

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 27, 2010.

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

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

Board met with Public Health Director Jennifer Becker to discuss Agreement Regarding Public Health Annual Sub-Fund. Moved by Nelson, second by Zimmerman to approve said Agreement providing an allocation of \$125,000 for Fiscal Year 2011. Motion carried.

It was then moved by Zimmerman, second by Nelson to adopt Resolution No. 494-FY11 authorizing the Auditor to transfer said \$125,000 from General Basic to Public Health Sub-Fund for Fiscal Year 2011 as follows:

RESOLUTION NO. 494-FY11

WHEREAS, the Butler County Board of Supervisors and the Butler County Board of Health have reached an agreement regarding the Public Health Sub-Fund, and

WHEREAS, such agreement establishes an annual allocation of funds to be transferred from the General Basic Fund to the Public Health Sub-Fund, and

WHEREAS, that the amount of said annual allocation shall be determined annually,

IT IS THEREFORE RESOLVED that the Butler County Board of Supervisors hereby authorizes the Auditor to transfer \$125,000.00 from General Basic Fund into the Public Health Sub-Fund. Said transfer shall be for Fiscal Year 2011 and shall be made as soon after the beginning of the new fiscal year as possible.

UPON Roll Call the vote thereon was as follows:

AYES:	Ken Oldenburger	NAYS: None
	John Zimmerman	
	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 27th day of April, 2010.

ATTEST: Holly A. Fokkena, County Auditor

Board met with Jan Loyson, Iowa Department of Economic Development Small Business Environmental Liaison regarding Air Quality Tool Kit and proposed new ozone standards.

The Board of Supervisors of Butler County, State of Iowa, met in regular session, in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 10:00 o'clock a.m., on the above date. There were present Chairperson Ken Oldenburger, in the chair, and the following named Board Members:

Karl Nelson

John Zimmerman

Absent: None

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Butler County Logistics Park Urban Renewal Plan. Present were County Engineer John Riherd, Planning and Zoning Administrator Steve Busse and Assessor Deb McWhirter. Also present was Shell Rock Township Trustee Bob Greenlee. Greenlee asked how Shell Rock Township's taxable valuation would be impacted. It was explained that adoption of this plan would not negatively impact the township as the county can only utilize the increment or growth on the property involved to repay debt incurred and that the base valuation would still be included in the township's taxable valuation. The Chairperson first asked for the report of the Designated Representative with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Board was informed that the consultation was duly held as ordered by the Board, and that no written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Board.

The Board also was informed that the proposed Plan had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the County as a whole, as set forth in the minutes or report of the Commission previously placed on file for consideration by the Board.

The Chairperson then asked the County Auditor whether any written objections had been filed with respect to the proposed Plan, and the County Auditor reported that no written objections thereto had been filed. The Chairperson then called for any oral objections to the adoption of the Butler County Logistics Park Urban Renewal Plan and none were made. The public hearing was then closed.

Board Member Nelson then introduced the following Resolution entitled

"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 AN URBAN RENEWAL PROJECT; AND ADOPTING THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN" and moved that the same be adopted. Board Member Zimmerman seconded the motion to adopt. The roll was called and the vote was:

AYES: Nelson, Zimmerman & Oldenburger

NAYS: None

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION NO. 692

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 AN URBAN RENEWAL PROJECT; AND ADOPTING THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN

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

WHEREAS, a proposed Butler County Logistics Park Urban Renewal Plan for the area described below has been prepared, which proposed Plan is on file in the office of the County Auditor and which is incorporated herein by reference; and

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

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, this Area is within two miles of the City of Shell Rock and the County has entered 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 has been obtained; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the proposed Butler County Logistics Park Urban Renewal Plan to be known hereafter as the "Butler County Logistics Park Urban Renewal Plan"; and

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 of Supervisors approval thereof; and

WHEREAS, creation of the Butler County Logistics Park Urban Renewal Area and adoption of the Butler County Logistics Park Urban Renewal Plan has been approved by the Planning and Zoning Commission for the County as being in conformity with the general plan for development of the County as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on March 23, 2010, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed 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 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 Designated Representative 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 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 "Butler County Tribune – Journal", the "Clarksville Star", the "Eclipse-News-Review" and the "Greene Recorder" 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 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 the proposed "Butler County Logistics Park Urban Renewal Plan" for the area of Butler County, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Butler County Logistics Park Urban Renewal Area"), be and the same are hereby adopted and approved 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. The Urban Renewal Plan conforms to the general plan for the development of the County as a whole; and

C. Acquisition by the County is not expected, however, as to any 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 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 the Butler County Logistics Park Urban Renewal Plan, attached hereto as Exhibit A and incorporated herein by reference, be and the same is hereby approved and adopted as the "Butler County Logistics Park Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area"; the Butler County Logistics Park Urban Renewal Plan for such area is hereby in all respects approved; and the County Auditor is hereby directed to file a certified copy of the Butler County Logistics Park Urban Renewal Plan with the proceedings of this meeting.

Section 5. That the Butler County Logistics Park Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Plan or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. Said Butler County Logistics Park Urban Renewal Plan shall be forthwith certified by the County Auditor, along with a copy of this Resolution, to the Recorder for Butler County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 27th day of April, 2010.

It was then moved by Nelson, second by Zimmerman to set a Public Hearing on Ordinance Title VI, Number 9, an ordinance providing that general property taxes levied in the Butler County Logistics Park Urban Renewal Area to be paid to a special fund to repay indebtedness incurred by the County for projects within the Butler County Logistics Park Urban Renewal Area, be set for Tuesday, May 18, 2010 at 10:00 a.m. Motion carried.

Time set to open proposals for Risk Management Consulting Services as follows:

Jaspersen Insurance & Real Estate, Ltd, Belmond, Iowa	\$18,500.00
The ACCEL Group, Waverly, Iowa	\$12,000.00
Campbell-Mellema Insurance Inc. Parkersburg, Iowa	\$ 5,775.00
PDCM Insurance, Waterloo, Iowa	\$ 8,500.00
Truax Insurance Agency Inc., Parkersburg, Iowa	\$ 8,400.00

Final action on said proposals deferred to Thursday, May 6, 2010.

Board met with County Engineer John Riherd to review proposed Road Closure Resolution for bridge project on Quarry Avenue from 187th Street to C33. Moved by Nelson, second by Zimmerman to adopt said Resolution as follows:

Construction Road Closure Resolution # 693

WHEREAS, The Butler County Board of Supervisors is empowered under authority of the Code of Iowa to close roads or highways under their jurisdiction when necessary for construction, and

WHEREAS, a bridge replacement project, L-G14T10--73-12, requires that Quarry Ave, from 187th Street to C33 located in Section 14 Jackson Township, be closed to all traffic, and

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that the above described road be closed and proper signs be erected for the duration of the construction project as determined by the County Engineer.

BE IT FURTHER RESOLVED that upon completion of the construction work, as determined by the County Engineer, the road shall be opened to the traveling public without further action of this board.

UPON Roll Call the vote thereon was as follows:

AYES:	John Zimmerman	NAYS:	None
	Karl Nelson		
	Ken Oldenburger		

WHEREUPON the Resolution was declared duly adopted this 27th day of April, 2010.

ATTEST: Holly A. Fokkena, County Auditor

After review, it was moved by Zimmerman, second by Nelson to approve Certification of Cost Allocation Plan for Fiscal Year 2009 as prepared by Cost Advisory Services, Inc. Motion carried.

Moved by Nelson, second by Zimmerman to adjourn to Thursday, May 6, 2010 at 1:00 P.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 April 27, 2010.

Attest: _____
Butler County Auditor

Chairman of the Board of Supervisors