motion by Gissel second by Ohrt to approve the contract to accept the bid. All in favor motion carried.

At 9:15 am public hearing was called to order to approve redistricting for Buchanan County. In attendance was John Klotzbach, Pete Gaumer and Jason Vandenberg. After discussion motion by Gissel second Ohrt to close the public hearing at 9:17 am. Motion Ohrt second by Gissel to approve the redistricting in the following resolution.

### **ORDINANCE 22-37**

AN ORDINANCE AMENDING CHAPTER 8 (Election Precincts)  
BUCHANAN COUNTY CODE OF ORDINANCES – 2022

**BE IT ENACTED** by the Supervisors of Buchanan County, Iowa:



**SECTION 1. Purpose.** The purpose of this ordinance is to establish voting precincts for Buchanan County.

**SECTION 2. Definitions.** For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

3. “Voting precinct” or “precinct” shall mean a county or municipal subdivision devised for casting and counting votes in elections.
4. “Township” shall mean a civil and political subdivision of the county, consisting of a parcel of territory six miles on each side.

**SECTION 3. General Provisions.**

All voting precincts (except Independence Precincts established by the Independence City Council) shall be designated as follows:

**AURORA PRECINCT** shall consist of Buffalo Township, Byron Township except the City of Winthrop and except the area of Byron Township that lies between the northern corporate limits of the City of Winthrop and the southern Township line, and Madison Township, the City of Aurora; the City of Lamont and the City of Stanley within the boundaries of Buchanan County. (*Precinct 3*)

**BRANDON PRECINCT** shall consist of Jefferson Township and the City of Brandon. (*Precinct 6*)

**FAIRBANK PRECINCT** shall consist of Fairbank Township and the City of Fairbank which lies within the boundaries of Buchanan County. (*Precinct 1*)

**HAZLETON PRECINCT** shall consist of Hazleton Township and the City of Hazleton. (*Precinct 2*)

**INDEPENDENCE 1<sup>ST</sup> WARD PRECINCT** shall consist of the City of Independence First Ward as drawn by the City of Independence. (*Precinct 10*)

**INDEPENDENCE 2<sup>ND</sup> WARD PRECINCT** shall consist of the City of Independence Second Ward as drawn by the City of Independence. (*Precinct 11*)

**INDEPENDENCE 3<sup>RD</sup> WARD PRECINCT** shall consist of Sumner Township, Westburg Township excluding the City of Jesup, that portion of Washington Township bounded by the City of Independence corporate limits and the southern Washington Township line (also known as Census Block No. 190199505003006) and the City of Independence Third Ward as drawn by the City of Independence. (*Precinct 12*)

**INDEPENDENCE 4<sup>TH</sup> WARD PRECINCT** shall consist of the City of Independence Fourth Ward as drawn by the City of Independence. (*Precinct 13*)

**INDEPENDENCE 5<sup>th</sup> WARD PRECINCT** shall consist of the City of Independence Fifth Ward as drawn by the City of Independence. (*Precinct 14*)

**JESUP PRECINCT** shall consist of the City of Jesup which lies within the boundaries of Buchanan County. (*Precinct 5*)

**PERRY/WASHINGTON PRECINCT** shall consist of Perry Township and Washington Township excluding the City of Independence and excluding that portion of Washington Township bounded by the City of Independence and the southern Washington Township line (also known as Census Block No. 190199505003006). (*Precinct 4*)

**QUASQUETON PRECINCT** shall consist of Liberty Township excluding the City of Winthrop, Middlefield Township, Newton Township and the City of Quasqueton. (*Precinct 9*)

**ROWLEY PRECINCT** shall consist of Cono Township, Homer Township and the City of Rowley. (*Precinct 7*)

**WINTHROP PRECINCT** shall consist of Fremont Township and the City of Winthrop including the area of Byron Township that lies between the northern corporate limits of the City of Winthrop and the southern Township line. (*Precinct 8*)

**SECTION 4. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance and the precinct boundaries established herein shall become effective January 15, 2022.

Passed and adopted this 18<sup>th</sup> day of April of 2022.

On roll call:

Ohrt – Aye

Gissel – Aye

Shonka - Aye

Motion by Gissel second by Ohrt to set May 2, 2022 at 9:10 am for the second reading of the proposed Emergency Services Resolution. All in favor motion carried.

The Board met with IT Director Jason Vandenburg to discuss proposed bid for security cameras for the new Public Health/Emergency Services Building. After discussion, no action at this time.

IT Director Jason Vandenburg presented a lease agreement with Dell to update servers. The fees for the update would be \$3,126.14 monthly for 5-years. After discussion the Board asked Mr. Vandenburg to ask regarding making either an annual, semi-annual or quarterly payment if there would be any cost savings. Motion Gissel second by Ohrt to have Mr. Vandenburg proceed with lease agreement and making the requested inquiry. All in favor motion carried.

Supervisor Gissel presented information regarding the sale of annex property. He has met with Donnelly Auctioneering and Appraisal, at this time the property will be auctioned at public bid either late spring early summer. Motion by Ohrt second by Gissel to approve proceeding with the auction, and allow Gissel to sign the contract when it is completed. All in favor motion carried.

Supervisor Gissel presented information regarding the invoice received from Buchanan County Health Center, regarding remodeling for ambulance personnel. No action taken until further information can be provided.

Auditor Wilgenbusch presented information regarding having Friends of Fontana set up their own account to make purchases. After discussion motion by Ohrt second by Gissel to have Conservation set up accounts for purchases for Friends of Fontana. All in favor motion carried.

The Board met with Assistance Engineer Alex Davis, who presented plans for courthouse parking lot drainage and rehabilitation. Davis presented two plans the first was for drainage and milling and asphalt overlay to the parking lot for \$195,443.53. The second plan was for drainage and concrete parking lot for \$331,151.03. After discussion motion by Ohrt second by Gissel to rescind Resolution 22-21 regarding the approval of courthouse parking lot reconstruction for \$130,932.00 using American Rescue Plan Act funds. In turn approve \$35,443.53 in ARPA funds for parking lot reconstruction.

Motion by Gissel second by Ohrt to adjourn at 10:08 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor

**April 25, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, April 25, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to amend the agenda to add proclamation for National Preservation Month

Motion by Gissel second by Ohrt to approve minutes from April 18, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with County Auditor for \$1,308,719.42. All in favor motion carried.

Motion by Gissel second Ohrt by approve the resignation of Joel Grover, Secondary Roads Department effective April 29, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the liquor license for Buchanan County Fair Association. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the home occupation permit for Hidden Treasures. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the Proclamation for 2022 Extension Week, April 18-23, 2022. All in favor motion carried.

**Iowa State University Extension and Outreach Week  
April 18-23, 2022**

WHEREAS, ISU Extension and Outreach week is April 18-23, 2022; and

WHEREAS, ISU Extension and Outreach is part of the federal Cooperative Extension Service, a network of more than 100 land-grain institutions, including Iowa State University, and the U.S. Department of Agriculture serving communities and counties across the United States; and

WHEREAS, Research based programs are delivered through 100 county offices serving Iowans in the areas of Agriculture and Natural Resources, Economic Development, Human Sciences, and 4-H Youth Development; and

WHEREAS, Iowa's 100 county extension offices will host activities throughout the week to thank Iowans for the support of extension efforts with in Buchanan County and the state of Iowa; and

NOW, THEREFORE, On this 25<sup>th</sup> day of April 2022, We the Buchanan County Board of Supervisors, do hereby proclaim April 18-23, 2022 as Extension and Outreach Week throughout Buchanan County and encourage all of our citizens to recognize Extension and Outreach for the significant impact they have made and continue to make by providing research based educational services to all Buchanan County residents.

Motion by Gissel second by Ohrt to place on file manure management plans Primo Pork West Buffalo Township, Section 04; Primo Pork East, Buffalo Township, Section 10; Mossner Site, Madison Township, Section 17. All in favor motion carried.

Motion by Gissel second by Ohrt to set the following public hearings for zoning requests. All in favor motion carried.

**RESOLUTION 22-38  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-A-5  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Newton Township, Section 34, 20.59 acres +/- from "A-1" agricultural to "A-2" Agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The East ½ of the Southwest ¼ and the Northwest ¼ of the Southeast ¼ of Section 34, Township 87 North, Range 7 West of the 5th P.M., in Buchanan County, Iowa. Subject to easements, restrictions and covenants of record.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment at 9:10 a.m. on May 9, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 25<sup>th</sup> day of April 2022.

**RESOLUTION 22-39  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-M-7**

## **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 10, .48 and .56 acres +/- from "A-1" agricultural to "M" Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southeast ¼ of the Northwest ¼; the Northeast ¼ of the Southwest ¼ and the Southwest ¼ of the Northeast ¼; all in Section 10, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa except Parcel C being part of the Northeast ¼ of the Southwest ¼ as recorded in Plat of Survey recorded at File No. 2006R00959 in the office of the Buchanan County, Iowa Recorder. AND The North 10 acres of the South 25 acres of the Northeast ¼ of the Southeast ¼ of Section 10, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment on May 9, 2022 at 9:15 am in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 25<sup>th</sup> day of April 2022.

### **RESOLUTION 22-40 AND NOTICE OF PUBLIC HEARING ZONING ORDINANCE AMENDMENT NO. 22-R-8 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Jefferson Township, Section 19, 4.08 +/- from "A-1" agricultural to "R" Residential.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Part of Parcel "G", Plat of Survey in Section 19, Township 87 North, Range 10 West of the Fifth Principal Meridian, Buchanan County, Iowa, more particularly described as follows:

Beginning at the southwest corner of said Parcel "G" recorded as Instrument Number 2012R01152 in the Office of the Buchanan County Recorder; thence North 00°04'22" East along

the west line of said parcel 302.97 feet to the northwest corner of said parcel; thence South 89°30'13" East along the north line of said parcel 361.66 feet; thence South 56°56'15" East along the northerly line of said parcel 155.13 feet; thence South 66°36'27" East along said northerly line 242.41 feet; thence South 89°32'06" East along said northerly line 1.74 feet; thence South 00°15'26" East 115.23 feet to the south line of said Parcel "G" and the beginning of a 1146.00 foot radius, non-tangent curve, concave southerly; thence westerly 21.04 feet along the arc of said curve and a chord that bears North 83°38'12" West, 21.04 feet; thence South 89°30'05" West along said south line 695.90 feet to the Point of Beginning, containing 4.08 acres, more or less, including 1.10 acres, more or less, with presently established right-of-way.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:20 a.m. on May 9, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 25<sup>th</sup> day of April 2022.

Motion by Ohrt second by Gissel to approve the Proclamation for National Preservation Month. All in favor motion carried.

## **PROCLAMATION**

**May 2022**

### **"National Preservation Month"**

**WHEREAS**, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people, and

**WHEREAS**, " Providing Healing, Promoting Hope" is the theme for National Preservation Month, 2022, co-sponsored by the Buchanan county Historic Preservation Commission and the National Trust for Historic Preservation

**NOW, THEREFORE**, The Board of Supervisors of the County of Buchanan, Iowa, do hereby proclaim May 2022 as "National Preservation Month", and call upon the people of the County of Buchanan to join their fellow citizens across the United State in recognizing and participating in this special observance.

**IN WITNESS WHEREOF**, we have hereunto subscribed our names to be affixed this 25 day of April, 2022.

Motion by Gissel second by Ohrt to adjourn at 10:08 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:  
**May 2, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 2, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from April 25, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with County Auditor for \$1,916.66. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the liquor license for Donald Fangman and Winthrop Golf Course dba Buffalo Creek Golf Course & Country Club. All in favor motion carried.

The board met with Brandi Lewin from Sexual Assault Response Team to give an update on services provided to Buchanan County. Motion by Ohrt second by Gissel to approve SART 28E agreement. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans AJPA LLC, Buffalo Township, Section 30. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the third reading to declare emergency medical services to be an essential service. All in favor motion carried

**RESOLUTION 22-42**  
**RESOLUTION DECLARING EMERGENCY MEDICAL SERVICES TO BE AN**  
**ESSENTIAL SERVICE**



**WHEREAS**, the Buchanan County Board of Supervisors has the authority under Iowa Code 331.301(1) to “...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents”; and

**WHEREAS**, Buchanan County supports EMS to its residents and seeks to provide Emergency Medical Services to all its citizens and visitors; and

**WHEREAS**, ensuring efficient and effective EMS coverage is essential for maintaining the health and welfare of its residents; and

**WHEREAS**, the Buchanan County Board of Supervisors recognizes the importance of maintaining and advancing the level of care, capability, and coverage of Emergency Medical Services (EMS) in Buchanan County; and

**WHEREAS**, on June 9, 2021, Iowa Senate File 615 was signed into law by Governor Reynolds, amending Iowa Code Section 422D.1, giving Iowa Counties the ability to declare EMS an essential service for their respective county, thereby making it possible for counties to propose additional funding sources for EMS to the county’s voters at an election.

**WHEREAS**, Buchanan County Board of Supervisors, on May 23, 2022, directed that notice of the first meeting to consider this resolution be made and any other actions be taken as necessary to proceed with the process under Iowa Code Section 422D.1 to declare EMS to be an essential county service.

**NOW, THEREFORE, BE IT RESOLVED** by the Buchanan County Board of Supervisors, that: Emergency Medical Services (EMS) is hereby declared an essential service in and for Buchanan County, Iowa, and the Buchanan County Board of Supervisors will exercise the necessary power and functions appropriate to preserve the health, safety, and welfare of Buchanan County residents and provide for an effective and efficient Buchanan County Emergency Medical Services (EMS) System that allows for quality care for the persons living, working or traveling in Buchanan County, Iowa. Exercising said necessary power and function includes, but is not limited to, the establishment of a Buchanan County emergency medical services advisory council and the proposition of a local option income surtax and/or ad valorem property tax to fund EMS to be voted upon by Buchanan County voters.

**NOW, BE IT FURTHER RESOLVED**, that adoption of this resolution will allow 1) For an election to be offered for voter approval of an ad valorem property tax not to exceed seventy-five cents per one thousand dollars of assessed value for EMS and 2) The creation of a county emergency medical services system advisory council to assist in researching / assessing the service needs of the county and guide implementation of the same under Iowa Code Section 422D.1.

**NOW, BE IT FURTHER RESOLVED**, if a proposition to fund EMS through either a local option surtax or ad valorem property tax, or some combination thereof, fails to receive a

favorable vote by at least sixty percent of those voting on the question, this resolution shall be deemed null and void.

**HEREBY RESOLVED** by the Board of Supervisors for Buchanan County, Iowa, on this 2<sup>nd</sup> day of May 2022.

On roll call:  
Shonka – aye  
Gissel – aye  
Ohrt – aye

Auditor Wilgenbusch presented Resolution 22-41 regarding American Rescue Plan projects. After discussion, motion by Ohrt second be Gissel to approve the resolution. All in favor motion carried.

#### **RESOLUTION 22-41**

#### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT.**

**WHEREAS**, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

**WHEREAS**, Buchanan County applied for and has been received the first tranche of funds for the American Rescue Plan Act totaling \$4,113,006.00.

**WHEREAS**, the Buchanan County Board of Supervisors has reviewed some requests and determined some that will qualify for the American Rescue Plan Act and

**WHEREAS**, based on the distribution guidelines from the US Department of Treasury, the following projects have been approved for the use of said funds:

- Courthouse Parking lot reconstruction/drainage for \$35,443.53
- Rescind the portion of Resolution 22-16 to remove Parking lot reconstruction/drainage in the amount of \$130,932.00
- Purchase of former Rydell building for \$299,000, approved October 18, 2021

- Water retention project northwest corner of courthouse, \$3,150.00, approved October 18, 2021

**BE IT RESOLVED** that the Buchanan County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the items listed and authorizes the Auditor to make these payments as they are presented.

**PASSED AND ADOPTED** this 2<sup>nd</sup> day of May, 2022

Roll call:

Shonka – aye

Gissel – aye

Ohrt – aye

The Board met with County Attorney Shawn Harden to discuss possible budget amendment for part-time help. Harden presented information for a \$9,100.00 budget amendment for part-time help. After discussion, motion by Gissel second by Ohrt to approve the requested amendment. All in favor motion carried.

Auditor Wilgenbusch presented information regarding the replacement of Homer Township Trustee. The Board will move forward to fill vacancy.

The Board met with Alex Davis, Assistance County Engineer to approve plans for the courthouse parking lot and drainage project and set a letting date. After discussion, motion by Gissel, second by Ohrt to approve the plans and authorize the chair to sign, letting date is set for May 23, 2022. All in favor motion carried.

The Board met with Bob Schaffer to discuss Northeast Iowa Area Agency on Aging contract. After discussion, no action taken until the contract can be further reviewed and consult the Buchanan County Council on Aging.

The Board met with Gene Carpenter from Don's Truck Sales regarding purchase of truck that was approved September 20, 2021. Freightliner has requested an additional surcharge of \$3,800.00. After discussion motion by Gissel second by Ohrt to approve the surcharge. All in favor motion carried.

County Engineer Brian Keierleber met with the Board to discuss the purchase of road rock for resurfacing. Secondary Roads is currently doing road resurfacing with the contract that was approved January 10, 2022 for fiscal year 2023. Keierleber stated the resurfacing project has started. At this time he doesn't think he will need a budget amendment, for FY22 budget.

County Engineer Brian Keierleber met with the Board to discuss repairs on a bridge Madison 16 00 35 (NBIS 83380) on Union Avenue. Keierleber presented a bid from Eric Zieser Construction for \$32,300.00 and Taylor Construction for \$99,000.00. After discussion, motion by Ohrt second by Gissel to accept, the bid from Eric Zieser Construction and authorizing Secondary Roads to purchase materials for the project and deduct from the bid.

The Board met with Julie Davison, Community Services Director regarding MHDD fund balance. After discussion motion by Gissel second by Ohrt to proceed with funding the security cameras in the jail and miscellaneous office equipment for Community Services office. All in favor motion carried.

Davison also discussed the using MHDD funds to purchase a newer vehicle to replace the 2010 Ford Fusion. Motion by Gissel second by Ohrt to have Davison proceeds with getting some pricing and report back to the board.

Davison proposed possibility of hosting a Veteran's dinner with the purpose of explaining of the benefits that are available to county Veteran's. She has received donations and state funding to that could be used. Motion by Ohrt second by Gissel to proceed.

Motion by Gissel second by Ohrt to adjourn at 10:54 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**May 3, 2022**

The Buchanan County Board of Supervisors met in special session at 2 pm on Tuesday, May 3, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Three bids were received for the project from Sheets General Construction, Larson Construction and Loecke Building Services.

Josh Demmer, of Demmer Architecture proceeded to open bids.

1. Sheets General Construction - bid security was enclosed, addendum 1, 2, 3, & 4 were received. Base bid - \$642,694.00, bid alternative less \$174,194.00.
2. Larson Construction - bid security was enclosed, addendum 1, 2, 3, & 4 were received. Base bid - \$648,759.00, bid alternative less \$203,770.00.
3. Loecke Building Service - bid security was enclosed, addendum 2, 3, & 4 were received. Base bid - \$586,000, bid alternative less \$201,000.00

No action was taken until further review.

Motion by Gissel second by Ohrt to adjourn at 2:29 PM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**May 9, 2022**

The Buchanan County Board of Supervisors met in work session at 8:15 am. on Monday, May 9, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Discussion was held regarding the remodeling of the former Rydell Building that will Public Health and Emergency Operation Center. No action taken.

Discussion was held regarding repairs to a wall at the Buchanan County Senior Center. No action taken.

Motion by Gissel second by Ohrt to adjourn at 8:49 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**May 9, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 9, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from May 2 & 3, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with County Auditor for \$299,698.12. All in favor motion carried.

Motion by Gissel second by Ohrt to approve monthly reports from Jail - \$21,738.58; Recorder - \$14,084.56; Sheriff – Civil \$2,089.21. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly health insurance report. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the hiring of James Melka, part-time seasonal mowing Secondary Roads, effective 05/09/22 at \$15.25 per hour. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the hiring of Gus Joyce, seasonal Conservation technician, effective May 16, 2022 at \$12.00 per hour. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans for: Even Site, Jefferson Township, Section 10; Hazleton Site, Buffalo Township, Section 19; Matt's Place, Westburg Township, Section 25; Thomas Site #2, Westburg, Section 33; Mark Zieser, Cono Township, Section 30; K & K Farms, Buffalo Township, Section 21. All in favor motion carried.

At 9:10 am Public Hearing Mills rezoning request from A-1 to A-2 was called to order. Present were Brian Keierleber, Pete Gaumer, John Klotzbach, Chad Beatty, Marc Mills, Josh Demmer, Chris Hare and Tai Burkart. Zoning Director Chad Beatty shared information

regarding the rezoning request. After discussion motion by Gissel second by Ohrt to close the public hearing at 9:13 am.

**RESOLUTION 22-43**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 9<sup>th</sup> day of May 2022.

UPON MOTION made by Gissel and second by Ohrt a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

**ZONING ORDINANCE AMENDMENT 22-A-6  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Newton Township, Section 34, 20.59 acres +/- from "A-1" agricultural to "A-2" Agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The East ½ of the Southwest ¼ and the Northwest ¼ of the Southeast ¼ of Section 34, Township 87 North, Range 7 West of the 5th P.M., in Buchanan County, Iowa. Subject to easements, restrictions and covenants of record.

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 9<sup>th</sup> day of May 2022.

At 9:15 am Public Hearing for Mast rezoning request from A-1 to M was called to order. Present were Brian Keierleber, Pete Gaumer, John Klotzbach, Chad Beatty, Marc Mills, Josh Demmer, Chris Hare and Tai Burkart. Zoning Director Chad Beatty shared information

regarding the rezoning request. After discussion motion by Ohrt second by Gissel to close the public hearing at 9:23 am.

**RESOLUTION 22-44**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 9<sup>th</sup> day of May 2022.

UPON MOTION made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

**ZONING ORDINANCE AMENDMENT 22-M-7  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 10, .48 and .56 acres +/- from "A-1" agricultural to "M" Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southeast ¼ of the Northwest ¼; the Northeast ¼ of the Southwest ¼ and the Southwest ¼ of the Northeast ¼; all in Section 10, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa except Parcel C being part of the Northeast ¼ of the Southwest ¼ as recorded in Plat of Survey recorded at File No. 2006R00959 in the office of the Buchanan County, Iowa Recorder. AND The North 10 acres of the South 25 acres of the Northeast ¼ of the Southeast ¼ of Section 10, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 9<sup>th</sup> day of May 2022.



At 9:20 am Public Hearing Craft rezoning request from A-1 to R was called to order. Zoning Director Chad Beatty shared information regarding the rezoning request. Present were Brian Keierleber, Pete Gaumer, John Klotzbach, Chad Beatty, Marc Mills, Josh Demmer, Chris Hare, Tai Burkart, and Darrin Hayzlett and Danette Lujan. After discussion motion by Gissel second by Ohrt to close the public hearing.

### **RESOLUTION 22-45**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 9<sup>th</sup> day of May 2022.

UPON MOTION made by Gissel and second by Ohrt a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

### **ZONING ORDINANCE AMENDMENT 22-R-8 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Jefferson Township, Section 19, 4.08 +/- from "A-1" agricultural to "R" Residential.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Part of Parcel "G", Plat of Survey in Section 19, Township 87 North, Range 10 West of the Fifth Principal Meridian, Buchanan County, Iowa, more particularly described as follows:

Beginning at the southwest corner of said Parcel "G" recorded as Instrument Number 2012R01152 in the Office of the Buchanan County Recorder; thence North 00°04'22" East along the west line of said parcel 302.97 feet to the northwest corner of said parcel; thence South 89°30'13" East along the north line of said parcel 361.66 feet; thence South 56°56'15" East along the northerly line of said parcel 155.13 feet; thence South 66°36'27" East along said northerly line 242.41 feet; thence South 89°32'06" East along said northerly line 1.74 feet; thence South 00°15'26" East 115.23 feet to the south line of said Parcel "G" and the beginning

of a 1146.00 foot radius, non-tangent curve, concave southerly; thence westerly 21.04 feet along the arc of said curve and a chord that bears North 83°38'12" West, 21.04 feet; thence South 89°30'05" West along said south line 695.90 feet to the Point of Beginning, containing 4.08 acres, more or less, including 1.10 acres, more or less, with presently established right-of-way.

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 9<sup>th</sup> day of May 2022.

Discussion was held regarding the memorandum of understanding and 28E agreement. After discussion the Board would like to not accept the 28E, that would make Buchanan County the fiscal agent. Laura Blaker from the Buchanan County Library Association will reach out to the Association and report back to the Board of Supervisors.

Discussion was held regarding the remodeling project for the Rydell building bid. After discussion motion by Gissel second by Ohrt to approve the base bid from Loecke Construction with the deduction of the meeting room that will be \$385,000.00. Request a change order for water and sewer lines. All in favor motion carried. The Board director Auditor Wilgenbusch to place on the agenda for next week to set public hearing to enter into contact.

The Board discussed the damages to a wall at the Senior Center. After discussion, motion by Gissel and second by Ohrt to have Shonka proceed with putting together specs for project and have Auditor Wilgenbusch publish for bid. All in favor motion carried.

Discussion was held regarding the contract with NEI3A. After discussion, Ohrt second by Gissel to continue with the proposed contract the was approved during the board meeting on April 11, 2022.

County Engineer Brian Keierleber, City of Hazleton Mayor Darrin Hazylett and Council Member Danette Lujan regarding bridge inspections. After discussion the Board directed Keierleber to proceed with drafting a 28E agreement that would allow Assistant Engineer Alex Davis to do bridge inspection for City of Hazleton. Keierleber will report back.

Motion by Gissel second by Ohrt to adjourn at 10:21 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**May 16, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 16, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from May 9, 2022 work session and May 9, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the employee claims in the amount of \$833.27. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans for: Pork Chop Hill III-Site B, Fairbank Township, Section 20 All in favor motion carried.

Zoning Director Chad Beatty presented information for a minor plat for TJ Matthiesen. After discussion motion by Ohrt second by Gissel to approve the minor plat request. All in favor motion carried.

#### **RESOLUTION 22-47**

**WHEREAS**, a minor plat request was filed by TJ Matthiesen property located in Homer Township, Section 27, 6.24 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

**Plat of Survey**

Of Parcel 'B' in the southwest ¼ of Section 27, Township 87 North, Range 9 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa. Thence along the west line of said section 27 N00°00'12"E, 402.30 feet; thence N62°57'16"E, 425.74 feet; thence S26°04'17"E, 649.66 feet to the south line of said section 27; thence along said south line S88°56'14"W, 664.84 feet to the SW corner of said section 27 and the point of beginning. Described parcel contains 6.24 acres. Including 1.02 acres of road right-of-way, and is subject to easements and restrictions of record.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the TJ Matthiesen Minor Plat, is approved as described as follows:

Roll Call:  
Ohr: Aye  
Gissel: Aye  
Shonka: Aye

Passed this 16<sup>th</sup> day of May 2022.

Motion by Ohrt second by Gissel to approve the following resolution to set public hearings for zoning requests. All in favor motion carried.

**RESOLUTION 22-48  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-A-9  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Perry Township, Section 4, 2.0 +/- from "A-1" agricultural to "A-2" agricultural.

**BE IT ORDAINED:**

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southwest ¼ of the Southeast ¼, except the West 36 ½ feet; all in Section 4, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:10 a.m. on June 6, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 16<sup>th</sup> day of May 2022.

**RESOLUTION 22-49  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-M-10  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 6, 312 square feet +/- from “R-1” residential to “M” manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Lot 9 Pint’s Addition to Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on June 6, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

The Board met with Zoning Director Chad Beatty to review the Solar Ordinance Amendment. The amendment would be changed the requirements to *“Large Solar Farms (50 kW or greater) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Large solar energy facilities (50 kW or greater) may only be constructed in areas that are zoned “M” Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.”*

*“The County Engineer and Board of Supervisors must review and authorize the road repair and improvement costs will be recouped from property taxes of a project of this nature, otherwise a Permit fee schedule, Bond, or Assessment will need to be created for each application to assure the County is properly compensated for potential damages.”*

*“Solar Energy Installations: 50 kW or less are a permitted accessory use while a 50 kW or greater use is restricted to “M” Manufacturing zoning classification subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below or a Large Solar Farm consisting of 50 kW will require approval of a Special exception permit.”*

After discussion motion by Ohrt second by Gissel to set first public hearing on June 6, at 9:30 am. All in favor motion carried.

**RESOLUTION 22-50  
AND NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the amendment to Chapter 50 Zoning Ordinance on Monday, June 6 2022 at 9:30 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

WHEREAS, copies of the proposed amendment to Chapter 50 Parks, Zoning Ordinance are available in the County Auditor's office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 16<sup>th</sup> day of May 2022.

Supervisor Ohrt presented information regarding a letter of support for the Puff subdivision. This letter of support will allow for the developer to apply for grant funds. After discussion motion by Ohrt second by Gissel to approve the letter and authorize the chair to sign. All in favor motion carried.

The Board met with IT Director Jason Vandenburg regarding a salary increase for IT Assistant Isaiah Dvorak. No action at this time.

Supervisor Shonka presented information regarding the contract with NEI3A. After discussion no action taken until further information is available after the NEI3A meeting on May 26, 2022.

Motion by Gissel second by Ohrt to adjourn at 10:21 AM. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**May 23, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 23, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from May 16, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the claims in the amount of \$700,058.12. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the tobacco license for Dollar General, 1023 Central Ave, Fairbank, IA. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the wage increase for Amber Lorenzen, Environmental Health/Zoning Department to \$19.00 per hour effective May 23, 2022. Lorenzen has completed required certification as of May 1, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the amended resolution for the public hearing for the rezoning request to state from "R-1" to "C" commercial not "M" manufacturing. All in favor motion carried.

Motion by Gissel second by Ohrt to place on file manure management plans for: K & K Farms, Buffalo Township, Section 21. All in favor motion carried.

The Board meet with members from the Independence VFW to discuss memorial located on the courthouse lawn. They have had requests to place additional benches. After discussion, VFW members will bring a official proposal to the Board of Supervisors for approval.

The Board opened bids for courthouse parking lot project. Skyline Construction for \$224,955.54, Heartland Asphalt for \$228,137.73 and Eastern Iowa Excavating for \$264,690.63. After discussion, motion by Ohrt second by Gissel to accept the low bid from Skyline Construction after documents are reviewed by Assistant Engineer Alex Davis.

The Board reviewed the current refreshment policy. Information coming from the State Auditor's Office is that all refreshments purchased with tax payer dollars must serve a public purchase. After discussion, the board will review with the County Attorney's office for guidance.

The Board reviewed invoices from Demmer Architecture, after discussion motion by Gissel second by Ohrt to approve the invoices to be processed for payment. All in favor motion carried.

Request for proposals for county audit. The board received two proposals

Gardiner + Company

\$36,835      2022

\$38,308      2023

\$39,840      2024

Office of the Auditor of State

\$41,700      2022

\$42,000      2023  
\$43,610      2024

After discussion motion by Ohrt second by Gissel to approve the proposal from Gardiner + Company for the three-year period. All in favor motion carried.

County Engineer Brian Keierleber presented information for BIP Grant Project, 28E Agreement. After discussion motion by Gissel second by Ohrt to authorize the chair to sign the 28E agreement.

County Engineer presented a contract for a project on county V-62 for Safety Funds for repairs. After discussion motion by Ohrt second by Gissel to approve the contract and authorize the chair to sign. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 10:01 am. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**June 6, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, June 6, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from May 23, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the claims in the amount of \$691,581.43. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the employee claims in the amount of \$2,471.14. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the monthly report Sheriff's Office Civil Account \$3,672.41. All in favor motion carried.



Supervisor Shonka presented information regarding funding request from Buchanan County Tourism. No action taken.

Motion by Ohrt second by Gissel to place on file manure management plans for: BS Hog Fund, LLC, Madison Township, Section 5 and Scott Frye, Pilot Grove Farms, Buffalo Township, Section 31. All in favor motion carried.

Motion by Gissel second Ohrt to set public hearing for budget amendment for June 27, 2022 at 9:10 am. All in favor motion carried.

Applications for Veteran's Commission were reviewed. After discussion motion by Ohrt second by Gissel to appoint Orlan Love to the Buchanan County Commission. All in favor motion carried.

Discussion was held regarding the appointment of a Homer Township Trustee. After discussion motion by Ohrt second by Gissel to approve placing an ad in the local papers for trustee. All in favor motion carried.

Public hearing for rezoning request from Charles Clayton III to rezone property located in Perry Township, Section 4, 2.0 +/- from "A-1" agricultural to "A-2" agricultural. In attendance Charles Gaumer, Randolph Leon, MD; Charles Clayton III. After discussion motion by Gissel second by Ohrt to close the public hearing at 9:13 am. Motion by Ohrt second by Gissel to approve the rezoning request in resolution. All in favor motion carried.

### **RESOLUTION 22-51**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 6<sup>th</sup> day of June 2022.

UPON MOTION made by Ohrt and second by Gissel a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

### **ZONING ORDINANCE AMENDMENT 22-A-9 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Perry Township, Section 4, 2.0 +/- from "A-1" agricultural to "A-2" agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southwest ¼ of the Southeast ¼, except the West 36 ½ feet; all in Section 4, Township 89 North, Range 10 West of the 5th P.M., Buchanan County, Iowa.

THOSE VOTING FOR THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 6<sup>th</sup> day of June 2022.

Public hearing for rezoning request from Eric Parsley to rezone property located in Washington Township, Section 6, 1,664 square feet +/- from "R-1" residential to "C" commercial. In attendance Charles Gaumer, Allen Alber, Judy Sanderson, Dennis Brown, Craig Coffman, Shelly Brown and Thomas Ciesieski. After discussion motion by Ohrt and second by Gissel to close the public hearing at 9:30 am. Motion by Gissel second by Ohrt to deny the rezoning request.

#### **RESOLUTION 22-52**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 6<sup>th</sup> day of June 2022.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was denied by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE DENIED:

#### **ZONING ORDINANCE AMENDMENT 22-C-10**

The rezoning of property located in Washington Township, Section 6, 1,664 square feet +/- from "R-1" residential to "C" commercial.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Lot 9 Pint's Addition to Buchanan County, Iowa.

THOSE VOTING AGAINST THE PASSAGE: Shonka, Gissel, Ohrt

THOSE VOTING FOR THE PASSAGE: None

Passed this 6<sup>th</sup> day of June 2022.

Motion by Gissel second by Ohrt to adjourn at 10:01 am. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**June 9, 2022**

The Buchanan County Board of Supervisors met in special session at 9:00 a.m. on Tuesday, June 9, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel via telephone.

The Pledge of Allegiance was recited.

Auditor Wilgenbusch presented information regarding a request for an Administrative Recount for precincts Brandon, Independence 3<sup>rd</sup> Ward, Jesup and Rowley. After discussion motion by Ohrt second by Gissel to approve the requested Administrative Recount. All in favor motion carried.

**RESOLUTION 22-54**

**RESOLUTION ORDERING AN ADMINISTRATIVE RECOUNT OF VOTES IN THE  
BRANDON, INDEPENDENCE 3<sup>RD</sup> WARD, JESUP & ROWLEY PRECINCTS IN  
BUCHANAN COUNTY**

**WHEREAS**, the Buchanan County Auditor's office administered the Primary Election on June 7, 2022, which included precincts Brandon, Independence 3<sup>rd</sup> Ward, Jesup and Rowley in Buchanan County Iowa;

**WHEREAS**, Buchanan County Commissioner of Elections Kris Wilgenbusch is requesting the Board of Supervisors approve her request to conduct an Administrative Recount on Brandon, Independence 3<sup>rd</sup> Ward, Jesup and Rowley precincts. Due to an equipment malfunction,

the Administrative Recount will ensure the accuracy of the counted votes. Brandon Precinct off 1; Independence 3<sup>rd</sup> Ward off 2; Jesup off 1 and Rowley off 1 due to a ballot jam.

**THEREFORE, BE IT RESOLVED** by the Buchanan County Board of Supervisors that a recount of said precincts be ordered and that the County Auditor and Commissioner of Elections be authorized to conduct said recount as prescribed by the Code of Iowa, 50.50.

Roll Call:

Shonka: Yes  
Gissel: Yes  
Ohr: Yes

Motion by Gissel second by Ohr to adjourn at 9:11 am. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

**June 13, 2022**

The Buchanan County Board of Supervisors met in special session at 9:00 a.m. on Monday, June 13, 2022. Present: Clayton Ohr, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohr to approve minutes from June 6 & June 9, 2022 meetings. All in favor motion carried.

Motion Ohr second by Gissel to approve employee claims filed with County Auditor for \$1,777.64. All in favor motion carried.

Motion by Gissel second by Ohr to approve the resignation of Leland Roepke, Buchanan County Veteran's Commission, effective immediately. All in favor motion carried.

Motion by Ohr second by Gissel to approve the resignation of Amy Ledtje, Legal Secretary, County Attorney's Office. All in favor motion carried.

Motion by Gissel second by Ohr to approve the hiring of HannaRose Iliff, seasonal naturalist intern, effective June 13, 2022 at \$12.00 per hour, pending finalization of criminal background check. All in favor motion carried.

Motion by Ohr second by Gissel to approve monthly reports from Recorder's Office \$13,580.75 and Jail for \$22,344.63. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Home Industry permit for Janet Soukup. All in favor motion carried.

Motion by Ohrt second by Gissel to approve Cole Passick to the Buchanan County Veteran's Commission. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the following fund transfer. All in favor motion carried.

### **RESOLUTION 22-60**

BE IT RESOLVED that the Buchanan County Board of Supervisors approves the following operating fund transfers:

1. Rural Services to Secondary Roads \$650,000 Lost Funds
2. Rural Services to Secondary Roads \$160,481
3. General Fund to Conservation Reserve Fund \$5,000.00

Passed this 13<sup>th</sup> day of June 2022.

Roll Call:

Gissel – Aye

Ohrt – Aye

Shonka - Aye

Motion by Gissel second by Ohrt to approve minor plat for Steve & Donna Saathoff. All in favor motion carried.

### **RESOLUTION 22-53**

**WHEREAS**, a minor plat request was filed by Steve & Donna Saathoff property located in Hazleton Township, Section 3, 16 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Parcel 'D' being part of the Fractional Northwest Quarter of the Northeast Quarter (Frl. NW1/4-NE1/4) of Section Three (3), Township Ninety (90) North, Range Nine (9) West of the Fifth Principal Meridian, Buchanan County, Iowa containing 16.00 acres, more or less, and more particularly described by metes and bounds as follows:

Commencing at the Northeast Corner of Section 3, Township 90 North, Range 9 West of the 5th P.M.; thence S 87°-57'-48" W, 1323.42 feet along the north line of the Frl. NE1/4 of said Section 3 to the Point of Beginning; thence S 87°-57'-48" W, 509.35 feet along the north line of

the Frl. NE1/4 of said Section 3; thence S 02°-02'-12" E, 330.00 feet; thence S 87°-57'-48" W, 100.00 feet; thence S 00°-44'-30" E, 883.11 feet; thence N 87°-34'-38" E, 602.00 feet along the south line of the Frl. NW1/4-NE1/4 of said Section 3; thence N 00°-44'-30" W, 1209.13 feet along the east line of the Frl. NW1/4-NE1/4 of said Section 3 to the Point of Beginning. Said described parcel of land contains 16.00 acres, more or less. Bearings are based on the Iowa State Plane Coordinate System North Zone (1401) Horizontal NAD 83 (2011),

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Steve & Donn Saathoff, is approved.

Roll Call:  
Ohr: Aye  
Gissel: Aye  
Shonka: Aye

Motion by Gissel second by Ohrt to approve minor plat for Andy Willwerth. All in favor motion carried.

#### **RESOLUTION 22-56**

**WHEREAS**, a minor plat request was filed by Andy Willwerth property located in Fairbank Township, Section 29, 2.29 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

PARCEL G, Part of the SE 1/4 of the NW 1/4 of Section 29, T90N, R10W of the 5th Principal Meridian, Buchanan County, Iowa, containing 2.29 acres including 0.50 acres of public road right away, subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the Northeast Corner of the SE 1/4 of the NW 1/4 of Section 29, T90N, R10W of the 5th Principal Meridian, Buchanan County, Iowa;

THENCE along the easterly line of the SE 1/4 of the NW 1/4 of said Section 29, South 00° 14' 44" East, 617.11 feet, to the centerline of Buck Creek Blvd.;

THENCE along the centerline of Buck Creek Blvd. along a circular curve concave southwesterly having an arc length of 288.38 feet, a radius of 400.00 feet, a central angle of 41° 18' 24", a chord length of 282.17 feet, and a chord bearing of North 20° 53' 56" West;

THENCE continuing along the centerline of Buck Creek Blvd., North 41° 33' 08" West, 480.80 feet, to the northerly line of the said SE 1/4 of the NW 1/4;

THENCE along the northerly line of the said SE 1/4 of the NW 1/4, South 89° 08' 10" East (assumed bearing), 416.96 feet to the POINT OF BEGINNING.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Andy Willwerth, is approved.

Roll Call:  
Ohr: Aye

Gissel: Aye  
Shonka: Aye

Motion by Gissel second by Ohrt to approve minor plat for Craft Estate. All in favor motion carried.

**RESOLUTION 22-55**

**WHEREAS**, a minor plat request was filed by Duane Craft Estate property located in Jefferson Township, Section 19, 4.08 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Part of Parcel "G", Plat of Survey in Section 19, Township 87 North, Range 10 West of the Fifth Principal Meridian, Buchanan County, Iowa, more particularly described as follows: Beginning at the southwest corner of said Parcel "G" recorded as Instrument Number 2012R01152 in the Office of the Buchanan County Recorder; thence North 00°04'22" East along the west line of said parcel 302.97 feet to the northwest corner of said parcel; thence South 89°30'13" East along the north line of said parcel 361.66 feet; thence South 56°56'15" East along the northerly line of said parcel 155.13 feet; thence South 66°36'27" East along said northerly line 242.41 feet; thence South 89°32'06" East along said northerly line 1.74 feet; thence South 00°15'26" East 115.23 feet to the south line of said Parcel "G" and the beginning of a 1146.00 foot radius, non-tangent curve, concave southerly; thence westerly 21.04 feet along the arc of said curve and a chord that bears North 83°38'12" West, 21.04 feet; thence South 89°30'05" West along said south line 695.90 feet to the Point of Beginning, containing 4.08 acres, more or less, including 1.10 acres, more or less, with presently established right-of-way.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Duane Craft Estate is approved.

Roll Call:  
Ohrt: Aye  
Gissel: Aye  
Shonka: Aye

Motion by Gissel second by Ohrt to place on file manure management plans for: Ryan Kress, Liberty Township, Section 5; Charlie & Peggy Ward, Newton Township, Section 23. All in favor motion carried.

Motion by Ohrt second by Gissel to set public hearing for zoning requests Andrew Gingerich "A-1" to "A-2." All in favor motion carried.

**RESOLUTION 22-57  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-A-11  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 29, 2.14 acres +/- from “A-1” Agricultural to “A-2” Agricultural

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Northeast ¼ of the Southeast ¼ of Section 29 and the West 10 acres of the Northwest ¼ of the Southwest ¼ of Section 28 all in Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on June 27, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 13<sup>th</sup> day of June 2022.

Motion by Gissel second by Ohrt to set public hearing for David & Diane Gelhaus “R-1” to “M.” All in favor motion carried.

**RESOLUTION 22-58  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-M-12  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 2, propose building with an area approximately of 60’ x 80’ from “R-1” Residential to “M” Manufacturing

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel R, being a part of the Northwest fractional ¼ of Section 2, Township 88 North, Range 9 West of the 5th P.M., Buchanan County, Iowa as described in Plat of Survey in File No. 2005R02629.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:20 a.m. on June 27, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 13<sup>th</sup> day of June 2022.



Motion by Gissel second by Ohrt to set public hearing for Solar Ordinance Amendment. All in favor motion carried.

**RESOLUTION 22-59 and**  
**NOTICE OF PUBLIC HEARING**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Solar Ordinance Amendment

**WHEREAS**, Section Y, subsection 2 “Regulatory Framework” Solar Energy Standards of the Buchanan County Ordinance shall be amendment too:

2. Regulatory Framework

*Large Solar Farms (50 kW or greater) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Large solar energy facilities (50 kW or greater) may only be constructed in areas that are zoned “M” Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

Small solar energy facilities (50 kW or less) may be constructed in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permits use, and meet the setback, height, and power output requirements of this section shall not require special exception approval, and shall only require a zoning compliance permit. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special exception Approval.

*The County Engineer and Board of Supervisors must review and authorize the road repair and improvement costs will be recouped from property taxes of a project of this nature, otherwise a Permit fee schedule, Bond, or Assessment will need to be created for each application to assure the County is properly compensated for potential damages.*

*Solar Energy Installations: 50 kW or less are a permitted accessory use while a 50 kW or greater use is restricted to “M” Manufacturing zoning classification subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below or a Large Solar Farm consisting of 50 kW will require approval of a Special exception permit.*

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors will hold a Public Hearing on Monday, June 27, 2022 at 9:30 a.m. Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 13<sup>th</sup> day of June 2022.

The Board meet with Community Services Director Julie Davison regarding vehicle purchase. AAfterfter discussion motion by Ohrt second by Gissel to approve the purchase of a 2022 Chevrolet Equinox FWD up to \$22,619.00. All in favor motion carried.

The Board reviewed the proposed contract with NEI3A. After discussion, the Board directed Auditor to make revisions to proposed contract and for them to review.

Motion by Gissel second by Ohrt to adjourn at 9:55 am. All in favor motion carried.

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Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

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Kris Wilgenbusch, County Auditor  
**June 14, 2022**

The Buchanan County Board of Supervisors met in special session at 9:00 a.m. on Tuesday, June 14, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to amend the agenda to add approval of election claims. All in favor motion carried.

Motion by Gissel second by Ohrt to approve election claims filed with the County Auditor in the amount of \$16,039.82. All in favor motion carried.

The Board proceeded to canvass the votes cast at the June 7<sup>th</sup> Primary Election. Motion by Ohrt second by Gissel to file the Abstract of Votes with the Secretary of State's office and place the Official Canvass on file with the County Auditor. All in favor, motion carried.

Motion by Ohrt second by Gissel to adjourn at 9:17 am. All in favor motion carried.

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Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

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Kris Wilgenbusch, County Auditor  
**June 20, 2022**

The Buchanan County Board of Supervisors met in special session at 9:00 a.m. on Monday, June 20, 2022. Present: Clayton Ohrt, Chairman, Don Shonka and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from June 13 & 14, 2022 meetings. All in favor motion carried.

Motion Ohrt second by Gissel to approve employee claims filed with County Auditor for \$2,210.75. All in favor motion carried.

Motion Gissel second by Gissel to approve claims filed with County Auditor for \$662,582.74. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the resignation of Gary Maurer, Hazleton Township Trustee, effective June 15, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of Steve Saathoff, Hazleton Township Trustee, effective June 7, 2022. All in favor motion carried.

Discussion was held regarding the application process for Hazleton Township Trustee positions. After discussion motion by Ohrt second by Gissel to wait for more applications to review before making any appointment to the trustee positions. All in favor.

Motion by Gissel second by Ohrt to approve the hiring of Jacki Schares, Preparedness Service Area Six Coordinator, Public Health effective July 1, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve service agreement with ISAC HIPAA Program and authorize the chair to sign. All in favor motion carried.

Motion by Gissel second by Ohrt to approve Home Industry permit for Noa Marting Gymnastics. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for Osvald Finisher, Byron Township, Section 20. All in favor motion carried.

The Board met with Shawn Harden County Attorney, to discuss personnel. After discussion, motion by Ohrt second by Gissel to authorize County Attorney to hire Pam Albert full-time working remotely temporarily until the Legal Secretary position can be filled.

Harden also requested a comp-time carryover for Marki Lienhard of 54.50 hours to be used by July 31. After discussion motion by Gissel second by Ohrt to approve the request, the comp-time must be used by July 31 or it will be lost. All in favor motion carried.

The met with members of Buchanan County Tourism. Kris McGraw, Tourism President. McGraw introduced Rob Heilmann as the new tourism director and requested payment of \$55,000 for salary that was previously approved in the American Rescue Plan Funding. After discussion motion by Ohrt second by Gissel to approve the payment request. All in favor motion carried.

E911 Director Chris Hare presented information regarding the Fairbank Tower. The tower has been decommissioned and is no longer needed. Motion by Gissel second by Ohrt to approve giving the tower to the City of Fairbank after removal of the generator. All in favor motion carried.

Discussion was held regarding the invoice for administration of American Rescue Plan Act to Northeast Iowa RC & D. After discussion motion by Gissel second by Ohrt to approve to pay the invoice for \$1500.00. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 9:47 am. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**June 27, 2022**

The Buchanan County Board of Supervisors met in special session at 9:00 a.m. on Monday, June 27, 2022. Present: Clayton Ohrt, Chairman, Don Shonka, absent Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Shonka to approve minutes from June 20, 2022 meetings. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the hiring of Autum Pope, part-time dispatcher effective July 8 at \$19.30 per hour and Rylie Davis, full-time dispatcher effective July 5 at \$19.30 per hour

At 9:05 am Public Hearing for FY22 Budget Amendment was called to order. Present Chad Beatty, Brian Keierleber, Dan Cohen, Daniel Gelhaus, Diane Gelhaus, Julian Pepper, Don Reidy, Chris Even, Michael Fettkether, Ester Gingerich, Andrew Gingerich and Julie Davison. After discussion motion by Ohrt second by Shonka to close the public hearing at 9:06 am. Motion by Ohrt second by Shonka to approve the FY22 budget amendment. All in favor motion carried.

At 9:15 am Public Hearing Gingerich rezoning was called to order. Present for the hearing was Chad Beatty, Brian Keierleber, Daniel Gelhaus, Diane Gelhaus, Julian Pepper, Don Reidy, Chris Even, Michael Fettkether, Ester Gingerich and Andrew Gingerich. Zoning Director Chad Beatty presented information regarding the request. Motion by Ohrt second by Shonka to close the public hearing at 9:17 am. After discussion motion by Ohrt second by Shonka to approve the following resolution.

### **RESOLUTION 22-61**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 27<sup>th</sup> day of June 2022.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was denied by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

### **ZONING ORDINANCE AMENDMENT 22-A-11**

The rezoning of property located in Fairbank Township, Section 29, 2.14 acres +/- from "A-1" Agricultural to "A-2" Agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Northeast ¼ of the Southeast ¼ of Section 29 and the West 10 acres of the Northwest ¼ of the Southwest ¼ of Section 28 all in Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa.

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt and Shonka

Passed this 27<sup>th</sup> day of June 2022.

At 9:20 am Public Hearing Gelhaus rezoning was called to order. Zoning Director Chad Beatty regarding the request. Present were Chad Beatty, Brian Keierleber, Daniel Gelhaus, Diane Gelhaus, Julian Pepper, Don Reidy, Chris Even and Michael Fettkether. After discussion motion by Ohrt second by Shonka to close the public hearing. Motion by Ohrt second by Shonka to approve the request. All in favor motion carried.

#### **RESOLUTION 22-62**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 27<sup>th</sup> day of June 2022.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was denied by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

#### **ZONING ORDINANCE AMENDMENT 22-M-12**

The rezoning of property located in Washington Township, Section 2, 60 x 80 feet +/- from "R-1" Residential to "M" Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel R, being a part of the Northwest fractional ¼ of Section 2, Township 88 North, Range 9 West of the 5th P.M., Buchanan County, Iowa as described in Plat of Survey in File No. 2005R02629.

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt and Shonka

Passed this 27<sup>th</sup> day of June 2022.

At 9:30 am Public Hearing Solar Ordinance Amendment was called to order. Zoning Director Chad Beatty presented information regarding the amendment to the current solar ordinance. Present was Chad Beatty, Brian Keierleber, Daniel Gelhaus, Diane Gelhaus, Julian Pepper, Don Reidy, Chris Even and Michael Fettkether. After discussion motion by Ohrt second by Shonka to close the public hearing at 9:45 am. Motion by Ohrt second by Shonka to approve the first reading of the solar ordinance amendment.

## **RESOLUTION 22-59**

### **SOLAR ORDINANCE AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Solar Ordinance Amendment

**WHEREAS**, Section Y, subsection 2 “Regulatory Framework” Solar Energy Standards of the Buchanan County Ordinance shall be amendment too:

2. Regulatory Framework

*Large Solar Farms (50 kW or greater) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Large solar energy facilities (50 kW or greater) may only be constructed in areas that are zoned “M” Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

Small solar energy facilities (50 kW or less) may be constructed in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permits use, and meet the setback, height, and power output requirements of this section shall not require special exception approval, and shall only require a zoning compliance permit. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special exception Approval.

*The County Engineer and Board of Supervisors must review and authorize the road repair and improvement costs will be recouped from property taxes of a project of this nature, otherwise*

*a Permit fee schedule, Bond, or Assessment will need to be created for each application to assure the County is properly compensated for potential damages.*

*Solar Energy Installations: 50 kW or less are a permitted accessory use while a 50 kW or greater use is restricted to “M” Manufacturing zoning classification subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below or a Large Solar Farm consisting of 50 kW will require approval of a Special exception permit.*

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Monday, June 27, 2022 at 9:30 a.m. After discussion motion by Ohrt second by Shonka to approve the first reading of the ordinance amendment

Passed this 27<sup>th</sup> day of June 2022.

Motion by Ohrt second by Shonka to set second reading for solar ordinance amendment for July 5, 2022 at 9:10. All in favor motion carried.

**RESOLUTION 22-63  
AND NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the amendment to Chapter 50 Zoning Ordinance on Tuesday, July 5, 2022 at 9:10 a.m. in the Board of Supervisors’ Chambers, Courthouse, Independence; and

WHEREAS, copies of the proposed amendment to Chapter 50 Parks, Zoning Ordinance are available in the County Auditor’s office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 27<sup>th</sup> day of June 2022.

Motion by Ohrt second by Shonka to approve the appointment of Estelle Gudenkauf as Homer Township Trustee. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the appointment of Anthony Schuler as Hazleton Township Trustee. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the appointment of Lonnie Brewer as Hazleton Township Trustee. All in favor motion carried.



Auditor Kris Wilgenbusch presented information regarding the lease agreements. The Board directed Wilgenbusch to notify all department heads that if any equipment is leased it must have prior approval by resolution per Iowa Code.

County Engineer presented information regarding the proposed 28E with the City of Jesup for construction on North Street. After discussion motion by Ohrt second by Shonka to approve the 28E agreement. Once agreement is signed Auditor Wilgenbusch will file the agreement with the Iowa Secretary of State's office.

Motion by Ohrt second by Shonka to adjourn at 10:25 am. All in favor motion carried.

Don Shonka, Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**June 30, 2022**

The Buchanan County Board of Supervisors met in special session at 9:00 a.m. on Monday, June 30, 2022. Present: Clayton Ohrt, Chairman and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve the amended liquor license for JJAM Racing. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the liquor license for Buchanan County Fair Association. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the FY23 employee wages. All in favor motion carried.

**Salary:** Beatty, Chad, \$70,000.00; Burkhart, Tai, \$73,943.22; Buzynski, Scott, \$95,037.00; Cabell, Sondra, \$58,627.67; Clouse, Daniel, \$69,900.00; Cohen, Daniel, \$71,395.22; Brecht, Brittney, \$47,518.50; Davison, Julie Bergan, \$75,914.87; Endres, Theresa, \$62,254.71; Even, Maureen, \$49,201.43; Fischels, Barbara, \$59,964.10; Flexsenhar, Ann, \$59,159.17; Fox, Kimberly, \$53,150.00; Gissel, Gary, \$45,000.00; Harden, Shawn, \$110,025.00; Harms, Bradley, \$85,710.00; Jones, Tammy, \$58,553.18; Keierleber, Brian, \$141,295.95; Maas, Michael, \$43,928.17; Mangrich, Michelle,

\$69,599.02; Maynard, Steven, \$69,100.00; Mether, Gina, \$70,546.00; Naber, Tamara, \$36,110.00; Ratchford, Michael, \$80,781.45; Ohrt, Clayton, \$45,000.00; Schweitzer, Mellisa, \$56,436.80; Shonka, Donald, \$45,000.00; Sinnott, Evan, \$60,236.18; Stephenson, Karen, \$61,217.00; Vandenburg, Jason, \$76,258.73; Wilgenbush, Kris, \$72,020.00; Wulfekuhle, Rick, \$60,020.40; Zaputil, Jenalee A, \$93,500.00. **Per hour per contracts:** Albert, Pamela, \$21.06; Amos, Rashell, \$26.78; Cameron, Juli, \$23.00; Davis, Alex, \$53.29; Donnelly, Tim, \$16.50; Dvorak, Isaiah, \$25.36; Esch, Laura, \$29.55; Fangman, Phil, \$31.42; Hansen, Christopher, \$21.39; Hare, Christopher, \$26.00; Hazen, Sherlyn, \$24.15; Horn, Cynthia, \$30.19; Johnson, Diane, \$14.00; Kelly, Amy, \$22.22; Schares, Jaclyn, \$29.71; Lienhard, Marki, \$18.23; Lorenzen, Amber, \$19.00; Mount, James, \$18.48; Price, Tracy, \$21.38; Van Raden, Michael, \$25.80; Vogel, Dawn, \$15.25; Whittle, Jeremy, \$22.44; Freeman, Chad, \$21.29; Amfah, Heather, \$19.15; Danielsen, Zach, \$17.88; Cook, Matthew, \$29.79; Gissel, Brian, \$24.54; Bearbower, Laurie, \$22.60; Bergfeld, David, \$24.54; Franck, Nickolas, \$24.54; Bagley, Christine, \$21.29; Franck, Mitchell, \$29.23; Goeller, Alexander, \$24.54; Henderson, Stacy, \$25.19; Chesmore, Christopher, \$31.99; Cooksley, Christopher, \$23.06; Crawford, Ronald, \$24.54; Davis, Donald, \$25.15; Hayzlett, Christopher, \$24.54; Hingtgen, Jenny, \$19.30; Astleford, Mary, \$21.29; Bigler, Benjamin, \$15.92; Hogan, Miles, \$21.29; Gallery, Blake, \$29.79; Gudenkauf, Ryan, \$28.57; Derr, Douglas, \$24.54; Haas, Linda, \$21.29; Hartmann, Cory, \$29.79; Donnelly, Brian, \$24.54; Hund, Thomas, \$25.19; Karsten, Elizabeth, \$17.24; Kivell, Charles, \$24.54; Klensman, Tyler, \$26.92; Kobliska, Krista, \$21.29; Lynn, Richard, \$21.29; Meyer, Patti, \$19.15; Naber, Kevin, \$24.54; Smith, Rita, \$17.24; Ohl, Lyle, \$17.38; Reth, Amber, \$18.71; Rawson, Torin, \$19.30; Thomas, Michelle, \$20.02; Payne, Janet, \$20.88; Postel, Leslie, \$21.29; Smith, Michelle, \$21.29; Passick, Luke, \$23.06; Slattery, Kenneth, \$23.06; Vande Voorde, Brenda, \$23.95; Wilson, David, \$23.95; Quinn, Brian, \$24.54; Reck, Michael, \$24.54; Reidy, Thomas, \$24.54; Ridder, Michael, \$24.54; Wehling, Joseph, \$24.54; Wilson, Korey, \$24.54; Oloughlin, Thomas, \$24.66; Price, Curtis, \$24.66; Zieser, Dustin, \$25.19; Terry, Mary, \$26.04; Vine, Steven, \$27.09; Robinson, Hunter, \$28.57; Walter, Daniel, \$29.23; Ward, Benjamin, \$29.79; Schwinghammer, Joseph, \$31.99.

Auditor Wilgenbusch updated the Board on the clearing of the mental health fund 0010. After discussion motion by Ohrt second by Gissel to approve having the auditor issue a check to East Central Region for the remaining balance. All in favor motion carried.

The Board proceeded to the Treasurer's Office to count cash for fiscal year end 2022.

Motion by Gissel second by Ohrt to adjourn at 3:51 pm. All in favor motion carried.

Gary Gissel, Pro-Tem Chairman  
Board of Supervisors  
Buchanan County, Iowa

ATTEST:

Kris Wilgenbusch, County Auditor  
**July 5, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, July 5, 2022. Present: Clayton Ohrt, Co-Chairperson Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from June 27, 2022 and June 30, 2022 meetings. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with the County Auditor for \$298,255.89. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the following banking resolutions. All in favor motion carried.

### **RESOLUTION 22-66**

BE IT RESOLVED that the Board of Supervisors of Buchanan County approve the following list of financial institutions to be depositories of the county funds in conformance with all applicable provisions of Iowa Code Chapter 12C.2. The County Treasurer shall not exceed the maximum approved for each respective financial institution as set out: Farmers State Bank, Jesup \$250,000; Bank Iowa, \$13,700,000; Northeast Security Bank, Independence, \$250,000; WC Financial, Independence, \$250,000; Northeast Security Bank, Fairbank, \$250,000; Maynard Savings Bank, Hazleton, \$250,000; Veridian Credit Union, Independence, \$250,000 and IPAIT \$10,000,000.

### **RESOLUTION 22-67**

BE IT RESOLVED that the Board of Supervisors of Buchanan County approve the following list of financial institutions to be depositories of the county funds in conformance with all applicable provisions of Iowa Code Chapters 12C.2. The County Sheriff shall not exceed the maximum approved for each respective financial institution as set out: BankIowa, Independence, \$350,000; BankIowa, Rowley, \$100,000; Northeast Security Bank, Independence, \$100,000.

### **RESOLUTION 22-68**

BE IT RESOLVED that the Board of Supervisors of Buchanan County approve the following list of financial institutions to be depositories of the county funds in conformance with all applicable provisions of Iowa Code Chapter 12C.2. The County Auditor shall not exceed the maximum approved for each respective financial institution as set out: Northeast Security Bank, Independence, \$1,500,000.

Motion by Ohrt second by Gissel to place on file manure management plans for Gregory Becker, Westburg Township, Section 17; Grassland Pork, Jefferson Township, Section 18; Premier Pork, Site #3, and Fremont Township, Section 13; Premier Pork, Site #2, Section 24. All in favor motion carried.

At 9:10 am Public Hearing for the 2<sup>nd</sup> reading of the Solar Ordinance called to order. Present for the hearing was Chad Beatty, Zoning Director. Chad Beatty presented some amended information regarding the solar ordinance. Motion by Ohrt second by Gissel to close the public hearing at 9:14 am. All in favor motion carried.

Motion by Gissel second by Ohrt to set a public hearing for the 3<sup>rd</sup> reading of the Solar Ordinance on July 11, 2022 at 9:10 a.m. All in favor motion carried.

Lisa Kremer, Erika Havlik and Tim Turnis were present to gain local support for the Jesup Splash pad. No action taken at this time.

Motion by Ohrt second by Gissel to close the meeting. All in favor motion carried.

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Gary Gissel, Pro-Temp Chairman

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Karen Stephenson, Deputy Auditor  
**July 11, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, July 11, 2022. Present: Don Shonka, Gary Gissel and Clayton Ohrt.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from July 5, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$400.65. All in favor motion carried.

Motion by Gissel second by Ohrt to approve quarterly reports Sheriff's Civil 2 \$978.41 and Sheriff's weapons \$870.00. All in favor motion carried.

Motion by Ohrt second by Gissel to approve minor plat for Stutzman Family Farms, LLC. All in favor motion carried.

### **RESOLUTION 22-69**

**WHEREAS**, a minor plat request was filed by Stutzman Family Farm LLC property located in Hazleton Township, Section 34, 7.27 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Commencing at the Northwest corner of Section 34, Township 90 North, Range 10 West of the 5th P.M., Buchanan County, Iowa, thence along the North line of said Section 34, North 89°23'02" East, 131.12 feet to the point of beginning; thence continuing along said North line North 89°23'02" East, 438.72 feet; thence South 00°04'00" West, 584.44 feet; thence South 87°31'46" West, 570.35 feet to the West line of said Section 34, thence along said West line North 00°04'00" East 436.88 feet; thence North 89°23'02" East, 131.12 feet; thence North 00°04'00" East 166.01 feet to the point of beginning.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Stutzman Family Farm LLC, is approved.

Roll Call:  
Ohrt: Aye  
Gissel: Aye  
Shonka: Aye

Motion by Gissel second by Ohrt to set public hearings for zoning requests for Troy Schafer July 25, 2022 at 9:15 am and G & K Development July 25, 2022 at 9:20 am. All in favor motion carried.

**RESOLUTION 22-71  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-M-12  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Homer Township, Section 4, 6.21 acres +/- from "R-3" Residential to "M" Manufacturing

**BE IT ORDAINED:**

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel F described as: Commencing at a point 300 feet West of the Northeast corner of the Northeast ¼ of the Southeast ¼ of the Southeast ¼ of Section 4, Township 87 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, thence West 700 feet, thence South 450 feet; thence East 700 feet; thence North 450 feet to the point of beginning, except the East 85 feet of the South 285 feet.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on July 25, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 11<sup>th</sup> day of July 2022

**RESOLUTION 22-72  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 22-M-13  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 2, 6.92 acres +/- from "R-3" Residential to "M" Manufacturing

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel S being a part of the Northwest fractional Quarter of Section 2-88-9 as described in the Plat of Survey in File 2005R02629.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:20 a.m. on July 25, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 11<sup>th</sup> day of July 2022.

Motion by Gissel second by Ohrt to place on file manure management plans for Andy Krempeges, Washington Township, Section 11. All in favor motion carried.

The reviewed fireworks application submitted by Jodi Miller. After reviewing the application motion by Ohrt second by Gissel to approve the application. All in favor motion carried.

At 9:10 am final public hearing was held regarding the final reading of the solar ordinance amendment.

**RESOLUTION 22-70  
SOLAR ORDINANCE AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Solar Ordinance Amendment

**WHEREAS**, Section Y, subsection 2 “Regulatory Framework” Solar Energy Standards of the Buchanan County Ordinance shall be amendment too:

2. Regulatory Framework

*Large Solar Farms (50 kW or greater) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Large solar energy facilities (50 kW or greater) may only be constructed in areas that are zoned “M” Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

Small solar energy facilities (50 kW or less) may be constructed in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permits use, and meet the setback, height, and power output requirements of this section shall not require special exception approval, and shall only require a zoning compliance permit. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special exception Approval.

*The County Engineer and Board of Supervisors must review and authorize the road repair and improvement costs will be recouped from property taxes of a project of this nature, otherwise a Permit fee schedule, Bond, or Assessment will need to be created for each application to assure the County is properly compensated for potential damages.*

*Solar Energy Installations: 50 kW or less are a permitted accessory use while a 50 kW or greater use is restricted to “M” Manufacturing zoning classification subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below or a Large Solar Farm consisting of 50 kW will require approval of a Special exception permit.*

**NOW THEREFORE BE IT RESOLVED NOW THEREFORE BE IT RESOLVED** after discussion motion by Gissel second by Ohrt to approve the final reading of the ordinance amendment

Passed this 11<sup>th</sup> day of July 2022.

Ohrt-Aye  
Gissel-Aye  
Shonka-Aye

County Engineer presented contract regarding VI Non-Discrimination Agreement. After discussion motion by Ohrt second Gissel to approve the contract and authorize the chair to sign. All in favor motion carried.

Motion by Ohrt second by Gissel to adjourn the meeting. All in favor motion carried.

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Don Shonka, Chairman

Attest:

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Kris Wilgenbusch, County Auditor

**July 18, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, July 18, 2022. Present: Don Shonka, Gary Gissel and Clayton Ohrt.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from July 11, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$448,108.79. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly reports from Jail \$14,958.29; Recorder \$15,087.33. All in favor motion carried.

Motion by Gissel second by Ohrt to approve quarterly report Auditor \$21,565.03. All in favor motion carried.

County Auditor Wilgenbusch presented monthly health insurance reports. Motion by Gissel second by Ohrt to approve health insurance reports. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the hiring of Cecelia Wood, Correctional Officer, \$19.30 per hour effective July 20, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve minor plat for Marc Miller. All in favor motion carried.



## RESOLUTION 22-74

**WHEREAS**, a minor plat request was filed by Marc Mills property located in Newton Township, Section 34, 20.59 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

AUDITOR PARCEL B IS A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 87 NORTH, RANGE 7 WEST OF THE 5TH P.M., BUCHANAN COUNTY, IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 87 NORTH, RANGE 7 WEST; THENCE N 02°04'28" W ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1043.82 FEET; THENCE N 88°48'41" E, A DISTANCE OF 747.12 FEET; THENCE S 02°08'19" E, A DISTANCE OF 839.05 FEET; THENCE N 88°39'02" E, A DISTANCE OF 578.32 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE S 02°08'19" E ALONG SAID EAST LINE, A DISTANCE OF 202.69 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4; THENCE S 88°39'02" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 1326.58 FEET TO THE POINT OF BEGINNING, CONTAINING 20.59 ACRES OF WHICH 2.59 ACRES IS EXISTING COUNTY ROAD RIGHT OF WAY AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the minor plat for Marc Mills is approved.

Roll Call:  
Ohrt: Aye  
Gissel: Aye  
Shonka: Aye

Passed this 18<sup>th</sup> day of July 2022.

Supervisor Gissel presented change order requests for the remodeling project at the former Rydell Building. The total cost of the change orders will be \$10,622.00 After discussion motion by Ohrt second Gissel to approve the change order. All in favor motion carried.

The Board met with IT Director Jason Vandenburg, regarding his request for a raise for the IT Assistant. After discussion motion by Ohrt second by Gissel to deny request, due to the fact the IT Assistant received a 3% raise that was effective July 1, 2022. All in favor motion carried.

The Board met with Mae Higtgen, MHDS East Central Region coordinator for a priority initiative update. After discussion no action taken.

The Board met with County Engineer Brian Keierleber regarding the Hazleton Salt Shed. After reviewing estimates, Keierleber also presented information on having Secondary Roads crew construction the shed.

Keierleber presented information regarding no parking at the Auction Barn on Fairbank Amish Boulevard. After discussion, Keierleber was directed to work with the owners to ensure that no parking signs are in place when an auction is being held.

Motion by Ohrt second by Gissel to adjourn the meeting at 10:03 a.m. All in favor motion carried.

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Don Shonka, Chairman

Attest:

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Kris Wilgenbusch, County Auditor

### **July 21, 2022**

The Buchanan County Board of Supervisors met in special session at 8:30 a.m. on Thursday, July 21, 2022. Present: Don Shonka, Gary Gissel and Clayton Ohrt.

The Pledge of Allegiance was recited.

Auditor Kris Wilgenbusch presented information regarding an OVO malfunction during the July 19, 2022 City of Independence Special Election. Due to the equipment malfunction the computer ballot count compared to the OVO count did not match by one vote.

Therefore Auditor Wilgenbusch is requesting the Board of Supervisors authorize an Administrative Recount. Wilgenbusch stated if the recount is granted it will take place Friday, July 22, 2022 at 9:00 a.m.

After discussion motion by Gissel second by Ohrt to grant the Administrative Recount. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn the meeting. All in favor motion carried.

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Don Shonka, Chairman

Attest:

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Kris Wilgenbusch, County Auditor

**July 25, 2022**

The Buchanan County Board of Supervisors met in regular session at 8:30 a.m. on Monday, July 25, 2022. Present: Don Shonka, Gary Gissel and Clayton Ohrt.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to amended the agenda to add precinct official claims for the City of Independence Special Election held July 19, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve minutes from July 18 & July 21, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$456.31.

Motion by Gissel second by Ohrt to approve the PEO claims filed with the County Auditor in the amount of \$1,266.54.

Motion by Ohrt second by Gissel to approve the resignation of Dawn Vogel, Part-Time Office Manager Conservation, effective July 31, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of Torin Rawson, Correctional Officer effective July 27, 2022. All in favor motion carried.

County Engineer Brian Keierleber presented information regarding federal safety funds. After discussion motion by Ohrt second by Gissel to approve SS4A Grant resolution. All in favor motion carried.

## **RESOLUTION FOR PARTICIPATION IN SS4A GRANT APPLICATION**

*22-75*

**WHEREAS**, as part of the new Federal Transportation Bill, Infrastructure Investment and Jobs Act (IIJA), there is over \$1B of roadway safety funding available in the form of Safe Streets and Roads for All (SS4A) grants. To be an eligible applicant for this new safety funding, a county **MUST** have an eligible Action Plan in place; and

**WHEREAS**, the Iowa County Engineers Association (ICEA) plans to apply for a SS4A grant to develop and supply all 99 counties in Iowa with an eligible Action Plan at no cost to the counties. ICEA encourages all 99 counties to participate in this grant application; and

**WHEREAS**, the Buchanan County Board of Supervisors will commit to achieve significant declines in roadway fatalities and serious injuries in Buchanan County; and

**WHEREAS**, the Buchanan County Board of Supervisors recognizes the Action Plan and will assist the County Engineer's department in achieving the goal of a dramatic decrease in roadway fatalities and serious injuries and zero roadway fatalities and serious injuries by the years 2030 and 2050, respectively; and

**WHEREAS**, the Buchanan County Board of Supervisors, after consulting with the Buchanan County Engineer, desires to participate in a joint SS4A grant to develop and receive an eligible Action Plan for Buchanan County.

**THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF Buchanan COUNTY** that this County does hereby request to be included in the statewide SS4A grant to develop Actions Plans for all 99 counties in Iowa.

Resolution adopted this 25<sup>th</sup> day of July, 2022.

Zoning Director Chad Beatty presented information on a minor plat for Darrin & Amanda Youngblut. After discussion motion by Ohrt second by Gissel to approve the minor plat. All in favor motion carried.

### **RESOLUTION 22-79**

**WHEREAS**, a minor plat request was filed by Darrin & Amanda Youngblut property located in Perry Township, Section 8, 4.65 acres +/-

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Commencing at the Center  $\frac{1}{4}$  corner of Section 8, Township 89 North, Range 10 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa; thence along the South line of the Northeast  $\frac{1}{4}$  of said Section 8 South  $89^{\circ}25'00''$  East, 660.63 feet to the West line of the East  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 8 and the point of beginning; thence along said West line North  $00^{\circ}28'08''$  West, 675.11 feet; thence South  $89^{\circ}25'00''$  East 300.05 feet; thence South  $00^{\circ}28'08''$  East, 675.11 feet to the South line of the Northeast  $\frac{1}{4}$  of Section 8; thence along said South line North  $89^{\circ}25'00''$  West, 300.05 feet to the point of beginning.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the minor plat for Darrin & Amanda Youngblut is approved.

Roll Call:

Ohrt: Aye

Gissel: Aye

Shonka: Aye

Passed this 25<sup>th</sup> day of July 2022.

Motion by Gissel second by Ohrt to set August 1 at 10:30 am for a work session with benefits committee. All in favor motion carried.

Discussion was held regarding contract with NEI3A. After discussion motion by Gissel second by Ohrt to approve the contract and authorize the chair to sign. All in favor motion carried.

Discussion was held regarding the contract with Council on Aging. After discussion motion by Gissel second by Ohrt to approve the contract and authorize the chair to sign. All in favor motion carried.

At 9:15 AM a public hearing was held for the Schafer rezoning request. Present were: Brian Keierleber, John Klotzbach and Troy Schafer. Zoning Director Chad Beatty presented information to the board. After discussion motion by Ohrt second by Gissel to close the public hearing at 9:19 am. Motion by Ohrt second by Gissel to approve the request. All in favor motion carried.

### **RESOLUTION 22-76**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 25<sup>th</sup> day of July 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-C-12**

**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Homer Township, Section 4, 6.21 acres +/- from “R-3” Residential to “M” Manufacturing

**BE IT ORDAINED:**

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel F described as: Commencing at a point 300 feet West of the Northeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 4, Township 87 North, Range 9 West of the 5th P.M., Buchanan County, Iowa, thence West 700 feet, thence South 450 feet; thence East 700 feet; thence North 450 feet to the point of beginning, except the East 85 feet of the South 285 feet.

**NOW THEREFORE** the following was read and voted upon by the Board of Supervisors, and it was denied by a vote of a majority of the Board of Supervisors:

**AND IT IS NOW AND THEREFORE APPROVED:**

**THOSE VOTING AGAINST THE PASSAGE:** None

**THOSE VOTING FOR THE PASSAGE:** Ohrt, Gissel, Shonka

Passed this 25<sup>th</sup> day of July 2022.

At 9:20 AM a public hearing was held for the G & K rezoning request. Present were: Ron F, Floyd Hockman, Randy Reed, Brian Keielerber, John Klotzbach, Brian Welhner, Julian Pepper, Donnie Reidy, John Kurtz, Tai Burkhart, Dave & Diane Gelhaus. Zoning Director Chad Beatty presented information to the board. After discussion motion by Gissel second by Ohrt to close the public hearing at Gissel second by Ohrt at 9:40 am. Motion by Gissel second by Ohrt to approve the rezoning request. All in favor motion carried.

### **RESOLUTION 22-77**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 25<sup>th</sup> day of July 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-M-13**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 2, 6.92 acres +/- from “R-3” Residential to “M” Manufacturing

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel S being a part of the Northwest fractional Quarter of Section 2-88-9 as described in the Plat of Survey in File 2005R02629.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was denied by a vote of a majority of the Board of Supervisors:



AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 25<sup>th</sup> day of July 2022.

Discussion was held regarding the Internal Revenue Service increasing the mileage rate to .625 per mile that went into effect July 1, 2022. After discussion motion by Ohrt second by Gissel to approve increasing the county's mileage reimbursement to .625 per mile, effective July 25, 2022. All in favor motion carried.

Supervisor Gissel presented information regarding a proposal from Karr Tuckpointing. After discussion motion by Gissel second Ohrt to approve the proposal for \$660.00 for tuckpointing repairs.

Auditor Wilgenbusch presented the Election Canvass for the City of Independence Special Election. After review motion by Ohrt second by Gissel to approve the canvass. All in favor motion carried.

County Engineer Brian Keierleber presented information for the purchase of a concrete breaker. No action taken.

County Engineer Brian Keierleber presented information request to rent concrete forms from Custom Concrete for \$980.00 for 140 linear foot. Motion by Ohrt second by Gissel to approve the rental request by resolution. All in favor motion carried.

**RESOLUTION 22-79**

BE IT RESOLVED the Board of Supervisors approve the rental of 140 linear feet of concrete forms from Custom Concrete.

BE IT RESOLVED the Board of Supervisors approve the rental of 140 linear feet of concrete forms in the amount of \$980.00.

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to finalize any documentation needed without further action of this Board.

Passed this 25<sup>th</sup> day of July 2022.

Motion by Gissel second by Ohrt to adjourn the meeting at 10:08 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &  
Commissioner of Elections

**August 1, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, August 1, 2022. Present: Don Shonka, Gary Gissel and Clayton Ohrt.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve the minutes from the July 25, 2022 minutes. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$1,947.86. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$1,494,400.23. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of Rita Smith, effective July 29, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the monthly report from Sheriff's Civil account \$ 3,367.98. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for Callan Lindsay, Coffins Grove Township, Section 18, Delaware County, Weber Finisher, Jefferson Township, Section 10, WB Farms Inc. – Oran Township, Section 26, Fayette County, Curt Gentz, Middlefield Township, Section 36. All in favor motion carried.

Supervisor Gissel presented bids for water line replacement from 3<sup>rd</sup> Street through the parking lot into the courthouse. Bids were received from Tschiggfrie Excavating for \$42,792.00 and Dave Schmitt Construction for \$61,124.00. After discussion motion by Ohrt second by Gissel to accept the bid from Tschiggfrie Excavating. All in favor motion carried.

GIS Director Evan Sinnot presented information to the Board regarding using grant fund to purchase a drone to improve imaging. Motion by Gissel second by Ohrt to approve the purchase of the drone, licensing and training. All in favor motion carried.

Motion by Ohrt second by Gissel to approve offering to cover the cost for flu vaccinations for any county employee receiving the vaccination through Buchanan County Public Health. All in favor motion carried.

Supervisor Ohrt presented information regarding training for Township Trustees provided by Iowa State Extension. Cost of the training is \$750.00. After discussion motion by Ohrt second by Gissel to approve the training and the county will pay for cost. All in favor motion carried.

The Board met with Buchanan County Economic Director Lisa Kremer for an annual update. After discussion, no action taken.

Supervisor Gissel presented information to the Board regarding the DHS/Public Health parking lot. Mosher Daycare is paving a portion of their parking lot, including the driveway entrance. They have requested the possibility of purchasing an additional approximately 10 foot of the parking. After discussion Gissel will work them to determine the property lines and will report back.

The Board met with County Engineer Brian Keierleber regarding the purchase of a roller. Jasper County has three rollers that go behind motorgraders. After discussion, Keierleber will submit a bid to Jasper County. No other action taken.

Motion by Gissel second by Ohrt to adjourn the meeting at 10:14 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &

Commissioner of Elections

**August 8, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, August 8, 2022. Present: Don Shonka, Gary Gissel and Clayton Ohrt.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve the minutes from the August 1, 2022 minutes. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$178.39. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the monthly report from Recorder's Office \$ 14,274.24 and Jail \$31,139.11. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the resignation of Gus Joyce Seasonal Conservation Technician, effective August 20, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of HannahRose Iliff Seasonal Naturalist Internship, effective August 8, 2022. All in favor motion carried.

Zoning Director Chad Beatty presented information regarding the reimbursement for mileage for Zoning Commissioners and Board of Adjustment members. Requesting members be allowed to request reimbursement for site visits. After discussion motion by Ohrt second by Gissel to direct Beatty to draft a policy regarding the reimbursement and report back. All in favor motion carried.

William Reedy with Buchanan County Pioneer Cemetery Association regarding major tree damage at Hickory Grove Cemetery. Buchanan County's insurance will cover the cost of the

clean-up. The Board asked Mr. Reedy to proceed with seeking bids for clean-up and report back to the Board of Supervisors.

County Engineer Brian Keierleber presented information regarding the 28E agreement with City of the Jesup for repairs on North Street. No action taken until further clarification on the agreement is available.

Recorder Michelle Mangrich introduced Don Beussink with Cott Systems, Inc. Mr. Beussink presented information regarding scanning land documents to preserve history of Buchanan County. No action taken at this time.

The Board met with Ryan Berven, from Assured Partners regarding health insurance update. No action taken at this time.

Supervisor Don Shonka presented a sample Emergency Closing Policy. The Board of Supervisors will review the documents. There will be a work session on September 2, 2022 at 9 am to review the policy.

Motion by Gissel second by Ohrt to adjourn the meeting at 10:57 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &  
Commissioner of Elections

**August 16, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, August 16, 2022. Present: Don Shonka, Clayton Ohrt and Gary Gissel (via telephone).

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to amend the agenda to remove Recorder Michelle Mangrich and Roger Allen, VFW regarding memorial. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the minutes from the August 8, 2022 minutes. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$451,824.25. All in favor motion carried.



Motion by Ohrt second by Gissel to place on file manure management plan for Super 8, Westburg Township, Section 35. All in favor motion carried.

Environmental Health/Zoning Director Chad Beatty presented information on the 28E agreement with Iowa Department of Natural Resources regarding well water construction and permitting. After discussion motion by Ohrt second by Gissel to approve the 28E agreement and authorize the chair to sign. All in favor motion carried.

Beatty presented the revised reimbursement policy for the Buchanan County Planning/Zoning Commission and the Board of Adjustment. The new policy will allow Commission and Board members for “actual” expenses related to the “necessary” and “official” duties. After discussion motion by Ohrt second by Gissel to approve the revised policy. All in favor motion carried.

### **Zoning Department Reimbursement Policy**

#### **For Buchanan County Planning and Zoning Commission and Board of Adjustment**

It is the policy of the Buchanan County Planning and Zoning Commission and Board of

Adjustment to reimburse its Commission and Board members for “actual” expenses related to “necessary”, “official duties” as described below:

**1. Official Meetings:** Commission and Board members may request mileage

reimbursements for attending Planning and Zoning and Board of Adjustment meetings. Planning and Zoning and Board of Adjustment meetings are those meetings scheduled by official action of the Commission or Board.

**2. Workshops and other meetings:** Commission and Board members may receive reimbursement for registration, lodging, and one meal costs associated with attending workshops and other trainings, provided these workshops and trainings have been pre-approved by the Zoning Administrator. Reimbursement will be only for trainings which the Commission or Board member actually attends. In instances when a Commission or Board member’s fees are prepaid by the Zoning department, and the Commission or Board

member chooses not to attend, the Commission or Board member shall reimburse the Zoning Department for the costs of trainings not attended. These charges may be forgiven if the Commission or Board member can demonstrate that an emergency prevented attendance. Mileage may be reimbursed in instances when no county vehicle or carpool option was made available to the Commission or Board member, or mileage may be approved prior to the workshop or training by the Zoning Administrator. A Commission or Board member who, for sake of convenience or personal desire, chooses to use his own vehicle to attend workshops or trainings, may do so without reimbursement.

3. **Mileage:** When mileage is to be reimbursed as stated above, a Commission or Board member may be reimbursed for round-trip mileage – not to exceed mileage from his or her home address. This reimbursement also includes the Planning and Zoning

Commission members and Board of Adjustment making site visits to the applicants' property. The mileage rate shall be equal to the rate approved for mileage reimbursement by the Buchanan County Board of Supervisors.

Motion by Ohrt second by Gissel to set public hearing for the first reading Wind Energy Ordinance amendment for August 29, 2022 at 9:30 a.m. All in favor motion carried.

## **RESOLUTION 22-81**

### **AND NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the amendment to Chapter 50 Zoning Ordinance on Monday, August 29 2022 at 9:30 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

WHEREAS, copies of the proposed amendment to Chapter 50 Parks, Zoning Ordinance are available in the County Auditor's office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 16<sup>th</sup> day of August 2022.

Motion by Gissel second by Ohrt to set public hearing for Harold Freeman rezoning request from “A-1” agricultural to “A-2” Agricultural on August 29, 2022 at 9:15 a.m.

**RESOLUTION 22-80**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-A-14**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 25, 26.2 acres +/- from “A-1” Agricultural to “A-2” Agricultural

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The West 422’ of the NW Corner of the SW Quarter except the South 310’. Exact legal to be determined by Survey.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on August 29, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 16<sup>th</sup> day of August 2022.

The Board discussed setting a date for a work session with the benefits committee, after discussion date was set for September 6, 2022 at approximately 10 am or following the Board of Supervisors meeting.

Roger Allen with the VFW regarding additional benches to be added to the Veteran's Memorial located at the Courthouse. After discussion motion by Ohrt second by Gissel to approve the placement of the benches. All in favor motion carried.

The Board met with County Engineer Brian Keierleber regarding bridge posting. After discussion, due to it needs to be approved by resolution, it will be placed on the agenda for next week for approval.

During public comment Nick Petersen from Jefferson Township address the Board of Supervisors regarding campaign sign on an employee vehicle. No action taken.

Motion by Gissel second by Ohrt to adjourn the meeting at 9:35 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &  
Commissioner of Elections

**August 22, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, August 22, 2022. Present: Don Shonka and Clayton Ohrt, Gary Gissel absent.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Shonka to approve the minutes from the August 16, 2022 minutes. All in favor motion carried.

Motion by Ohrt second by Shonka to approve employee claims filed with the County Auditor for \$717.39. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the liquor license for Bar Candy. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the hiring of Matt Svoboda, Operator II, Secondary Road Department effective August 31, 2022 \$23.31 per hour. All in favor motion carried.

Motion by Ohrt second by Shonka to approve Dr. Jack O'Brien, MD as Deputy Medical Examiner. All in favor motion carried.

The Board met with Lisa Kremer with Buchanan County Economic Development to discuss a housing study in Buchanan County. Kremer is requesting \$2000.00 to assist with the cost. After discussion, no action at this time.

Discussion was held regarding the change order for the remodeling project at the former Rydell Building.

The Board met with County Treasurer Gina Mether regarding a tax abatement for parcel 0256648G in the name of Brian and Eric Armstead/Pat Breitbach. After discussion motion by Ohrt second Gissel to approve the abatement in the amount of \$5,346.00. All in favor motion carried.

## **RESOLUTION 21-24**

**WHEREAS**, the Buchanan County Board of Supervisors has the power to abate taxes on property per State of Iowa Code 435.25(3)

**NOW AND THEREFORE BE IT RESOLVED** that the Board of Supervisors authorizes the County Treasurer to abate taxes, penalty and cost for the following:

Brian Eric Armstead, parcel # 0256648G, years 2018 through 2022 for \$5,346.00.

Passed August 22, 2022

The Board met with County Engineer Brian Keierleber regarding setting a public hearing for a bridge posting. Motion by Ohrt second by Shonka to approve the bridge posting. All in favor motion carried.

**RESOLUTION 22-82**

**PUBLIC HEARING BRIDGE POSTING**

**RESTRICT THE NUMBER OF TRUCKS ON BRIDGE FHWA #82350**

**LOCATED WESTBURG 26 00 77**

**WHEREAS:** The Board of Supervisors is empowered under authority of the Code of Iowa to restrict the number of trucks on Bridge FHWA #82350 Located Westburg 26 00 77 to one Truck on the bridge at a time.

**WHEREAS:** The age and design of the bridge is not designed to carry more than one truck with the current design loads and weights.

**NOW, THEREFORE, BE IT RESOLVED** by the Buchanan County Board of Supervisors that the county engineer be authorized to place signage restricting the bridge to **ONE LANE BRIDGE FOR TRUCKS.**

During public comment Nick Petersen from Jefferson Township addressed the Board of Supervisors regarding campaign sign on an employee's vehicle. Auditor Wilgenbusch shared with Mr. Petersen the information that she had received from legal council at the Iowa Secretary of State's Office. Supervisor Ohrt also shared information that he received from Iowa Ethics and Campaign Disclosure Board.

Motion by Ohrt second by Gissel to adjourn the meeting at 9:55 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &  
Commissioner of Elections

**August 29, 2022**



The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, August 29, 2022. Present: Don Shonka and Clayton Ohrt, Gary Gissel absent.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Shonka to approve the minutes from the August 22, 2022 minutes. All in favor motion carried.

Motion by Ohrt second by Shonka to approve employee claims filed with the County Auditor for \$521,310.35. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the liquor license for Jesup 9 & Banquet Hall. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the monthly report from Sheriff's Office Weapons for \$560.00. All in favor motion carried.

The Board reviewed the Special Assessment from the City of Independence. After discussion motion by Ohrt second by Shonka to have the Auditor pay the minimum amount due of \$1,174.50. The full amount will be budgeted for fiscal year 2024. All in favor motion carried.

Auditor Wilgenbusch presented information regarding the purchase of new election equipment. The current equipment being used is about at the end of its life expectancy. After discussion Wilgenbusch will proceed with setting a date to have representatives from Henry Adkins come in to present proposals.

Auditor Wilgenbusch presented information regarding the current broadband challenge that the Office of the Chief Information Officer with the Department of Management. There is currently a map challenge available on the <https://ocio.iowa.gov/broadband-availability-map->

[version-4-challenge-process](#). All Buchanan County residents are encouraged to go out and review the map. The map shows if residents have access to fiber in their area. There are some discrepancies in the map, residents are encouraged to challenge the map if it is incorrect.

Zoning/Environmental Health Director Chad Beatty presented quotes to the Board for replacement of the exterior door to their office. After discussion, motion Ohrt second Shonka to approve the quote from Dubuque Glass Company in the amount of \$3,500.00 All in favor motion carried.

At 9:15 am public hearing for Harold Freeman rezoning request. Zoning Director Chad Beatty presented information regarding the request. After discussion motion by Ohrt second by Shonka to approve the request by resolution.

### **RESOLUTION 22-85**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 29<sup>th</sup> day of August 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-A-14**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 25, 26.2 acres +/- from “A-1” Agricultural to “A-2” Agricultural

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The West 422' of the NW Corner of the SW Quarter except the South 310'. Exact legal to be determined by Survey.

WHEREAS the following conditions must be followed in accordance with Section 335.7, Code of Iowa, the following condition recommended survey, cell tower, and guy wire(s) setbacks and fences, and that there would be no future subdivision established and a restriction of only one dwelling on the lot/parcel.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was denied by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Shonka

At 9:30 am a public hearing for changes in the current Wind Turbine Ordinance was presented by Zoning Director Chad Beatty. After discussion motion by Ohrt second by Shonka to approve the changes for the first reading. All in favor motion carried.

## **RESOLUTION 22-86**

### **WIND ORDINANCE AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Wind Ordinance Amendment

**WHEREAS**, Section X, subsection A "Purpose." he Buchanan County Ordinance shall be amendment too:

## X. Wind Energy Conversion System Regulations

### A. Purpose

This subsection establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Buchanan County. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on-site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that are zoned "M" Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Monday, August 29, 2022 at 9:30 a.m. After discussion motion by Ohrt second by Shonka to approve the first reading of the ordinance amendment

Passed this 29<sup>th</sup> day of August 2022

Motion by Ohrt second by Shonka to set the public hearing for the second reading of the changes regarding the Wind Turbine Ordinance for 9:15 am, September 6, 2022. All in favor motion carried.

## **RESOLUTION 22-87**

### **AND NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the second reading of the amendment to Chapter 50 Zoning Ordinance on Monday, September 6, 2022 at 9:15 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

WHEREAS, copies of the proposed amendment to Chapter 50 Parks, Zoning Ordinance are available in the County Auditor's office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 29<sup>th</sup> day of August 2022.

County Engineer Brian Keierleber presented a draft copy of an 28E agreement with the City of Fairbank regarding construction work on County Road V-62. Pro-temp Mayor Ron Woods from the City of Fairbank. After discussion motion by Ohrt second by Shonka to approve the 28E agreement. Upon approval from the Fairbank City Council will be filed with the Buchanan County Auditor to be filed with the Iowa Secretary of State. All in favor motion carried.

Keierleber presented information regarding stop signs at 150<sup>th</sup> Street and Grant Avenue. No action taken until further information available.

Keierleber presented a 28E for Bridge Improvement Program (BIP) Grant Project. This grant will allow for funding to be used towards repairs/replacement of FHWA Structure Number: 83090 located on Baxter Avenue over the Wapsipinicon River, grant funds available are \$4,000,000.00. Motion by Ohrt second by Shonka. All in favor motion carried.

Motion by Ohrt second by Shonka to adjourn the meeting at 10:24 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &  
Commissioner of Elections

**August 29, 2022**

The Buchanan County Board of Supervisors met in work session at 9:30 a.m. on Friday, September 2, 2022. Present: Don Shonka and Clayton Ohrt, Gary Gissel absent.

The Pledge of Allegiance was recited.

The purpose of the work session was to discuss the proposed Emergency Closure Policy.

Auditor Wilgenbusch stated she has reviewed the proposed plan. She shared her concerns. She then reported that Deputy Auditor Karen Stephenson had been working on the policy and doing research.

Auditor Wilgenbusch left the meeting, Deputy Auditor Stephenson presented information to the Board of discussion. After discussion no action taken.

Motion by Ohrt second by Shonka to adjourn the meeting at 10:45 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, County Auditor &

Commissioner of Elections

**September 6, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, September 6, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Supervisor Ohrt requested an addition to the agenda for a change order in the parking lot project. Motion by Ohrt second by Gissel. All in favor motion carried.

Motion by Ohrt second by Gissel to approve minutes from August 29, 2022 meeting and September 2, 2022 work session. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with the County Auditor for \$1,399.14. All in favor motion carried.

Motion by Ohrt second by Gissel to approve resignation of James Mount, Conservation Technician effective September 9, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve monthly report Sheriff's Civil Account \$3,412.75, Sheriff's Weapons Account \$925.00. All in favor motion carried.

Motion by Gissel second by Ohrt to approve September as Voter Registration Month Proclamation. All in favor motion carried.



Motion by Ohrt second by Gissel to approve resignation of William Baldwin, Fairbank Township Trustee. All in favor motion carried.

Motion by Gissel second by Ohrt to approve gutter change order for Rydell Building remodel in the amount of \$1,177.00, this change order will be paid from American Rescue Plan Funds. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the change order for the parking lot project that was presented by Supervisor Ohrt. The order consists of moving the shut off to the potable water for the jail. Estimated expense for this project is \$12,250.00. All in favor motion carried.

#### **RESOLUTION 22-89**

#### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT.**

**WHEREAS**, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

**WHEREAS**, Buchanan County applied for and has been received the first tranche of funds for the American Rescue Plan Act totaling \$4,113,006.00.

**WHEREAS**, the Buchanan County Board of Supervisors has reviewed some requests and determined some that will qualify for the American Rescue Plan Act and

**WHEREAS**, based on the distribution guidelines from the US Department of Treasury, the following projects have been approved for the use of said funds:

- Change order for gutter work at former Rydell Building in the amount of \$1,177.00
- Change order for water shut off for parking lot project in the amount of \$12,250.00

**BE IT RESOLVED** that the Buchanan County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the items listed and authorizes the Auditor to make these payments as they are presented.

PASSED AND ADOPTED this 6th day of September, 2022

Motion by Gissel second by Ohrt to place on file manure management plans for: BMT Pigs, Jefferson Township, Section 9; Bo Higgins, Homer Township, Section 8; Don Kortenkamp, Buffalo Township, Section 12; Kaufman Site, Fairbank Township, Section 18. All in favor motion carried.

Supervisor Gissel presented property tax statement for the former Rydell Building. After discussion motion by Gissel second by Ohrt to approve the requested change order by resolution this bill is to be paid for with the funds from the sale of the annex property. All in favor motion carried.

## **RESOLUTION 22-91**

### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS**

**WHEREAS**, Buchanan County Board of Supervisors received invoice for property taxes

**WHEREAS**, Buchanan County Board of Supervisors authorizes payment to the Buchanan County Treasurer

**WHEREAS**, Buchanan County Board of Supervisors requests the Auditor to issue payment in the amount \$10,730

**WHEREAS**, Buchanan County Board of Supervisors requests payment be made using funds from the proceeds of the sale of the Annex property.

**PASSED AND ADOPTED** this 6th day of September, 2022

The Board of Supervisors reviewed a letter to send to the Iowa Utilities Board regarding the proposed pipeline Navigator Heartland, LLC, Greenway Co2 project. After discussion motion by Ohrt second Gissel to have Auditor Wilgenbusch send the letter to the Iowa Utilities Board. All in favor motion carried.

The Board reviewed an invoice for water main repairs from Tschiggfrie Excavating for \$41,784.00. Auditor Wilgenbusch asked the Board where she was to take the funds from to pay this invoice. Gissel recommended that the invoice be paid from courthouse repairs. Auditor Wilgenbusch stated there would have to be a budget amendment for this payment. Motion by Gissel second Ohrt to pay the invoice. All in favor motion carried.

At 9:15 am Public Hearing Wind Ordinance Amendment was held. Zoning Director Chad Beatty presented information regarding the amendment. After discussion, motion by Ohrt second by Gissel to close the public hearing at 9:35 am. Motion by Gissel second by Ohrt to approve the second reading of the amendment.

## **RESOLUTION 22-86**

### **WIND ORDINANCE AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Wind Ordinance Amendment

**WHEREAS**, Section X, subsection A “Purpose.” he Buchanan County Ordinance shall be amendment too:

X. Wind Energy Conversion System Regulations

A. Purpose

This subsection establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Buchanan County. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on-site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that are zoned "M" Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Tuesday, September 6, 2022 at 9:15 a.m. After discussion motion by Ohrt second by Shonka to approve the first reading of the ordinance amendment

Passed this 6<sup>th</sup> day of September 2022.

Motion by Ohrt second by Gissel to set the Public Hearing for the third reading for September 12, 2022 at 9:15 am. All in favor motion carried.

**RESOLUTION 22-92**

**AND NOTICE OF PUBLIC HEARING**

**WHEREAS**, the Buchanan County Board of Supervisors will hold a public hearing for the second reading of the amendment to Chapter 50 Zoning Ordinance on Monday, September 12, 2022 at 9:15 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

**WHEREAS**, copies of the proposed amendment to Chapter 50 Parks, Zoning Ordinance are available in the County Auditor's office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 6<sup>th</sup> day of September 2022.

Supervisor Shonka presented bids regarding repairs to the Senior Center wall and concrete repairs. Steve's Custom Carpentry labor \$7,000.00 and materials \$8,268.07 to repair wall. For concrete work Small Time Construction, Inc. for \$17,276.00, Mark Vogel Construction for \$22,000.00 and Buchanan County Masonry for \$19,369.00. After discussion, no action taken. The Board requested that it be placed on the agenda for next week.

Supervisor Shonka presented bids for damages done to Hickory Grove Pioneer Cemetery. Lake Delhi Tree Service for \$2,640.00, Jacobs Tree Removal for \$3,500.00, Coonrad Lawn Service for \$4,800.00 and Graham's Tree & Stump Removal for \$4,040.00. After discussion motion by Gissel second by Ohrt to accept the bid from Lake Delhi Tree Service for \$2,640.00. All in favor motion carried.

Discussion was held on the Consent and Agreement to Terminate letter from City of Fairbank regarding the Fairbank Tower. After discussion motion by Gissel second by Ohrt to approve the letter and authorize the chair to sign. The letter terminates the prior agreement that was put in place April 2016. All in favor motion carried.

County Engineer Brian Keierleber presented information regarding placement of stop signs on 150<sup>th</sup> Street & Grant Avenue. Keierleber stated that technically the area did not qualify by the Department of Transportation. After discussion motion by Gissel, second by Ohrt to not approve the placement of the stop signs. On roll call Gissel-aye, Ohrt-aye and Shonka-nay. Motion carried.

County Engineer Brian Keierleber presented information regarding waiver to 400 foot on property on Golf Course Boulevard that is currently requested to be rezoned from "R-2" to "R-3." Legal description for the property is COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, OF SECTION 32, TOWNSHIP 89 NORTH, RANGE 9 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BUCHANAN COUNTY, IOWA; THENCE S89°27'54"W, ALONG THE SOUTH LINE OF THE SAID NORTHEAST ONE-QUARTER, OF SECTION 32, A DISTANCE OF 503.15 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING S89°27'54"W, ALONG SAID SOUTH LINE, 979.79 FEET, TO ITS INTERSECTION WITH THE EAST LINE OF LOT A OF RIVER RIDGE, BUCHANAN COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN INSTRUMENT #2004R01191, IN THE RECORDS OF THE BUCHANAN COUNTY RECORDER'S OFFICE; THENCE N00°13'05"E, ALONG SAID EAST LINE, 60.89 FEET; THENCE N23°22'40"E, ALONG SAID EAST LINE, 60.53 FEET; THENCE NORTHEASTERLY, 35.50 FEET, ALONG SAID EAST LINE, AND AN ARC OF A 83.43 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE 35.23 FOOT CHORD BEARS N11°11'15"E, TO THE SOUTHWEST CORNER OF PLAT OF SURVEY PARCEL C, BUCHANAN COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN INSTRUMENT #2014R02557, IN THE RECORDS OF THE BUCHANAN COUNTY RECORDER'S OFFICE; THENCE N90°00'00"E, ALONG THE SOUTH LINE OF SAID PLAT OF SURVEY PARCEL C, 73.02 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE N00°00'00"E, ALONG THE EAST LINE OF SAID PLAT OF SURVEY PARCEL C, 85.27 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE N90°00'00"W, ALONG THE NORTH LINE OF SAID PLAT OF SURVEY PARCEL C, 96.66 FEET, TO THE NORTHWEST CORNER THEREOF, AND A POINT ON THE SAID EAST LINE OF LOT A; THENCE N21°01'12"W, ALONG SAID EAST LINE, 22.21 FEET; THENCE N00°13'05"E, ALONG SAID EAST LINE, 52.32 FEET; THENCE NORTHEASTERLY, 161.73 FEET, ALONG SAID EAST LINE, AND AN ARC OF A 308.88 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE 159.89 FOOT CHORD BEARS N15°13'05"E, TO THE SOUTHWEST CORNER OF LOT 27 OF SAID RIVER RIDGE; THENCE N89°45'01"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 769.85 FEET; THENCE S00°00'00"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 51.42 FEET; THENCE S89°58'30"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 168.22 FEET; THENCE S00°00'15"E, 406.32 FEET TO A POINT ON THE SAID SOUTH LINE OF THE NORTHEAST ONE-

QUARTER OF SECTION 32, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.88 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. After discussion motion by Gissel second Shonka to approve the waiver. All in favor motion carried.

The Board met with members of the benefits committee, was Evan Sinnott, Michelle Mangrich, Tai Burkhart, Dan Cohen, Isiah Dvorak, Phil Fangman, Karen Stephenson and Chad Beatty. Beatty presented to following changes in the employee handbook to the Board of Supervisors for all non-union employees.

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Section A.

**Eligibility of Year One Bonus Days to be after 60 days of Employment.**

Upon each new employee's start date they will receive Five Bonus Days in Year one and will be eligible to use them after 60 days of employment. The Five Bonus days must be used prior to the employee's first anniversary date or the Five bonus days will be lost. Any employee who was recently hired within the same year of the adoption of this new policy will also receive a prorated number of bonus days in relationship to their anniversary date. Employee's bonus days will not be paid if their employment is terminated or ended prior to the use of the bonus days.

**Vacation**

In Years 1 to 4 = 2 Weeks or 10 Days Paid Vacation

In Years 5 to 9 = 3 Weeks or 15 Days Paid Vacation

In Years 10 to 19 = 4 Weeks or 20 Days Paid Vacation

In Years 20 or more = 5 Weeks or 25 Days Paid Vacation and Vacation is Capped at 5 Weeks or 25 Days

All Accrued vacation time is enticed to be taken during the employee's anniversary year but, in unforeseen circumstances an employee shall be permitted to carry over 5 days of unused vacation time. Any unused vacation time which is carried forward to the next year anniversary must have prior approval of the department head/elected official along

with proper communication with the Human Resource Director/Department. The carried over vacation must be used within 60 days of the carry over date or it will be lost.

## **Number 2. Vacation Pay:**

The rate of vacation pay shall be the employee's regular straight time rate of pay for the hours for which he/she would have been regularly scheduled to work.

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## **Section C. Leaves of Absence**

1) Sick Leave: Sick Leave will begin to accrue on the employee's start date and will be granted to all eligible regular full-time employees and all regular part-time employees who regularly work 1000 hours per year. (An eligibility or probation period will not be required prior to the use of sick leave.)

a) Sick leave can only be used for bona fide sickness, medical appointments, medical treatment, or accidental injury of the employee, the employee's spouse/partner, children, and parents as defined by FMLA Fact Sheet #28B. Sick leave will or can be authorized for use at the discretion of the Department Head/Elected Official.

b) Use of 3 days or more of sick leave may require a physician's note to return to work. Discussion and discretion between the department head/elected official and the human resource department will determine this.

To assist in attracting and retaining qualified employees for Buchanan County, Department Heads/Elected Officials with prior authorization from their oversight Board and Elected Officials may negotiate the amount of vacation each new employee who is not subject to a collective bargaining agreement will receive upon his/her year one anniversary date. The negotiated amount shall be communicated to the Human Resource Director/Department prior to the new employee's start date.

After discussion the Board asked for some minor revisions and have it placed on the agenda. Beatty will notify the Auditor when revisions are completed and it will be placed on the agenda.



Motion by Ohrt second by Shonka to adjourn the meeting at 10:45 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**September 12, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, September 12, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to amend agenda to add bid for door work at former Rydell building.

Motion by Ohrt second by Gissel to approve minutes from September 6, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with the County Auditor for additional \$183.31. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with the County Auditor for \$284,088.26. All in favor motion carried.

Motion by Gissel second by Ohrt to approve liquor license for Dolgencorp, LLC. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the monthly report Recorder's Office \$18,720.84. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the hiring of Amanda Quinn, Auditor's Office, Accounts Payable Clerk, \$17.24 per hour effective September 12, 2022. All in favor motion carried.

Supervisors Gissel discussed bid for doors at former Rydell Building. The cost for these repairs would be \$4,436.84. After discussion motion by Gissel second by Ohrt to approve the door repairs. All in favor motion carried.

The Board proceeded to discuss repairs that are need at the Senior Center. Supervisor Gissel was concerned that these repairs are not in the budget at this time. Ohrt commented that he also had concerns where the funds for the project would come from. After discussion motion by Gissel second by Ohrt to not accept any bids at this time, budget the funds for the repairs in the fiscal 2024 budget. All in favor motion carried.

At 9:15 am Public Hearing Wind Ordinance Amendment was held for the third and final reading. Present for the public hearing were: Evan Sinnott, Brad and Debbie Lichty, Mark Trumbauer, Lisa Kremer, Brian Keierleber, Jay Ranor Hoffman, Elliot Meyer, Mark Kirbach, Allen Miller and Merlin Dodge. Each person in attendance spoke in favor of different changes in the amendment.

At 10:32 am motion by Gissel second by Ohrt to close the public hearing. After discussion, motion by Gissel second Ohrt to have Zoning Director Beatty makes changes to the amendment to remove the following paragraph:

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that are zoned "M" Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

Change the following paragraph to read:

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that possess 71 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

On roll call Ohrt – aye, Gissel – aye, and Shonka – aye, motion carried.

Beatty will review with Zoning Commissioners, and report back to the Board of Supervisors set dates for public hearing on amendments to the ordinance.

The Board met with GIS Director Evan Sinnott regarding the contract for Sidwell for the Arcgis Pro migration. Sinnott presented information regarding the maintenance agreement on the software the cost is \$2,787.22 that had not been budgeted for. After discussion motion by Gissel second by Ohrt to approve purchasing the maintenance

The Board met with County Engineer Brian Keierleber regarding late fees and finance charges on the county credit card. The county policy states that finance charges, late fees and/or service fees will be the responsibility of the department head. After discussion Keierleber stated he will pay the late fees.

Motion by Gissel second by Ohrt to adjourn the meeting at 11:07 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**September 19, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, September 19, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from September 12, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve special election claims filed with the County Auditor for additional \$1,180.13. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the hiring of Ben Bonar, Deputy Director Conservation, annual salary of \$58,000.00 effective September 12, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly health trust reports for July and August. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the resignation of James Melka, seasonal employee Secondary Roads effective September 16, 2022. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file manure management plans for Bo Higgins, Homer Township, Section 87; Fuller Site, Fremont Township, Section 35. All in favor motion carried.

The Board set public hearings for the following Zoning requests.

**RESOLUTION 22-94**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-C-15**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Homer Township, Section 4, “C” to “C” for setback requirements

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The West 208 feet of Parcel G in the Southeast ¼ of the Southeast ¼ of Section 4, Township 87 North, Range 9 West of the 5th P.M., in Buchanan County, Iowa, formerly described as Parcel B in Survey and Plat in Book 520 Page 27 and corrected to Parcel G in Affidavit in File No. 2004R02549 AND Parcel G in the Southeast ¼ of the Southeast ¼ of Section 4, Township 87 North, Range 9 West of the 5th P.M., in Buchanan County, Iowa, formerly described as Parcel B in Survey and Plat in Book 520 Page 27 Except the West 208 Feet thereof and corrected to Parcel G in Affidavit in File No. 2004R02549.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on October 3, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 19<sup>th</sup> day of September 2022.

**RESOLUTION 22-95**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-C-16**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Westburg Township, Section 7, “A-1” Agricultural to “C” Commercial.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

A Part of the South ½ of the Northeast ¼ of Section 7, Township 88 North, Range 10 West of the 5th P.M., Buchanan County, Iowa, described as follows: Commencing at the Southwest corner of said Northeast ¼; thence North 01 degrees 24-¾ minutes West 514.0 feet along the West line of said Northeast ¼ to the point of beginning; thence North 01 degrees 24-¾ minutes West 252.00 feet along said West line; thence North 88 degrees 34-¼ minutes East 510.39 feet; thence South 01 degrees 23 minutes 04 seconds East 483.74 feet to the North right-of-way of Primary Road No. 520; thence North 65 degrees 07 minutes West 524.45 feet along said of right-of-way line; thence South 88 degrees 35-¼ minutes West 40.0 feet to the point of beginning.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:20 a.m. on October 3, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 19<sup>th</sup> day of September 2022.

**RESOLUTION 22-96**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-R-17**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Buffalo Township, Section 4, .24 acres +/- from “A-1” Agriculture to “R-2” Residential .

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel 1 (“East Farm”, Parcel # 03.10.200.001): The Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 10, Township 90 North, Range 8 West of the 5th P.M., Buchanan County, Iowa.

AND

Parcel 2 (“West Farm”, Parcel # 03.04.400.007): The South 622.19 feet of the West 1,225.60 feet of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 4, Township 90 North, Range 8 West of the 5th P.M., Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:25 a.m. on October 3, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 19<sup>th</sup> day of September 2022.

**RESOLUTION 22-97**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-R-18**



## BUCHANAN COUNTY, IOWA

The rezoning of property located in Washington Township, Section 32, 9.88 acres +/- from "R-1" Residential to "R-3" Residential .

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, OF SECTION 32, TOWNSHIP 89 NORTH, RANGE 9 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BUCHANAN COUNTY, IOWA; THENCE S89°27'54"W, ALONG THE SOUTH LINE OF THE SAID NORTHEAST ONE-QUARTER, OF SECTION 32, A DISTANCE OF 503.15 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING S89°27'54"W, ALONG SAID SOUTH LINE, 979.79 FEET, TO ITS INTERSECTION WITH THE EAST LINE OF LOT A OF RIVER RIDGE, BUCHANAN COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN INSTRUMENT #2004R01191, IN THE RECORDS OF THE BUCHANAN COUNTY RECORDER'S OFFICE; THENCE N00°13'05"E, ALONG SAID EAST LINE, 60.89 FEET; THENCE N23°22'40"E, ALONG SAID EAST LINE, 60.53 FEET; THENCE NORTHEASTERLY, 35.50 FEET, ALONG SAID EAST LINE, AND AN ARC OF A 83.43 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE 35.23 FOOT CHORD BEARS N11°11'15"E, TO THE SOUTHWEST CORNER OF PLAT OF SURVEY PARCEL C, BUCHANAN COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN INSTRUMENT #2014R02557, IN THE RECORDS OF THE BUCHANAN COUNTY RECORDER'S OFFICE; THENCE N90°00'00"E, ALONG THE SOUTH LINE OF SAID PLAT OF SURVEY PARCEL C, 73.02 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE N00°00'00"E, ALONG THE EAST LINE OF SAID PLAT OF SURVEY PARCEL C, 85.27 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE N90°00'00"W, ALONG THE NORTH LINE OF SAID PLAT OF SURVEY PARCEL C, 96.66 FEET, TO THE NORTHWEST CORNER THEREOF, AND A POINT ON THE SAID EAST LINE OF LOT A; THENCE N21°01'12"W, ALONG SAID EAST LINE, 22.21 FEET; THENCE N00°13'05"E, ALONG SAID EAST LINE, 52.32 FEET; THENCE NORTHEASTERLY, 161.73 FEET, ALONG SAID EAST LINE, AND AN ARC OF A 308.88 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE 159.89 FOOT CHORD BEARS N15°13'05"E, TO THE SOUTHWEST CORNER OF LOT 27 OF SAID RIVER

RIDGE; THENCE N89°45'01"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 769.85 FEET; THENCE S00°00'00"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 51.42 FEET; THENCE S89°58'30"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 168.22 FEET; THENCE S00°00'15"E, 406.32 FEET TO A POINT ON THE SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 32, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.88 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:30 a.m. on October 3, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 19<sup>th</sup> day of September 2022.

Supervisor Gissel presented information regarding the Public Health vehicle. The current vehicle needs repairs Gissel recommended that the Supervisors car be transferred to Public Health Department. Repairs will be made to the current Public Health vehicle, after that the vehicle will be transferred to the Zoning Department.

Auditor Wilgenbusch presented the canvass to the Board of Supervisors for the Independence School Special Election. After the canvass was reviewed motion by Ohrt second by Gissel to have Auditor Wilgenbusch file the Abstract of Votes for the Independence Community School Special Election. All in favor motion carried.

At 9:15 am the Board proceeded to open bids for farm land and pasture leases. There were two bids for the pasture: Dan Oberbreckling \$96.00 per acre, Brian and Pat Donnelly, \$75.00 per acre after bidders were allowed to raise their bids motion by Gissel second Ohrt to accept the high bid from Brian and Pat Donnelly for \$110.00 per acre.

Bids were opened for the 15 acres of cropland; two bids were received. Henderson Farms for \$250.00 per acre and John Bagge for \$325.00 per acre. After discussion motion by Ohrt second by Gissel to accept the bid from John Bagge for \$325.00 per acre. All in favor motion carried.

Bids were opened for the 242 acres of cropland; three bids were received. Henderson Farms for \$250.00 per acre; Alber Brother Farms, LLC for \$380.00 per acre; and Eastern Iowa Farm for \$275.00 per acre. After bidders were allowed to raise their bids motion by Gissel and second by Ohrt to approve the high bid from Henderson Farms for \$385.00 per acre. All in favor motion carried.

The Board met with Zoning/Environmental Director Chad Beatty regarding the employee benefits survey. After discussion no action taken until recommendation can be reviewed by Human Resources Director.

Zoning Director Beatty addressed the Board regarding the marketing of the Heartland Greenland System proposed pipeline eminent domain letter that was sent to the Iowa Utilities Board. After discussion, the Board directed Auditor Wilgenbusch to place the letter on the website.

The Board of Supervisors or and Zoning Director Chad Beatty proceeded to discuss the progress of the Wind Ordinance Amendment plans to move forward and plans for possibly updates to the Buchanan County Comprehension Plan. Beatty advised the Board that he will take the Board of Supervisors suggestions back to the Zoning Commission to review. At that time he will report back. After discussion no action taken.

Supervisors Ohrt presented information regarding the possibly hiring of pipeline inspectors. Initially plans are to have possible inspectors be placed on the agenda to present their ideas and plans to the Board of Supervisors. No action taken at this time.

The Board met with County Engineer Brian Keierleber regarding using a credit card to purchase bridge inspection software for \$9,500.00. Auditor Wilgenbusch shared an email with Board with guidance from Elizabeth Thyer with Gardiner + Company. The email

suggested it may be possibly to do an electronic payment. Wilgenbusch stated that her and Treasurer Gina Methier would research this possibility, however currently no vendors are paid by electronic transfer. Thyer also stated it is very risky for the county to have a credit card with high dollar amount. If the Board chose to have a credit card with a high dollar limit the card would need to be managed by the Auditor's Office. After discussion, the Board asked Keierleber to reach out to AASHRO software to discuss the possibility of doing an electronic transfer.

Motion by Gissel second by Ohrt to adjourn the meeting at 11:01 am. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**September 26, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, September 26, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel via telephone.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from September 19, 2022 meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$339,776.10. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the resignation of Jacob Schwarting seasonal conservation technician effective September 19, 2022. All in favor motion carried.

Motion by Gissel second by Ohrt to approve hiring of Jacob Schwarting full-time conservation technician effective September 20, 2022, at the rate of \$17.75 per hour. All in favor motion carried.

Supervisor Ohrt presented information regarding Township Trustee Training. It was well attended. Ohrt received an agreement to be signed for the training. Motion by Ohrt and second by Gissel to authorize the chair to sign agreement. All in favor motion carried.

Supervisors Ohrt discussed parking lot construction updates. Ohrt discussed the locked wooded door on the south side of IT/GIS/E911/Emergency Management area. Currently when customers are leaving the courthouse an employee has to escort them to the area to unlock the door for the customer to exit the building. After discussion motion by Gissel second by Ohrt to have IT Director Jason Vandenburg unlock the door during the construction project, to allow customers to exit the building without an employee escorting them. All in favor motion carried.

County Engineer Brian Keierleber presented information for the purchase of rail cars for the bridges. After discussion motion by Ohrt second by Gissel to set the letting date for October 24, 2022 at 9:15 am. All in favor motion carried. **October 3, 2022**

The Buchanan County Board of Supervisors met in closed session at 11:00 a.m. on Monday, October 3, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

Closed session per Iowa Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Motion by Gissel second by Ohrt to come out of closed session at 11:56 a.m. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 11:57 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**October 3, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, October 3, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from September 26, 2022 meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$1,478.16. All in favor motion carried.

Zoning Director Chad Beatty presented information regarding minor plat for Alan Cook. After discussion, motion by Ohrt second by Gissel to approve the minor plat. All in favor motion carried.

### **RESOLUTION 22-102**

**WHEREAS**, a minor plat request was filed by Alan Cook property located in Middlefield Township, Section 28, +/- 4.48 acres

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

**PLAT OF SURVEY**

OF PARCEL "E" IN THE SW ¼ OF THE SE 1/4 OF SECTION 28, TWP 88 NORTH, RANGE 7 WEST OF THE 5<sup>TH</sup> P.M., BUCHANAN COUNTY IOWA

**PARCEL "E" DESCRIPTION**

COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 28, TOWNSHIP 88 NORTH, RANGE 7 WEST OF THE 5<sup>TH</sup> P.M., BUCHANAN COUNTY IOWA; THENCE S89°39'50"E, 181.63 FEET ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 28 TO THE WEST LINE OF THE EAST 1142 FEET OF THE SW ¼ OF THE SE ¼ OF SAID SECTION 28 AND THE POINT OF BEGINNING. THENCE CONTINUING S89°39'50"E, 512.00 FEET; THENCE N00°16'07"E, 381.00 FEET; THENCE N89°39'50"W, 512.00 FEET TO THE WEST LINE OF THE EAST 1142 FEET OF THE SW ¼ OF THE SE ¼ OF SAID SECTION 28; THENCE S00°16'07"W, 381.00 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 4.48 ACRES INCLUDING 0.46 ACRES OF PUBLIC ROAD RIGHT OF WAY.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Alan Cook, is approved.

Roll Call:

Ohrt: Aye

Gissel: Aye

Shonka: Aye

Passed this 3<sup>rd</sup> day of October 2022.

Zoning Director Chad Beatty presented information regarding minor plat for Andrew Gingerich. After discussion, motion by Gissel second by Ohrt to approve the minor plat. All in favor motion carried.



**RESOLUTION 22-103**

**WHEREAS**, a minor plat request was filed by Andrew Gingerich property located in Fairbank Township, Section 29, +/- 2.140 acres

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Commencing at the East ¼ corner of Section 29, thence North 89°27'31" West (assumed bearing), 759.53 feet along the North line of the Southeast ¼ of said section to the point of beginning; thence South 01°20'04" West, 215.50 feet; thence South 17°43'39" East, 224.06 feet; thence South 89°27'31" East, 263.85; thence South 00°17'05" West, 243.03 feet; thence North 89°52'13" West, 321.58 feet; thence North 06°45'30" West, 247.35 feet; thence South 89°27'31" East, 61.73 feet; thence North 17°43'39" West, 220.01 feet; thence North 01°20'04" East, 219.35 feet to the North line of said Southeast ¼; thence South 89°27'31" East, 25.00 feet along said North line to the point of beginning all in Township 90 North, Range 10 West of the 5th P.M., Buchanan County, Iowa.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Andrew Gingerich, is approved.

Roll Call:

Ohrt: Aye

Gissel: Aye

Shonka: Aye

Passed this 3<sup>rd</sup> day of October 2022.

Motion by Ohrt and second by Gissel to place on file manure management plan for Bo Higgins, Homer Township, Section 8. All in favor motion carried.

The Board met with Emily Martins and Lori Dietzenbach from the Buchanan County Extension Office regarding Nation 4-H Week Proclamation. After discussion motion Ohrt second by Gissel to approve the following proclamation. All in favor motion carried.

### **National 4-H Week Proclamation**

**October 2-8, 2022**

**WHEREAS**, 4-H is America's largest youth development organization, supporting nearly six million youth across the country; and

**WHEREAS, 4-H in Buchanan County**, just in the past year, had a membership of 252 youth. The 252 youth are mentored by over 100 Buchanan County volunteers to become confident, independent, resilient and compassionate leaders; and

**WHEREAS**, 4-H is delivered by ISU Extension and Outreach – a community of more than 100 public universities across the nation that provides experiences where young people learn-by-doing through hands-on projects in the important areas of health, science, agriculture and civic engagement; and

**WHEREAS**, National 4-H Week showcases the incredible ways that 4-H inspires kids to do and highlights the remarkable 4-H youth in Buchanan County who work each day to make a positive impact on those around them; and

**WHEREAS**, 4-H's national network of nearly 500,000 volunteers and 3,500 professionals provides caring and supportive mentoring to all 4-H'ers, helping them to grow into true leaders, entrepreneurs and visionaries;

**NOW, THEREFORE**, on this 3rd day of October 2022, We, the **Buchanan County Board of Supervisors**, do hereby proclaim **October 2-8, 2022 as NATIONAL 4-H WEEK**

throughout Buchanan County and encourage all of our citizens to recognize 4-H for the significant impact they have made and continue to make by empowering youth with the skills they need to lead for a lifetime.

At 9:15 am public hearing for zoning request for Summit Locations was opened. Present was Dan and Gina Mether, John Klotzbach, Tom Hicks, Lisa Kremer and Jon Marner. Zoning Director Beatty presented information to the Board. After discussion, motion by Ohrt second by Gissel to close the public hearing at 9:19 am. All in favor, motion carried. Motion by Gissel second by Ohrt to approve the zoning request. All in favor motion carried.

### **RESOLUTION 22-98**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 3<sup>rd</sup> day of October 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-C-15**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Homer Township, Section 4, “C” Commercial to “C” Commercial

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The West 208 feet of Parcel G in the Southeast ¼ of the Southeast ¼ of Section 4, Township 87 North, Range 9 West of the 5th P.M., in Buchanan County, Iowa, formerly described as Parcel B in Survey and Plat in Book 520 Page 27 and corrected to Parcel G in Affidavit in File No. 2004R02549 AND Parcel G in the Southeast ¼ of the Southeast ¼ of Section 4, Township 87 North, Range 9 West of the 5th P.M., in Buchanan County, Iowa, formerly described as Parcel B in Survey and Plat in Book 520 Page 27 Except the West 208 Feet thereof and corrected to Parcel G in Affidavit in File No. 2004R02549.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 3<sup>rd</sup> day of October 2022.

At 9:20 am public hearing for zoning request for HGH Properties was opened. Dan and Gina Mether, John Klotzbach, Lisa Kremer and Jon Marner Zoning Director Beatty presented information to the Board. After discussion, motion by Gissel second by Ohrt to close the public hearing at 9:24 am. All in favor, motion carried. Motion by Ohrt second by Gissel to approve the zoning request. All in favor motion carried.

### **RESOLUTION 22-99**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 3<sup>rd</sup> day of October 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-C-16**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Westburg Township, Section 7, "A-1" Agricultural to "C" Commercial

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

A Part of the South ½ of the Northeast ¼ of Section 7, Township 88 North, Range 10 West of the 5th P.M., Buchanan County, Iowa, described as follows: Commencing at the Southwest corner of said Northeast ¼; thence North 01 degrees 24-¾ minutes West 514.0 feet along the West line of said Northeast ¼ to the point of beginning; thence North 01 degrees 24-¾ minutes West 252.00 feet along said West line; thence North 88 degrees 34-¼ minutes East 510.39 feet; thence South 01 degrees 23 minutes 04 seconds East 483.74 feet to the North right-of-way of Primary Road No. 520; thence North 65 degrees 07 minutes West 524.45 feet along said of right-of-way line; thence South 88 degrees 35-¼ minutes West 40.0 feet to the point of beginning.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 3<sup>rd</sup> day of October 2022.

At 9:25 am public hearing for zoning request for Primo Pork was opened. Gina Methner, John Klotzbach, Lisa Kremer, Jon Marner, Marty Brown, Wayne and Joan Burke. Zoning Director Beatty presented information to the Board. After discussion, motion by Ohrt second by Gissel to close the public hearing at 9:35 am All in favor, motion carried. Motion by Gissel second by Ohrt to approve the zoning request. All in favor motion carried.

**RESOLUTION 22-100**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 3<sup>rd</sup> day of October 2022.

**ZONING ORDINANCE AMENDMENT NO. 22-R-17**

**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Buffalo Township, Section 4, +/- .24 acres “A-1” Agricultural to “R-2” Residential

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel 1 (“East Farm”, Parcel # 03.10.200.001): The Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 10, Township 90 North, Range 8 West of the 5th P.M., Buchanan County, Iowa.

AND

Parcel 2 (“West Farm”, Parcel # 03.04.400.007): The South 622.19 feet of the West 1,225.60 feet of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 4, Township 90 North, Range 8 West of the 5th P.M., Buchanan County, Iowa.

With the following conditions:

Mobile homes be limited to only four (4) people residing in one (1) trailer for a total of eight (8) people total. The properties will be by zoning department on a yearly basis.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 3<sup>rd</sup> day of October 2022.

At 9:30 am public hearing for zoning request for Indee Properties, LLC was opened. Presented were Gina Mether, John Klotzbach, Lisa Kremer, Jon Marner, Marty Brown, Kathy Cole, Wayne and Joan Burke. Zoning Director Beatty presented information to the Board. After discussion, motion by Ohrt second by Gissel to close the public hearing at 10:04 am. All in favor, motion carried. Motion by Gissel second by Ohrt to approve the zoning request. All in favor motion carried.

### **RESOLUTION 22-101**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 3<sup>rd</sup> day of October 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-R-18**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 32, +/- 9.88 acres "R-1" Residential to "R-3" Residential

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, OF SECTION 32, TOWNSHIP 89 NORTH, RANGE 9 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BUCHANAN COUNTY, IOWA; THENCE S89°27'54"W, ALONG THE SOUTH LINE OF THE SAID NORTHEAST ONE-QUARTER, OF SECTION 32, A DISTANCE OF 503.15 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING S89°27'54"W, ALONG SAID SOUTH LINE, 979.79 FEET, TO ITS INTERSECTION WITH THE EAST LINE OF LOT A OF RIVER RIDGE, BUCHANAN COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN INSTRUMENT #2004R01191, IN THE RECORDS OF THE BUCHANAN COUNTY RECORDER'S OFFICE; THENCE N00°13'05"E, ALONG SAID EAST LINE, 60.89 FEET; THENCE N23°22'40"E, ALONG SAID EAST LINE, 60.53 FEET; THENCE NORTHEASTERLY, 35.50 FEET, ALONG SAID EAST LINE, AND AN ARC OF A 83.43 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, WHOSE 35.23 FOOT CHORD BEARS N11°11'15"E, TO THE SOUTHWEST CORNER OF PLAT OF SURVEY PARCEL C, BUCHANAN COUNTY, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN INSTRUMENT #2014R02557, IN THE RECORDS OF THE BUCHANAN COUNTY RECORDER'S OFFICE; THENCE N90°00'00"E, ALONG THE SOUTH LINE OF SAID PLAT OF SURVEY PARCEL C, 73.02 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE N00°00'00"E, ALONG THE EAST LINE OF SAID PLAT OF SURVEY PARCEL C, 85.27 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE N90°00'00"W, ALONG THE NORTH LINE OF SAID PLAT OF SURVEY PARCEL C, 96.66 FEET, TO THE NORTHWEST CORNER THEREOF, AND A POINT ON THE SAID EAST LINE OF LOT A; THENCE N21°01'12"W, ALONG SAID EAST LINE, 22.21 FEET; THENCE N00°13'05"E, ALONG SAID EAST LINE, 52.32 FEET; THENCE NORTHEASTERLY, 161.73 FEET, ALONG SAID EAST LINE, AND AN ARC OF A 308.88 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE 159.89 FOOT CHORD BEARS N15°13'05"E, TO THE SOUTHWEST CORNER OF LOT 27 OF SAID RIVER RIDGE; THENCE N89°45'01"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 769.85 FEET; THENCE S00°00'00"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 51.42 FEET; THENCE S89°58'30"E, ALONG A SOUTH LINE OF SAID RIVER RIDGE, 168.22 FEET; THENCE S00°00'15"E, 406.32 FEET TO A POINT ON THE SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 32, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 9.88 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS FOLLOWING CONDITIONS WILL APPLY: 1. Mobile home parks, institutions of religious, educational, or philanthropic nature, including libraries, hospitals, day nurseries or care facilities, nursing and convalescent home and medical clinics, hotels and motels, including hostels, boarding and lodging house, funeral homes and mortuaries, group homes, any use permitted in the "R-2" Suburban Residence District except Multiple Family Dwellings.

2. Access to the subdivision and dwelling units will be from the front or South.



3. The buildings/dwellings are restricted to twenty-four (24) total units.

4. In regards to the existing golf hole future usage the River Ridge HOA and Indee Properties, LLC must sign an agreement regarding the agreed usage and this agreement must be shared with Buchanan County Zoning Department.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

The Board reviewed the application received to fill vacancy of Fairbank Township Trustee. After discussion, motion by Ohrt second by Gissel to approve Bronson Wierck as Fairbank Trustee. All in favor motion carried.

The Board met with Conservation Director Dan Cohen to discuss upcoming Conservation Board appointments.

The Board met with County Treasurer Gina Methers to discuss tax abatements in City of Hazleton. After discussion motion by Gissel and Ohrt to approve the abatements for parcels 02.10.304.004 and 02.10.305.015. All in favor motion carried.

Supervisor Ohrt presented information regarding appointment to the Buchanan County Conservation Board. After discussion motion by Ohrt second by Gissel to authorize Conservation Director to advertise for the position.

Motion by Gissel second by Ohrt to adjourn at 10:23 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**October 10, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, October 10, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from October 3, 2022 regular meeting and October 3, 2022 special session. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$815.54. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$188,366.54. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly report Recorder's Office for \$14,957.98 and Sheriff's Office Civil account for \$3,333.84. All in favor motion carried.

Motion by Gissel second by Ohrt to approve quarterly report Auditor's Office for \$52,112.95. All in favor motion carried.

Motion by Gissel second by Ohrt to approve monthly report for the employee health plan. All in favor motion carried.

Motion Ohrt second by Gissel to place on file manure management plans for: Pratt Finisher, Homer Township, Section 16. All in favor motion carried.

The Board met with Keith Donnelly county home fence line on the south side of his property. After discussion motion by Gissel second by Ohrt to have Donnelly proceed with the fencing not to exceed \$1,400.00. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 9:18 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

Motion by Ohrt second by Gissel to enter in to closed session at 9:23 a.m. per Iowa Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Motion by Ohrt second by Gissel to come out of close session at 9:52 a.m.

Motion by Gissel second by Ohrt to adjourn at 9:59 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**October 17, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, October 17, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from October 10, 2022 regular meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve monthly report Jail, August for \$19,656.71 and September for \$22,695.02. All in favor motion carried.

The Board met with Auditor Wilgenbusch to discuss precinct election worker pay. After discussion motion by Ohrt second by Gissel to increase PEO pay to the following by resolution. All in favor motion carried.

### **RESOLUTION 22-106**

## **BUCHANAN COUNTY PRECINCT ELECTION OFFICIAL & SUPPORT STAFF COMPENSATION POLICY**

**WHEREAS**, the Buchanan County Board of Supervisors does acknowledge the importance of Precinct Election Officials and Support Staff in the Election Process.

WHEREAS, the Buchanan County Board of Supervisors approve the following hourly rates for Precinct Election Officials & Support Staff effective October 17, 2022.

<u>Position</u>	<u>Recommended Salary</u>
Precinct Election Official-Training	\$15.00/Hour
Precinct Election Official – Chair or Co-Chair	\$275.00 per election
Precinct Election Official	\$210.00 per election
Election Delivery Team	\$15.00/Hour
Election TM Runner	\$15.00/Hour
Absentee/Audit/Recount	\$15.00/Hour

**WHEREAS**, the Buchanan County Board of Supervisors approves a mileage rate for all election workers that travel more than 4 miles one-way for service in an election following the standard County mileage reimbursement rate.

**THEREFORE, BE IT RESOLVED** that the Buchanan County Board of Supervisors adopts the salary recommendations for precinct election officials, which will remain in effect until a new compensation policy is passed.

**BE IT DULY ADOPTED** this 17<sup>th</sup> day of October, 2022, with the vote thereon being as follows:

AYES: Ohrt, Gissel, Shonka

NAYS: None

ABSENT/NOT VOTING: None

Motion by Ohrt second by Gissel to set public hearing for Levi Gingerich zoning request for November 7, 2022 at 9:15 am. All in favor motion carried.

**RESOLUTION 22-107**

**AND NOTICE OF PUBLIC HEARING**

**ZONING ORDINANCE AMENDMENT NO. 22-M-19**

**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 26, 3 acres +/- from "A" Agricultural to "M" Manufacturing .

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southwest ¼ of the Southeast ¼ of Section 26, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on October 31, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 17<sup>th</sup> day of October 2022.

Zoning Director Chad Beatty presented information regarding the Wind Turbine Amendment. Beatty requested the Board set a public hearing for the first reading on November 14, 2022 at 9:25 am. Motion by Ohrt second by Gissel to set public hearing. All in favor motion carried.

**RESOLUTION 22-108**

**AND NOTICE OF PUBLIC HEARING**

**WHEREAS**, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the amendment to Chapter 50 Zoning Ordinance on Monday, November 14, 2022 at 9:15 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

**WHEREAS**, Section X, subsection A "Purpose." he Buchanan County Ordinance shall be amendment too:

X. Wind Energy Conversion System Regulations

A. Purpose

This subsection establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Buchanan County. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on-site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that are zoned "M" Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

**WHEREAS**, copies of the proposed amendment to Chapter 50 Parks, Zoning Ordinance are available in the County Auditor's office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.



Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 17<sup>th</sup> day of October 2022.

The Board met with members of the benefits committee to review recommended changes in the employee handbook. After discussion, motion by Gissel second by Ohrt to approve the following changes in the employee handbook for employee who is not subject to a collective bargaining agreement. All in favor motion carried.

**Page 28 Section A.**

***Eligibility of Year One Bonus Days to be after 60 days of Employment.***

Upon each new employee's start date they will receive Five Bonus Days in Year one and will be eligible to use them after 60 days of employment. The Five Bonus days must be used prior to the employee's first anniversary date or the Five bonus days will be lost. Any employee who was recently hired within calendar year of 2022 of the adoption of this new policy will also receive 5 bonus days. Employee's bonus days will not be paid if their employment is terminated or ended prior to the use of the bonus days.

To assist in attracting and retaining qualified employees for Buchanan County, Department Heads/Elected Officials with prior authorization from their oversight Board and Elected Officials may negotiate the amount of bonus days each new employee who is not subject to a collective bargaining agreement will receive upon his/her hire date. The negotiated amount shall be communicated to the Human Resource Director/Department prior to the new employee's start date.

***Vacation***

In Years 1 to 4 = 2 Weeks or 10 Days Paid Vacation

In Years 5 to 9 = 3 Weeks or 15 Days Paid Vacation

In Years 10 to 19 = 4 Weeks or 20 Days Paid Vacation

In Years 20 or more = 5 Weeks or 25 Days Paid Vacation and Vacation is Capped at 5 Weeks or 25 Days

All Accrued vacation time is enticed to be taken during the employee's anniversary year but, in unforeseen circumstances an employee shall be permitted to carry over 5 days of unused vacation time. Any unused vacation time which is carried forward to the next year anniversary must have prior approval of the department head/elected official along with proper communication with the Human Resource Director/Department. The carried over vacation must be used within 60 days of the carry over date or it will be lost.

## **Number 2. Vacation Pay:**

The rate of vacation pay shall be the employee's regular straight time rate of pay for the hours for which he/she would have been regularly scheduled to work.

## **Page 30 Section C. Leaves of Absence**

1) Sick Leave: Sick Leave will begin to accrue on the employee's start date and will be granted to all eligible regular full-time employees and all regular part-time employees who regularly work 1000 hours per year. (An eligibility or probation period will not be required prior to the use of sick leave.

a) Sick leave can only be used for bona fide sickness, medical appointments, medical treatment, or accidental injury of the employee, the employee's spouse/partner, children, and parents as defined by FMLA Fact Sheet #28B. Sick leave will or can be authorized for use at the discretion of the Department Head/Elected Official.

b) Use of 3 days or more of sick leave may require a physician's note to return to work. Discussion and discretion between the department head/elected official and the human resource department will determine this.

The Board met with Erika Havlik regarding a letter of support and financial commitment for the application for Consumer Assistance Program grant for the Jesup Splash Pad. After discussion motion by Gissel second by Ohrt to approve the letter of support and \$1,000.00 towards the project. All in favor motion carried.

The Board met with County Engineer Brian Keierleber, Tori Nimrod and Ross Everlizer from Northeast Iowa RC & D regarding a water retention project for Malone Creek at the pasture owned by Buchanan County. After discussion, additional information will be presented during the November 14 Board of Supervisors meeting.

Motion by Gissel second by Ohrt to adjourn at 10:28 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**October 24, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, October 24, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from October 17, 2022 regular meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve employee claims filed with the County Auditor for \$1,844.87. All in favor motion carried.

Motion by Gissel second by Ohrt to approve claims filed with the County Auditor for \$532,511.24. All in favor motion carried.

The discussed snow removal and winter maintenance for county properties. After discussion motion by Ohrt second by Gissel to advertise for snow removal for 2022-2023 on county properties Courthouse/Corrections, Human Services/Public Health, Senior Center and Public Health/Emergency Services Building. Bids will be accepted until 9:00 am November 14, bids will be opened at 9:10 am during the board meeting.

Supervisor Shonka presented information regarding ISAC soil compaction project funding request. After discussion motion by Ohrt second by Gissel to contribute \$600.00 to the project. All in favor motion carried.

E-911 Director Chris Hare presented information regarding the finalization of the P-25 radio project. The project has been completed, final cost \$5,118,625.37. Motion by Gissel second by Ohrt to approve the final acceptance letter and authorize the chair to sign.

At 9:15 am the Board opened bids for rail cars. The board received one bid from Gateway Steel Pipe and Supply. Lund Bridge, 6 cars at \$22,750.00 total \$136,500.00; Eddy's Bridge 3 cars at \$22,750.00 total \$68,250.00. After discussion motion by Ohrt second by Gissel to accept the bids. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 9:30 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**October 27, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Thursday, October 27, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

The Board meet with Ryan Bervan from Assured Partners regarding the upcoming renewal for health insurance.

Motion by Ohrt second by Gissel to adjourn at 10:01 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**October 31, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, October 31, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from October 24 & 27, 2022 regular meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve liquor license for Three Elms Golf Course, LLC. All in favor motion carried.

The Board met with Treasurer Gina Mether to discuss Special Assessment. The request came from the Muscatine County Attorney, regarding a criminal case. They would like to put a special assessment on property located at 305 and 307 Woodruff Street, Aurora in the amount of \$6,855.00. After discussion motion by Ohrt second Gissel to approve the Special Assessment. All in favor motion carried.

Auditor Wilgenbusch presented a letter to the Board from Public Health Director Tai Burkhart, regarding pay increase for Jacki Schares, Preparedness Coordinator, to \$30.60

per hour. The rate will go into effect October 30, 2022. The increase was approved by the Board of Health on October 13, 2022. The Board of Supervisors only has authority of the Public Health's budget. Therefore, no action on the increase.

Auditor Wilgenbusch presented the contract renewal with Brecke Mechanical Contractors HVAC system. There is no rate change from the previous year. After discussion motion by Ohrt second by Gissel to approve the contract and authorize the chair to sign. All in favor motion carried.

The Board discussed the health insurance renewal that was presented on October 27, 2022. After discussion motion by Gissel, second by Ohrt to approve Option 1 with Wellmark Blue Cross Blue Shield self-insured. All in favor motion carried.

The Board approved Delta Dental of Iowa, Option 2, motion by Gissel, second by Ohrt. All in favor motion carried.

The Board approved to offer employees a vision plan that will strictly the employee's responsibility. Motion by Gissel second by Ohrt to approve the Avesis, ISAC 150 Plan, at no cost to the County only an additional benefit for the employees. All in favor motion carried.

At 9:15 am public hearing for zoning request in Fairbank Township, Section 26, 3 acres +/- from "A" Agricultural to "M" Manufacturing. In attendance for the hearing was Levi Gingerich, Brian Keierleber, John Klotzbach, William Gingerich, David Detweiler, Simon Gingerich, Raymond Yoder, Gina Methner and Tai Burkhart. After discussion, motion by Gissel second by Ohrt to close the public hearing at 9:34 am. Motion Gissel second by Ohrt to approve the zoning request. All in favor motion carried.

#### **RESOLUTION 22-109**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 3<sup>rd</sup> day of October 2022.

**ZONING ORDINANCE AMENDMENT NO. 22-M-18**

**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 26, 3 acres +/- from "A" Agricultural to "M" Manufacturing .

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southwest ¼ of the Southeast ¼ of Section 26, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 31<sup>st</sup> day of October 2022.



The Board met with County Engineer Brian Keierleber regarding the railcar bid that was approved on October 24, 2022. After discussion motion by Gissel second by Ohrt to allow Gateway Steel Pipe and Supply to rescind their bid that was approved on October 24, 2022 due to the fact they cannot fulfill all aspect of the contract. All in favor motion carried.

Keierleber presented contract plans for the work to be done on V-62 south of the city limits of Fairbank and within the city limits. Motion by Ohrt second by Gissel to approve the plans and authorize the chairman to sign. All in favor motion carried.

Motion by Ohrt second by Gissel to adjourn at 9:53 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**November 7, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, November 7, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from October 31, 2022 regular meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve employee claims filed with County Auditor for \$2,246.55. All in favor motion carried.

Motion by Ohrt second by Gissel to approve claims filed with County Auditor for \$488,404.90. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the monthly reports for Sheriff's Office Civil \$3,023.15 and Recorder for \$14,899.54. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the resignation of Daniel Gaffney, Madison Township Trustee. All in favor motion carried.

The Board met with County Attorney Shawn Harden regarding NOAT II request. After discussion motion by Ohrt second by Gissel to not dispute the calculated amount

The Board reviewed information presented by Auditor Wilgenbusch and Deputy Auditor Stephensen regarding the Health/Dental Insurance renewal. Wilgenbusch explained that Wellmark/Blue Shield does not offer Flex program. In order to offer this benefit to the employee the county would go with a private broker. The county will see an increase of \$93.00 per year. After discussion motion by Gissel second by Ohrt to approve going with the private broker.

Motion by Ohrt second by Gissel to approve lowering the deductibles to \$2,000.00 for single coverage and \$4,000.00 for family coverage. All in favor motion carried.

Auditor Wilgenbusch presented information regarding the new dental coverage premiums. The new coverage premiums will be \$39.17 for single coverage and \$88.46 for family coverage.

It was proposed with the new dental plan that an employee with single coverage will be \$20.00 per month and employer will pay \$20.00 towards the coverage. However, this will not affect employees under the Sheriff's Union contract. Employees with family coverage will pay \$38.46 per month and employer will pay \$50.00. After discussion motion by Gissel second by Shonka to approve. On roll call, Ohrt – nay, Gissel – aye and Shonka – aye, motion carried.

The Board met with County Engineer Brian Keierleber regarding rail car bids. Due to the previous bids that was rescinded at the request of bidder. Keierleber had received a bid late from Erman Corporation for Lund Bridge six rail cars for total of \$126,300.00 and Carl Eddy's bridge for three rail cars for \$63,150.00. After discussion, motion Ohrt second by Gissel to accept the bid from Erman Corporation for \$189,450.00. All in favor motion carried.

Keierleber presented information on a grant that Conservation had received from the Iowa Department of Natural Resources for signage for 16 water sheds in Buchanan County. After signage is placed the county will be reimbursed for the costs, deadline to have signs placed is August 2023. After discussion, motion Ohrt second by Gissel to approve the grant and authorize County Engineer Brian Keierleber to sign. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 10:06 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor **November 14, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, November 14, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Gissel second by Ohrt to approve minutes from November 7, 2022 regular meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the hiring of Dana Kreklau, part-time Office Manager effective November 14, 2022 at \$14.75 per hour. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the employee claims filed with the County Auditor of \$390.50. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the new Home Occupation permits for The Candy Kitchen, Fat Chefs Catering and Scott Webb Concrete Inc. Also approve renewals for 3 Yoders LLC, And-Mar Millwork, Arctic Seal Inc., Cedar Valley Firearms LLC, Char's Hair Design, Detweilers Bulk Food, Hazen Armory Cerakote, Keith Nemecek – Sales, Perkins Excavating, Pleasant View Cabinets LLC, R & R Drainage LLC, Styles Unlimited, Toms Auto Trim, Webb Concrete, Inc and Fat Chef Catering. All in favor motion carried.

At 9:10 am bids were opened for snow removal. One bid was received from G & L Lawn Rangers, LLC for Courthouse/Jail for \$8,950.00, Public Health/Emergency Services Building for \$3,200.00, Senior Center for \$3,250.00 and Human Services/Public Health Building for \$3,100.00. Motion by Gissel second by Ohrt to approve the bid. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the following resolutions to set public hearings for zoning requests. All in favor motion carried.

**RESOLUTION 22-111**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-M-20**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Hazleton Township, Section 21, 5 acres +/- from "A" Agricultural to "M" Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel B and C in the Southwest  $\frac{1}{4}$  of Section 21, Township 90 North, Range 9 West of the 5th P.M., in Buchanan County, Iowa, as described in Plat of Survey in File No. 1998R04557, except Parcel D, as described in Plat of Survey in File No. 2002R00892.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:10 a.m. on November 28, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 14<sup>th</sup> day of November 2022.

**RESOLUTION 22-112**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-M-22**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Middlefield Township, Section 32, .25 acres +/- from “A” Agricultural to “M” Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Section 32, Township 88, Range 7 West, Beginning at the NW corner of the NE and NE thence S575’ thence East 550’ thence North 575’ thence West 550’ to the point of beginning.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:20 a.m. on November 28, 2022 in the Supervisors’ Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 14<sup>th</sup> day of November 2022.

**RESOLUTION 22-113**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-M-23**  
**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 35, 3.18 acres +/- from “A” Agricultural to “M” Manufacturing.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter except the South twenty (20) acres, and the Southeast Quarter of the Northwest Quarter, all in Section Thirty-Five (35), Township (90) North, Range Ten (10) West of the Fifth Principal Meridian, subject to easement to Buchanan County for road purposes as recorded in Book 320, Page 131, in Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:30 a.m. on November 28, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 14<sup>th</sup> day of November 2022.

**RESOLUTION 22-114**  
**AND NOTICE OF PUBLIC HEARING**  
**ZONING ORDINANCE AMENDMENT NO. 22-A-24**  
**BUCHANAN COUNTY, IOWA**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the amendment to Chapter 50 Zoning Ordinance on Monday, November 28, 2022 at 9:40 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

The rezoning of property located in Washington Township, Section 17, 6.91 acres +/- from "A-1" Agricultural to "A-2" Agricultural.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Parcel in the SE ¼ of Section 17, Twp 89, North Range 9 West of the 5th P.M., Buchanan County, Iowa.

The Buchanan County Board of Supervisors will hold a public hearing for the first reading on the aforementioned amendment 9:40 a.m. on November 28, 2022 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 14<sup>th</sup> day of November 2022.

At 9:15 am public hearing was held regarding the zoning amendment for wind turbines. In attendance Jason Vandenburg, Chad Beatty, Brad & Debbie Lichty, John Klotzbach, Dawn Vogel, Tim Brutsch, Sawte Damdelar Arvid Dandekar, Ranor Hoffman, Laura Arnold, Kaleigh Tuetken, Tai Burkhart, Arlo Allets, Lee Sturtz Jr, Dawnye Sturtz, Mark Kirbach, Lisa Kremer, John Kurtz, Alvin Brustkern, Elena Schmitz, Kathy Cole, Dan Cohen, Wendy Sperflage, Vinton Buffenmyer, Kimberly Dukey, Mike Carberry and Ryan Keller. Many individuals shared their thoughts regarding the proposed amendment. Motion by Gissel second by Ohrt to close the public hearing at 10:27 am. After discussion motion by Ohrt second by Gissel to reject the proposed amendment by resolution.

## **RESOLUTION 22-115**

### **WIND ORDINANCE AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Wind Ordinance Amendment

**WHEREAS**, Section X, subsection A "Purpose." he Buchanan County Ordinance shall be amendment too:

X. Wind Energy Conversion System Regulations



A. Purpose

This subsection establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Buchanan County. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on-site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that possess 55 CSR or lower to be considered for rezoning, land use change, and also acquire a special exception permit.*

*Wind Energy Conversion Systems (WECS) may only be constructed in areas that are zoned "M" Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.*

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Monday, November 14, 2022 at 9:15 a.m. After discussion motion by Ohrt second by Gissel to reject the first reading of the ordinance amendment with changes.

On roll call:

Ohrt – Aye

Gissel – Aye

Shonka - Nay

Passed this 14<sup>th</sup> day of November 2022.

The Board discussed applications received for Conservation Board members. Applications were received from Orlan Love, Lonnie Janecheck and David Harms. Supervisor Ohrt presented information regarding applicant Orlan Love. After discussion motion by Ohrt second by Gissel to approve Love to the Buchanan County Conservation Board for a five-year term. All in favor motion carried.

Supervisor Gissel presented two bids for fencing at the Public Health/Emergency Services Building. The 8-foot high fenced in area will be used for storage. Two bids were presented Novak Fencing, LLC for \$13,690.00 and Miller Fence Company for \$18,184.89. After discussion motion by Gissel second by Ohrt to approve the bid from Novak Fencing for \$13,690.00. The Auditor was directed to use funds from the sale of the old annex property to pay for the project. All in favor motion carried.

The Board met with IT Director Jason Vandenburg, Microsoft 360 funding. Originally the Board approved \$95,000.00 for the Microsoft exchange project. Vandenburg presented information regarding changes in the project the cost is now \$191,014.20, which includes three-years of user fees. After discussion motion by Ohrt second by Gissel to rescind the portion of resolution 21-118 regarding the Microsoft Exchange program for \$95,000, approve the cost of the project to \$191,014.20. All in favor motion carried.

### **Resolution 22-116**

#### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT.**

**WHEREAS**, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

**WHEREAS**, Buchanan County applied for and has been received the first tranche of funds for the American Rescue Plan Act totaling \$4,113,006.00.

**WHEREAS**, the Buchanan County Board of Supervisors has reviewed some requests and determined some that will qualify for the American Rescue Plan Act and

**WHEREAS**, based on the distribution guidelines from the US Department of Treasury, the following projects have been was approved in Resolution 2021-118 for the use of said fund

- Microsoft Exchange migration for \$95,000

**WHEREAS**, The Board of Supervisors rescind that funding amount of \$95,000 for the Microsoft Exchange Project

**WHEREAS**, The Board of Supervisors based on the distribution guidelines from the US Department of Treasury, the following project have been was approved

- Microsoft Exchange Migration for \$191,014.20

**BE IT RESOLVED** that the Buchanan County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the items listed and authorizes the Auditor to make these payments as they are presented.

**PASSED AND ADOPTED** this 14th day of November, 2022

No action regarding the Malone Creek & Northeast Iowa RC & D project. Due to no updated information available.

Excavator contract

County Engineer Brian Keierleber presented information regarding a bid to purchase a 2023 210 P John Deere Excavator from Murphy Tractor in the amount of \$225,600.00. This unit would not be delivered until after July 1, 2023. After discussion motion by Gissel, second by Ohrt to purchase the 2023 210 P excavator. All in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 11:14 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**November 15, 2022**

The Buchanan County Board of Supervisors met in regular session at 8:30 a.m. on Tuesday, November 15, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve amending the agenda to add approval of precinct election official/rent for the General Election. All in favor motion carried.

The Board proceeded to canvass the votes cast at the November 8 General Election. Motion by Gissel second by Ohrt to file the Abstract of Votes with the Secretary of State's office and place the Official Canvass on file with the County Auditor. All in favor, motion carried.

Motion by Gissel second by Ohrt to adjourn at 8:56 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**November 21, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, November 21, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to amend the agenda to remove Vicki Mueller, Pathways and add shared liability agreement with Northeast Iowa Workforce Development Board.

Motion by Gissel second by Ohrt to amend the agenda to add review the FY22 Financial report from First Judicial District Department of Correction. All in favor motion carried.

Motion by Ohrt second by Gissel to approve minutes from November 14 & 15, 2022 regular meeting. All in favor motion carried.

The Board discussed the proposed Urban Renewal Plan resolution with the City of Quasqueton. After discussion, no action taken. Supervisor Gissel will attend the meeting on November 21, 2022 at 4 p.m. at city hall in Quasqueton.

Motion by Ohrt second by Gissel to approve the employee claims filed with the County Auditor of \$599.99 All in favor motion carried.

Motion by Gissel second by Ohrt to approve the claims filed with the County Auditor of \$279,944.45 All in favor motion carried.

Discussion was held regarding the Joint Agreement with the City of Independence regarding Noa Marting Gymnastics. After discussion motion by Ohrt second Gissel to approve the agreement and authorize the chair to sign. On roll call Ohrt – aye, Gissel – aye, Shonka – aye, motion carried.

Supervisor Ohrt presented a bid from Curry Electric, LLC to decommission the electrical in the old server room. After discussion motion by Ohrt second Gissel to approve the bid. All in favor motion carried.

The Board met with Roadside Manager Sherlyn and presented the annual Roadside Commissioner report that will be filed with the state. After discussion, motion by Gissel, second by Ohrt to approve the report and authorize the chair to sign. All in favor motion carried.

Supervisor Gissel presented information regarding the financial report from the First Judicial District Department of Corrections Services fiscal 2022 financial report. After discussion motion Gissel second by Ohrt to approve the report, all in favor motion carried.

Motion by Gissel second by Ohrt to adjourn at 9:38 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**November 28, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, November 28, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from November 21, 2022 regular meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the employee claims filed with the County Auditor of \$284.25 All in favor motion carried.

Supervisor Gissel presented a bid's from to remove an interior wall from the Buchanan County Public Health/Emergency Operations Center Building. Bids were received from Accu-Saw for \$13,000 and Iowa Wall Saw for 35,621.00. After discussion motion by Gissel second by Ohrt to approve the bid from Accu-Saw. All in favor motion carried.

Zoning Director Chad Beatty presented a Home Occupation permit for Sunrise Bakery. After discussion motion by Ohrt second by Gissel to approve the permit. All in favor motion carried.

Auditor Wilgenbusch presented the monthly Health Trust Fund for October. Currently fund balance is \$1,153,714.97. After discussion motion by Gissel second by Ohrt to approve the report. All in favor motion carried.

The Board set public hearing for the Zoning amendment the farmstead split section. After discussion motion by Gissel second by Ohrt to set the public hearing for December 12, 2022 at 9:05 am. All in favor motion carried.

## **RESOLUTION 22-121**

### **AND NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the amendment to Chapter 50 Zoning Ordinance on Monday, December 12, 2022 at 9:05 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

**WHEREAS**, Section VII, General Regulations and Provisions

D. Farmstead

Within an agricultural district, a farmstead by definition in existence on June 10, 1974, the date Appendix A of the Buchanan County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

*“As of “Adoption Date”, the Buchanan County Zoning Administrator can approve/recommend farmstead splits that are larger than four (4) acres which is currently outlined in the Buchanan County Ordinance. Proposed farmstead split surveys which include minimal or no tillable acres will be reviewed internally by the Auditor’s Office, the Assessor’s Office, and the Zoning Department prior to recording.”*



**WHEREAS**, copies of the proposed amendment to Buchanan Zoning Ordinance are available in the County Auditor's office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 28<sup>th</sup> day of November 2022.

Zoning Director Beatty presented information regarding the public hearing for the zoning request for Beachy to rezone from agriculture to manufacturing. Present at the hearing was Dawn Vogel, John Klotzbach, Vernon Beachy, Tai Burkhart, Kaleigh Tuetken, John Kurtz and Kevin Kress. Motion by Ohrt second by Gissel to close the public hearing at 9:15 am. After discussion motion by Ohrt second by Gissel to approve the following resolution. All in favor motion carried.

### **RESOLUTION 22-117**

**WHEREAS**, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 28<sup>th</sup> day of November 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-M-20**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 26, 3 acres +/- from "A" Agricultural to "M" Manufacturing.

**BE IT ORDAINED:**

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 26, Township 90 North, Range 10 West of the 5th P.M., in Buchanan County, Iowa.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 28<sup>th</sup> day of November 2022.

Director Beatty presented information regarding the zoning request in Middlefield Township to rezone from agricultural to manufacturing. Present at the hearing was Dawn Vogel, John Klotzbach, Phil Short, John Kurtz, Tai Burkhart and Kaleigh Tuetken. After discussion, motion by Gissel second by Ohrt to close the public hearing at 9:25 am. Motion by Ohrt second by Gissel to approve the request by resolution and to have Mr. Short work with Zoning Department to improve property lines. All in favor motion carried.

**RESOLUTION 22-118**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 28<sup>th</sup> day of November 2022.

**ZONING ORDINANCE AMENDMENT NO. 22-M-22**

**BUCHANAN COUNTY, IOWA**

The rezoning of property located in Middlefield Township, Section 32, .25 acres +/- from “A” Agricultural to “M” Manufacturing.

BE IT ORDAINED:

Section 32, Township 88, Range 7 West, Beginning at the NW corner of the NE and NE thence S575’ thence East 550’ thence North 575’ thence West 550’ to the point of beginning.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Passed this 28<sup>th</sup> day of November 2022.

Director Beatty presented information regarding the zoning request in Fairbank Township to rezone from agricultural to manufacturing. Present at the hearing was Dawn Vogel, John Klotzbach, Joe Detweiler, William Detweiler, John Kurtz, Vicki Mueller, Susan Johnson, John Miller, Tai Burkhart and Kaleigh Tuetken. After discussion, motion by Gissel second by Ohrt to close the public hearing at 9:30 am. Motion by Gissel second by Ohrt to approve the request by resolution. All in favor motion carried.

### **RESOLUTION 22-119**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 28<sup>th</sup> day of November 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-M-22**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 35, 3.18 acres +/- from “A” Agricultural to “M” Manufacturing.

BE IT ORDAINED:

The Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter except the South twenty (20) acres, and the Southeast Quarter of the Northwest Quarter, all in Section Thirty-Five (35), Township (90) North, Range Ten (10) West of the Fifth Principal Meridian, subject to easement to Buchanan County for road purposes as recorded in Book 320, Page 131, in Buchanan County, Iowa.

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

Director Beatty presented information regarding the zoning request in Washington Township to rezone from agricultural 1 to agricultural 2. Present at the hearing was Dawn Vogel, John Klotzbach, Tricia Beatty, John Kurtz, Tai Burkhart and Kaleigh Tuetken. After discussion, motion by Ohrt second by Gissel to close the public hearing at 9:45 am. Motion by Ohrt second by Gissel to approve the request by resolution. All in favor motion carried.

### **RESOLUTION 22-120**

WHEREAS, proposed the adoption and enactment of a Zoning Ordinance Amendment on the 28<sup>th</sup> day of November 2022.

### **ZONING ORDINANCE AMENDMENT NO. 22-A-24**

### **BUCHANAN COUNTY, IOWA**

The rezoning of property located in Washington Township, Section 17, 6.91 acres +/- from “A-1” Agricultural to “A-2” Agricultural.

BE IT ORDAINED:

The Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter except the South twenty (20) acres, and the Southeast Quarter of the Northwest Quarter, all in Section Thirty-Five (35), Township (90) North, Range Ten (10) West of the Fifth Principal Meridian, subject to easement to Buchanan County for road purposes as recorded in Book 320, Page 131, in Buchanan County, Iowa.

NOW THEREFORE the above was read and voted upon by the Board of Supervisors, and it was approved by a vote of a majority of the Board of Supervisors:

AND IT IS NOW AND THEREFORE APPROVED:

THOSE VOTING AGAINST THE PASSAGE: None

THOSE VOTING FOR THE PASSAGE: Ohrt, Gissel, Shonka

The Board of Supervisors discussed the resolution received from the City of Quasqueton regarding their Urban Renewal Plan. After discussion, motion by Gissel and second by Ohrt to approve the resolution with the wording from sixteen years from fifteen years. All in favor motion carried.

The Board met with Vicki Mueller from Pathways, County Attorney Shawn Harden, Community Services Director Julie Davison and Public Health Director Tai Burkhart regarding the use of the Opiod funding received. After discussion, Davison, Burkhart and Harden will work on putting together a committee to research to find use for the funds. Also, discussion was held regarding possibly forming a 28E agreement with Pathways for reporting and usage purposes.

The Board met with Recorder Michelle Mangrich regarding a bid's she received to scan documents to be available to public online. Bids were received from Cott Services for \$169,440, US Imaging for \$262,313 and Arcsearch for \$247,880. After discussion, no action was taken until research for funding can be completed.

Motion by Gissel second by Ohrt to adjourn at 9:38 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**December 5, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, December 5, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from November 28, 2022 regular meeting. All in favor motion carried.

Motion by Ohrt second by Gissel to approve the claims filed with the County Auditor of \$143,343.43 All in favor motion carried.

Motion by Gissel second by Ohrt to approve the home occupation permit for DD Armory. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the monthly report from Sheriff's Civil account for \$4,205.68. All in favor motion carried.

Motion by Ohrt second by Gissel to approve Independence Bulletin Journal and The News & The Guide as official newspaper publications for 2023. All in favor motion carried.

The Board met with Treasurer Gina Mether regarding the renewal contract with the Iowa Department of Transportation to continue the driver's license issuing and renewal. After discussion motion by Gissel second by Ohrt to approve the contract and authorize the chair to sign. All in favor motion carried.

The Board met with members from the Buchanan County Library Association: Jackie Oliver, Aurora Library; Nina Payne, Winthrop Library; Angie Happel, Lamont Library and Laura Blaker, Independence Public Library. Nina Payne presented information regarding the association's request for fiscal year 2024 funding. After no action taken.

Supervisor Ohrt and Assistant to the Engineer Alex Davis presented information regarding the progress invoice for the resurfacing of the courthouse parking lot. In March of 2022 the Board of Supervisors approved an estimated cost of \$195,443.53 for the parking lot project to be paid for with American Rescue Funds. Bidding letting was conducted on May 23, at that time the bid was approved for \$244,955.54, working days of 20, start date of September 6, 2022 and liquidated damages per day at \$1000.00. The contract was signed on June 10, 2022. The progress invoice that was received was for \$257,807.41 this included that change orders, however there was not a deduction for the overage of the days it took to complete the project. Supervisor Ohrt stated that the contractor had difficulty getting product for the project, also there was a shortage for driver's, therefore there could not be the \$1,000.00 a day deduction for the time it took to complete the project. Ohrt requested that the additional \$62,363.88 be paid for with ARPA



funds. Motion by Ohrt second by Gissel to approve the additional \$62,363.88 to be paid from ARPA funds. All in favor motion carried.

## **RESOLUTION 22-122**

### **A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT.**

**WHEREAS**, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

**WHEREAS**, Buchanan County applied for and has been received the first tranche of funds for the American Rescue Plan Act totaling \$4,113,006.00.

**WHEREAS**, the Buchanan County Board of Supervisors has reviewed some requests and determined some that will qualify for the American Rescue Plan Act and

**WHEREAS**, based on the distribution guidelines from the US Department of Treasury, the following projects have been approved for the use of said funds:

- Courthouse Parking lot reconstruction additional \$62,363.88

**BE IT RESOLVED** that the Buchanan County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the items listed and authorizes the Auditor to make these payments as they are presented.

PASSED AND ADOPTED this 5<sup>th</sup> day of December 2022.

Ohrt – Aye

Gissel – Aye

Shonka - Aye

Motion by Ohrt second by Gissel to adjourn at 9:27 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**December 12, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, December 12, 2022. Present: Don Shonka and Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Supervisor Gissel requested to amend the agenda to add a bid for replacement of the water fountain in the basement that is no longer working. Motion by Ohrt second by Gissel to approve the amendment. All in favor motion carried.

Motion by Gissel second by Ohrt to approve minutes from December 5, 2022 regular meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the employee claims filed with the County Auditor of \$1,806.37. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the monthly report from Recorder's Office for \$12,156.99. All in favor motion carried.

Motion by Ohrt second by Gissel to place on file the following manure management plans: Trailer Park Site, Jefferson Township, Section 10 and Muchmore Swine LLC, Homer Township, Section 7. All in favor motion carried.

Supervisor Gissel presented a bid from Signs & More for signage on the remodeled Rydell Building that is now the Buchanan County Public Health & Emergency Operations Center. The bid was for \$2,955.02, after discussion motion by Gissel second by Ohrt to approve the authorize the chair to sign the bid. On roll call Gissel, aye; Ohrt, aye; and Shonka, nay. Motion carried.

A public hearing was held at 9:05 am for the first hearing for the amendment to the Buchanan County Zoning ordinance to amend the ordinance for farmstead splits. After discussion motion by Gissel second by Ohrt to close the public hearing at 9:08 am. Motion by Gissel second by Ohrt to approve the first reading by resolution. All in favor motion carried.

## **RESOLUTION 22-122**

### **FARM SPLIT AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Farm Split Amendment

**WHEREAS**, Section VII, General Regulations and Provisions of the Buchanan County Ordinance shall be amendment too:

D. Farmstead

Within an agricultural district, a farmstead by definition in existence on June 10, 1974, the date Appendix A of the Buchanan County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

*“As of “Adoption Date”, the Buchanan County Zoning Administrator can approve/recommend farmstead splits that are larger than four (4) acres which is currently outlined in the Buchanan County Ordinance. Proposed farmstead split surveys which include minimal or no tillable acres will be reviewed internally by the Auditor’s Office, the Assessor’s Office, and the Zoning Department prior to recording.”*

**WHEREAS**, copies of the proposed amendment to Buchanan Zoning Ordinance are available in the County Auditor’s office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Monday, December 12, 2022 at 9:05 a.m. After discussion motion by Gissel second by Ohrt to approve the first reading of the ordinance amendment with changes.

On roll call:

Ohrt – Aye

Gissel – Aye

Shonka - Aye

Passed this 12<sup>th</sup> day of December 2022.

Motion by Ohrt second by Gissel to set the public hearing for the second and third reading for the zoning amendment on December 19 and 27, 2022 at 9:05 am. All in favor motion carried.

**RESOLUTION 22-123**  
**AND NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the amendment to Chapter 50 Zoning Ordinance on Monday, December 19 and 27, 2022 at 9:05 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence; and

**WHEREAS**, Section VII, General Regulations and Provisions

D. Farmstead

Within an agricultural district, a farmstead by definition in existence on June 10, 1974, the date Appendix A of the Buchanan County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

*“As of “Adoption Date”, the Buchanan County Zoning Administrator can approve/recommend farmstead splits that are larger than four (4) acres which is currently outlined in the Buchanan County Ordinance. Proposed farmstead split surveys which include minimal or no tillable acres will be reviewed internally by the Auditor’s Office, the Assessor’s Office, and the Zoning Department prior to recording.”*

**WHEREAS**, copies of the proposed amendment to Buchanan Zoning Ordinance are available in the County Auditor’s office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Interested parties that are unable to attend the hearing may submit written concerns prior to the date and time of the hearing to the Board of Supervisors, P.O. Box 317, Independence, Iowa 50644.

Passed this 12<sup>th</sup> day of December 2022.

The Board did not meet with anyone from the Riverview Center regarding services and request for funding. No representative from Riverview Center attended the meeting.

The Board met with John Evers to review the ICAP insurance renewal for 2023. At this time the counties premium for the renewal has increased 22.5%. After discussion motion by Ohrt to approve the renewal as is with limits. On roll call Ohrt, aye; Gissel, nay; Shonka, aye. Motion carried.

Conservation Director Dan Cohen met with the Board of Supervisors to present the Buchanan County Conservation Boards Annual report. After discussion

The Board met with County Engineer Brian Keierleber to set date for rock letting. After discussion, motion by Gissel, second by Ohrt to set rock letting for January 9, at 9:15 am. All in favor motion carried.

Motion by Ohrt second by Gissel to adjourn at 10:39 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**December 19, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, December 19, 2022. Present: Don Shonka, Clayton Ohrt and Gary Gissel absent.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Shonka to approve minutes from December 12, 2022 regular meeting. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the claims filed with the County Auditor of \$434,372.82. All in favor motion carried.

Motion by Ohrt second by Shonka to approve the employee claims filed with the County Auditor for \$2,133.75. All in favor motion carried.

Motion by Ohrt second by Shonka to the 2023 holidays:

New Year's Day, Observed Monday, January 2<sup>nd</sup>  
President's Day, Monday, February 20<sup>th</sup>  
Memorial Day, Monday, May 29<sup>th</sup>  
Independence Day, Tuesday, July 4<sup>th</sup>  
Labor Day, Monday, September 4<sup>th</sup>  
Veteran's Day, Friday, Observed November 10<sup>th</sup>  
Thanksgiving and the day after, November 23<sup>rd</sup> & 24<sup>th</sup>

Christmas Eve, Observed December 26<sup>th</sup>  
Christmas Day, Monday, December 25<sup>th</sup>

All in favor motion carried.

Motion by Ohrt second by Shonka to approve the Master Matrix resolution. All in favor motion carried.

## **RESOLUTION 22-124**

### **CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2023 and January 31, 2024 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s



recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUCHANAN COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Passed this 19<sup>th</sup> day of December, 2022.

Motion by Ohrt second by Shonka to approve the fencing bill requested by Keith Donnelly, that was approved during the October 10, 2022 meeting. The amount to be paid is \$1,73.09. All in favor motion carried.

A public hearing was held at 9:05 am for the 2<sup>nd</sup> reading for the amendment to the Buchanan County Zoning ordinance to amend the ordinance for farmstead splits. After discussion motion by Ohrt second by Shonka to close the public hearing at 9:10 am. Motion by Ohrt second by Shonka to approve the second reading by resolution. All in favor motion carried.

## **RESOLUTION 22-122**

### **FARM SPLIT AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Farm Split Amendment

**WHEREAS**, Section VII, General Regulations and Provisions of the Buchanan County Ordinance shall be amendment too:

D. Farmstead

Within an agricultural district, a farmstead by definition in existence on June 10, 1974, the date Appendix A of the Buchanan County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

*“As of “Adoption Date”, the Buchanan County Zoning Administrator can approve/recommend farmstead splits that are larger than four (4) acres which is currently outlined in the Buchanan County Ordinance. Proposed farmstead split surveys which include minimal or no tillable acres will be reviewed internally by the Auditor’s Office, the Assessor’s Office, and the Zoning Department prior to recording.”*

**WHEREAS**, copies of the proposed amendment to Buchanan Zoning Ordinance are available in the County Auditor’s office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Monday, December 12, 2022 at 9:05 a.m. After discussion motion by Gissel second by Ohrt to approve the first reading of the ordinance amendment with changes.

On roll call:

Ohrt – Aye

Shonka - Aye

Passed this 19<sup>th</sup> day of December 2022.

Motion by Ohrt second by Shonka to set the public hearing for the zoning request for Ryan and McKayla Bellis to rezone 2 acres +/- from A-1 Agriculture to R-1 Residential on January 3, 2023 at 9:15 am. All in favor motion carried.

## **RESOLUTION 22-126**

### **AND NOTICE OF PUBLIC HEARING**

### **ZONING ORDINANCE AMENDMENT NO. 22-R-26**

## BUCHANAN COUNTY, IOWA

The rezoning of property located in Fairbank Township, Section 20, 2 acres +/- from "A" Agricultural to "R-1" Residential .

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

Actual legal to be determined by survey. The Northwest ¼ of the Southwest ¼ of Section 20, Township 90 North, Range 10 West of the 5<sup>th</sup> P.M. in Buchanan County, Iowa, less land used for highway purposes, and excepting that portion of said northwest ¼ of the Southwest ¼ lying South and East of Buchanan County Road V-62.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment 9:15 a.m. on January 3, 2023 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 19<sup>th</sup> day of December 2022.

The Board review the updated resolution for the Quasqueton Urban Renewal plan that was approved on November 28, 2022. No action taken.

### RESOLUTION 22-127

**WHEREAS**, the City of Quasqueton, Iowa (the "City") has established the Quasqueton Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa which includes the real property described on Exhibit A hereto (the "Property"); and

**WHEREAS**, project development needs with respect to the Property will require that the City use incremental property tax revenues, as provided for in Section 403.19 of the code of Iowa, received with respect to the Property to pay the costs of the construction of public infrastructure improvements thereon necessary for the development of a housing subdivision in the Urban Renewal Area; and

**WHEREAS**, Section 403.22 of the Code of Iowa prohibits cities from collecting incremental property tax revenues for this type of project for more than eleven years without the express consent of any affected county and school district; and

**WHEREAS**, the City Council of the City has requested that the Board of Supervisors of Buchanan County, Iowa approve this resolution in order to allow the City to use incremental property tax revenues from the Property for five additional fiscal years, as provided by law;

**NOW, THEREFORE**, it is resolved by the Board of Supervisors of Buchanan County, Iowa, as follows:

Section 1. Pursuant to Section 403.22 of the Code of Iowa, this Board of Supervisors hereby approves the use by the City of Quasqueton, Iowa, of future incremental property tax revenues produced with respect to the Property, for a total period of up to fifteen fiscal years.

Section 2. The County Auditor is hereby directed to forward an executed copy of this Resolution to the City Council of the City of Quasqueton.

Passed and approved the 5<sup>th</sup> day of December 2022.

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**QUASQUETON URBAN RENEWAL AREA**

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 128 OF DAVIS 2ND ADDITION TO THE CITY OF QUASQUETON, BUCHANAN COUNTY IOWA; THENCE S 89°43'02"E, 587.66 FEET ALONG THE SOUTH LINE OF SAID BLOCK 128 TO THE WEST LINE OF PARCEL W AS RECORDED IN INSTRUMENT #2015RO3626 OF THE BUCHANAN COUNTY RECORDS. THENCE ALONG SAID WEST LINE N 00°12'02" E, 1057.72 FEET TO THE NORTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 88 NORTH, RANGE 8 WEST OF THE 5TH P.M., BUCHANAN COUNTY IOWA; THENCE ALONG SAID NORTH LINE S89° 57'05"W, 587.67 FEET TO THE EAST LINE OF 10TH STREET. THENCE ALONG SAID EAST LINE S00°12'02"W, 1054.32 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 14.25 ACRES

The Board met with Emergency Management Director Rick Wulfekuhle and E911 Director Chris Hare regarding proceeding with approve APRA funded projects.

The Board met with Public Health Director Tai Burkhart and Jason Vandenburg to discuss internet billing at the new Buchanan County Public Health and Emergency Operation Center. Auditor Wilgenbusch had spoke with Independence Light & Power regarding the bill. The internet had been in service at the new building since May, in December the county received a bill for \$245.18. Therefore, the bill was paid from the Data Processing budget. Auditor Wilgenbusch asked Independence Light & Power as of January 1 that the internet bill be sent to Buchanan County Public Health. Wilgenbusch informed the Board, Burkhart and Vandenburg that after the phone call to Independence Light & Power, everything had bend straightened out. No action taken, Supervisor Ohrt and Shonka thanked Burkhart and Vandenburg for their work.

The Board met with County Engineer Brian Keierleber to present information regarding the purchase of a new mower tractor. Quotes were presented from Bodensteiner Implement Company, John Deere for a 6120 for \$115,900.00 and a 6155 for \$166,900.00 and Titan Machinery for 2023 Maxxum Tractor 125 for \$132,000.00 and Maxxum Tractor 150 for \$145,700.00. After discussion motion by Ohrt and second by Shonka to approve the purchase of the John Deere 6120 for \$115,900.00. All in favor motion carried.

Motion by Ohrt second by Shonka to adjourn at 9:54 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**December 27, 2022**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, December 27, 2022. Present: Don Shonka, Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Motion by Ohrt second by Gissel to approve minutes from December 19, 2022 regular meeting. All in favor motion carried.

Motion by Gissel second by Ohrt to approve the claims filed with the County Auditor of \$225.00. All in favor motion carried.

Motion by Ohrt second by Gissel to approve liquor license for Littleton Lounge. All in favor motion carried

Motion by Gissel second by Ohrt to approve Laura Morine as township trustee for Madison Township. All in favor motion carried.

Motion by Ohrt second by Gissel to approve appointments for Rhonda Jasper and Dr. Ricky McCormick to the Buchanan County Board of Health for a 3-year term. All in favor motion carried.

Motion by Gissel second by Ohrt to approve appointments for Judith Olsen, Robert Shields and Tony Bengston to the Pioneer Cemetery Commission for a 3-year term. All in favor motion carried.

Motion by Ohrt second by Gissel to approve appointment for Leanne Harrison to the Buchanan County Historic Preservation Commission, 3-year term. All in favor motion carried.

Motion by Gissel second by Ohrt to approve appointment for Cole Passick to the Buchanan County Veteran Commission, 3-year term. All in favor motion carried.

Motion by Ohrt second by Gissel to approve appointment for Bronson Wierck Zoning Commission, 5-year term. All in favor motion carried.

Zoning Director Chad Beatty presented information regarding minor plat request for Melissa Fowlkes. After discussion motion by Ohrt second by Gissel to approve the minor plat by resolution. All in favor motion carried.

### **RESOLUTION 22-129**

**WHEREAS**, a minor plat request was filed by Melissa Fowlkes property located in Perry Township, Section 34, +/- 4.06 acres

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Commencing at the North  $\frac{1}{4}$  corner of Section 34, Township 89 North, Range 10 West of the 5th P.M., Buchanan County, Iowa; thence along the North line of said Section 34, South

89°41'14" East, 1878.74 feet to the point of beginning; thence South 01°01'26" East 375.98 feet; thence South 89°41'14" East, 470.00 feet; thence North 01°01 '27" West, 375.95 feet to the North line of said Section 34; thence along said North line, North 89°41'14" West, 470.0 feet to the point of beginning.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Melissa Fowlkes, is approved.

Roll Call:

Ohrt: Aye

Gissel: Aye

Shonka: Aye

Passed this 27<sup>th</sup> day of December 2022.

Zoning Director Chad Beatty presented information regarding minor plat request for Phyllis Clark. After discussion motion by Gissel second by Ohrt to approve the minor plat by resolution. All in favor motion carried.

### **RESOLUTION 22-130**

**WHEREAS**, a minor plat request was filed by Phyllis Clark property located in Homer Township, Section 31, +/- 2.24 acres

**WHEREAS**, the minor plat is in conformance with the zoning regulations.

Commencing at the Northwest corner of Section 31, Township 87 North, Range 9 West of the 5th P.M., Buchanan County, Iowa; thence S00°06'37"W, 695.20 feet



along the West line of said Section 31 to the Point of Beginning; thence N89°14'16"E, 374.12 feet; thence S00°06'37"W, 261.05 feet to the North line of existing Parcel 'G'; thence along said North line S89°14'16"W, 374.12 feet to the West line of said Section 31; thence along said West line N00°06'37"E, 261.05 feet to the Point of Beginning, described Parcel contains 2.24 acres, including 0.24 acres of Road Right-of-Way, and is subject to easements and restrictions of record.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buchanan County, Iowa, the Phyllis Clark, is approved.

Roll Call:

Ohr: Aye

Gissel: Aye

Shonka: Aye

Passed this 27<sup>th</sup> day of December 2022.

A public hearing was held at 9:06 am for the 3<sup>rd</sup> reading for the amendment to the Buchanan County Zoning ordinance to amend the ordinance for farmstead splits. Present was Nathen Hansen, Dawn Vogel and John Kurtz. After discussion motion by Gissel second by Ohrt to close the public hearing at 9:15 am. Motion by Gissel second by Ohrt to approve the third reading by resolution. All in favor motion carried.

## **RESOLUTION 22-128**

### **FARM SPLIT AMENDMENT**

**WHEREAS**, Buchanan County Board of Supervisors, Iowa have considered the proposed Farm Split Amendment

**WHEREAS**, Section VII, General Regulations and Provisions of the Buchanan County Ordinance shall be amendment too:

D. Farmstead

Within an agricultural district, a farmstead by definition in existence on June 10, 1974, the date Appendix A of the Buchanan County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

*“As of “Adoption Date”, the Buchanan County Zoning Administrator can approve/recommend farmstead splits that are larger than four (4) acres which is currently outlined in the Buchanan County Ordinance. Proposed farmstead split surveys which include minimal or no tillable acres will be reviewed internally by the Auditor’s Office, the Assessor’s Office, and the Zoning Department prior to recording.”*

**WHEREAS**, copies of the proposed amendment to Buchanan Zoning Ordinance are available in the County Auditor’s office, 210 5<sup>th</sup> Ave. N.E., Independence, Iowa and can be obtained between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**NOW THEREFORE BE IT RESOLVED** the Buchanan County Board of Supervisors held a Public Hearing on Monday, December 27, 2022 at 9:05 a.m. After discussion motion by Gissel second by Ohrt to approve the third reading of the ordinance amendment with changes.

On roll call:

Ohrt – Aye

Shonka – Aye

Gissel - Aye

Passed this 27<sup>th</sup> day of December 2022.

Motion by Ohrt second by Gissel to adjourn at 9:54 a.m. All in favor motion carried.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

**December 30, 2022**

The Buchanan County Board of Supervisors met in special session at 2:00 pm on Friday, December 30, 2022. Present: Don Shonka, Clayton Ohrt and Gary Gissel.

The Pledge of Allegiance was recited.

Auditor Wilgenbusch proceeded to give the Oath of Office to the newly elected officials: Dawn Vogel, Board of Supervisor; John Kurtz, Board of Supervisor, Gina Mether, Treasurer, Michelle Mangrich, Recorder and Shawn Harden, Attorney.

At 2:15 pm the Board proceeded to county cash for year-end at the Treasurer's Office.

Motion by Gissel second by Ohrt to adjourn at 2:28 pm.

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Don Shonka, Chairman

Buchanan County Board of Supervisors

Attest:

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Kris Wilgenbusch, Auditor

