

August 17, 2015

Thirty-fourth Day

The Worth County Board of Supervisors met pursuant to adjournment with Ken Abrams, Dave Haugen and Merlin Bartz present.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Haugen, Bartz and Abrams. Nays: none. Abstentions: none. Absent: none

Motion by Bartz, second by Haugen, carried to approve the August 10, 2015 board minutes and the agenda.

Motion by Haugen, second by Bartz, carried to approve payroll eligibility for John Adams at \$23/hour and Jeremy Nagle at \$12/hour as submitted by secondary roads.

Motion by Haugen, second by Bartz, carried to approve sending a letter as trustees in DD #1 to the Harris Family regarding the July of 1962 resolution regarding livestock in drainage ditches.

Motion by Bartz, second by Haugen, carried to approve closing S48 north of Highway 105 for 1 ½ miles on September 12, 2015 from 12:00 p.m. to 5:00 p.m. for the annual F.A.S.T. Speed Meet.

Motion by Bartz, second by Haugen to recess the regular session.

Motion by Bartz, second by Haugen, carried to open the public hearing on the designation of an urban renewal area and on a proposed urban renewal plan and project at 9:35 A.M.

Motion by Haugen, second by Bartz, carried to close the public hearing at 9:38 A.M.

Motion by Haugen, second by Bartz, carried to reconvene the regular meeting at 9:39 A.M.

Motion by Bartz, second by Haugen, carried to approve Resolution #08.17.2015 To fix a date of meeting at which it is proposed to approve a Development Agreement with New Heaven Chemical, Inc. including tax increment rebate payments

WHEREAS, Worth County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Worth County New Heaven Economic Development Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the County proposes to enter into an agreement (the "Development Agreement") with New Heaven Chemical, Inc. (the "Company") with respect to the construction by the Company of a manufacturing facility in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide property tax incentives to the Company in the form of incremental property tax payments in an amount not to exceed \$250,000, under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

NOW THEREFORE, IT IS RESOLVED by the Board of Supervisors of Worth County, Iowa, as follows:

Section 1. This Board shall meet on the 31st day of August, 2015, at 9:45 o'clock a.m., at the Courthouse Board of Supervisors Office, Northwood, Iowa, at which time and place a public hearing will be held and action will be taken to approve the Development Agreement and to authorize the incremental property tax payments.

Section 2. Notice of the proposed action, the time when and place where the meeting will be held, shall be published, at least once not less than four days and not more than twenty days before the meeting, in a legal newspaper of general circulation in the County. Said notice shall be in substantially the following form:

NOTICE OF MEETING FOR PUBLIC HEARING ON DEVELOPMENT AGREEMENT WITH NEW
HEAVEN CHEMICAL, INC. AND AUTHORIZATION OF TAX INCREMENT PAYMENTS

The Board of Supervisors of Worth County, Iowa, will meet at the Courthouse Board of Supervisors Office, Northwood, Iowa, on the 31st day of August, 2015, at 9:45 o'clock a.m., at which time and place a public hearing will be held and action taken to approve a Development Agreement between the County and New Heaven Chemical, Inc. with respect to the construction by the Company of a manufacturing facility in the County, which provides for certain property tax incentives in the form of property tax payments in a total amount not exceeding \$250,000, as authorized by Section 403.9 of the Code of Iowa.

The Agreement to make incremental property tax payments will not be a general obligation of the County, but will be payable solely and only from incremental property tax revenues generated within the Worth County New Heaven Economic Development Urban Renewal Area.

At the meeting, the Board will receive oral or written objections from any resident or property owner of the County. Thereafter, the Board may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the Board of Supervisors of Worth County, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Jacki Backhaus
County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved August 17, 2015.

Kenneth J. Abrams, Chairperson Attest: Jacki A. Backhaus, County Auditor

Supervisor Bartz moved the adoption of a resolution entitled "A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Worth County New Heaven Economic Development Urban Renewal Area", seconded by Supervisor Haugen. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Abrams, Haugen, Bartz Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 08.17.2015A

A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Worth County New Heaven Economic Development Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa, the "Urban Renewal Law", a county must adopt a resolution finding that one or more economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, it has been recommended that an urban renewal area be established within the property described in Exhibit A to this Resolution; and

WHEREAS, North Iowa Area Council of Governments ("NIACOG") has reviewed the area identified above for the purpose of determining whether the need exists to designate the area as being appropriate for economic development; and

WHEREAS, NIACOG found that sufficient need exists to warrant finding the area to be an economic development area; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the area identified above as an urban renewal area and on a proposed urban renewal plan and project for the area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing; and

WHEREAS, the proposed urban renewal plan and project were found by the Planning and Zoning Commission of the County to be consistent with the County's general plan; and

WHEREAS, Section 403.17 of the Code of Iowa requires an agreement between a county and a city with respect to a county urban renewal area located within two miles of the city limits of a city; and

WHEREAS, the property proposed to be included in the urban renewal area is located within two miles of the city limits of the City of Manly (the "City"), the appropriate agreement has been approved by the City and was previously approved by the County; and

WHEREAS, copies of the urban renewal plan, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to the City and to the Central Springs Community School District; the consultation meeting was held; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Worth County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist within the property described in Exhibit A.

Section 2. The area identified in Section 1 hereof is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the Worth County New Heaven Economic Development Urban Renewal Area.

Section 3. The development of this area is necessary in the interest of the public health, safety or welfare of the residents of Worth County, Iowa.

Section 4. It is hereby determined by this Board of Supervisors as follows:

A. The proposed urban renewal plan conforms to the general plan of the County as a whole;

B. Proposed economic development in the urban renewal area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 5. The urban renewal plan for the Worth County New Heaven Economic Development Urban Renewal Area is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the proposed project for such area based upon such plan is hereby in all respects approved.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved August 17, 2015.

Kenneth J. Abrams, Chairperson, Board of Supervisors

Attest: Jacki A. Backhaus, County Audit

EXHIBIT A
Legal Description

Worth County New Heaven Economic Development Urban Renewal Area

A PORTION OF THE NORTHEAST QUARTER OF SECTION 16 TOWNSHIP 98 NORTH, RANGE 20 WEST OF THE 5TH P.M., WORTH COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 16;
THENCE SOUTH 00 DEGREES 04 MINUTES 37 SECONDS EAST ALONG THE MID-SECTION LINE OF SAID SECTION, A DISTANCE OF 1,653.25 FEET;
THENCE DEPARTING SAID SECTION LINE, NORTH 89 DEGREES 55 MINUTES 23 SECONDS EAST, A DISTANCE OF 1,183.17 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 85 DEGREEES 53 MINUTES 21 SECONDS EAST, A DISTANCE OF 160 .00 FEET;
THENCE SOUTH 04 DEGREEES 06 MINUTES 48 SECONDS EAST, A DISTANCE OF 550.00 FEET;
THENCE SOUTH 85 DEGREEES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 160 .00 FEET;
THENCE NORTH 04 DEGREEES 06 MINUTES 47 SECONDS WEST, A DISTANCE OF 550.01 FEET TO POINT OF BEGINNING.

CONTAINING 2.02 ACRES, MORE OR LESS.

Supervisor Abrams introduced an ordinance entitled “Ordinance No. 08.17.2015. An Ordinance providing for the division of taxes levied on taxable property in the Worth County New Heaven Economic Development Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa.”

It was moved by Supervisor Abrams and seconded by Supervisor Bartz that the ordinance be given its first consideration and that it be adopted.

The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Abrams, Haugen, Bartz Nays: None.

Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its initial consideration.

It was moved by Supervisor Abrams and seconded by Supervisor Haugen that the statutory rule requiring the ordinance to be considered and voted on for passage at two Board meetings prior to the meeting at which it is to be finally passed be suspended. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Abrams, Haugen, Bartz Nays: None.

Whereupon, the Chairperson declared the motion duly carried.

It was moved by Supervisor Haugen and seconded by Supervisor Bartz that the ordinance entitled "Ordinance No. 8.17.2015. An Ordinance providing for the division of taxes levied on taxable property in the Worth County New Heaven Economic Development Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa," now be put upon its final passage and adoption. The Chairperson put the question on the final passage and adoption of said ordinance and the roll being called, the following named Supervisors voted:

Ayes: Abrams, Haugen, Bartz Nays: None.

Motion by Bartz, second by Haugen, carried to recess the regular session.

Motion by Haugen, second by Bartz, carried to open the continued public hearing for DD #23 at 10:05 A.M.

An update regarding the bedrock was held. At the last meeting, it was determined that if bedrock could be removed for \$50,000 or less, the trustees would go ahead and authorize it for the current project. The engineers were in touch with a contractor that thought they could accomplish this, but a written agreement was not yet in place. When this is obtained, another meeting of the landowners will occur. Public comment was heard.

Motion by Bartz, second by Haugen, carried to set the next DD #23 continued public hearing on September 14th at 10:00 A.M. and notification of this hearing will be sent to landowners from the auditor's office by August 31, 2015.

Motion by Bartz, second by Haugen, carried to close the public hearing for DD#23 at 10:35 A.M.

Motion by Bartz, second by Haugen, carried to open the continued informational meeting for DD #38 at 10:36 A.M.

Alternatives regarding the petition that was submitted by Steve Hengesteg were discussed by the landowners in attendance. It was decided that the meeting would be continued until August 31, 2015 at 10:30 A.M.

Motion by Bartz, second by Haugen, carried to close the informational meeting for DD-38 at 11:05 A.M.

Motion by Bartz, second by Haugen to reconvene the regular meeting at 11:12 A.M.

Motion by Haugen, second by Bartz, carried to approve the clerk of court's monthly report.

Motion by Haugen, second by Bartz, carried to approve payroll eligibility for Thomas Reid at \$14.00/hour for 20 hours/week as submitted by Veterans Affairs and Rick Anderson at \$17.27 as submitted by the sheriff's department.

Motion by Bartz, second by Haugen, carried to accept with regret the resignation of Joel Rohne, IT Director.

The following claims were approved:

Minnowa Construction Inc	Project-ENG	\$6861.06
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Motion by Haugen, second by Bartz, carried to adjourn at 11:39 A.M. The next meeting of the Board of Supervisors will be Monday, August 24, 2015 at 9:00 A.M.

Auditor

Chairperson