

**BOARD OF SUPERVISOR'S Regular Meeting
July 2, 2013 - 10:00a.m. Board of Supervisors' Room
Webster County Courthouse**

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

Moved by Fletcher, seconded by Dencklau to approve minutes of the June 25, 2013 regular meeting. Motion carried unanimously.

Moved by Dencklau, seconded by Campbell to receive and place on file Drainage Repairs for D.D.#243. Motion carried unanimously.

Moved by Campbell, seconded by Leffler to receive and place on file Central Iowa Juvenile Detention Center Independent Auditor's Reports and Financial Statement for period ending June 30, 2012. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Leffler, seconded by Fletcher to approve and authorize Chair to sign Webster County Asbestos Survey and Certification of Abatement Contract Amendment No. 1 with Lansing Brothers increasing contract price \$4,940.00 for Flood Buyout Program. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve and authorize Chair to sign Pay Requests for FEMA Buyout Program reimbursement for FEMA funds and CDBG funds. (Copies on file in Auditor's office). Motion carried unanimously.

Moved by Dencklau, seconded by Campbell to adopt the following resolution:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSAL TO ENTER INTO THREE DEVELOPMENT AGREEMENTS WITH NEW CO-OPERATIVE, INC., 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 the Webster County Ag-Industrial Center Urban Renewal Plan, now known as the Webster County Regional Urban Renewal Plan (the "Plan") for the Webster County Ag-Industrial Renewal Area, now known as the Webster County Regional Urban Renewal Area (the "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Webster County; and

WHEREAS, by Resolution, adopted February 28, 2012, this Board of Supervisors approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, by Resolution, adopted August 21, 2012, this Board of Supervisors approved and adopted an Amendment No. 2 to the Plan; and

WHEREAS, by Resolution, adopted December 4, 2012, this Board of Supervisors approved and adopted an Amendment No. 3 to the Plan; 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 three proposals from New Co-operative, Inc. (the "Developer"), in the form of three proposed Development Agreements (the "Agreements") 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 Agreements) on certain real property located within the Webster County Regional Urban Renewal Area at three different cooperative sites (Roelyn, Lanyon and Barnum). The Minimum Improvements at the Roelyn facility consist of the construction of an additional 600,000 bushels of concrete grain storage and an addition of a shop for equipment maintenance and repair, together with all related site improvements, as outlined in the proposed Development Agreement. The Minimum Improvements at the Lanyon facility consist of construction and installation of an additional 60,000 gallons of NH₃ storage, the addition of a truck scale, remodel of machinery storage into a chemical warehouse, and remodel of a residence into an office, together with all related site improvements, as outlined in the proposed Development Agreement. The Minimum Improvements at the Barnum facility consist of replacement of 360,000 bushels of grain storage, addition of 140,000 bushels of grain storage, addition of 30,000 gallons of NH₃ storage, and upgrade of current office facilities and equipment, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreements further propose that the County will make up to six (6) consecutive annual payments of Tax Increments to Developer, the cumulative total for all such payments not to exceed the lesser of \$120,000, or the amount accrued under the formula outlined in the proposed Development Agreement for the Roelyn facility, the County will make up to five (5) consecutive annual payments of Tax Increments to Developer, the cumulative total for all such payments not to exceed the lesser of \$50,000, or the amount accrued under the formula outlined in the proposed Development Agreement for the Barnum facility, all under the terms and following satisfaction of the conditions set forth in the Agreements; and

WHEREAS, one of the obligations of Developer in each Agreement relates to employment retention and/or creation; 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 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, 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 Agreements, 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 Supervisors Room, 2nd Floor County Courthouse, 701 Central Avenue, Fort Dodge, Iowa, at 10:00 o'clock A.M. on the 16th day of July, 2013, for the purpose of taking action on the matter of the proposal to enter into three Development Agreements with New Co-operative, Inc.

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.

PASSED AND APPROVED this 2nd day of July, 2013.

s/Robert H Singer
Chairperson, Board of Supervisors

ATTEST:

s/Carol Messerly
County Auditor

Motion carried unanimously.

Chairman Singer introduced the Construction Permit Application of Michael Pearson – Mary's Site for one new 2480 head, deep pit swine finisher barn at an existing swine confinement facility in Section 6, Clay Township. Public Notice was published notifying the public that comments would be receive until 4:30 p.m. on Monday, July 1, 2013; and written comments were received by Beverly Kehoe and William Bahr. It was noted that Beverly Kehoe objected to the odor; and William Bahr objected to the odor, the concentrated amount of facilities in the area and the decrease in property values with too many facilities in the area.

Moved by Fletcher, seconded by Dencklau to approve the matrix scoring and recommend that Iowa Department of Natural Resources approve Construction Permit Application of Michael Pearson – Mary's Site in Section 6, Clay Township, noting written comments received. Motion carried unanimously.

Chairman Singer introduced the Construction Permit Application of Michael Pearson – Corner's Site for one new 2480 head, deep pit swine finisher barn at an existing swine confinement facility in Section 35,

Fulton Township Public Notice was published notifying the public that comments would be received until 4:30 p.m. on Monday, July 1, 2013; and written comment was received by William Bahr objecting to the odor, the concentrated amount of facilities in the area and the decrease in property values with too many facilities in the area. Supervisor Campbell noted that a residence was listed in the application as a non-resident structure and it has been identified as a residence which is too close in proximity to the facility. Mike Sexton, Twin Lakes Environmental Services and Mike Pearson, applicant noted that no points of the residence was taken in the scoring and they are in the process of contact with the property owner to obtain a waiver.

Moved by Campbell, seconded by Leffler to approve the matrix scoring and recommend that Iowa Department of Natural Resources approve Construction Permit Application of Michael Pearson – Corner's Site in Section 35, Fulton Township; if a waiver is granted and noting written comments received. Motion carried unanimously.

Moved by Leffler, seconded by Fletcher to approve request from the City of Dayton to establish a detour on two miles of granular surfaced Quail Avenue, one mile of granular surfaced 380th Street, and one-half mile of paved surfaced Racine Avenue from approximately 9:30 A.M. to 11:30 A.M., Monday, September 2, 2013 during the Annual Dayton Labor Day Parade, subject to the City of Dayton being responsible for all necessary and proper traffic control per the Manual on Uniform Traffic Control Devices. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to allow claims. Motion carried unanimously.

Moved by Dencklau, seconded by Campbell to adjourn the meeting. Motion carried unanimously.