

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 8, 2015.

Meeting called to order at 9:00 a.m. by Chairman Tom Heidenwirth with members Rex Ackerman and Rusty Eddy present. Also present were Engineer John Riherd, Assessor Deb McWhirter, Emergency Management Coordinator Mitch Nordmeyer, Executive Director, Butler County Development Corp., Jeff Kolb, Denise Feckers, New Hartford, Iowa and Mira Schmitt-Cash, Mid America Publishing.

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

Board considered Resolution for terminating (Sinclair) Urban Renewal plan and to set dates of consultation and Public Hearing on proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan. Following discussion, it was moved by Heidenwirth, second by Ackerman to approve the following:

RESOLUTION NO. 839

RESOLUTION TERMINATING BUTLER COUNTY (SINCLAIR) URBAN RENEWAL PLAN AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 3 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN IN BUTLER COUNTY, STATE OF IOWA

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 "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Butler County, Iowa; 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 Amendment No. 2 to the Plan (added land and projects); and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL AREA

1. The entire existing county road right-of-way of Butler County Road 220th Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.
2. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220th Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
3. The entire existing county road right-of-way of Butler County Road T55 (Terrace Avenue) lying between Iowa Highway #3 on the North and Butler County Road C45 (Butler Center Road) on the South.
4. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220th Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212th Street lying between Union Avenue on the West and Vail Avenue on the East, except that portion vacated and described in document recorded as Instrument #2007-2171 with the Butler County Recorder.
6. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220th Street on the South and 212th Street on the North.
7. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212th Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

**AND
AMENDMENT NO. 1 AREA**

1. The entire existing road right-of-way of Butler County Road C45/T55 (Butler Center Road) between Butler County Road T55 (Terrace Ave) on the West and Butler County Road T55 (Temple Ave) on the East.

2. The entire existing road right-of-way of Butler County Road T55 (Temple Ave) lying between Butler County Road C45 (Butler Center Road) on the North and Butler County Road C55 (290th Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.
4. The entire Section 32, Township 91 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

AMENDMENT NO. 2 AREA

The following describes location for Gas Utility Route A.

1. The entire existing road right-of-way of Butler County Road Logistics Park Drive lying between its North terminus and Butler County Road 220th Street on the South.
2. The entire existing road right of way of Butler County Road 220th Street lying between Butler County Road Logistics Park Drive on the West and Butler County Road Victory Lane on the East.

The following describes location for Gas Utility Route B.

3. The entire existing road right of way of 220th Street lying between Butler County Road Victory Lane on the West and Iowa Highway 3 on the East.
4. The entire existing road right-of-way of Iowa Highway 3 lying between Butler County Road 220th Street on the West and Butler County Road T63 (North Public Road & Yale Ave) on the East.
5. The entire existing road right-of-way of Butler County Road T63 (North Public Road & Yale Ave) between Iowa Highway 3 on the South and Existing Shell Rock TBS on the North.

The following describes location for Gas Utility Route C.

6. The entire existing road right-of-way of Butler County Road Victory Lane lying between Butler County Road 220th Street on the South and Iowa Highway 3 on the North.
7. the entire existing road right-of-way of Iowa Highway 3 lying between Butler County Road Vintage Lane on the West and Butler County Road 220th Street on the East.
8. A strip of land described as the south 100ft of Butler County Parcel #'s 08-34-400-041, 08-35-301-040, 08-35-302-040, and 08-35-326-045.
9. The entire existing road right-of-way of Butler County Road Wildwood Place lying between its West terminus and Butler County Road Walnut Ave on the East.
10. The entire existing road right-of-way of Butler County Road Walnut Ave lying between Butler County Road Wildwood Place on the West and Butler County Road T63 (North Public Road & Yale Ave) on the East.
11. The entire existing road right-of-way of Butler County Road T63 (North Public Road & Yale Ave) between Butler County Road Walnut Ave on the North and Existing Shell Rock TBS on the South.

Note: The Gas Utility Route will include Route A and either Route B or C, to be determined by Mid-American Energy.

WHEREAS, County staff has caused there to be prepared a form of Amendment No. 3 to the Plan ("Amendment No. 3" or "Amendment"), a copy of which has been placed on file for public inspection in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to add property and to and/or confirm the list of eligible projects to be undertaken within the Area; and

WHEREAS, this proposed Amendment No. 3 to the Urban Renewal Plan adds land, as follows:

AMENDMENT NO. 3 AREA

1. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave.) on the East and Iowa Highway 14 on the West.
2. The entire existing road right-of-way of Butler County Road T47 (Sinclair Ave.) lying between Butler County Road C55 (290th Street) on the North and Iowa Highway 57 on the South.
3. A tract of land described as beginning at a point 12.83½ chains south of the Northwest corner of the SW ¼ of Section 27, Township 90 North, Range 16 West of the 5th P.M. thence Southeasterly along northerly line of property formerly known as ICRR Depot Ground 20.79 chains to a point on the East line of the W ½ SW ¼ of said Section 27, being 18.565 chains south of the Northeast corner of said W ½ SW ¼, thence south along said East line boundary to a point 350 feet north of the SE corner of Lot 17 of the subdivision of the SW ¼ of said Section 27, thence Northwesterly

to a point on the West line of said Section 27 being 450 feet north of the SW corner of said section 27, thence along west line of said Section 27 to the point of beginning.

4. The entire existing road right-of-way of Butler County Road T63 (Yale Ave.) lying between Butler County Road C33 (190th Street) on the North and Iowa Highway 3 on the South.
5. The entire existing road right-of-way of Walnut Ave lying between Butler County Road T63 (Yale Ave.) on the East and the Menard's Entrance on the West.
6. The entire existing road right-of-way of Glen Hall Road lying between Iowa Highway 3 on the South and the Menard's Entrance on the North.
7. A tract of land lying in both the NE ¼ of Section 2, Township 91 North, Range 15 West of the 5th P.M. & the SE ¼ of Section 35, Township 92 North, Range 15 West of the 5th P.M.; more particularly described in Exhibit "A" of Instrument No. 2008-0078 as recorded in the office of the Butler County, Iowa Recorder.

WHEREAS, this Area is within two miles of the Cities of Parkersburg and Shell Rock and the County will enter into joint agreements with each said City to allow the County to operate within the Area; and

WHEREAS, the proposed Urban Renewal Area does not include land classified as agricultural land; and

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

WHEREAS, by Resolution No. 245, adopted February 9, 1998, this Board adopted the Butler County (Sinclair) Urban Renewal Plan ("Sinclair Plan") for the Butler County (Sinclair) Urban Renewal Area ("Sinclair Area"), which Sinclair Area included:

A tract described as beginning at a point 847.11 feet South of the Northwest corner of the SW1/4 of Section 27, Township 90 North, Range 16 West of the 5th P.M. on the West boundary of said Section 27, then in a Southeasterly line 1372.14 feet to a point on the East boundary of the W1/2 SW1/4 of said Section 27 that is 1225.29 feet South of the Northeast corner of the W1/2 SW1/4 of said Section 27, then South along said East boundary to a point which is 350 feet North of the Southeast corner of Lot 17 of the subdivision of the Southwest Quarter of said Section 27, then in a Northwesterly line to a point 450 feet North of the Southwest corner of said Section 27, on the West boundary of said Section 27, then North along the West boundary of said Section 27 to the point of beginning, Butler County, Iowa.

WHEREAS, the Sinclair Plan has not been amended since its adoption; and

WHEREAS, there is no current debt or any obligation for tax increment within the Sinclair Area; and

WHEREAS, the County has determined that the Sinclair Plan is no longer fulfilling the purposes set out in Iowa Code Chapter 403; and

WHEREAS, the County has determined that it is in the best interest of the County to terminate the Sinclair Plan, the Sinclair Area, and repeal the Sinclair TIF Ordinance Title VI, No. 4 (adopted February 9, 1998); and

WHEREAS, the Iowa statutes require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the County shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to hold a public hearing on the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the County, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Amendment and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

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

The Butler County (Sinclair) Urban Renewal Plan adopted by the County by Resolution No. 245 on February 9, 1989 is hereby terminated, and the Butler County (Sinclair) Urban Renewal Area is hereby ended.

That the consultation on the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 16th day of September, 2015, in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 9:30 A.M., and Jeff Kolb, Director, Butler County Development Corporation, is the Designated Representative and is hereby appointed to serve the County for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

That the County Auditor is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of this Resolution and the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN BUTLER COUNTY, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED AMENDMENT NO. 3 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR BUTLER COUNTY, STATE OF IOWA

Butler County, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 9:30 A.M. on September 16, 2015, in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa concerning a proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Amendment.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Designated Representative of Butler County, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this 8th day of September, 2015.

That a public hearing shall be held on the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan before the Board of Supervisors at its meeting which commences at 9:30 A.M. on October 6, 2015, in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa.

That the County Auditor is authorized and directed to publish notice of this public hearing in the "Butler County Tribune - Journal", "Eclipse News Review", "The Greene Recorder", and "The Clarksville Star" once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED AMENDMENT NO. 3 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR AN URBAN RENEWAL AREA IN BUTLER COUNTY, STATE OF IOWA

The Board of Supervisors of Butler County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 9:30 A.M. on October 6, 2015 in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, to consider adoption of a proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in Butler County, State of Iowa, described as follows:

AMENDMENT NO. 3 AREA

1. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave.) on the East and Iowa Highway 14 on the West.
2. The entire existing road right-of-way of Butler County Road T47 (Sinclair Ave.) lying between Butler County Road C55 (290th Street) on the North and Iowa Highway 57 on the South.
3. A tract of land described as beginning at a point 12.83½ chains south of the Northwest corner of the SW ¼ of Section 27, Township 90 North, Range 16 West of the 5th P.M. thence Southeasterly along northerly line of property formerly known as ICRR Depot Ground 20.79 chains to a point on the East line of the W ½ SW ¼ of said Section 27, being 18.565 chains south of the Northeast corner of said W ½ SW ¼, thence south along said East line boundary to a point 350 feet north of the SE corner of Lot 17 of the subdivision of the SW ¼ of said Section 27, thence Northwesterly to a point on the West line of said Section 27 being 450 feet north of the SW corner of said section 27, thence along west line of said Section 27 to the point of beginning.
4. The entire existing road right-of-way of Butler County Road T63 (Yale Ave.) lying between Butler County Road C33 (190th Street) on the North and Iowa Highway 3 on the South.
5. The entire existing road right-of-way of Walnut Ave lying between Butler County Road T63 (Yale Ave.) on the East and the Menard's Entrance on the West.
6. The entire existing road right-of-way of Glen Hall Road lying between Iowa Highway 3 on the South and the Menard's Entrance on the North.

7. A tract of land lying in both the NE ¼ of Section 2, Township 91 North, Range 15 West of the 5th P.M. & the SE ¼ of Section 35, Township 92 North, Range 15 West of the 5th P.M.; more particularly described in Exhibit "A" of Instrument No. 2008-0078 as recorded in the office of the Butler County, Iowa Recorder.

which land is to be included as part of this amended Urban Renewal Area.

A copy of the Amendment is on file for public inspection in the office of the County Auditor, Courthouse, Allison, Iowa.

The general scope of the urban renewal activities under consideration in the Amendment is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further economic development of the Urban Renewal Area, the Amendment provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The County also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, roads, bridges, and other public improvements. The County also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Amendment provides that the County may issue bonds or use available funds for purposes allowed by the Plan, as amended, and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the County. The Amendment initially proposes specific public infrastructure or site improvements to be undertaken by the County, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 3 would add property and to and/or confirm the list of eligible projects to be undertaken within the Area. Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this 8th day of September, 2015.

That the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the County Auditor.

The vote thereon was as follows:

AYES: Tom Heidenwirth	NAYS: None
Rusty Eddy	
Rex Ackerman	

PASSED AND APPROVED this 8th day of September, 2015.

ATTEST: *Lizbeth Williams*, County Auditor

Board met with Engineer John Riherd to review DOT Secondary Roads Annual Report. No action taken.

Board met with Bristow Betterment member Denise Feckers, New Hartford, Iowa to hear details of proposed Splash Pad Project in the city of Bristow and request for County funding commitment to enable their participation in Community Attraction and Tourism (CAT) grant application. Moved by Heidenwirth, second by Eddy to approve and place a Resolution Committing Financial Support for the project on the agenda for September 15, 2015. Motion carried.

Board met with Sheriff Jason Johnson to discuss Emergency Medical Services. Also present was Tammy Fleshner, Butler County Public Health. The lack of the ability to get city ambulance crews together to provide service from 6 a.m. to 6 p.m. was discussed. Further information will be gathered from various sources and presented at the September 29th meeting of the Board.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Update for Rottler Farms Finisher.

Moved by Ackerman, second by Eddy to adjourn the meeting at 10:44 A.M. to Tuesday, September 15, 2015 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 September 8, 2015.