

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MARCH 23, 2010.**

Meeting called to order at 9:00 a.m. by Chairman Ken Oldenburger with members John Zimmerman and Karl Nelson present.

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

Board considered Resolution Setting Dates of Consultation Meeting and Public Hearing on Proposed Butler County Logistics Park Urban Renewal Plan. Moved by Nelson, second by Zimmerman to approve said Resolution as follows:

**RESOLUTION NO. 687**

**RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN BUTLER COUNTY, STATE OF IOWA**

WHEREAS, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the County and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the County; and

WHEREAS, this Board has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and has caused there to be prepared a proposed Butler County Logistics Park Urban Renewal Plan for the area described therein, which proposed Plan is attached hereto as Exhibit A; and

WHEREAS, this proposed Urban Renewal Area 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, this Area is within two miles 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 Plan;

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Butler County Logistics Park Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the County as a whole prior to Board approval of such Plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Board within thirty (30) days of its receipt of such proposed Butler County Logistics Park Urban Renewal Plan; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed 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 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 Plan 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 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 6th day of April, 2010, in the Lower Level Conference Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 1:00 o'clock P.M., and the Designated Representative is hereby appointed to serve 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(1A), along with a copy of the proposed Butler County Logistics Park Urban Renewal Plan, the notice to be in substantially the following form:

**NOTICE OF A CONSULTATION TO BE HELD BETWEEN BUTLER COUNTY, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR BUTLER COUNTY, STATE OF IOWA**

Butler County, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1A) of the Code of Iowa, as amended, commencing at 1:00 o'clock P.M. on April 6, 2010, in the Lower Level Conference Room, County Courthouse, 428 - 6th Street, Allison, Iowa concerning a proposed Butler County Logistics Park Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Designated Representative of Butler County, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Butler County Logistics Park Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Section 3. That a public hearing shall be held on the proposed Butler County Logistics Park Urban Renewal Plan before the Board of Supervisors at its meeting which commences at 10:00 o'clock A.M. on April 27, 2010, in the Board 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 "Butler County Tribune – Journal", the "Clarksville Star", the "Eclipse-News-Review" and the "Greene Recorder", 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:

**NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN BUTLER COUNTY, STATE OF IOWA**

The Board of Supervisors of Butler County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 10:00 o'clock A.M. on April 27, 2010 in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, to consider adoption of a proposed Butler County Logistics Park Urban Renewal Plan (the "Plan") concerning a proposed Urban Renewal Area in Butler County, State of Iowa, legally described as follows:

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.

which land is to be included as part of this proposed Urban Renewal Area.

A copy of the Plan is on file for public inspection in the office of the County Auditor, Courthouse, Allison, Iowa.

The general scope of the urban renewal activities under consideration in the Plan is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapters 15A and 403 of the Code of Iowa. The County also may provide incentives to encourage new private development in an existing industrial area; reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including roadway improvements on sections of 220<sup>th</sup> Street, County Roads T63 and T55, Union Avenue and Vail Avenue and construct or cause to be constructed water, sewer and street extensions. The Plan provides that the County may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the County. The Plan initially proposes specific public infrastructure, site improvements, and projects to be undertaken by the County, but provides that the Plan may be amended from time to time to respond to development opportunities.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Section 403.5 of the City Code of Iowa.

UPON Roll Call the vote thereon was as follows:

AYES:	John Zimmerman Karl Nelson Ken Oldenburger	NAYS: None
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WHEREUPON the Resolution was declared duly adopted this 23<sup>rd</sup> day of March, 2010.

ATTEST: Holly A. Fokkena, County Auditor

Board considered Resolution Setting Date of Public Hearing on Adoption of Butler County Multi-Jurisdictional Hazard Mitigation Plan. Moved by Zimmerman, second by Nelson to adopt Resolution as follows:

**RESOLUTION NO. 688**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING ON THE ADOPTION OF THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR BUTLER COUNTY, IOWA.**

WHEREAS, the Board of Supervisors of Butler County, Iowa has authorized the Iowa Northland Regional Council of Governments to developed a Multi-Jurisdictional Hazard Mitigation Plan in cooperation with the Multi-Jurisdictional Hazard Mitigation Planning Committee for the County; and,

WHEREAS, the Board of Supervisors, Iowa has received Hazard Mitigation Grant Planning funds to prepare said Plan; and

WHEREAS, the Board of Supervisors of Butler County, Iowa desires citizen input on the establishment and adoption of a Multi-Jurisdictional Hazard Mitigation Plan, and,

NOW THEREFORE BE IT RESOLVED THAT, a public hearing be held on the adoption of a Multi-Jurisdictional Hazard Mitigation Plan for Butler County, Iowa. Said Public Hearing to be held on the 6<sup>th</sup> day of April 2010 at 10:00 A.M. at the Butler County Courthouse, Allison, Iowa.

UPON Roll Call the vote thereon was as follows:

AYES:	Karl Nelson Ken Oldenburger John Zimmerman	NAYS: None
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WHEREUPON the Resolution was declared duly adopted this 23<sup>rd</sup> day of March, 2010.

ATTEST: Holly A. Fokkena, County Auditor

Board met with Treasurer Louise Squires regarding petition for property tax suspension. Moved by Nelson, second by Zimmerman to approve said petition. Motion carried.

Time set for a public hearing on request by Allied Manatt’s Group LLC to rezone parcel located in Section 25, Coldwater Township from “A-1” to “A-2”. Present were County Engineer John Riherd and Zoning Administrator Steve Busse. Also present was Jim Dohlman of Greene Limestone. No written or oral comments were received. Busse reported the request was to allow expansion of their quarry. He further reported the Planning & Zoning Commission recommends approval of the request by the Board. Upon close of public hearing it was moved by Zimmerman, second by Nelson to approved said request. Motion carried.

Time set for a public hearing on request by Virginia Davis to rezone a parcel located in Section 25, Coldwater Township from “A-1” to “A-2”. Present were County Engineer John Riherd and Zoning Administrator Steve Busse. Also present was Jim Dohlman of Greene Limestone. No written or oral comments were received. Busse reported Allied Mannatt’s Group currently leases this property. He further reported the Planning & Zoning Commission recommends approval of the request by the Board. Upon close of public hearing it was moved by Nelson, second by Zimmerman to approve said request. Motion carried.

It was further moved by Nelson, second by Zimmerman to waive the second and third readings of said requests by Allied Manatt’s Group LLC and Virginia Davis. Motion carried.

Board met with County Engineer John Riherd regarding the following issues relating to Iowa DOT Highway 14 Bridge Project:

- 1) Board considered Road Closure Resolution for Blue Bird Drive. Moved by Zimmerman, second by Nelson to approve said Resolution as follows:

**Road Closure Resolution #689**

**WHEREAS**, the Iowa Department of Transportation is closing Hwy 14 for a bridge replacement project 1.1 miles south of Greene (County Route C-13), and

**WHEREAS**, an increase in traffic on surrounding local roads, warrants temporary traffic control, and

**WHEREAS**, additional or wayward “detour” traffic on Blue Bird Road would likely lead to irreparable damage to the roadway and local bridge C13T10, and

**WHEREAS**, it is desirable to restrict Blue Bird Road to local traffic only during the duration of the Hwy 14 bridge project.

**NOW THEREFORE BE IT RESOLVED** by the Butler County Board of Supervisors that the above described road be closed to thru traffic and the bridge closed to all traffic and that proper signs be erected for the duration of the Highway 14 detour route, as determined by the County Engineer.

**BE IT FURTHER RESOLVED** that once the temporary traffic control is no longer warranted, as determined by the County Engineer, the signs shall be removed and the road shall be reopened to the traveling public without further action of this board.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman NAYS: None  
Ken Oldenburger  
Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 23<sup>rd</sup> day of March, 2010.

ATTEST: Holly A. Fokkena, County Auditor

- 2) Board considered Temporary Stop Sign Resolution at intersection of 135<sup>th</sup> Street and Camp Comfort Road. Moved by Nelson, second by Zimmerman to approved said Resolution as follows:

**Temporary Stop Sign Resolution #690**

**WHEREAS**, the Iowa Department of Transportation is closing Hwy 14 for a bridge replacement project 1.1 miles south of Greene (County Route C-13), and

**WHEREAS**, local traffic is expected to make use of Camp Comfort Road and 135<sup>th</sup> Street as an “unofficial” detour of Hwy 14, and

**WHEREAS**, an increase in traffic on surrounding local roads, warrants temporary traffic control, and

**WHEREAS**, temporary stop signs shall be placed at the intersection of Camp Comfort Road and 135<sup>th</sup> St for all traffic approaching intersection.

**NOW THEREFORE BE IT RESOLVED** by the Butler County Board of Supervisors that the proper signs be erected for the duration of the Hwy 14 road closure, as determined by the County Engineer.

***BE IT FURTHER RESOLVED*** that once the temporary traffic control is no longer warranted, as determined by the County Engineer, the temporary stop signs shall be removed without further action of this board.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger      NAYS: None  
Karl Nelson  
John Zimmerman

WHEREUPON the Resolution was declared duly adopted this 23<sup>rd</sup> day of March, 2010.

ATTEST: Holly A. Fokkena, County Auditor

- 3) Moved by Zimmerman, second by Nelson to approve Detour Route Agreement with Iowa DOT. Motion carried.

Moved by Nelson, second by Zimmerman to approve Lease Agreement between State of Iowa and Butler County for office space located at 315 N. Main Street, Allison, Iowa. Motion carried.

Board completed Group Health Contract with United Healthcare of the River Valley, Inc. as previously approved.

Moved by Zimmerman, second by Nelson to adjourn to **Tuesday, April 6, 2010** 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 March 23, 2010.