

**BOARD OF SUPERVISOR'S Regular Meeting  
December 16, 2014 – 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, and Leffler. Absent: Dencklau and Campbell.

Moved by Leffler, seconded by Singer to approve minutes of the December 9, 2014 regular meeting. Motion carried unanimously.

Moved by Singer, seconded by Leffler to receive and place on file Drainage Repairs for Joint Drainage District No. 247 Webster and No. 7 Humboldt Counties, Iowa. Motion carried unanimously.

Moved by Leffler, seconded by Singer to approve hiring of Brad McIntyre as an Assistant County Attorney for a salary of \$57,887.50 effective December 22, 2014, per recommendation of Jennifer Benson, County Attorney. Motion carried unanimously.

Moved by Singer, seconded by Leffler to approve and authorize Chair to sign lease agreement for copier in Recorder's office. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Leffler, seconded by Singer to receive and place on file funding request for fiscal year 2016 from Elderbridge Agency on Aging. (Copy on file in Auditor's office). Motion carried unanimously.

A Public Hearing was held on proposal to enter into a First Amended and Restated Agreement for private development with New Cooperative, Inc. No written or oral comments or objections were heard; therefore Chairman Fletcher closed the public hearing.

Moved by Singer, seconded by Leffler to adopt the following resolution:

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDED AND  
RESTATED AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN WEBSTER COUNTY  
AND NEW CO-OPERATIVE, INC.**

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 Center Urban Renewal Plan 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 entered into an Agreement for Private Development with New Co-operative, Inc. (the "Developer") dated July 16, 2013 (the "Agreement"), pursuant to which, among other things, the Developer agreed 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 and installation of 60,000 gallons of NH<sub>3</sub> 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 Agreement; and

WHEREAS, the County has received a proposal from the Developer, in the form of a proposed First Amended and Restated Agreement for private Development (the “Amended and Restated Agreement”) by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Additional Minimum Improvements (as defined in the Amended and Restated Agreement) on certain real property located within the Webster County Regional Urban Renewal Area as defined and legally described in the Amended and Restated Agreement and consisting of the construction and installation of an agronomy warehouse, additional NH3 storage, 1,870,000 bushels of grain storage and related equipment, truck scale and addition of an office to the agronomy warehouse, together with all related site improvements, as outlined in the proposed Amended and Restated Agreement (the Amended and Restated Agreement amends and replaces the original Agreement); and

WHEREAS, the Amended and Restated Agreement further proposes that the County will continue to make up to five (5) consecutive annual payments of Economic Development Grants to Developer consisting of a declining percentage (provided, however, that the percentage has been increased by 10% in each of the final three years) of the Tax Increments pursuant to Iowa Code Section 403.19 and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$85, 000 (previously \$50,000), or the amount accrued under the formula outlined in the proposed Amended and Restated Agreement, under the terms and following satisfaction of the conditions set forth in the Amended and Restated Agreement; and

WHEREAS, one of the obligations of the Developer relates to employment retention and/or creation; and

WHEREAS, Iowa Code Chapters 15A and 403 authorize counties to make loans and 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 Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Amended and Restated Agreement is 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 Amended and Restated Agreement 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 any or all of the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Amended and Restated Agreement and has considered the extent of objections received from residents or property owners as to said proposed Amended and Restated Agreement; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

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

Section 1. That the performance by the County of its obligations under the Amended and Restated Agreement, including but not limited to making of loans and grants to the Developer in connection with the development of the Development Property under the terms set forth in the Amended and Restated Agreement, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amended and Restated Agreement 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.

Section 2. That the form and content of the Amended and Restated Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Amended and Restated Agreement 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 Amended and Restated Agreement, the Chairperson and the 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 Amended and Restated Agreement as executed.

PASSED AND APPROVED this 16<sup>th</sup> day of December, 2014.

s/Clark Fletcher  
Chairperson, Board of Supervisors

ATTEST:

s/Carol Messerly  
County Auditor

Motion carried unanimously.

Vickie Reeck, representing Fort Dodge Business Affairs and Community Growth requested that the Board abate the property taxes against a property at 110 Seventh Avenue North, Fort Dodge, Iowa. Board will take action on the request at next week's regular meeting.

The Board discussed request from the Board of Health to utilize Eden System. Chairman Fletcher directed the departments to discuss this request and find a solution.

Moved by Singer, seconded by Leffler to adopt the following resolution:

**UPDATING WEIGHT LIMIT EMBARGOES ON BRIDGES**

WHEREAS; the Board of Supervisors is empowered under authority of Code of Iowa Sections 321.236 Sub.(8), 321.255 and 321.471 to 321.473 to prohibit operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS; the Webster County Engineer has caused to be completed the Structural Inventory and Appraisal of certain Webster County bridges in accordance with the National Bridge Inspection Standards, and it has been determined that they are inadequate for two-lane roads at the allowable operating stresses.

WHEREAS; the Webster County Board of Supervisors approved a list of bridges with vehicle and load limits on November 4, 2014 and said list needs to be updated due to recent bridge inspections and ratings.

THEREFORE, BE IT RESOLVED by the Webster County Board of Supervisors that vehicle and load limits signs be erected advising of the permissible maximum weights thereof for the 50 bridges listed on attached Exhibit A dated December 16, 2014.

This resolution will be in effect when the signs have been erected.

PASSED AND APPROVED this 16<sup>th</sup> day of December 2014.

s/Clark Fletcher  
Chair, Webster County Board of Supervisors

Attest:s/Carol Messerly  
Webster County Auditor

Motion carried unanimously.

Moved by Leffler, seconded by Singer to approve and authorize Chair to sign final payment voucher for hot mix asphalt resurfacing Project STP-S-CO94(101)—5E-94 on Route D43 from Callender to Highway 169 and acknowledge project as finalist for smoothness award by Asphalt Paving Assoc. of Iowa. Motion carried unanimously.

Moved by Singer, seconded by Leffler to approve and authorize Chair to sign permit from Xenia Rural Water District to bore 1.5”PVC water service under Woodman’s Hollow Road 60 feet east of 2501 Woodman’s Hollow Road in Section 22, Township 88 North, Range 28 West, Otho Township. Motion carried unanimously.

Moved by Leffler, seconded by Singer to approve and authorize Chair to sign permit from Ann Smeltzer Trust and Betty Truscheff to cross Swallow Avenue approximately 1600 feet south of 245<sup>th</sup> Street with 24 inch diameter concrete subsurface drainage tile between Southeast Quarter and Southwest Quarter of Section 13, Township 88 North, Range 28 West. Motion carried unanimously.

Webster County Library Association stated their appreciation for the Supervisors’ support of the city libraries within Webster County on behalf of the rural residents and requested their continued support.

Moved by Leffler, seconded by Singer to allow claims. Motion carried unanimously.

Moved by Singer, seconded by Leffler to adjourn the meeting. Motion carried unanimously.

s/Carol Messerly  
Webster County Auditor

s/Clark Fletcher  
Chairman, Board of Supervisors