

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JANUARY 12, 2016.

Meeting called to order at 9:00 a.m. by Chairman Pro-tem Rex Ackerman with member Tom Heidenwirth present. Chairman Rusty Eddy was absent. Also present were Fern Myers, Allison, Iowa, and Butler County Soil and Water Conservation District members Lee Folkerts, Allison, Iowa, Jim Lindaman, Aplington, Iowa, Carolyn Dirksen, Hampton, Iowa and Rick Juchems, Plainfield, Iowa.

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

Board met with Butler County Soil and Water Conservation District members to hear a program update and a request for funding of \$5,000 for FY17. Request will be determined at budget time.

Time and place for a public hearing on the proposal to enter into a Development Agreement by and between Butler County and Butler County Development Corporation. Present were Engineer John Riherd, Executive Director of Butler County Development Corporation Jeff Kolb and Fern Myers, Allison, Iowa. Auditor reported no written or oral comments were received. At the close of the public hearing, Chairman Pro-tem Ackerman introduced Resolution Approving and Authorizing Execution of a Development Agreement by and Between Butler County and Butler County Development Corporation and moved that the Resolution be adopted. Board member Heidenwirth seconded the motion. Chairman Eddy was absent.

RESOLUTION NO. 854

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN BUTLER COUNTY AND BUTLER COUNTY DEVELOPMENT CORPORATION

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, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement and has considered the extent of objections received from residents or property owners as to said proposed Agreement; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

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

That the performance by the County of its obligations under the Agreement, including but not limited to making of grants to the Developer in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be 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.

That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Chairperson and the County Auditor are

hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

The vote thereon was as follows:

AYES: Tom Heidenwirth
Rex Ackerman

NAYS: None

ABSENT: Rusty Eddy

PASSED AND APPROVED this 12th day of January, 2016.

ATTEST: *Lizbeth Williams*, County Auditor

Time and place for a public hearing on the proposal to enter into a Development Agreement by and among Butler County and RJBB, LLC, RJBB-II, LLC, and Sinclair Milling, Inc. Present were Chairman Rusty Eddy, Engineer John Riherd, Executive Director of Butler County Development Corporation Jeff Kolb, Recorder Janice Jacobs, Assessor Deb McWhirter and Fern Myers, Allison, Iowa. Auditor reported no written or oral comments were received. At the close of the public hearing, Chairman Pro-tem Ackerman introduced Resolution Approving and Authorizing Execution of a Development Agreement by and among Butler County and RJBB, LLC, RJBB-II, LLC, and Sinclair Milling, Inc. and moved that the Resolution be adopted. Chairman Eddy seconded the motion.

RESOLUTION NO. 855

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A
DEVELOPMENT AGREEMENT BY AND AMONG BUTLER COUNTY AND RJBB,
LLC, RJBB-II, LLC, AND SINCLAIR MILLING, INC

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, and 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 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 Chapters, 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 any or all of the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other

jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement and has considered the extent of objections received from residents or property owners as to said proposed Agreement; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

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

That the performance by the County of its obligations under the Agreement, including but not limited to making of grants to the Tenant in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be 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.

That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Chairperson and the County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

The vote thereon was as follows:

AYES: Rusty Eddy NAYS: None
Rex Ackerman
Tom Heidenwirth

PASSED AND APPROVED this 12th day of January, 2016.

ATTEST: *Lizbeth Williams*, County Auditor

Board reviewed Quarterly Reports of the Recorder, Sheriff and Auditor, and Semi-Annual Report of the Treasurer and ordered placed on file. Also present were Sheriff Jason Johnson and Treasurer Vicki Schoneman.

Board met with Engineer John Riherd to consider a contract with Taylor Construction for repair to bridge on Willow Avenue, Section 11, Beaver Township. Moved by Ackerman, second by Heidenwirth to approve said contract for \$89,400. Motion carried.

Board considered Resolution to close Willow Avenue for said bridge repair. Moved by Heidenwirth, second by Eddy to approve the following:

**RESOLUTION #856
CONSTRUCTION ROAD CLOSURE**

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, P11W20 Bridge Repair, requires that Willow Ave from 302nd Street north 1.25 miles to 290th Street be closed to thru traffic, and

WHEREAS, local traffic in the vicinity of the construction project will be maintained outside of the construction limits of project P11W20 Bridge Repair, and

WHEREAS, thru traffic shall find an alternate route, and

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that the above described roads and bridge is to 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.

The vote thereon was as follows:

AYES: Rex Ackerman NAYS: None
Tom Heidenwirth
Rusty Eddy

Passed and Approved this 12th day of January 2016.

ATTEST: *Lizbeth Williams*, County Auditor

Board approved claims as submitted.

No public comment received.

Moved by Eddy, second by Ackerman to adjourn the meeting at 10:07 A.M. to Tuesday, January 19, 2016 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 January 12, 2016.