

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON DECEMBER 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 and Fern Myers, Allison, Iowa.

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

Board considered Resolution to revise Iowa DOT 2016 Butler County Five Year Program. Also present was Director of Economic Development Jeff Kolb. Following discussion, it was moved by Eddy, second by Heidenwirth to approve the following:

**RESOLUTION #850
RESOLUTION TO REVISE BUTLER COUNTY
2016 FIVE YEAR ROAD PROGRAM**

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Construction Program, and previous revisions, requiring changes to the sequence, funding and timing of the proposed work plan,

The Board of Supervisors of Butler County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2016), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

The following approved Priority Year projects shall be **ADVANCED** to the Program's Accomplishment year:

Project Number Local ID TPMS #	Project Location Description of work	AADT Length NBIS #	Type Work Fund basis	Prior FY	Accomplishment Year (\$1000's of dollars)		
						New amount	Net change
BROS-C012(93)--8J-12 B29W10 TPMS ID: 20215	CAMP COMFORT RD: NW Corner Sec 29 S 0.1 MI	35 0 MI 89530	Bridges STP-HBP	2017		\$350	\$350
BROS-C012(94)--5F-12 TPMS ID: 32727	On LIBERTY AVE, Over SMALL STREAM, from 245th Street North 0.1 Miles to Bridge	20 0 87850	Box Culverts STP-HBP	2017		\$150	\$150
Totals						\$500	\$500

The following approved Priority Year projects shall be **ADDED** to the Program's Accomplishment year:

Project Number Local ID TPMS #	Project Location Description of work	AADT Length NBIS #	Type Work Fund basis		Accomplishment Year (\$1000's of dollars)		
						New amount	
BRS-3102(602)--60-12 C12N10 TPMS ID: 33906	In the city of Greene, On East South St, Over Small Stream	800 0 89655	Bridges STP-HBP			\$515	
Totals						\$515	

The following **PRE-EXISTING** Accomplishment Year projects shall be **MODIFIED** as follows:

Project Number Local ID TPMS #	Project Location Description of work	AADT Length NBIS #	Type Work Fund basis	Modification(s) applied	Accomplishment Year (\$1000's of dollars)		
					Previous Amount	New amount	Net change
LFM-(L15)--7X-12 Clutterville Box Culv. TPMS ID: 15499	T16: From 230th St. to 240th St. Box culv. 3.5 Mi. South of Dumont	520 088090	Box Culverts LOCAL	Changed funding amount	\$100	\$200	\$100
L-SH(T16)--73-12 T16 Shouldering TPMS ID: 23601	T16: From Hwy 57 to Hwy 3 Construct 8' Earth Shoulders	420 11.42 MI	Shoulders LOCAL	Changed funding amount	\$410	\$1250	\$840
L-D15W--73-12 D15W TPMS ID: 14580	Douglas Ave.: From 120th to 130th Culvert	60	Pipe Culverts LOCAL	Moved to FY17	\$30	\$0	-\$30
L-P22N--73-12 P22N TPMS ID: 14718	310th St.: From Vail Ave. to Willow Ave. Box Culvert	40	Box Culverts LOCAL	Moved to FY17	\$75	\$0	-\$75
L-P15W--73-12 P15W TPMS ID: 15348	Vail Ave.: From 300 to 302 Box Culvert	70	Box Culverts LOCAL	Moved to FY17	\$75	\$0	-\$75
L-D26W--73-12 TPMS ID: 16776	Elm Ave: From C-23 to 140th St Box Culvert	70	Box Culverts LOCAL	Moved to FY17	\$40	\$0	-\$40
L-H14N10--73-12 H14N10 TPMS ID: 21505	180 ST: Over STREAM	20 0 MI 88340	Bridges LOCAL	Moved to FY17	\$30	\$0	-\$30
LFM-F11N10--7X-12 F11N10 TPMS ID: 32094	On C25, Over Dry Creek, from Keystone Ave East 3150 Feet to Bridge, on NLINE S11 T92 R17	70 0 88700	Bridges LOCAL	Moved to FY17	\$40	\$0	-\$40
LFM-F11N-A--7X-12 F11N-A TPMS ID: 32095	On C25, Over Dry Creek, from Keystone Ave East 1780 Feet to Bridge, on NLINE S11 T92 R17	70 0	Bridges LOCAL	Moved to FY17	\$40	\$0	-\$40
Totals					\$840	\$1450	\$610

Fund ID	Accomplishment year (\$1000's of dollars)
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	Previous Amount	New Amount	Net Change
Local Funds	\$1,380	\$2,060	\$680
Farm to Market Funds	\$1,260	\$1,393	\$133
Special Funds	\$0	\$0	\$0
Federal Aid Funds	\$1,950	\$2,762	\$812
Total construction cost (All funds)	\$4,590	\$6,215	\$1,625
Local 020 Construction cost totals (Local Funds + BROS-8J FA funds)	\$1,700	\$2,660	\$960

Upon Roll Call the vote thereon was as follows:

AYES: Rex Ackerman
Tom Heidenwirth
Rusty Eddy

NAYS: None

PASSED AND APPROVED this 22nd day of December, 2015.

ATTEST: *Lizbeth Williams*, County Auditor

Board reviewed Amendment #1 to DOT 2016 Butler County Secondary Road Budget. Following discussion, it was moved by Eddy, second by Ackerman to approve. Motion carried.

Board reviewed IDOT Agreement No. 2-15-HBRRS-048 – Bridge replacement Project on Liberty Ave. north of 245th Street. Following discussion, it was moved by Eddy, second by Ackerman to approve. Motion carried.

Board considered Resolution fixing date for a public hearing on the proposal to enter into a Development Agreement with Butler County Development Corporation. Moved by Heidenwirth, second by Ackerman to approve the following:

RESOLUTION #851

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH BUTLER COUNTY DEVELOPMENT CORPORATION, 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 Butler County Development Corporation (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 acquire land and prepare it for commercial/industrial development as part of The Butler County Logistics Park ("Project"); and

WHEREAS, the Agreement further proposes that the County will make an Economic Development Grant to Developer in the amount of \$142,514.11 in support of the "Project", under the terms and following satisfaction of the conditions set forth in the Agreement; 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, 425 - 6th Street, Allison, Iowa, at 9:00 A.M. on January 12, 2016, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Butler County Development Corporation.

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 BUTLER COUNTY DEVELOPMENT CORPORATION, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Butler County in the State of Iowa, will hold a public hearing on January 12, 2016, at 9:00 A.M. in the Board Room, County Courthouse, 425 - 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 Butler County Development Corporation (the "Developer").

The Agreement would obligate the Developer to acquire land and prepare it for commercial/industrial development as part of The Butler County Logistics Park ("Project"); and

WHEREAS, the Agreement further proposes that the County will make an Economic Development Grant to Developer in the amount of \$142,514.11 in support of the Project, under the terms and following satisfaction of the conditions set forth in the Agreement; and

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
Rex Ackerman
Rusty Eddy

NAYS: None

PASSED AND APPROVED this 22nd day of December, 2015.

ATTEST: *Lizbeth Williams*, County Auditor

Board considered Resolution fixing a date for a public Hearing on the proposal to enter into a Development Agreement with RJBB, LLC, RJBB-II, LLC, and Sinclair Milling, Inc. Moved by Heidenwirth, second by Eddy to approve the following:

RESOLUTION #852

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RJBB, LLC, RJBB-II, LLC, AND SINCLAIR MILLING, 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 RJBB, LLC, RJBB-II, LLC (collectively "Developer") and Sinclair Milling, Inc. (the "Tenant"), in the form of a proposed Development Agreement (the "Agreement") by and between the County, Developer, and Tenant, 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 Tenant 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 Tenant 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 January 12, 2016, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with RJBB, LLC, RJBB-II, LLC, and Sinclair Milling, 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 RJBB, LLC, RJBB-II, LLC, AND SINCLAIR MILLING, 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 January 12, 2016, 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 RJBB, LLC, RJBB-II, LLC and Sinclair Milling, Inc.

The County has received a proposal from RJBB, LLC, RJBB-II, LLC (collectively "Developer") and Sinclair Milling, Inc. (the "Tenant"), in the form of a proposed Development Agreement (the "Agreement") by and among the County, Developer, and Tenant, 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. One of the obligations of Tenant 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 Tenant 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: Rusty Eddy
Rex Ackerman
Tom Heidenwirth
NAYS: None

