

**Regular Meeting
August 28, 2012**

The Board of Supervisors met in Session on the above date with the following members present: Singer, Dencklau, Peterson, Condon and Fletcher. Absent: None.

Moved by Peterson, seconded by Condon to approve minutes of the August 21, 2012 regular meeting. Motion carried unanimously.

Moved by Condon, seconded by Fletcher to receive and place on file the following Drainage Repairs: D.D.#29 and D.D.#59 Webster & #4 Humboldt. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve employment of Steven Woodruff, Part-time Correctional Officer at the rate of \$13.87 per hour effective August 29, 2012. Motion carried unanimously.

A Public Hearing was held on proposed amendment to Current County Budget for fiscal year ending June 30, 2013. No written or oral comments or objections were heard; therefore Chairman Singer closed the hearing.

Moved by Dencklau, seconded by Peterson to adopt Current County Budget Amendment and approve the following department appropriation changes for fiscal year ending June 30, 2013: Increase Department #2, Election Administration \$30,000.00; increase Department 65 \$10,000.00; increase Department 99, General Fund \$45,000.00 and Capital Projects Fund \$300,000.00. Motion carried unanimously.

Moved by Peterson, seconded by Condon to adopt the following resolution:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CJ BIO AMERICA, INC. AND CARGILL, INCORPORATED AND THE PROPOSAL TO ENTER INTO AN AGREEMENT WITH CJ BIO AMERICA, INC. AND THE STATE OF IOWA (ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE CONTRACT), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution adopted May 29, 2007, 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 an urban renewal plan, now known as the Webster County Regional Urban Renewal Plan (the "Plan") for the Webster County Regional Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Webster County; and

WHEREAS, such Plan was amended by Amendment No. 1 (Resolution dated February 28, 2012) and Amendment No. 2 (Resolution dated August 21, 2012);

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 CJ Bio America Inc. (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the County, Cargill, Incorporated ("Owner") and the Developer, 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 Webster County Regional Urban Renewal Area as defined and legally described in the Agreement and consisting of the construction of an industrial building for the production of amino acids by fermentation technology on land owned by the Owner. Such industrial facility is expected to require a total investment of approximately \$291,000,000 with site preparation, building construction, machinery and equipment and computer hardware costs totaling approximately \$190,000,000. The assessed value of the completed facility is expected to be at least \$31,722,950 (as defined in the Development Agreement) on land owned by the Owner, described as the Development Property, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreement further proposes that the County will make an Economic Development Grant to Developer of up to \$4,444,000, funded by the proceeds of an Urban Renewal Revenue Note, for reimbursement of the costs (a) to construct a rail spur to the facility (up to \$1,944,000) and (b) for site preparation of the facility (up to \$2,500,000) under the terms and following satisfaction of the conditions set forth in the Agreement and \$279,000 for the local match for a RISE Grant for road improvements in the Area; and

WHEREAS, the County's incentive serves as a local match to the related agreement by and among the Developer, the County, and the State of Iowa for the Economic Development Financial Assistance Contract (the "State Agreement" and the "Development Agreement" are referred to as the "Agreements").

WHEREAS, one of the obligations of the Developer in the Agreements relate to employment creation and retention; 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 Agreements are 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 Agreements and the County's performance thereunder are 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, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 331.301(5) of the Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the County Auditor publish notice of the proposal and of the time and place of the meeting at which the Board proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said County to such action.

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

Section 1. That this Board meet in the Board Room, County Courthouse, 701 Central Avenue, Fort Dodge, Iowa, at 10:00 o'clock A.M. on the 11th day of September, 2012, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with CJ Bio America Inc., Cargill, Incorporated, and the State of Iowa Economic Development Financial Assistance Contract.

Section 2. That the County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF WEBSTER COUNTY IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CJ BIO AMERICA INC. AND AN AGREEMENT WITH THE STATE OF IOWA, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Webster County (the "County") in the State of Iowa, will hold a public hearing on the 11th day of September, 2012, at 10:00 o'clock A.M. in the Board Room, County Courthouse, 701 Central Avenue, Fort Dodge, Iowa, at which meeting the Board proposes to take action on the proposal to enter into an Economic Development Financial Assistance Agreement with the State of Iowa (the "EDFA Agreement") among the County, CJ Bio America Inc. ("Developer"), and Cargill, Incorporated ("Owner") and the State, as well as a Development Agreement (the "Development Agreement") between the County, Owner and Developer.

The County has received a proposal from Developer, in the form of a proposed Development Agreement (the "Agreement") by and between the County, Owner, and the Developer, 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 Webster County Regional Urban Renewal Area as defined and legally described in the Agreement and consisting of the construction of an industrial building for the production of amino acids by fermentation technology on land owned by the Owner. Such industrial facility is expected to require a total investment of approximately \$291,000,000 with site preparation, building construction, machinery and equipment and computer hardware costs totaling approximately \$190,000,000. The assessed value of the completed facility is expected to be approximately \$31,722,950 (as defined in the Development Agreement) on land owned by the Owner, together with all related site improvements, as outlined in the proposed Development Agreement.

WHEREAS, the Agreement further proposes that the County will make an Economic Development Grant to Developer of up to \$4,444,000, funded by the proceeds of an Urban Renewal Revenue Note, for reimbursement of the costs (a) to construct a rail spur to the facility (up to \$1,944,000) and (b) for site preparation of the facility (up to \$2,500,000) under the terms and following satisfaction of the conditions set forth in the Agreement and \$279,000 for the local match for a RISE Grant for road improvements in the Area.

The County's incentive serves as a local match to the related agreement by and among the Developer, the County, and the State of Iowa for the Economic Development Financial Assistance Contract (the "State Agreement" and the "Development Agreement" are referred to as the "Agreements"). One of the obligations of the Developer in the Agreements relate to employment creation and retention.

Copies of the proposed Agreements are on file for public inspection during regular business hours in the office of the County Auditor, County Courthouse, Fort Dodge, Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of said County, to the proposal to enter into the Development and the EDFA Agreement. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreements.

This notice is given by order of the Board of Supervisors of Webster County in the State of Iowa, as provided by law.

Dated this 28th day of August, 2012.

County Auditor, Webster County in the State of Iowa

PASSED AND APPROVED this 28th day of August, 2012.

s/Robert H Singer
Board of Supervisors Chairperson

ATTEST:

s/Carol Messerly
County Auditor

Motion carried unanimously.

Moved by Condon, seconded Fletcher to adopt the following resolution:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CARGILL, INCORPORATED AND THE PROPOSAL TO ENTER INTO AN AGREEMENT WITH CARGILL, INCORPORATED AND THE STATE OF IOWA (ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE CONTRACT), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution adopted May 29, 2007, 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 an urban renewal plan,

now known as the Webster County Regional Urban Renewal Plan (the "Plan") for the Webster County Regional Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Webster County; and

WHEREAS, such Plan was amended by Amendment No. 1 (Resolution dated February 28, 2012) and Amendment No. 2 (Resolution dated August 21, 2012);

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 Cargill, Incorporated (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 construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Webster County Regional Urban Renewal Area as defined and legally described in the Agreement and consisting of the construction of renovation, and building improvements to the Existing Facility (as defined in the Development Agreement) on the Development Property in order to transform the Existing Facility into an integrated bio-refinery campus for the production of bio-based products, 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 six (6) consecutive annual payments to Developer of Economic Development Grants in the form of a percentage of the Tax Increments generated from the renovation and building improvements, the cumulative total for all such payments not to exceed \$304,000, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the County's incentive serves as a local match to the related agreement by and among the Developer, the County, and the State of Iowa for the Economic Development Financial Assistance Contract (the "State Agreement" and the "Development Agreement" are referred to as the "Agreements").

WHEREAS, one of the obligations of the Developer in the Agreements relates to employment creation and retention; 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 Agreements are 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 Agreements and the County's performance thereunder are 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, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 331.301(5) of the Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the County Auditor publish notice of the proposal and of the time and place of the meeting at which the Board proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said County to such action.

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

Section 1. That this Board meet in the Board Room, County Courthouse, 701 Central Avenue, Fort Dodge, Iowa, at 10:00 o'clock A.M. on the 11th day of September, 2012, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Cargill, Incorporated and the State of Iowa Economic Development Financial Assistance Contract.

Section 2. That the County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF WEBSTER COUNTY IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CARGILL, INCORPORATED AND AN AGREEMENT WITH THE STATE OF IOWA, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Webster County (the "County") in the State of Iowa, will hold a public hearing on the 11th day of September, 2012, at 10:00 o'clock A.M. in the Board Room, County Courthouse, 701 Central Avenue, Fort Dodge, Iowa, at which meeting the Board proposes to take action on the proposal to enter into an Economic Development Financial Assistance Agreement with the State of Iowa (the "EDFA Agreement") among the County, Cargill, Incorporated ("Cargill"), and the State, as well as a Development Agreement (the "Development Agreement") between the County and Cargill.

The Agreements would obligate Cargill to construct certain Minimum Improvements (as defined in the Development Agreement) on certain real property located within the Webster County Regional Urban Renewal Area as defined and legally described in the Development Agreement ("Development Property"), consisting of certain construction, renovation, and building improvements to the Existing Facility owned by Cargill, on the Development Property in order to transform the Existing Facility into an integrated bio-refinery campus for the production of bio-based products at a cost of approximately \$133 million for land, improvements, machinery, equipment, and other costs (the "Project").

The EDFA Agreement provides that the State will provide a forgivable loan and a loan (total of \$2.0 million) and tax credits of \$603,000 to Cargill. The proposed Development Agreement obligates the County to make up to six (6) consecutive annual Economic Development Grants of 100% of Tax Increments generated by the incremental property tax revenues due to the construction of the Project over and above the assessed valuation of the Existing Facility as the "local match" for the EDFA Agreement. Depending on the increase in assessed valuation over and above the valuation of the Existing Facility, Cargill could receive up to \$304,000 in Economic Development Grants in the form of tax rebates. The proposed Agreements include an employment commitment by Cargill to create and retain jobs in order to receive Economic Development Grants.

Copies of the proposed Agreements are on file for public inspection during regular business hours in the office of the County Auditor, County Courthouse, Fort Dodge, Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of said County, to the proposal to enter into the Development and the EDFA Agreement. After all objections have been received and considered, the Board

will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreements.

This notice is given by order of the Board of Supervisors of Webster County in the State of Iowa, as provided by law.

Dated this 28th day of August, 2012.

s/Carol Messerly
County Auditor, Webster County in the State of Iowa

PASSED AND APPROVED this 28th day of August, 2012.

s/Robert H Singer
Chairperson, Board of Supervisors

ATTEST:

s/Carol Messerly
County Auditor

Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve and authorize Chair to sign permit from Van Diest Family LLC and June Saxton to install 18-inch private tile line across Samson Avenue approximately 1980 feet south of 200th Street between Northwest Quarter of Section 30, Colfax Township and Northeast Quarter of Section 25, Cooper Township. (Copy on file in Engineer's office). Motion carried unanimously.

Moved by Dencklau, seconded by Peterson to approve and authorize Chair to sign permit from Michael Moore to install underground electrical service line in conduit across 175th Street to service dwelling at 1886 175th Street in East One-half of Southeast Quarter of Section 9, Douglas Township. (Copy on file in Engineer's office). Motion carried unanimously.

Moved by Peterson, seconded by Condon to approve and authorize Chair to sign agreement with Stratford Investment Group LLC for road maintenance in conjunction with conditional use permit to extract minerals and construct associated buildings in the Northwest Quarter of Section 1, Township 86 North, Range 27 West, Yell Township. (Copy on file in Engineer's office). Motion carried unanimously.

Moved by Condon, seconded by Fletcher to approve and authorize Chair to sign agreement with Stratford Investment Group LLC for road maintenance in conjunction with conditional use permit to extract minerals in the Northeast Quarter of Section 1, Township 89 North, Range 29 West, Douglas Township. (Copy on file in Engineer's office). Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve resolution to temporarily close McGuire Bend Road between intersection of Vasse Avenue/320th Street and intersection of Sara Avenue/320th Street for bridge replacement project in Section 29, Township 87 North, Range 27 West, Yell Township. (Copy on file in Engineer's office). Motion carried unanimously.

Supervisor Dencklau discussed concerns of some farmers regarding the City of Fort Dodge plans for a storm sewer line along 10th Avenue North from South 32nd Street and the effect it would have on Drainage District No. 1. He felt the Board of Supervisors should request a hydrology report from the City to ensure the open ditch would be able to handle the additional surface drainage at the outlet without affecting the agricultural drainage to the north. Chairman Singer will talk to the City Engineer regarding this matter.

Moved by Peterson, seconded by Condon to allow claims. Motion carried unanimously.

Moved by Condon, seconded by Fletcher to adjourn the meeting. Motion carried unanimously.