

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 18, 2010.

Meeting called to order at 9:00 a.m. by Chairman Ken Oldenburger with member John Zimmerman present. Member Karl Nelson was absent.

Also present was Mark Reiher.

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

Board met with Tony Reed, Executive Director Central Iowa Detention. Also present were Sheriff Jason Johnson and Assistant County Attorney Martin Petersen. Reed gave a detailed history of the organization as well as their rate structure for juvenile detention services for member counties. Butler County is currently a member of the North Iowa Juvenile Detention Center.

Board met with Human Resources Deputy Auditor Amy Stanbrough to review a proposed Voluntary Payroll Deduction Plan Policy. Also present was Sheriff Jason Johnson. After discussion, it was moved by Zimmerman, second by Oldenburger to approve same. Motion carried.

Time set for a Public Hearing on Ordinance Title VI, No. 9 – Ordinance Providing General Property Taxes Levied in the Butler County Logistics Park Urban Renewal Area be Paid to a Special Fund to Repay Indebtedness. County Engineer John Riherd was present, as was Mark Reiher. No other taxpayers were present. No written or oral comments were received. Upon the close of the Public Hearing, it was moved by Zimmerman, second by Oldenburger to adopt said Ordinance Title VI, No. 9 as follows:

ORDINANCE TITLE VI, NO. 9

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE 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 BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL REDEVELOPMENT PROJECT

WHEREAS, the Board of Supervisors of Butler County, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 692 passed and approved on the 27th day of April, 2010, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Butler County Logistics Park Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

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.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by Butler County, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the Board of Supervisors of Butler County, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

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

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, Butler County, 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 2. 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 upon the total sum of the assessed value of the taxable property in the Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which Butler County, State of Iowa, certifies to the Auditor of Butler County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

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

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Project 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 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of Butler County, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. 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 fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project 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 Urban Renewal Project Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 18th day of May, 2010.

Ken Oldenburger
Chairperson

John Zimmerman
Chairman

ABSENT: Karl Nelson
Chairman

ATTEST: Holly A. Fokkena, County Auditor

It was further moved by Zimmerman, second by Oldenburger to waive the second and third reading of said Ordinance Title VI, No. 9 and declare said Ordinance adopted. Motion carried.

Moved by Zimmerman, second by Oldenburger to approve and sign a contract with IUOE, Local 234 for a period of July 1, 2010 to June 30, 2012. Motion carried.

Board met with Butler County Development Director Jeff Kolb and Rick Whalen, Butler County Rural Electric Cooperative. Kolb submitted applications for Revolving Loan Funds by Steve Maricle, dba The Cooler, Shell Rock; Karen J. Miller, dba K & S Grocery, Clarksville; and Lisa Trees, dba Sweet Trees Ice Cream Parlor & Café, Clarksville. It was moved by Zimmerman, second by Oldenburger to set Public Hearings on said applications as follows, all on June 15, 2010:

9:15 A.M. Steve Maricle, dba The Cooler, Shell Rock
9:20 A.M. Karen J. Miller, dba K & S Grocery, Clarksville
9:30 A.M. Lisa Trees, dba Sweet Trees Ice Cream Parlor & Café, Clarksville

Motion carried.

Kolb and Whalen then proceeded to update the Board on numerous potential projects in Butler County.

Board reviewed and approved claims on file with the County Auditor from May 7, 2010 to May 18, 2010.

Moved by Zimmerman, second by Oldenburger to adjourn to Tuesday, May 25, 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 May 18, 2010.