

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 9, 2013.

Meeting called to order at 9:00 a.m. by Chairman Mark V. Reiher with members Tom Heidenwirth and Rex Ackerman present. Also present were Engineer John Riherd, and Fern Myers, Allison, Iowa

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

Board met with Chad Campbell of Campbell-Mellema Insurance, ICAP representative Russ Sporer and IMWCA representative Tim Kirgan to discuss County insurance policies and Worker Compensation changes. Also present were Office Manager Rosie Trees.

Public Hearing was held on the proposal to enter into a Development Agreement with Zinpro Corporation, a Natural Gas Facilities Construction and Security Agreement with MidAmerican Energy Company, and an Economic Development Assistance Contract with Zinpro Corporation and the Iowa Economic Development Authority. Present were Engineer John Riherd, Assessor Deb McWhirter, Economic Development Director Jeff Kolb, Rick Whalen, REC, Fern Myers, Allison, Iowa and Kelly Hoodjer, Greene, Iowa. It was reported there were no oral or written comments. Upon the close of the Public Hearing it was moved by Ackerman, second by Heidenwirth, to adopt a Resolution approving and authorizing execution of said Development Agreement.

RESOLUTION #778

APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH ZINPRO CORPORATION, A NATURAL GAS FACILITIES CONSTRUCTION AND SECURITY AGREEMENT WITH MIDAMERICAN ENERGY COMPANY, AND AN ECONOMIC DEVELOPMENT ASSISTANCE CONTRACT WITH ZINPRO CORPORATION AND THE IOWA ECONOMIC DEVELOPMENT AUTHORITY

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 "Butler County Logistics Park Urban Renewal Area" or "Area") described therein, which Plan, as amended is on file in the office of the Recorder of Butler County; and

WHEREAS, by Resolution No. 759, adopted July 31, 2012, this Board of Supervisors approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, by Resolution No. 774, adopted March 26, 2013, this Board of Supervisors approved and adopted an Amendment No. 2 to the Plan; 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 Zinpro Corporation (the "Developer"), in the form of a proposed Development Agreement (the "Development Agreement") by and between the County and the Developer, pursuant to which, among other things, the Developer agreed to acquire and/or construct certain Minimum Improvements (as defined in the Development Agreement) on certain real property located within the Butler County Logistics Park Urban Renewal Area as defined and legally described in the Development Agreement and consisting of the acquisition of one building and the construction of another, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Development Agreement further proposes that the County will make a payment up to \$1,698,662.79 to MidAmerican Energy Company for a pipeline installation to be constructed by MidAmerican Energy Company, under the terms and following satisfaction of the conditions set forth in the Development Agreement and a separate agreement with MidAmerican Energy Company (the "MidAmerican Agreement"); and

WHEREAS, the County has also received a proposal from the Developer in the form of a proposed Economic Development Assistance Contract among Zinpro Corporation, the Iowa Economic Development Authority, and the County (the "Contract"), whereby the provision of utility services will serve as the local match for certain state incentives to be provided to Developer; and

WHEREAS, Iowa Code Chapters 15A and 403 (the "Urban Renewal Law") authorize counties to make loans and 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 Development Agreement and the Contract include an employment retention and creation obligation; and

WHEREAS, collectively, the Development Agreement, the MidAmerican Agreement and the Economic Development Assistance Contract are referred to hereinafter as the "Agreements"; and

WHEREAS, the Board has determined that the Agreements are 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 of the Iowa Code taking into account any or all of the factors set forth in Chapter 15A, 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 Agreements and has considered the extent of objections received from residents or property owners as to said proposed Agreements; 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:

Section 1. That the performance by the County of its obligations under the Agreements, including but not limited to the making of loans and grants to the Developer in connection with the development of the Development Property under the terms set forth in the Development 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 Agreements 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 of the Iowa Code, taking into account the factors set forth therein.

Section 2. That, subject to receipt of an executed copy of the Development Agreement by Developer, the form and content of the Development 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 Development 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 Development 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 Development Agreement as executed.

Section 3. That, subject to the execution of the Development Agreement by both the Developer and the County, and subject to receipt of executed copies of both the Mid-American Agreement and the Contract, the form and content of the Mid-American Agreement and the Contract, 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 Mid-American Agreement and the Contract 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 Mid-American Agreement and the Contract, 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 Mid-American Agreement and the Contract as executed.

Section 4. That in accordance with Section 4 of the Mid-American Agreement, as an assurance of its intent and ability to fund the Advance under the Agreement upon completion of the facilities defined therein by Mid-American Energy, the County hereby pledges \$1,698,662.79 of unencumbered funds on-hand in the General Fund. Upon completion of the facilities by Mid-American Energy, the County's share shall be determined in accordance with the Agreement, and the Advance retired in full from said funds. Nothing herein shall limit the County from issuing its general obligation bonds pursuant to separate authority to reimburse said Advance.

The vote thereon was as follows:

AYES: Tom Heidenwirth
Rex Ackerman
Mark V. Reiher

NAYS: None

PASSED AND APPROVED this 9th day of April, 2013.

ATTEST: *Lizbeth Williams*, County Auditor

Public Hearing was held on the issuance of not to exceed \$1,800,000 in General Obligation Urban Renewal Bonds. Present were Engineer John Riherd, Assessor Deb McWhirter, Safety Director Mitch Nordmeyer, Economic Development Director Jeff Kolb, Rick Whalen, REC, Fern Myers, Allison, Iowa and Kelly Hoodjer, Greene, Iowa. It was reported there were no oral or written comments. Fern Myers questioned whether the County would borrow the money before it was needed. Board responded that they would not. Upon the close of the Public Hearing it was moved by Reiher, second by Heidenwirth, to adopt a Resolution to take additional action for the issuance of said Bonds.

RESOLUTION #779

**RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,800,000
GENERAL OBLIGATION URBAN RENEWAL BONDS**

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$1,800,000 General Obligation Urban Renewal Bonds for the essential county purpose of paying costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Butler County Logistics Park Urban Renewal Area, as amended, including costs associated with natural gas pipeline improvements, there being no petition filed requesting an election, the Board has considered the extent of objections received from residents or property owners as to the proposed issuance of bonds; 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, STATE OF IOWA:

Section 1. That this Board does hereby institute proceedings and take additional action for the sale and issuance in the manner required by law of not to exceed \$1,800,000 Taxable General Obligation Urban Renewal Bonds for the foregoing essential county purpose.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Bonds. The amounts so advanced shall be reimbursed from the proceeds of the Bonds not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

Section 3. The Treasurer is authorized and directed to proceed on behalf of the County with the sale of the bonds, to select a date for the sale thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the sale of bonds on a basis favorable to the County and acceptable to the Board.

The vote thereon was as follows:

AYES: Rex Ackerman
Mark V. Reiher
Tom Heidenwirth
NAYS: None

PASSED AND APPROVED this 9th day of April, 2013.

ATTEST: *Lizbeth Williams*, County Auditor

Board met with Zoning Administrator Mitch Nordmeyer to consider a Resolution to adjust Zoning Fees. After discussion it was moved by Heidenwirth, second by Ackerman to approve the following:

RESOLUTION #780

ZONING SCHEDULE OF FEES

WHEREAS, per the Butler County Zoning Ordinance, fees pertaining to permits and actions required by the Ordinance shall be in accord with the Schedule of Fees adopted by resolution by the County Board of Supervisors;

WHEREAS, the Schedule of Fees identified include the following:

| <u>PERMIT/ACTION REQUIRED</u> | <u>FEE</u> |
|---|--|
| Rezoning Application..... | \$150 |
| Variance Application..... | \$150 |
| Conditional Use Application..... | \$150 |
| Subdivision Review..... | \$150 |
| Building Permit (AG Exempt Buildings)..... | \$0 |
| Building Permit(Non Ag Exempt Buildings)-Based On Estimated Construction Costs | |
| \$0-\$1,999..... | \$10 |
| \$2,000-\$19,999..... | \$20 |
| \$20,000-\$24,999..... | \$30 |
| \$25,000-\$49,999..... | \$50 + \$4 each additional \$1,000 over \$25,000 |

\$50,000-\$74,999.....\$150 + \$3 each additional \$1,000 over \$50,000
 \$75,000-\$99,999.....\$225
 \$100,000 and up.....\$300 + \$2 each additional \$1,000 over \$100,000

Building Permit (Alternate) Non Ag Exempt Buildings-Based On Square Footage Standards

To be used when estimated construction costs are not available

| | <u>Unfinished</u> | <u>Finished</u> |
|--|----------------------------|-----------------|
| Pole Buildings, Storage Buildings, Garages, etc... | \$20/sq ft | \$40/sq ft |
| Commercial and Industrial Buildings..... | \$50/sq ft | \$100/sq ft |
| Residential Greenhouses..... | \$20/sq ft | \$40/sq ft |
| Residential Houses | | |
| Basement..... | \$25/sq ft | \$50 sq ft |
| First Floor..... | \$100/sq ft | |
| Second & Subsequent Floors..... | \$50/sq ft | |
| Residential Cabins | | |
| First Floor..... | \$100 sq ft | |
| Second & Subsequent Floors..... | \$50 sq ft | |
| Mobile Homes..... | \$100 sq ft | |
| Wind Generator Permits | | |
| Small (100 Kw or less)..... | \$50 per structure | |
| Large..... | \$500 per structure | |
| Commercial Tower Permit..... | \$500 per structure | |

Fees for permits/action required for County Government projects are waived.

THEREFORE, the Butler County Board of Supervisors hereby approve the above Schedule of Fees whereby permits shall be issued or other action is required for the enforcement of the Butler County Zoning Ordinance.

The vote thereon was as follows:

AYES: Mark V. Reiher NAYS: None
 Tom Heidenwirth
 Rex Ackerman

PASSED AND APPROVED this 9th day of April, 2013.

ATTEST: *Lizbeth Williams*, County Auditor

Board met with Safety Director Mitch Nordmeyer to discuss Safety Boot Program/Policy for Secondary Road, Conservation and Maintenance employees. No action taken.

Public Hearing on plat for Minor Subdivision in Section 35-92-15 Timber Creek Estates Phase III was postponed due to Planning and Zoning Commission taking no action on the matter.

Board reviewed Quarterly Reports of Recorder and Sheriff and ordered placed on file.

Board met with Engineer John Riherd to consider Iowa DOT Fiscal Year 2014 Secondary Road Budget and 5 year Construction Program. After discussion it was moved by Reiher, second by Ackerman to approve same. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Update for JKS Pork, LLC.

Board approved claims as submitted.

Moved by Heidenwirth, second by Ackerman to adjourn to Tuesday, April 16, 2013 at 9:00 A.M. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on April 9, 2013.