

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON FEBRUARY 26, 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 was Engineer John Riherd and Fern Myers, Allison, Iowa.

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

Board heard program update from Butler County Development Director Jeff Kolb.

Board considered Resolution setting dates of a Consultation and a Public Hearing on proposed Amendment No. 2 to the Butler County Logistics Park Urban Renewal Plan. After discussion it was moved by Reiher, second by Ackerman to approve the following:

RESOLUTION #769

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 2 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, 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.

WHEREAS, this Area is within two miles, and within the corporate limits of the City of Shell Rock and the County will enter into a joint agreement with said City to allow the County to operate within the Area; and

WHEREAS, the proposed urban renewal area includes land classified as agricultural land and written permission of the current owners will be obtained; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Amendment;

WHEREAS, County staff has caused there to be prepared a form of Amendment No. 2 to the Plan, 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 (primarily for extension of a gas line into the Area) and to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, this proposed Amendment No. 2 to the Urban Renewal Area adds land, as follows:
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, the Iowa statutes require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 2 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. 2 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:

Section 1. That the consultation on the proposed Amendment No. 2 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 5th day

of March, 2013, in the Supervisors Meeting Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 3:30 o'clock P.M., and the Executive Director of Butler County Development Corporation is hereby appointed to serve as the designated representative of 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).

Section 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. 2 to the Butler County Logistics Park Urban Renewal Plan, the notice to be in substantially the following form:

Section 3. That a public hearing shall be held on the proposed Amendment No. 2 to the Butler County Logistics Park Urban Renewal Plan before the Board of Supervisors at its meeting which commences at 9:00 o'clock A.M. on March 26, 2013, in the Supervisors Meeting Room, County Courthouse, 428 - 6th Street, Allison, Iowa.

Section 4. That the County Auditor is authorized and directed to publish notice of this public hearing in the "Parkersburg Eclipse", the "Greene Recorder", the "Butler County Tribune-Journal" 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:

Section 5. That the proposed Amendment No. 2 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. 2 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.

UPON Roll Call the vote thereon was as follows:

AYES: Mark V. Reiher
Tom Heidenwirth
Rex Ackerman

NAYS: None

ATTEST: *Lizbeth Williams*, County Auditor

PASSED AND APPROVED this 26th day of February, 2013.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for Drier Site; Roose South Finisher Farm; Quail Finisher Farm; RB Winkowitsch Farm; Butler Finisher Farm; Kuper Finisher Farm; Brad Finisher Farm; McCandless #2 Finisher Farm; Norwood Site and Riverton Site 1 Grow Finish Unit.

Moved by Heidenwirth, second by Reiher to adjourn to Tuesday, March 5, 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 February 26, 2013.