

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 6, 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 and Executive Director of Butler County Development Corp. Jeff Kolb.

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

Moved by Ackerman, second by Eddy to approve Agreement for Iowa DOT detour route for 2016 project on Hwy 14 near Parkersburg. Motion carried.

Board reviewed Quarterly Report of Auditor and ordered placed on file.

Board approved claims as submitted.

Butler County claims paid from September 1, 2015 through September 30, 2015.

Aces,Licensing/Equip Cont/Rcvry/Sup	9,381.50
Ackart, Janice,Peo	147.46
Aflac,Aflac Pmt	89.96
Agility Recovery Solutions,Disaster Rcvry	840.00
Agvantage Fs,Spray/Fuel	12,950.30
Airgas North Central,Suply	413.59
Allan, Marlene,Peo	78.38
Allen Occupational Health Serv,Tstg	772.00
Alliant Energy,Util	243.19
Allied Manatts Group Llc,Rock	34,755.56
Allison Ambulance Service,Bd & Care	492.00
Allison Family Dental, Pc,Bd & Care	458.00
Allison Variety Hardware,Sup/Maint/Misc/Bd&Care	76.13
Allison, City Of,Util	393.63
Ambrose Engineering Inc,Upgrades	3,250.00
Answer Plus Inc,Equip Cont	65.00
Aramark, Avs Waterloo Mc Lockbox,Suply	239.90
Aredale, City Of,28e	1,675.42
At&T,Tele	40.91
Backer, John,Peo	179.42
Ballard, Brenda,Peo	134.98
Barco Municipal Products Inc.,Tool/Sign	231.47
Barth, Rita,Peo	122.50
Bauman, Georgette,Peo	193.42
Beadle, Lisa,Mlge	40.56
Becker, Jennifer L.,Mlge	200.20
Beecher, Field, Walker, Morris,Spec Prosecutor	120.00
Benson, David,Well Closing	160.70
Bertram, Nicole,Mlge	186.16
Bixby, Eric,Twp Exp	20.00
Black Hawk County Sheriff,Ct Costs	93.67
Black Hills Energy,Util	32.22
Blacktop Services Co.,Milling	24,913.56
Bluhm Electric, Inc.,Lbr	50.22
Bmc Aggregates L.C.,Rock	3,501.67
Briggs Corporation,Med Sup	171.79
Bristow, City Of,28e	4,696.76
Brown Supply Co. Inc.,Suply	131.25
Bruden Holdings Llc,Rent	225.00
Bruening Rock Products, Inc,Rock	28,007.13
Bruns, Scott,Twp Exp	20.00
Buri, Dwight,Mow	80.00
Burman, Norma,Peo	141.22
Business Card,Hopes/Ofc Sup/Sch Of Instr	353.87
Butler Bremer Communications,Tele	105.35
Butler County Ag Extension,Sch Of Instr	35.00
Butler County Engineer,Fuel	310.01
Butler County Farm Bureau,Rent	400.00
Butler County Public,Drug Test/Med Invgtg	315.09
Butler County R.E.C.,Util	1,545.32
Butler County Solid,Disp Fee	18,161.00
Calhoun-Burns & Assoc.,Brdg Insp	913.25
Campbell Insurance Group, Inc.,Cons Fee	1,560.48
Campbell Supply,Suply	21.51
Cardmember Service,Upgrades/Maint/Ofc Sup	500.57

Cdw-G,Comp Equip	115.45
Centec Cast Metal Products,Grave Mrkrs	179.56
Central Iowa Distr.,Suply	613.70
Central Iowa Water Assoc.,Util	20.36
Century Link,Tele	50.19
Cerro Gordo County Auditor,Court Svcs	4,087.34
Chisholm, Robin,MIge	208.52
Clark, H. David,Peo	145.35
Clark, Lola,Peo	187.63
Clarksville Lumber Co,Upgrades	169.41
Cole Excavating,Lbr	113,873.22
Cooper Motor Company,Car Exp	548.28
Cordes, Shirley,Peo	131.90
Cretex Concrete Products Midwe,Mtrls	25,450.00
Croell Redi-Mix, Inc.,Rock/Upgrades	3,407.50
Crop Production Services Inc.,Spray	2,352.00
Cutshall West Fork Inc,Rent	275.00
Debner, Lonna,MIge	69.68
Decision Health,Books	221.95
Deike Implement Co.,Prts	173.82
Dell Marketing L.P.,Tele/Comp Equip	1,944.63
Dewitt, Cindy,MIge	466.44
Diamond Mowers, Inc,Prts	1,170.47
Dick's Petroleum Co.,Keys	103.84
Disc Golf Association Inc,Upgrades	3,707.72
Don's Truck Sales,Prts/Lbr	23,312.04
Doug's Heating & Cooling,Maint	62.26
Dowden, Dawson,Peo	78.38
Dralle Plumbing & Heating,Bldg Maint	280.00
Dumont Harken Lumber Inc.,Maint	5.58
Dumont Implement Co. Inc.,Suply	4.13
Dumont Telephone Company,Tele/Internet	1,548.29
Eclipse News Review,Publ/Bdproc/Pubnot	372.68
Eddy, Robert,MIge	85.28
Edeker, Mervin,Twp Exp	20.00
Electronic Engineering Co.,Rntl	988.35
Escher, Berdyne G,Peo	131.90
Faber, Elizabeth,Bt	1,980.00
Fahrner Asphalt Sealers, Llc,Seal Coat	8,815.12
Fastenal Company,Prts/Suply	64.71
Fink, Mary E.,Peo	82.50
Fleshner, Tamara L.,MIge/Cps	104.09
Floyd County Public Health/Hhc,Bt	6,781.82
Forry, Bonnie Kay,MIge	383.40
Franklin County Phn,Bt	4,135.32
Franklin General Hospital,Bt	2,782.80
Gansen, Joyce,MIge	97.86
Geiken, Dennis,Twp Exp	20.00
Gierke-Robinson Company, Inc.,Prts	6.03
Gillund Enterprises,Suply	102.48
Goodyear Commerical Tire & Ser,Tire	10,715.53
Grainger,Grnds/Maint/Suply	72.23
Graser, Christine,Peo	122.50
Greene Recorder, The,Publ/Bdproc/Pubnot	296.53
Greene, City Of,Util	161.00
Grosse Steel Co.,Mtrls	21,898.00
Grundy County Sheriff,Svc Not	37.75
Harken Lumber,Upgrades/Maint	855.55
Harland Technology Services,Software Sup	159.62
Harris, Blake R.,Upgrades	3,240.00
Hawkeye Community College,Sch Of Instr	400.00
Healthcare First,Equip Cont	99.00
Heeren, Kathy,MIge	561.18
Hendrickson, Cynthia,Peo	142.30
Henricks, Deb,MIge	390.00
Henry M Adkins & Son Inc,Ballots	201.51
Hewitt, Connie,Peo	138.10
Heyde, Milton,Rent	275.00
Highway 57 Auto Inc,Car Exp	107.20
Hinders, Mary Ann,MIge	531.54
Humphrey, Katherine,Peo	165.32
Hyvee #1872,Bd & Care	112.57

Imperial Supplies Llc,Suply	427.06
Imwca,Wk Comp/Ded	5,799.75
Inrcog,Prof Fees	3,137.69
Interstate Batteries Of,Btry	503.85
Intoximeters,Mnr Equip	115.00
Iowa Association Of,Sch Of Instr	175.00
Iowa County Attorneys Assoc,Sch Of Instr	325.00
Iowa Law Enforcement Academy,Sch Of Instr	140.00
Iowa Plains Signing, Inc.,Sgn	28.00
Iowa Prison Industries,Sgn	2,523.30
Iowa State Bank,E911 Payment	9,735.35
Iowa State University,Educ	375.00
Isac,Sch Of Instr	360.00
Isaca,Sch Of Instr	105.00
J & C Grocery,Hopes/Ofc Sup/Bd&Care	1,940.28
Janssen, Sarah,MIge	92.04
Jendro Sanitation Services,Disp Fee	133.23
Jerico Services Inc.,Mtrls	245.00
Jim's Sport Shop,Environ Educ	3.00
Joebgen, Tim,Sch Of Instr	26.86
John Deere Financial,Maint/Prts	139.07
Johnson, Diane,MIge	62.40
Johnson, Renae,MIge/Sch Of Instr	140.53
Kalkwarf, Keith,Well Closing	205.03
Keeling, Charles,Rent	475.00
Kelm, Glenda,Peo	128.78
King's Radiator,Maint	40.62
Klahsen, John R.,Twp Exp	20.00
Kramer, Charlene L.,Peo	122.50
Kroeze, Misty,MIge	352.04
Kruse, Eric,Twp Exp	20.00
Landers Hardware,Maint	139.53
Lauber, Marlene,Peo	134.98
Legislative Services Agency,Publ	300.00
Lincoln Savings Bank,Misc	37.45
Mail Services, Llc,Ofc Sup/Pstg	5,434.60
Majewski's Tire Service,Suply	208.43
Mansheim, David,Peo	204.42
Mansheim, Sara Faye,Peo	140.15
Marco Inc,Equip Cont	64.40
Marks, Joyce,Peo	122.50
Matthew Bender & Co.,Law Library	325.27
Mauer Eye Center Pc,Bd & Care	261.25
Mcroberts Red Power, Inc,Prts	212.00
Menards,Ofc Sup	349.99
Metal Culverts Inc.,Mtrls	8,921.63
Mid American Energy,Util	16,934.71
Mid-America Publishing Corp.,Publ/Bdproc/Pubnot	567.24
Miller Building Supplies,Suply	28.08
Miller True Value Hardware,Maint	10.06
Miller, Billy,Peo	20.00
Miller, James,Twp Exp	20.00
Miller, Sharlene,Peo	122.50
Moyson Resources,Trng	750.00
Myers, Fern,Peo	217.86
Myers-Cox Co.,Bd & Care	594.90
Napa Auto Parts (Greene),Maint	70.91
Napa Auto Parts (P'burg),Prts/Suply	498.99
Nelsen, Dorothy,MIge	445.85
New Horizons,Software Sup	2,100.00
Niemann Const. Co., Paul,Rock/Maint	14,041.89
Nixt, Joann,Peo	82.50
North Iowa Juvenile,Youth Detention	1,375.00
Northern Iowa Constr.,Clvt	7,096.68
Office Depot Inc.,Mnr Equip/Ofc Sup	1,204.68
Office Elements,Ofc Sup	42.50
Oltmann, James,Twp Exp	20.00
Onsite Information Destruction,Misc	45.00
Paetec,Tele	736.52
Pakor Inc,Ofc Sup	55.44
Parkersburg True Value,Suply	4.29
Parkersburg, City Of,Util	25.00

Pathways Behavioral Services,Prof Fees	2,341.54
Penning, Sidney L.,Twp Exp	20.00
Petroblend Corp.,Suply	1,192.30
Phelps Implement Corp.,Grnds	1,743.64
Pioneer Telephone,Tele	8.58
Pitney Bowes Inc.,Pstg Rent	661.62
Powerplan,Prts	240.53
Renning, Diane,Peo	40.00
Reserve Account, Pitney Bowes,Pstg	4,000.00
Ricoh Usa, Inc,Equip Cont	2,851.69
Rileys Inc.,Ofc Sup	688.25
Ritsema, Sandra,Peo	233.46
Roling Ford,Prts	43.04
Roose, Karolyn,MIge	314.03
Rusty Leymaster Tile,Tile	60.25
Ryan Exterminating Inc.,Pest Cntrl	35.00
Sadler Power Train,Prts	1,916.81
Schnucker, Anna Mae,Peo	41.25
Schumacher Elev. Co.,Maint/Misc Rpr	366.74
Schwarz, James,Peo	130.75
Schwarz, Joanne,Peo	168.19
Secretary Of State,Notary/Data Proc/Misc	1,442.13
Security Products Companies,Comp Prog	62.50
Severs, Ella,Peo	64.96
Shell Rock, City Of,Util	24.15
Sidwell Company, The,Licensing	2,950.00
Simplex Grinnell,Rprs	768.80
Smith, Mary,Peo	40.00
Snap-On Tools Corp.,Suply	867.60
Spain, Shawn,Rent	250.00
Star Graphics,Maint/Ofc Sup/Environeduc/Unif	277.00
State Hygienic Laboratory,Well Closing	387.00
State Medical Examiner's Offic,Autopsy	1,583.00
Stokes Welding,Upgrades/Prts/Suply	11,646.38
Taylor Physical Therapy,Cont Svc	1,680.00
Terracon,Svc	12,184.50
Treat America Food Svcs,Sch Of Instr	1,354.09
U.S. Cellular,Equip Cont/Tele	2,195.07
U.S. Post Office,Box Rent	630.00
Unity Point Clinic,Drug Test	259.00
Unitypoint Health,Phy	114.40
Veridian Credit Union,Prts/Prmt/Misc	2,041.14
Viet, Carole,MIge	507.31
Vogel Traffic Services,Mrkg	46,518.90
Wal Mart Community/Gemb,Environ Educ/Bdmbrexp	204.19
Wellmark Blue Cross/Blue Shield,Ins	5,758.52
Wellsburg Ag,Maint	2,262.64
West Group Payment Ctr.,Law Lbrly	646.92
Wheeler Lumber Llc,Piling	10,200.00
Wilken & Sons,Maint	80.00
Williams, Liz,MIge	146.84

Time and place for Public Hearing on Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan. Present were Assessor Deb McWhirter, Engineer John Riherd, Executive Director of Butler County Development Corp. Jeff Kolb, Emergency Management Coordinator Mitch Nordmeyer, Ken Rasing, Chickasaw County Emergency Management Agency, Scott Nuttleman, Menards/Midwest Manufacturing and Recorder Janice Jacobs. Auditor reported no written or oral comments were received. At the close of the Public Hearing it was moved by Eddy, second by Ackerman to approve said Amendment. Motion carried.

Board considered Resolution determining an area of the County to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the County; designating such area as appropriate for urban renewal projects; and adopting the Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan. Moved by Heidenwirth, second by Eddy to approve the following:

RESOLUTION NO. 843

RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING

AMENDMENT NO. 3 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN

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 cities have entered into joint agreements (attached as Exhibit "D" to the Plan) with the County 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 activities described within the proposed 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 therefore on September 8, 2015 this Board did terminate the Butler County (Sinclair) UR Plan for the Butler County (Sinclair) UR Area and repealed the Butler County (Sinclair) Ordinance on September 29, 2015; and

WHEREAS, by resolution adopted on September 8, 2015, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the Board of Supervisors and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Board also set a public hearing on the adoption of the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan for this meeting of the Board, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the "Butler County Tribune - Journal" and other newspapers, which notices set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Board in connection therewith and the public hearing has been closed.

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

That the findings and conclusions set forth or contained in Amendment No. 3 of the Butler County Logistics Urban Renewal Area concerning the area of Butler County, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Board for this area.

This Board further finds:

Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Butler County Logistics Park Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

The Plan, as amended, and Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan conform to the general plan for the development of the County as a whole; and

Acquisition by the County is not immediately expected, however, as to any areas of open land to be acquired by the County included within the Butler County Logistics Park Urban Renewal Area:

Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this Board of Supervisors hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the County; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

That the Butler County Logistics Park Urban Renewal Area, as amended, continues to be an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this County.

That Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan of Butler County, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan for Butler County, State of Iowa"; Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan of Butler County, State of Iowa, is hereby in all respects approved; the Joint City/County Agreements, Exhibit D to the Amendment, are approved and shall be executed by the County; and the County Auditor is hereby directed to file a certified copy of Amendment No. 3 with the proceedings of this meeting.

That, notwithstanding any resolution, ordinance, plan, amendment or any other document, Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Plan. The proposed Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan shall be forthwith certified by the County Auditor, along with a copy of this Resolution, to the Recorder for Butler County, Iowa, to be filed and recorded in the manner provided by law.

That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 3, as well as all resolutions previously adopted by this Board of Supervisors related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

UPON Roll Call the vote thereon was as follows:

AYES: Rusty Eddy
Tom Heidenwirth
Rex Ackerman

NAYS: None

PASSED AND APPROVED this 6th day of October, 2015.

ATTEST: *Lizbeth Williams*, County Auditor

Board set October 27, 2015 at 9:30 A.M. as the date and time for public hearing on consideration of Ordinance for the division of revenues under Iowa Code Section 403.19 for Amendment No. 3 to the Butler County Logistics Park Urban Renewal Plan.

Time and place for a Public hearing on the proposal to enter into a Development Agreement with Menard, Inc. d/b/a Midwest Manufacturing. Present were Assessor Deb McWhirter, Engineer John Riherd, Executive Director of Butler County Development Corp. Jeff Kolb, Emergency Management Coordinator Mitch Nordmeyer, Ken Rasing, Chickasaw County Emergency Management Agency, Scott Nuttleman, Menards/Midwest Manufacturing, Recorder Janice Jacobs, Sheriff Jason Johnson and Mira Schmitt-Cash, Mid America Publishing. Auditor reported no written or oral comments were received. At the close of the Public Hearing it was moved by Eddy, second by Ackerman to approve said Development Agreement. Motion carried.

Board considered Resolution approving and authorizing execution of a Development Agreement by and between Butler County and Menard, Inc. d/b/a Midwest Manufacturing. Moved by Heidenwirth, second by Ackerman to approve the following:

RESOLUTION NO. 844

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN BUTLER COUNTY AND MENARD, INC. D/B/A MIDWEST MANUFACTURING

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 Developer relates to employment retention and/or creation; and

WHEREAS, Iowa Code Chapters 15A and 403 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 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 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 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 loans and 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 of the Iowa Code, 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.

UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth NAYS: None
Rusty Eddy
Rex Ackerman

PASSED AND APPROVED this 6th day of October, 2015.

ATTEST: *Lizbeth Williams*, County Auditor

Moved by Ackerman, second by Eddy to adjourn the meeting at 10:40 A.M. to Tuesday, October 13, 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 October 6, 2015.