

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON FEBRUARY 13, 2018.

Meeting called to order at 9:00 a.m. by Chairman Greg Barnett with member Rusty Eddy present. Member Tom Heidenwirth was absent. Also present were Engineer John Riherd, Jim Luebbers, Aplington, Iowa and Bethany Carson, Mid America Publishing.

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

Moved by Barnett, second by Eddy to approve the following:

RESOLUTION #895

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A CONSENT AND ASSIGNMENT OF THE SINCLAIR MILLING, INC., RJBB, LLC, and RJBB-II, LLC AGREEMENT FOR PRIVATE DEVELOPMENT TO SINCLAIR MILLING CO., LLC and RJBB, LLC

WHEREAS, the County of Butler, Iowa (the "County"), Sinclair Milling, Inc. (the "Tenant"), and RJBB, LLC and RJBB-II, LLC (collectively, the "Developer") entered into an Agreement for Private Development (the "Agreement") pursuant to which the Tenant and Developer agreed to undertake certain commercial development activities, including the construction and occupation of the Minimum Improvements (as that term is defined in the Agreement), and the County agreed to make certain Economic Development Grants to the Tenant (as defined in the Agreement); and

WHEREAS, the County has received a proposal from the Tenant and Developer, in the form of a proposed Consent and Assignment (the "Assignment"), pursuant to which, among other things, the Tenant agrees to assign all of its right, title, and interest in and to the Agreement, including the Economic Development Grants, to Sinclair Milling Co., LLC (the "Tenant Assignee"), and the Tenant Assignee agrees to assume all obligations of the Tenant under the Agreement, which include the obligations with respect to occupation of the Minimum Improvements; and

WHEREAS, the Assignment further reflects the intended merger of the two entities forming the Developer such that RJBB, LLC would be the surviving entity and would subsequently have all the rights and obligations of both RJBB, LLC and RJBB-II, LLC under the Agreement as the Developer in the Agreement; and

WHEREAS, the Agreement requires the County's consent for the Tenant and Developer to transfer and/or assign their rights and obligations under the Agreement.

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

Section 1. That the form and content of the Assignment, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved, and confirmed, and the Board of Supervisors Chairperson and the County Auditor be and they hereby are authorized, empowered, and directed to execute, attest, seal, and deliver the Assignment 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 Assignment, the Chairperson and 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 Assignment as executed.

The vote thereon was as follows:

AYES: Greg Barnett
Rusty Eddy

NAYS: None

ABSENT: Tom Heidenwirth

PASSED AND APPROVED this 13th day of February, 2018.

ATTEST: *Lizbeth Williams*, County Auditor

Moved by Barnett, second by Eddy to approve various plans for Deck Overlay and Bridge Approach paving. Heidenwirth was absent. Motion carried.

Moved by Barnett, second by Eddy to approve a Right-of-Way Agreement 2018-C-168 with Iowa DOT for Elm Avenue – IA 3 Bridge Project. Heidenwirth was absent. Motion carried.

Board finalized the FY19 County Budget.

No public comment received.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for Ryan Freese Site; Gabe Finisher Farm; Brocka Finisher Farm; Feckers Finisher Farm; RB DeGroote Finisher Farm; RB/Poppen Finisher Farm; RB Real Finsiher Farm; Spain Finisher Farm; RB Spain Finisher Farm and Alex Johnson

Moved by Barnett, second by Eddy to adjourn the meeting at 10:04 A.M. to Tuesday, February 20, 2018 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 February 13, 2018.