

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 22, 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, Chad Jensen, Clarksville, Iowa, and Sheriff Jason Johnson.

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

Board proceeded to open bids on lease of 281 acre county farm located in Sections 27 & 23 of T92-R16, Jackson Township, Butler County, Iowa. Present were: Kevin Crowe, Osage, Iowa, Rick DeGroote, Mashon Van Mill and Greg Asche, Parkersburg, Iowa, John Wessels, Allison, Iowa, Jeremy Johnson and Jim Norton, Clarksville, Iowa and Brad Feckers, Shell Rock, Iowa. Bids per acre were as follows:

Jeremy Johnson	\$310
Brad Feckers	\$250
Mashon Van Mill	\$294
Rick DeGroote	\$150
John Wessels	\$275
Greg Asche	\$300

Bidders present proceeded to increase their bids with the final winning bid of \$335 per acre submitted by John Wessels, Allison, Iowa. The Board accepted said bid and ordered Auditor to proceed with the preparation of a Farm Lease to be completed by tenant and landlord.

Board met with Public Health Director Jennifer Becker to consider subcontract between Pathways and Board of Supervisors for County Substance Abuse Grant. Following discussion, it was moved by Heidenwirth, second by Ackerman to approve. Motion carried.

Board considered Resolution #841. Moved by Heidenwirth, second by Eddy to approve the following:

RESOLUTION NO. 841

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SINCLAIR ELEVATOR, INC., AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 692, adopted April 27, 2010, and amended by Amendment No. 1 in 2012, Amendment No. 2 in 2013 and Amendment No. 3 in 2015, 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; 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 Sinclair Elevator, Inc. (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 Butler County Logistics Park Urban Renewal Area as defined and legally described in the Agreement and consisting of the construction of a new pellet manufacturing mill and a new feed manufacturing mill with warehouse space, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreement further proposes that the County will make up to 7 consecutive annual payments of Economic Development Grants to Developer consisting of 50% of the Tax Increments pursuant to Iowa Code Section 403.19 and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$600,000, or the amount accrued under the formula outlined in the proposed Development 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, Iowa Code Chapters 15A and 403 (the "Urban Renewal Law") 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 Chapter, 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 of the Iowa Code, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 331.301(5) of the Code of Iowa, it is deemed sufficient if the action hereinafter described be

taken and the County Auditor publish notice of the proposal and of the time and place of the meeting at which the Board proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said County to such action.

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

That this Board meet in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 9:00 A.M. on October 6, 2015, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Sinclair Elevator, Inc.

That the County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

The notice of the proposed action shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE BOARD OF SUPERVISORS OF BUTLER COUNTY IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SINCLAIR ELEVATOR, INC., AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Supervisors of Butler County in the State of Iowa, will hold a public hearing on October 6, 2015, at 9:00 A.M. in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at which meeting the Board proposes to take action on the proposal to enter into a Development Agreement (the "Agreement") with Sinclair Elevator, Inc. (the "Developer").

The Agreement would obligate the Developer to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Butler County Logistics Park Urban Renewal Area as defined and legally described in the Development Agreement, consisting of the construction of a new pellet manufacturing mill and a new feed manufacturing mill with warehouse space, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Agreement. One of the obligations of Developer relates to employment retention and/or creation.

The Agreement would further obligate the County to make up to 7 consecutive annual payments of Economic Development Grants to Developer consisting of 50% of the Tax Increments pursuant to the Iowa Code Section 403.19 and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$600,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the County Auditor, Courthouse, Allison, Iowa. At the above meeting the Board shall receive oral or written objections from any resident or property owner of said County, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the Board of Supervisors of Butler County in the State of Iowa, as provided by Sections 331.301(5) and 331.305 of the Code of Iowa.
UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth **NAYS:** None
Rusty Eddy
Rex Ackerman

Dated this 22nd day of September, 2015.

ATTEST: *Lizabeth Williams*, County Auditor

Board considered Resolution #842. Moved by Heidenwirth, second by Ackerman to approve the following:

RESOLUTION NO. 842

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MENARD, INC. D/B/A MIDWEST MANUFACTURING, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 692, adopted April 27, 2010, and amended by Amendment No. 1 in 2012, Amendment No. 2 in 2013 and Amendment No. 3 in 2015, 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; 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 Menard, Inc. d/b/a Midwest Manufacturing (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 Butler County Logistics Park Urban Renewal Area as defined and legally described in the Agreement and consisting of the construction of a new 61,000 square foot building to be used for a distribution cross dock, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreement further proposes that the County will make up to 5 consecutive annual payments of Economic Development Grants to Developer consisting of 50% of the Tax Increments pursuant to Iowa Code Section 403.19 and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$100,000, or the amount accrued under the formula outlined in the proposed Development 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, Iowa Code Chapters 15A and 403 (the "Urban Renewal Law") 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 Chapter, 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 of the Iowa Code, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 331.301(5) of the Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the County Auditor publish notice of the proposal and of the time and place of the meeting at which the Board proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said County to such action.

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

That this Board meet in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 9:00 A.M. on October 6, 2015, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Menard, Inc. d/b/a Midwest Manufacturing.

That the County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

The notice of the proposed action shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE BOARD OF SUPERVISORS OF BUTLER COUNTY IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MENARD, INC. D/B/A MIDWEST MANUFACTURING, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Supervisors of Butler County in the State of Iowa, will hold a public hearing on October 6, 2015, at 9:00 A.M. in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at which meeting the Board proposes to take action on the proposal to enter into a Development Agreement (the "Agreement") with Menard, Inc. d/b/a Midwest Manufacturing (the "Developer").

The Agreement would obligate the Developer to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Butler County Logistics Park Urban Renewal Area as defined and legally described in the Development Agreement, consisting of the construction of a new 61,000 square foot building to be used for a distribution cross dock, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Agreement. One of the obligations of Developer relates to employment retention and/or creation.

The Agreement would further obligate the County to make up to 5 consecutive annual payments of Economic Development Grants to Developer consisting of 50% of the Tax Increments pursuant to the Iowa Code Section 403.19 and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$100,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the County Auditor, Courthouse, Allison, Iowa. At the above meeting the Board shall receive oral or written objections from any resident or property owner of said County, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the Board of Supervisors of Butler County in the State of Iowa, as provided by Sections 331.301(5) and 331.305 of the Code of Iowa.
UPON Roll Call the vote thereon was as follows:

AYES: Rusty Eddy NAYS: None
 Rex Ackerman
 Tom Heidenwirth

Dated this 22nd day of September, 2015.

ATTEST: *Lizbeth Williams*, County Auditor

Board signed letters of support for the Diamonds and Fields Project in Parkersburg, Iowa and for the Parkersburg Chamber of Commerce for a license to conduct Bingo Day. Also present was Mira Schmitt-Cash, Mid America Publishing.

Board met with Renee Von Bokern to discuss Human Resource and Labor Relations services.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for Osceola Finisher Farm; Hogenkamp Finisher Farm and N024.

Moved by Ackerman, second by Eddy to adjourn the meeting at 10:07 A.M. to Tuesday, September 29, 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 22, 2015.