

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 26, 2017.

Meeting called to order at 9:00 a.m. by Chairman Tom Heidenwirth with members Rusty Eddy and Greg Barnett present. Also present were Engineer John Riherd, Greg Forbes, Parkersburg Eclipse, Dan Homeister and Fern Myers, Allison, Iowa.

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

Board held a Public Hearing on proposed Amendment #4 to the Butler County Logistics Park Urban Renewal Plan. Present were Engineer John Riherd, Greg Forbes, Parkersburg Eclipse, Dan Homeister and Fern Myers, Allison, Iowa. Auditor reported no written or oral comments were received. Upon the close of the Public Hearing it was moved by Heidenwirth, second by Eddy to adopt Resolution No. 884 as follows:

RESOLUTION NO. 884

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 URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 4 TO THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 692, adopted April 27, 2010, 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 "Butler County Logistics Park Urban Renewal Area" or "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Butler County, Iowa; and

WHEREAS, by Resolution No. 759, adopted July 31, 2012, this Board of Supervisors approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, by Resolution No. 774, adopted March 26, 2013, this Board of Supervisors approved and adopted Amendment No. 2 to the Plan (added land and projects); and

WHEREAS, by Resolution No. 843, adopted October 6, 2015, this Board of Supervisors approved and adopted Amendment No. 3 to the Plan (added land and projects); and

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

ORIGINAL AREA

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.

AMENDMENT NO. 1 AREA

1. The entire existing road right-of-way of Butler County Road C45/T55 (Butler Center Road) between Butler County Road T55 (Terrace Ave) on the West and Butler County Road T55 (Temple Ave) on the East.
2. The entire existing road right-of-way of Butler County Road T55 (Temple Ave) lying between Butler County Road C45 (Butler Center Road) on the North and Butler County Road C55 (290th Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.
4. The entire Section 32, Township 91 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 32.

AMENDMENT NO. 2 AREA

The following describes location for Gas Utility Route A.

1. The entire existing road right-of-way of Butler County Road Logistics Park Drive lying between its North terminus and Butler County Road 220th Street on the South.
2. The entire existing road right of way of Butler County Road 220th Street lying between Butler County Road Logistics Park Drive on the West and Butler County Road Victory Lane on the East.

The following describes location for Gas Utility Route B.

3. The entire existing road right of way of 220th Street lying between Butler County Road Victory Lane on the West and Iowa Highway 3 on the East.
4. The entire existing road right-of-way of Iowa Highway 3 lying between Butler County Road 220th Street on the West and Butler County Road T63 (North Public Road & Yale Ave) on the East.
5. The entire existing road right-of-way of Butler County Road T63 (North Public Road & Yale Ave) between Iowa Highway 3 on the South and Existing Shell Rock TBS on the North.

The following describes location for Gas Utility Route C.

6. The entire existing road right-of-way of Butler County Road Victory Lane lying between Butler County Road 220th Street on the South and Iowa Highway 3 on the North.
7. the entire existing road right-of-way of Iowa Highway 3 lying between Butler County Road Vintage Lane on the West and Butler County Road 220th Street on the East.
8. A strip of land described as the south 100ft of Butler County Parcel #'s 08-34-400-041, 08-35-301-040, 08-35-302-040, and 08-35-326-045.
9. The entire existing road right-of-way of Butler County Road Wildwood Place lying between its West terminus and Butler County Road Walnut Ave on the East.
10. The entire existing road right-of-way of Butler County Road Walnut Ave lying between Butler County Road Wildwood Place on the West and Butler County Road T63 (North Public Road & Yale Ave) on the East.
11. The entire existing road right-of-way of Butler County Road T63 (North Public Road & Yale Ave) between Butler County Road Walnut Ave on the North and Existing Shell Rock TBS on the South.

Note: The Gas Utility Route will include Route A and either Route B or C, to be determined by Mid-American Energy.

AMENDMENT NO. 3 AREA

1. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave.) on the East and Iowa Highway 14 on the West.
2. The entire existing road right-of-way of Butler County Road T47 (Sinclair Ave.) lying between Butler County Road C55 (290th Street) on the North and Iowa Highway 57 on the South.
3. A tract of land described as beginning at a point 12.83½ chains south of the Northwest corner of the SW ¼ of Section 27, Township 90 North, Range 16 West of the 5th P.M. thence Southeasterly along northerly line of property formerly known as ICRR Depot

Ground 20.79 chains to a point on the East line of the W ½ SW ¼ of said Section 27, being 18.565 chains south of the Northeast corner of said W ½ SW ¼, thence south along said East line boundary to a point 350 feet north of the SE corner of Lot 17 of the subdivision of the SW ¼ of said Section 27, thence Northwesterly to a point on the West line of said Section 27 being 450 feet north of the SW corner of said section 27, thence along west line of said Section 27 to the point of beginning.

4. The entire existing road right-of-way of Butler County Road T63 (Yale Ave.) lying between Butler County Road C33 (190th Street) on the North and Iowa Highway 3 on the South.
5. The entire existing road right-of-way of Walnut Ave lying between Butler County Road T63 (Yale Ave.) on the East and the Menard's Entrance on the West.
6. The entire existing road right-of-way of Glen Hall Road lying between Iowa Highway 3 on the South and the Menard's Entrance on the North.
7. A tract of land lying in both the NE ¼ of Section 2, Township 91 North, Range 15 West of the 5th P.M. & the SE ¼ of Section 35, Township 92 North, Range 15 West of the 5th P.M.; more particularly described in Exhibit "A" of Instrument No. 2008-0078 as recorded in the office of the Butler County, Iowa Recorder.

WHEREAS, a proposed Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan ("Amendment No. 4" or "Amendment") for the Butler County Logistics Park Urban Renewal Area described above has been prepared, which proposed Amendment has been on file in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to add to and/or update the list of eligible projects to be undertaken within the Urban Renewal Area; and

WHEREAS, this proposed Amendment No. 4 to the Urban Renewal Area adds no new land; and

WHEREAS, it is desirable that the Area be redeveloped as part of the activities described within the proposed Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan; and

WHEREAS, by resolution adopted on August 29, 2017, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 4 to the 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 Amendment No. 4 to the 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 Executive Director Butler/Grundy Development Alliance, or his delegate, 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 Amendment No. 4 to the 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, Eclipse News Review, The Greene Recorder, and The Clarksville Star, 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 Amendment No. 4 to the 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:

That the findings and conclusions set forth or contained in Amendment No. 4 concerning the area of Butler County, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Board for this area.

This Board further finds:

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;

The Plan, as amended, and Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan conform to the general plan for the development of the County as a whole; and

Acquisition by the County is not immediately 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:

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:

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.

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.

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.

The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

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.

That the Butler County Logistics Park Urban Renewal Area, as amended, continues to be 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.

That Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan of Butler County, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan for Butler County, State of Iowa"; Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan of Butler County, State of Iowa, is hereby in all respects approved; and the County Auditor is hereby directed to file a certified copy of Amendment No. 4 with the proceedings of this meeting.

That, notwithstanding any resolution, ordinance, plan, amendment or any other document, Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Plan. The proposed Amendment No. 4 to the 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.

That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 4, as well as all resolutions previously adopted by this Board of Supervisors related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 26th day of September, 2017.

The vote thereon was as follows:

AYES: Greg Barnett
Rusty Eddy
Tom Heidenwirth

NAYS: None

ATTEST: *Lizbeth Williams*, County Auditor

Moved by Heidenwirth, second by Eddy to adopt Resolution No. 885 as follows:

RESOLUTION No. 885

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$3,000,000 GENERAL OBLIGATION URBAN RENEWAL BONDS OF BUTLER COUNTY, STATE OF IOWA (FOR ESSENTIAL COUNTY URBAN RENEWAL PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 692, adopted April 27, 2010, 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 "Butler County Logistics Park Urban Renewal Area" or "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Butler County, Iowa; and

WHEREAS, by Resolution No. 759, adopted July 31, 2012, this Board of Supervisors approved and adopted an Amendment No. 1 to the Plan to include land to be used for industrial development and to add or confirm urban renewal projects in the Area; and

WHEREAS, by Resolution No. 774, adopted March 26, 2013, this Board of Supervisors approved and adopted an Amendment No. 2 to the Plan to add property (primarily for extension of a gas line into the Area) and to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, by Resolution No. 843, adopted October 6, 2015, this Board of Supervisors approved and adopted Amendment No. 3 to the Plan to add property and to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, a proposed Amendment No. 4 to the Butler County Logistics Park Urban Renewal Plan for the area described above has been prepared, which proposed Amendment is on file in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to add to and/or update the list of eligible projects to be undertaken within the Urban Renewal Area; and

WHEREAS, it is deemed necessary and advisable that Butler County, State of Iowa, should issue General Obligation Urban Renewal Bonds, to the amount of not to exceed \$3,000,000, as authorized by Sections 331.443 and 403.12, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county urban renewal purpose project(s) as hereinafter described; and

WHEREAS, the Bonds shall be payable from the Debt Service Fund; and

WHEREAS, before bonds may be issued, it is necessary to comply with the procedural requirements of Chapters 331 and 403 of the Code of Iowa, and to publish a notice of the proposal to issue such bonds and the right to petition for an election.

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

That this Board meet in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 9:05 A.M., on the 10th day of October, 2017, for the purpose of taking action on the matter of the issuance of not to exceed \$3,000,000 General Obligation Urban Renewal Bonds, for essential county urban renewal purposes, the proceeds of which bonds will be used to provide funds to pay the costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Butler County Logistics Park Urban Renewal Plan, as amended, including costs associated with the reconstruction and improvement of bridges, and the construction, reconstruction, repairing and widening of secondary roads and other highway improvements.

That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

The notice of the proposed action to issue bonds shall be in substantially the following form:

**NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF BUTLER COUNTY,
STATE OF IOWA, ON THE MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$3,000,000 GENERAL OBLIGATION URBAN RENEWAL BONDS OF THE
COUNTY (FOR ESSENTIAL COUNTY URBAN RENEWAL PURPOSES), AND THE
HEARING ON THE ISSUANCE THEREOF**

PUBLIC NOTICE is hereby given that the Board of Supervisors of Butler County, State of Iowa, will hold a public hearing on the 10th day of October, 2017, at 9:05 A.M., in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at which meeting the Board proposes to take additional action for the issuance of not to exceed \$3,000,000 General Obligation Urban Renewal Bonds, for essential county urban renewal purposes, to provide funds to pay the costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Butler County Logistics Park Urban Renewal Plan, as amended, including costs associated with the reconstruction and improvement of bridges, and the construction, reconstruction, repairing and widening of secondary roads and other highway improvements.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the County, may be filed with the Auditor of the County in the manner provided by Section 331.306 of the Code of Iowa, pursuant to the provisions of Sections 331.441(2)(b)(14), 331.443 and 403.12 of the Code of Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the Board of Supervisors of Butler County, State of Iowa, as provided by Chapters 331 and 403 of the Code of Iowa.

PASSED AND APPROVED this 26th day of September, 2017.

The vote thereon was as follows:

AYES: Rusty Eddy
Tom Heidenwirth
Greg Barnett

ATTEST: *Lizbeth Williams*, County Auditor

Present were Assessor Michele Shultz and Emergency Management Coordinator Mitch Nordmeyer.

Board met with Engineer John Riherd for the following:

Moved by Eddy, second by Heidenwirth to accept the recommendation of Engineer Riherd and approve a Utility Permit for Butler County REC to install overhead service line along 105th Street west of Newell Avenue. All Ayes. Motion carried.

Moved by Barnett, second by Eddy to accept the recommendation of Engineer Riherd and approve a Utility Permit for Butler County REC to install underground service to 22171 & 22575 105th Street. All Ayes. Motion carried.

Board reviewed County Engineer's FY2017 DOT Annual Report. Also present were LaVern Kluiter, Parkersburg, Iowa and John Wessels, Allison, Iowa.

Board discussed the importance of considering gender balance on County boards and commissions when making appointments.

Board met with LaVern Kluiter, Parkersburg Iowa to discuss the use of non-farm ATVs on County roads. Also present were Sheriff Jason Johnson and Recorder Janice Jacobs. Mr. Kluiter states that he owns timberland a few miles from his home and would like to drive his ATV there instead of having to trailer it to the location. Mr. Heidenwirth commented that although some neighboring counties do allow this, Butler County likely won't consider a change until State law allows non-farm use.

Board discussed a plugged tile on Dan Homeister's property that is affecting drainage on the County Farm. Johnson & Sons Tiling gave Mr. Homeister an estimate of \$2,300 for repair to the tile. Parties involved, Langfritz, Roose, Homeister and Butler County have agreed to pay \$575 each to Johnson & Sons for said tile repair.

Board approved claims as submitted.

Moved by Eddy, second by Barnett to adjourn the meeting at 10:10 A.M. to Tuesday, October 3, 2017 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 September 26, 2017.