

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JULY 31, 2012.**

Meeting called to order at 9:00 a.m. by Chairman Tom Heidenwirth with members Mark Reiher and Karl Nelson present. Also present was Fern Myers, Allison.

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

Board met with County Engineer John Riherd to review Contract with Taylor Construction, Inc., New Vienna, Iowa, for bridge replacement (T16 approximately 3 miles north of Dumont) in the amount of \$324,880.60. Moved by Nelson, second by Reiher to approve said contract and bond with Taylor Construction, Inc. Motion carried.

Moved by Nelson, second by Reiher to authorize the Auditor to transfer \$146,855.96 from Capital Projects Fund to Secondary Roads Fund (Allison Maintenance Shop). Motion carried.

Moved by Heidenwirth, second by Reiher to authorize the Auditor to transfer \$275,568.68 from Capital Projects Fund to Secondary Roads Fund (220<sup>th</sup> Street). Motion carried.

Moved by Nelson, second by Reiher to authorize the Auditor to transfer any remaining balance in the Capital Projects Fund (consisting of interest earned on said fund) to Secondary Roads. Motion carried.

Board met with Conservation Director Mike Miner to hear request for return of FY12 receipts. Moved by Nelson, second by Reiher to authorize the Auditor to transfer \$37,133.24 from the General Basic Fund to the Conservation Land Acquisition Fund. Motion carried.

Board held a Public Hearing on the proposed Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan. Present were Fern Myers, Allison, Economic Development Director Jeff Kolb and Assessor Deb McWhirter. It was reported that no written or oral comments were received. Upon the close of the Public Hearing, it was moved Reiher, second by Nelson to adopt Resolution No. 759 as follows:

**RESOLUTION #759**

**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. 1 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") described therein, which Plan is on file in the office of the Recorder of Butler County, Iowa; and

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

1. The entire existing county road right-of-way of Butler County Road 220<sup>th</sup> 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 220<sup>th</sup> 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 220<sup>th</sup> Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212<sup>th</sup> 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 220<sup>th</sup> Street on the South and 212<sup>th</sup> 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 212<sup>th</sup> Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

WHEREAS, a proposed Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan for the area described below has been prepared, which proposed Amendment is on file in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to expand the current area to include other area in the county that is or will be used for industrial development and to add or confirm urban renewal projects in the Area; and

WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Area adds land, as follows:

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 (290<sup>th</sup> Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280<sup>th</sup> 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 5<sup>th</sup> P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

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

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the proposed Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan to be known hereafter as the "Butler County Logistics Park Urban Renewal Plan"; and

WHEREAS, by resolution adopted on June 29, 2012, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 1 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. 1 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 Engineer 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. 1 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 "Parkersburg Eclipse", the "Greene Recorder" and the "Allison Tribune", which notice 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. 1 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:

Section 1. That the findings and conclusions set forth or contained in Amendment No. 1 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.

Section 2. This Board further finds:

A. 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;

B. Acquisition by the County may occur and as to those areas of open land to be acquired by the County included within the Butler County Logistics Park Urban Renewal Area:

1. 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:

A. 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.

B. 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.

C. 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.

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

2. 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.

Section 3. That the Butler County Logistics Park Urban Renewal Area, as amended, is 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.

Section 4. That Amendment No. 1 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. 1 to the Butler County Logistics Park Urban Renewal Plan for Butler County, State of Iowa"; Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan of Butler County, State of Iowa, is hereby in all respects approved; and the Chairperson of the Board of Supervisors is hereby directed to file a certified copy of Amendment No. 1 with the proceedings of this meeting.

Section 5. That the original Butler County Logistics Park Urban Renewal Plan, and the Plan as amended by this Amendment No. 1, shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Amendment. The proposed Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan shall be forthwith certified by the Chairperson of the Board of Supervisors, along with a copy of this Resolution, to the Auditor for Butler County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 1, 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: Tom Heidenwirth	NAYS: None
Mark Reiher	
Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 31st day of July, 2012.

ATTEST: *Holly A. Fokkena*, County Auditor

Board then considered Ordinance Title VI, No. 10. Moved by Nelson, second by Reiher to approve the first reading of said Ordinance for the division of revenues for Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan.

#### ORDINANCE TITLE VI, NO. 10

AN ORDINANCE AMENDING ORDINANCE TITLE VI, NO. 9, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA, IN BUTLER COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, BUTLER COUNTY, WAVERLY-SHELL ROCK COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE COUNTY IN CONNECTION WITH THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA

WHEREAS, the Board of Supervisors of Butler County, State of Iowa, has heretofore, in Ordinance Title VI, No. 9, adopted May 18, 2010, provided for the division of taxes within the Butler County Logistics Park Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Butler County Logistics Park Urban Renewal Area by the adoption of Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the County, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Butler County Logistics Park Urban Renewal Area, and the continuing needs of redevelopment within the amended Butler County Logistics Park Urban Renewal Area are such as to require the continued application of the incremental tax resources of the amended Butler County Logistics Park Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

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

Ordinance Title VI, No. 9 is hereby amended to read as follows:

**Section 1:** For purposes of this Ordinance, the following terms shall have the following meanings:

(a) **Original Area** shall mean that portion of Butler County, State of Iowa, described in the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 692 on the 27<sup>th</sup> day of April, 2010, which Original Area includes the lots and parcels located within the area legally described as follows:

3. The entire existing county road right-of-way of Butler County Road 220<sup>th</sup> Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.
4. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220<sup>th</sup> Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
9. 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.
10. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220<sup>th</sup> Street (old Highway #3) on the South.
11. The entire existing county road right-of-way of Butler County Road 212<sup>th</sup> 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.
12. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220<sup>th</sup> Street on the South and 212<sup>th</sup> Street on the North.
13. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212<sup>th</sup> Street on the South.
14. The entire Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

(b) **Amendment No. 1 Area** shall mean that portion of Butler County, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 759 on the 31<sup>st</sup> day of July, 2012, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

5. 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.
6. 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 (290<sup>th</sup> Street) on the South.
7. The entire existing road right-of-way of Butler County Road C55 (280<sup>th</sup> Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.
8. The entire Section 32, Township 91 North, Range 15 West of the 5<sup>th</sup> P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

(c) **Amended Area** shall mean that portion of Butler County, State of Iowa, included within the Original Area and the Amendment No. 1 Area, which Amended Area includes the lots and parcels located within the area legally described as follows:

**Original Area**

1. The entire existing county road right-of-way of Butler County Road 220<sup>th</sup> 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 220<sup>th</sup> 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 220<sup>th</sup> Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212<sup>th</sup> 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 220<sup>th</sup> Street on the South and 212<sup>th</sup> 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 212<sup>th</sup> Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> 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 (290<sup>th</sup> Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280<sup>th</sup> 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 5<sup>th</sup> P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

**Section 2:** The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Butler, Iowa, Waverly-Shell Rock Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

**Section 3:** As to the Original Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Area upon the total sum of the assessed value of the taxable property in the Original Area as shown on the assessment roll as of January 1, 2009, being the first day of the calendar year preceding the calendar year in which the County first certified to the Auditor an amount of loans, advances, indebtedness or bonds payable from the division of property tax revenue under Iowa Code Section 403.19. The taxes so determined shall be referred herein as the "base period taxes" for such Original Area.

As to Amendment No. 1 Area, base period taxes shall be computed using the total assessed value shown on the assessment roll as of January 1, 2011, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

**Section 4:** That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by Butler County, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by Butler County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 and taxes for the Instructional Support Program levy, but only to the extent authorized in Section 403.19(2), and taxes for payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

**Section 5:** Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

**Section 6:** At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of Butler County, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

**Section 7:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance Title VI, No. 9, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 1 Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

**Section 8:** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

UPON Roll Call the vote thereon was as follows:

AYES: Karl Nelson  
Mark Reiher  
Tom Heidenwirth

NAYS: None

PASSED AND APPROVED this 31st day of July, 2012.

ATTEST: *Holly A. Fokkena*, County Auditor

It was further moved by Nelson, second by Heidenwirth to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of said Ordinance Title VI, No. 10 and declare said Ordinance adopted. Motion carried.

Board approved claims as submitted.

Board acknowledged receipt of a Manure Management Plan Annual Update for Bacon Hill, LLC Finisher Farm.

Moved by Heidenwirth, second by Reiher to adjourn to Tuesday, August 7, 2012 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 July 31, 2012.