

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON NOVEMBER 22, 2022.

Meeting called to order at 9:01 A.M. by Chairman Rusty Eddy with member Greg Barnett present and member Tom Heidenwirth present via zoom call. Moved by Barnett, second by Eddy to approve the agenda. All ayes. Motion carried.

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

Jeff Kolb introduced the CEO of Shell Rock Soy Processing, Cory Jorgenson. Jorgenson stated that he hopes to have the plant operating in December or January. He mentioned that Shell Rock Soy Processing is up to 57 employees as of right now.

Motioned by Barnett, second by Heidenwirth to open a Public Hearing on the Proposal to enter into a Development Agreement with Shell Rock Soy Processing LLC. Chairman Rusty Eddy asked the Auditor whether any written objections had been filed by any County resident or property owner to the proposed action. The Auditor advised that no written or oral objections had been received. With no additional comments or objections, Barnett motioned to close the Public Hearing, second by Heidenwirth. All ayes. Motion carried.

Board considered Resolution #1057 Approving and Authorizing Execution of a Development Agreement by and between Butler County and Shell Rock Soy Processing LLC. Heidenwirth motioned to approve Resolution #1057, second by Barnett. The roll was called and the vote was: AYES: Rusty Eddy, Greg Barnett, Tom Heidenwirth, NAYS: None and Resolution #1057 was adopted as follows:

RESOLUTION NO. 1057

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN BUTLER COUNTY AND SHELL ROCK SOY PROCESSING LLC

WHEREAS, by Resolution No. 692, adopted April 27, 2010, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Butler County Logistics Park Urban Renewal Plan (the "Plan") for the Butler County Logistics Park Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan, as amended, is on file in the office of the Recorder of Butler County, Iowa; and

WHEREAS, the Plan has been amended seven times; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the County has received a proposal from Shell Rock Soy Processing LLC (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property") and consisting of the construction of a soybean crush facility with multiple buildings, structures, rail spur, hard surface parking areas, roadways, together with all related site improvements, as outlined in the proposed Agreement; and

WHEREAS, the Agreement further proposes that the County will make up to ten (10) consecutive annual payments of Economic Development Grants to Developer consisting of 80% of the Tax Increments pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$4,545,000, or the amount accrued under the formula outlined in the proposed Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, one of the obligations of the Developer relates to employment retention and/or creation; and

WHEREAS, Chapters 15A and 403, Code of Iowa, authorize counties to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Agreement is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account any or all of the factors set forth in Chapter 15A, Code of Iowa, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes, or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.

- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement and has considered the extent of objections received from residents or property owners as to said proposed Agreement; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY IN THE STATE OF IOWA:

That the performance by the County of its obligations under the Agreement, including but not limited to making of grants to the Developer in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth therein.

That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Chairperson and the County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

PASSED AND APPROVED this 22nd day of November, 2022.

Rusty Eddy
Chairperson, Board of Supervisors

ATTEST: Leslie Groen, County Auditor

Conservation Director, Mike Miner, provided the Conservation Board Annual Report. Miner also mentioned that his last official day is November 23, 2022 as he will be taking a position with Mitchell County. The board thanked him for his time serving with Butler County.

Miner provided an update on the Shell Rock River Watershed Management Coalition. His replacement within the commission will need to be appointed after he completes his term in December 2022.

Deputy Weed Commissioner, Matt Morris, provided an updated Weed Commission Report. Calvin Steere, who has been the Weed Commissioner since 2012, was reappointed by the board. Barnett moved to appoint Calvin Steere as Weed Commissioner, and Matt Morris as Deputy Weed Commissioner, second by Eddy. All ayes. Motion carried.

John Riherd, County Engineer, explained a temporary easement agreement – City of Greene dry run bridge project. Barnett moved to approve the agreement, second by Eddy. All ayes. Motion carried.

Riherd outlined a utility permit for Cornbelt Power Cooperative – bored fiber 25005 Hickory Ave. Riherd recommended approval. Barnett moved to approve the utility permit, second by Heidenwirth. All ayes. Motion carried.

Riherd covered a utility permit for Windstream – bored service drop 13401 320th Street. Moved by Barnett to approve the utility permit, second by Heidenwirth. All ayes. Motion carried.

A material letting was explained by Riherd – temporary detour bridge T55 south of 280th St. The temporary bridge will be used for approximately 1 year. The cost will be around \$600,000 and will utilize different funding sources. Barnett motioned to approve the material letting plans, second by Heidenwirth. All ayes. Motion carried.

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

Motioned by Barnett, second by Eddy to adjourn the regular meeting at 9:31 A.M. to November 29, 2022 at 9:00 A.M. All ayes. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on November 22, 2022.

Attest: Leslie Groen
Butler County Auditor

Rusty Eddy
Chairman of the Board of Supervisors