

PROCEEDINGS OF THE FRANKLIN COUNTY BOARD OF SUPERVISORS

October 5, 2009

The Board of Supervisors met in regular session at 8:30AM with Board members Michael Nolte-Chairman, Corey Eberling and Jerry L. Plagge present.

Motion by Plagge, seconded by Eberling, approves the agenda as submitted with one addition: Acceptance of the Planning & Zoning Commission recommendations on the conformity of the Franklin County Whispering Willow Phase 1 Urban Renewal Area/Urban Renewal Plan. All ayes. Motion carried.

Motion by Eberling, seconded by Plagge, approves the minutes of September 28, 2009. All ayes. Motion carried.

The Board opened the meeting to public comment. Present from the public was: Tony Reed-Central Iowa Juvenile Detention Center-Eldora-awareness of services provided and Carol Kreimeyer, Faulkner, asking on the progress of the bridge on 60th Street near Faulkner.

Committee reports were given on: EOC training; Comprehensive Land Use Plan committee meeting-to revise the current County Comprehensive Land Use Plan and wanting revisions or additions to the Zoning Director as soon as possible, hopefully pass the revised version by the first part of January; Long Term Recovery update; Conversation regarding property nuisance abatement on property owned by Ag Vantage FS in Chapin, Iowa.

Motion by Eberling, seconded by Plagge, approves a Franklin County Utility Permit to Franklin REC to construct power poles along Dogwood Avenue from 180th to 190th Street. All ayes. Motion carried.

Motion by Plagge, seconded by Eberling, approves a final pay request to Peterson Contractors, Inc. for BRS-C035(47)—60-35 RCB culvert on C47. All ayes. Motion carried.

Motion by Eberling, seconded by Plagge, approves a Road Closure Affidavit on Timber Avenue between Highway 3 and 155th Street for a pavement widening project. All ayes. Motion carried.

At 9:45 AM Micah Cutler-GIS Coordinator presented and explained the GIS Quarterly report.

Motion by Plagge, seconded by Eberling, accepts the Planning & Zoning Commission recommendations on the conformity of the Franklin County Whispering Willow Urban Renewal Area/Urban Renewal Plan with the general plan for development, per letter dated September 9, 2009. All ayes. Motion carried.

Motion by Eberling, seconded by Plagge, opens at 10:00 AM a Public Hearing on the designation of the Franklin County Whispering Willow Urban Renewal Area and on a proposed Urban Renewal Plan and Project, pursuant to Chapter 403, Code of Iowa. Public notice has been published according to law and as directed by the Board. All ayes. Motion carried.

Present were: Michelle Giddings-Auditor, Amy Holmgaard-Deputy Auditor, Russell Wood-Planning & Zoning, Jay Waddingham-County Engineer, Micah Cutler-GIS Coordinator, Dan Wiechmann-County Attorney and Ray Baltes-Hampton Chronicle

The Board of Supervisors investigated and found that notice of the intention of the Board to conduct a public hearing on the designation of the Franklin County Whispering Willow Urban Renewal Area and on an urban renewal plan and project for the Area had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. No oral or written objections, statements, and evidence heretofore were reported to the Board or the County Auditor. There being no objections, comments or evidence offered, the Chairperson announced the hearing be closed. Motion by Plagge, seconded by Eberling, closes the Public Hearing at 10:06 AM. All ayes. Motion carried.

Motion by Eberling, seconded by Plagge, adopts Resolution 2009-44: To declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve an urban renewal plan and project for the Franklin County Whispering Willow Urban Renewal Area. Eberling-Aye, Nolte-Aye, Plagge-Aye. Resolution duly adopted.

Supervisor Nolte introduced an ordinance entitled “Ordinance 1.12: An Ordinance providing for the Division of Taxes Levied on Taxable Property in the Franklin County Whispering Willow Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa”.

Motion by Plagge, seconded by Eberling, approves the statutory rule requiring an 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. This waives the First and Second Readings and moves directly to the Third and final Reading. All ayes. Motion carried.

Russell Wood proceeded to read Ordinance 1.12.

Motion by Eberling, seconded by Plagge, that the ordinance entitled “Ordinance 1.12: An Ordinance providing for the Division of Taxes Levied on Taxable Property in the Franklin County Whispering Willow Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa”, now be put upon its final consideration and adoption. Eberling-Aye, Nolte-Aye, Plagge-Aye. Motion carried. The Chairperson declared the motion duly carried and the ordinance duly adopted as follows:

ORDINANCE NO. 1.12

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Franklin County Whispering Willow Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Board of Supervisors of Franklin County, Iowa:

Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Franklin County Whispering Willow Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Franklin County to finance projects in such area.

Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Franklin County, Iowa.

“Urban Renewal Area” shall mean the Franklin County Whispering Willow Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on October 5, 2009:

TIF District Boundary Description for the Whispering Willow Urban Renewal Area located in Franklin County, Iowa and more particularly described as follows:

Beginning at the intersection of the east line of Mallard Avenue and north line of 80th Street; Thence East along the north line of 80th Street to a point 20 feet west of Turbine 114; Thence North to a point 20 feet west and 20 feet north of Turbine 114; Thence East to a point 20 feet east and 20 feet north of Turbine 114; Thence South to the north line of 80th Street; Thence East along said north line to the west line of Nettle Avenue;

Thence North along said west line to a point 20 feet south of Turbine 113; Thence West to a point 20 feet west and 20 feet south of Turbine 113; Thence North to a point 20 feet west and 20 feet north of Turbine 113; Thence East to the west line of Nettle Avenue;

Thence North along said west line to a point 20 feet north of Turbine 111; Thence East to a point 20 feet east and 20 feet north of Turbine 111; Thence South to a point 20 feet east and 20 feet south of Turbine 111; Thence West to the east line of Nettle Avenue; Thence South along said east line to the north line of 80th Street;

Thence East along said north line to a point 20 feet west of Turbine 110; Thence north to a point 20 feet west and 20 feet north of Turbine 110; Thence East to a point 20 feet east and 20 feet north of Turbine

110; Thence South to the north line of 80th Street; Thence East along said north line to the west line of Olive Avenue;

Thence North along said west line to a point 20 feet north of Turbine 106; Thence East along a line north of Turbine 106 to a point 20 feet north and 20 feet east of Turbine 105; Thence South to a point 20 feet east and 20 feet south of Turbine 105; Thence West along a line south of Turbine 106 to the east line of Olive Avenue; Thence South to the north line of 85th Street; Thence East along said north line to the west line of Highway 65;

Thence North along said west line to a point 20 feet south of Turbine 104; Thence West to a point 20 feet west and 20 feet south of Turbine 104; Thence North to a point 20 feet west and 20 feet north of Turbine 104; Thence East to the west line of Highway 65;

Thence North to a point 20 feet south of Turbine 107; Thence West along a line 20 feet south of Turbines 107, 108 and 109 to a point 20 feet west and 20 feet south of Turbine 109; Thence North to a point 20 feet west and 20 feet north of Turbine 109; Thence East along a line 20 feet north of Turbine 107, 108 and 109 to the east line of Highway 65; Thence South along said east line to the south line of 85th Street;

Thence West along said south line to a point 20 feet east of Turbine 102; Thence South to a point 20 feet east and 20 feet south of Turbine 102; Thence West to a point 20 feet west and 20 feet south of Turbine 102; Thence North to the south line of 85th Street; Thence West along said south line to the east line of Olive Avenue;

Thence South along said east line to a point 160 feet north of Turbine 103; Thence East to a point 20 feet east and 160 feet north of Turbine 103; Thence South to a point 20 feet east and 20 feet south of Turbine 103; Thence West to a point 20 feet west and 20 feet south of Turbine 103; Thence North to a point 20 feet west and 155 feet north of Turbine 103; Thence West to the east line of Olive Avenue;

Thence South along said line to a point 20 feet north of Turbine 76; Thence East to a point 20 feet east and 20 feet north of Turbine 76; Thence South to a point 20 feet east and 20 feet south of Turbine 76; Thence West to the east line of Olive Avenue;

Thence South along said east line to a point 200 feet north of Turbine 73; Thence East to a point 20 feet east and 200 feet north of Turbine 73; Thence South to a point 20 feet east and 20 feet south of Turbine 73; Thence West to a point 20 feet west and 20 feet south of Turbine 73; Thence North to a point 20 feet west and 195 feet north of Turbine 73; Thence West to the east line of Olive Avenue; Thence South along said east line to the north line of 70th Street;

Thence East along said north line to a point 20 feet west of Turbine 71; Thence North to a point 20 feet west and 20 feet north of Turbine 71; Thence East to a point 20 feet east and 20 feet north of Turbine 71; Thence South to the north line of 70th Street;

Thence East along said north line to a point 20 feet west of Turbine 70; Thence North to a point 20 feet west and 20 feet north of Turbine 70; Thence East to a point 20 feet east and 20 feet north of Turbine 70; Thence South to the north line of 70th Street;

Thence East along said north line to the west line of Parcel B as shown by the survey recorded in the office of the Franklin County Recorder on November 6, 2008 in Instrument No. 20082681 in the Southeast Quarter of Section 4, T90N, R20W; Thence North along said west line to the north line of said Parcel B; Thence East to a point 20 feet west of Turbine 69; Thence North to a point 20 feet west and 20 feet north of Turbine 69; Thence East to a point 20 feet east and 20 feet north of Turbine 69; Thence South to the north line of said Parcel B; Thence East along the north lines of Parcel B and Parcel A as shown by the survey recorded in the office of the Franklin County Recorder on June 23, 2008 in Instrument No. 20081378 in the Southeast Quarter of Section 4, T90N, R20W, to the west line of Highway 65;

Thence North along said west line to a point 20 feet south of Turbine 72; Thence West to a point 20 feet west and 20 feet south of Turbine 72; Thence North to a point 20 feet west and 20 feet north of Turbine 72; Thence East to the west line of Highway 65;

Thence North along said west line to a point 20 feet south of Turbine 75; Thence West to a point 20 feet west and 20 feet south of Turbine 75; Thence North to a point 20 feet west and 20 feet north of Turbine 75; Thence East to a point 20 feet west of Turbine 74; Thence North to a point 20 feet north and 20 feet west of Turbine 74; Thence East to a point 20 feet east and 20 feet north of Turbine 74; Thence South to a point 20 feet north of Turbine 75; Thence East to the east line of Highway 65;

Thence South along said east line to a point 120 feet north of Turbine 62; Thence East to a point 20 feet east and 120 feet north of Turbine 62; Thence South to a point 20 feet east and 20 feet south of Turbine 62; Thence west to a point 20 feet west and 20 feet south of Turbine 62; Thence North to a point 20 feet west and 110 feet north of Turbine 62; Thence West to a point 20 feet east of Turbine 63; Thence South to a point 20 feet east and 20 feet south of Turbine 63; Thence West to a point 20 feet west and 20 feet south of Turbine 63; Thence North to a point 110 feet north of Turbine 62; Thence West to the east line of Highway 65; Thence South along said east line to the north line of 70th Street;

Thence East along said north line to a point 20 feet west of Turbine 61; Thence North to a point 20 feet west and 20 feet north of Turbine 61; Thence East to a point 20 feet east and 20 feet north of Turbine 61; Thence South to the north line of 70th Street; Thence East along said north line to the west line of Quail Avenue;

Thence North along said west line to a point 20 feet south of Turbine 64; Thence West along a line 20 feet south of Turbines 64, 65 and 66 to a point 20 feet west and 20 feet south of Turbine 66; Thence North to a point 20 feet west and 20 feet north of Turbine 66; Thence East along a line 20 feet north of Turbines 66, 65 and 64 to the west line of Quail Avenue; Thence North along said west line to a point 150 feet south of Turbine 68; Thence West to a point 2770 feet east and 150 feet south of Turbine 68; Thence North to a point 2770 feet east and 20 feet south of Turbine 68; Thence West along a line 20 feet south of Turbines 67 and 68 to a point 20 feet west and 20 feet south of Turbine 68; Thence North to a point 20 feet west and 20 feet north of Turbine 68; Thence East along a line 20 feet north of Turbines 68 and 67 to a point 2780 east and 20 feet north of Turbine 68; Thence South to a point 140 feet south of Turbine 68; Thence East to the west line of Quail Avenue;

Thence North along said west line to a point 20 feet south of Turbine 94; Thence West along a line 20 feet south of Turbines 94, 95, and 96 to a point 20 feet west and 20 feet south of Turbine 96; Thence North to a point 20 feet west and 20 feet north of Turbine 96; Thence East to a point 20 feet west of Turbine 98; Thence North to a point 20 feet west and 20 feet north of Turbine 98; Thence East to a point 20 feet west of Turbine 99; Thence North to a point 20 feet west and 20 feet south of Turbine 99; Thence West to a point 20 feet west and 20 feet south of Turbine 100; Thence North to a point 20 feet west and 20 feet north of Turbine 100; Thence East to a point 20 feet east and 20 feet north of Turbine 99; Thence South to a point 20 feet north of Turbine 97; Thence East to a point 20 feet east and 20 feet north of Turbine 97; Thence South to a point 20 feet east and 20 feet south of Turbine 97; Thence West to a point 20 feet east and 20 feet south of Turbine 98; Thence South to a point 20 feet north of Turbine 96; Thence East along a line 20 feet north of Turbines 95 and 94 to the west line of Quail Avenue; Thence North to the centerline of 105th Street; Thence East to the east line of Quail Avenue;

Thence South along said east line to a point 20 feet north of Turbine 91; Thence East to a point 20 feet east and 20 feet north of Turbine 91; Thence South to a point 20 feet east and 20 feet south of Turbine 91; Thence West to the west line of Quail Avenue; Thence South along said west line to the north line of 70th Street; Thence East along said north line to the west line of Raven Avenue;

Thence North along said west line to a point 20 feet south of Turbine 58; Thence West to a point 20 feet west and 20 feet south of Turbine 58; Thence North to a point 20 feet west and 20 feet north of Turbine 58; Thence East to the east line of Raven Avenue; Thence South along said east line to the north line of 70th Street; Thence east along said north line to the east line of Spruce Avenue; Thence South along said east line to the centerline of Highway 57; Thence West to the southerly projection of the west line of Spruce Avenue; Thence North along said west line to the south line of 70th Street; Thence West along said south line to the east line of Raven Avenue;

Thence South along said east line to a point 20 feet north of Turbine 36; Thence East to a point 20 feet east and 20 feet north of Turbine 36; Thence South to a point 20 feet east and 20 feet south of Turbine 36; Thence West to the east line of Raven Avenue;

Thence South along said east line to a point 20 feet north of Turbine 11; Thence East to a point 20 feet east and 20 feet north of Turbine 11; Thence South to a point 20 feet east and 20 feet south of Turbine 11; Thence West to the east line of Raven Avenue;

Thence South along said east line to a point 20 feet north of Turbine 1; Thence East to a point 20 feet east and 20 feet north of Turbine 1; Thence South to a point 20 feet east and 20 feet south of Turbine 1; Thence West to the west line of Raven Avenue; Thence North along said west line to a point 20 feet south of Turbine 3; Thence west to a point 20 feet east of Turbine 2; Thence South to a point 20 feet east and 20 feet south of Turbine 2; Thence West to a point 20 feet west and 20 feet south of Turbine 2; Thence North to a point 20 feet south of Turbine 3; Thence West to a point 20 feet west and 20 feet south of Turbine 3; Thence North to a point 20 feet west and 20 feet north of Turbine 3; Thence East to the west line of Raven Avenue; Thence North along said west line to the south line of 50th Street; Thence west along said south line to the east line of Quail Avenue;

Thence South along said east line to a point 20 feet south of Turbine 4; Thence West along a line 20 feet south of Turbine 4 and 5 to a point 20 feet west and 20 feet south of Turbine 5; Thence North to a point 20 feet west and 20 feet north of Turbine 5; Thence East along a line 20 feet north of Turbines 5 and 4 to the west line of Quail Avenue; Thence North along said west line to the south line of 50th Street; Thence West along said south line to the east line of Highway 65;

Thence South along said east line to a point 20 feet north of Turbine 6; Thence East to a point 20 feet east and 20 feet north of Turbine 6; Thence South to a point 20 feet east and 20 feet south of Turbine 6; Thence West to the west line of Highway 65;

Thence North along said west line to a point 20 feet south of Turbine 7; Thence West to a point 20 feet west and 20 feet south of Turbine 7; Thence North to a point 20 feet west and 20 feet north of Turbine 7; Thence East to the west line of Highway 65;

Thence North along said west line to a point 20 feet south of Turbine 22; Thence West to a point 20 feet west and 20 feet south of Turbine 22; Thence North to a point 20 feet west and 20 feet north of Turbine 22; Thence East to the west line of Highway 65;

Thence North along said west line to a point 20 feet south of Turbine 46; Thence West to a point 20 feet east of Turbine 45; Thence South to a point 20 feet east and 20 feet south of Turbine 45; Thence West to a point 20 feet west and 20 feet south of Turbine 45; Thence North to a point 20 feet south of Turbine 46; Thence West to a point 20 feet west and 20 feet south of Turbine 46; Thence North to a point 20 feet west and 20 feet north of Turbine 46; Thence East to the west line of Highway 65;

Thence North along said west line to a point 20 feet north of Turbine 41; Thence East to a point 20 feet east and 20 feet north of Turbine 41; Thence South to a point 20 feet east and 20 feet south of Turbine 41; Thence west to the east line of Highway 65;

Thence South along said east line to a point 20 feet north of Turbine 19; Thence East to a point 20 feet east and 20 feet north of Turbine 19; Thence South to a point 20 feet east and 20 feet south of Turbine 19; Thence West to the east line of Highway 65; Thence South along said east line to the north line of 50th Street;

Thence East along said north line to a point 20 feet west of Turbine 17; Thence North to a point 20 feet west and 20 feet north of Turbine 17; Thence East to a point 20 feet east and 20 feet north of Turbine 17; Thence South to the north line of 50th Street; Thence East along said north line to the west line of Quail Avenue;

Thence North along said west line to a point 20 feet south of Turbine 18; Thence West to a point 20 feet west and 20 feet south of Turbine 18; Thence North to a point 20 feet west and 20 feet north of Turbine 18; Thence East to the west line of Quail Avenue; Thence North along said west line to the westerly extension of the north line of 60th Street;

Thence East along said north line to a point 20 feet west of Turbine 37; Thence North to a point 20 feet west and 20 feet north of Turbine 37; Thence East to a point 20 feet east and 20 feet north of Turbine 37; Thence South to the south line of 60th Street; Thence West along said south line to the east line of Quail Avenue;

Thence South along said east line to a point 20 feet north of Turbine 16; Thence East along a line 20 feet north of Turbines 16, 15 and 14 to a point 20 feet east and 20 feet north of Turbine 14; Thence South to a point 20 feet east and 20 feet south of Turbine 14; Thence West along a line 20 feet south of Turbines 14, 15 and 16 to the east line of Quail Avenue; Thence South along said east line to the north line of 50th Street;

Thence East along said north line to a point 20 feet west of Turbine 13; Thence North to a point 20 feet west and 20 feet north of Turbine 13; Thence East to a point 20 feet east and 20 feet north of Turbine 13; Thence South to the north line of 50th Street;

Thence East along said north line to a point 20 feet west of Turbine 12; Thence North to a point 20 feet west and 20 feet north of Turbine 12; Thence East to a point 20 feet east and 20 feet north of Turbine 12; Thence South to the north line of 50th Street; Thence East along said north line to the west line of Raven Avenue; Thence North along said west line to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 38; Thence South to a point 20 feet east and 20 feet south of Turbine 38; Thence West to a point 20 feet west and 20 feet south of Turbine 38; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 39; Thence South to a point 20 feet east and 20 feet south of Turbine 39; Thence West to a point 20 feet west and 20 feet south of Turbine 39; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 42; Thence South to a point 20 feet east and 20 feet south of Turbine 42; Thence West to a point 20 feet west and 20 feet south of Turbine 42; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 43; Thence South to a point 20 feet east and 20 feet south of Turbine 43; Thence West to a point 20 feet west and 20 feet south of Turbine 44; Thence North to a point 20 feet west and 20 feet north of Turbine 44; Thence East to a point 20 feet west and 20 feet north of Turbine 43; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 48; Thence South to a point 20 feet east and 20 feet south of Turbine 48; Thence West to a point 20 feet west and 20 feet south of Turbine 48; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 49; Thence South to a point 20 feet east and 20 feet south of Turbine 49; Thence West to a point 20 feet west and 20 feet south of Turbine 49; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 53; Thence South to a point 20 feet east and 20 feet south of Turbine 53; Thence West to a point 20 feet west and 20 feet south of Turbine 53; Thence North to the south line of 70th Street;

Thence West along said south line to the east line of Parcel B as shown by the survey recorded in the office of the Franklin County Recorder on June 23, 2008 in Instrument No. 20081377 in the Northeast Quarter of Section 8, T90N, R20W; Thence South along said east line to the south line of said Parcel B; Thence West along the south line of Parcel B and Parcel C as shown by the survey recorded in the office of the Franklin County Recorder on August 25, 2009 in Instrument No. 20091512 in the Northeast Quarter of Section 8, T90N, R20W, to the east line of Nuthatch Avenue;

Thence South along said east line to a point 20 feet north of Turbine 203; Thence East to a point 20 feet east and 20 feet north of Turbine 203; Thence South to a point 20 feet east and 20 feet south of Turbine 203; Thence West to the east line of Nuthatch Avenue;

Thence South along said east line to a point 20 feet north of Turbine 47; Thence East to a point 20 feet east and 20 feet north of Turbine 47; Thence South to a point 20 feet east and 20 feet south of Turbine 47; Thence West to a point 20 feet east of Turbine 202; Thence South to a point 20 feet north of Turbine 24; Thence East along a line 20 feet north of Turbines 24 and 23 to a point 20 feet east and 20 feet north of Turbine 23; Thence South to a point 20 feet east and 20 feet south of Turbine 23; Thence West along a line 20 feet south of Turbines 23 and 24 to a point 20 feet east of Turbine 30; Thence South to a point 20 feet east and 20 feet south of Turbine 30; Thence West to a point 20 feet west and 20 feet south of Turbine 30; Thence North to a point 20 feet west and 25 feet north of Turbine 30; Thence East to a point 20 feet west of Turbine 202; Thence North to a point 20 feet west of Turbine 202 and 20 feet south of Turbine 47; Thence West to a point 20 feet east of Turbine 201; Thence South to a point 20 feet east and 20 feet south of Turbine 201; Thence West to a point 20 feet west and 20 feet south of Turbine 201; Thence North to a point 20 feet south of Turbine 47; Thence West to the east line of Nuthatch Avenue;

Thence South along said east line to a point 20 feet north of Turbine 31; Thence East to a point 20 feet east and 20 feet north of Turbine 31; Thence South to a point 20 feet east and 20 feet south of Turbine 31; Thence West to the east line of Nuthatch Avenue;

Thence South along said east line to a point 20 feet north of Turbine 27; Thence East along a line 20 feet north of Turbines 27, 26, 21 and 20 to a point 20 feet east and 20 feet north of Turbine 20; Thence South to a point 20 feet east and 20 feet south of Turbine 20; Thence West along a line 20 feet south of Turbines 20, 21, 26 and 27 to the east line of Nuthatch Avenue; Thence South along said east line to the north line of 40th Street;

Thence East along said north line to a point 20 feet west of Turbine 9; Thence North to a point 20 feet west of Turbine 9 and 20 feet north of Turbine 8; Thence East to a point 20 feet east and 20 feet north of Turbine 8; Thence South to a point 20 feet east and 20 feet south of Turbine 8; Thence West to a point 20 feet east of Turbine 9; Thence South to the north line of 40th Street;

Thence East along the north line of 40th Street to the west line of Highway 65; Thence South to the south line of 40th Street; Thence West along said south line to the east line of Mallard Avenue; Thence North to the north line of 40th Street; Thence East along said north line to the west line of Nuthatch Avenue; Thence North along said west line to the south line of 50th Street; Thence West along said south line to the West line of Mallard Avenue; Thence North to the north line of 50th Street;

Thence East along said north line to a point 20 feet west of Turbine 33; Thence North to a point 20 feet south of Turbine 35; Thence West to a point 20 feet west and 20 feet south of Turbine 35; Thence North to a point 20 feet west and 20 feet north of Turbine 35; Thence East to a point 20 feet east and 20 feet north of Turbine 34; Thence South to a point 20 feet east and 20 feet south of Turbine 34; Thence West to a point 20 feet east of Turbine 33; Thence South to the north line of 50th Street;

Thence East along said north line to a point 20 feet west of Turbine 25; Thence North to a point 20 feet west and 20 feet north of Turbine 25; Thence East to a point 20 feet east and 20 feet north of Turbine 25; Thence South to the north line of 50th Street; Thence East to the west line of Nuthatch Avenue;

Thence North along said west line to a point 20 feet south of Turbine 29; Thence West to a point 20 feet west and 20 feet south of Turbine 29; Thence North to a point 20 feet west and 20 feet north of Turbine 29; Thence East to a point 20 feet west of Turbine 28; Thence north to a point 20 feet west and 20 feet north of Turbine 28; Thence East to a point 20 feet east and 20 feet north of Turbine 28; Thence South to a point 20 feet north of Turbine 29; Thence East to the west line of Nuthatch Avenue;

Thence North along said west line to a point 20 feet south of Turbine 32; Thence West to a point 20 feet west and 20 feet south of Turbine 32; Thence North to a point 20 feet west and 20 feet north of Turbine 32; Thence East to the west line of Nuthatch Avenue;

Thence North along said west line to a point 20 feet south of Turbine 50; Thence West along a line 20 feet south of Turbines 50 and 51 to a point 20 feet west and 20 feet south of Turbine 51; Thence North to a

point 20 feet west and 20 feet north of Turbine 51; Thence East along a line 20 feet north of Turbines 51 and 50 to the west line of Nuthatch Avenue;

Thence North along said west line to a point 20 feet south of Turbine 52; Thence West to a point 20 feet west and 20 feet south of Turbine 52; Thence North to a point 20 feet west and 20 feet north of Turbine 52; Thence East to the west line of Nuthatch Avenue; Thence North to the south line of 70th Street;

Thence West along said south line to a point 20 feet east of Turbine 54; Thence South to a point 20 feet east and 20 feet south of Turbine 54; Thence West to a point 20 feet west and 20 feet south of Turbine 54; Thence North to the south line of 70th Street; Thence West to the east line of Mallard Avenue; Thence South along said east line to the centerline of Hardin Road; Thence West along said centerline to the west line of Grouse Avenue; Thence North along said west line to the north line of 40th Street; Thence East along said north line to the west line of Heather Avenue; Thence South to the south line of 40th Street; Thence West along said south line to the east line of Grouse Avenue; Thence South along said east line to the north line of Hardin Road; Thence East along said north line to the west line of Heather Avenue; Thence North along said west line to the North line of 85th Street; Thence East to the east line of Heather Avenue; Thence South along said east line to the north line of Hardin Road; Thence East along said north line to the west line of Ironwood Avenue; Thence North along said west line to the south line of 70th Street; Thence East along said south line to the east line of Ironwood Ave; Thence South along said east line to the north line of Hardin Road; Thence East along said north line to the west line of Mallard Avenue; Thence North along said west line to the south line of 70th Street; Thence West along said south line to the east line of Heather Avenue; Thence North along said east line to the north line of 70th Street; Thence East along said north line to the west line of Indigo Avenue; Thence North along said west line to the south line of 120th Street; Thence West along said south line to the west line of Heather Avenue; Thence North to the north line of 120th Street; Thence East along said north line to the west line of Indigo Avenue; Thence North along said west line to the south line of 130th Street; Thence East to the east line of Indigo Avenue; Thence South along said east line to the north line of 120th Street; Thence East along said north line to the west line of Mallard Avenue; Thence South along said west line to the south line of 120th Street; Thence West along said south line to the east line of Indigo Avenue; Thence South along said east line to the north line of 70th Street; Thence East along said north line to the west line of Jonquil Avenue;

Thence North along said west line to a point 20 feet south of Turbine 88; Thence West to a point 20 feet west and 20 feet south of Turbine 88; Thence North to a point 20 feet west and 20 feet north of Turbine 88; Thence East to the west line of Jonquil Avenue; Thence North along said west line to the south line of 90th Street; Thence West along said south line to the east line of Ironwood Avenue;

Thence South along said east line and southerly extension thereof to a point 20 feet north of Turbine 128; Thence East to a point 20 feet east and 20 feet north of Turbine 128; Thence South to a point 20 feet east and 20 feet south of Turbine 128; Thence West to said southerly extension of the east line of Ironwood Avenue;

Thence South along said extension to a point 20 feet north of Turbine 127; Thence East to a point 20 feet east and 20 feet north of Turbine 127; Thence South to a point 20 feet east and 20 feet south of Turbine 127; Thence West to the west line of the E ½ of Section 33, T91N, R21W of the 5th P.M.; Thence North along said west line to the north line of 90th Street;

Thence East along said north line to a point 20 feet west of Turbine 136; Thence North to a point 20 feet west and 20 feet north of Turbine 136; Thence East to a point 20 feet east and 20 feet north of Turbine 136; Thence South to the north line of 90th Street; Thence East along said north line to the west line of Jonquil Avenue; Thence North along said west line to the south line of 120th Street; Thence East along said south line to the east line of Jonquil Avenue;

Thence South along said east line to a point 20 feet north of Turbine 135; Thence East to a point 20 feet east and 20 feet north of Turbine 135; Thence South to a point 20 feet east and 20 feet south of Turbine 135; Thence West to the east line of Jonquil Avenue;

Thence South along said east line to a point 20 feet north of Turbine 134; Thence East to a point 20 feet east and 20 feet north of Turbine 134; Thence South to a point 20 feet east and 20 feet south of Turbine

134; Thence West to the east line of Jonquil Avenue; Thence South along said east line to the north line of 90th Street;

Thence East along said north line to a point 20 feet west of Turbine 133; Thence North to a point 20 feet west and 20 feet north of Turbine 133; Thence East to a point 20 feet east and 20 feet north of Turbine 133; Thence South to the north line of 90th Street; Thence East along said north line to the west line of Mallard Avenue; Thence North along said west line to the south line of Highway 3; Thence East along said south line to the east line of Mallard Avenue; Thence South along said east line to the north line of 140th Street; Thence East along said north line to the east line of Highway 65; Thence South along said east line to the south line of 140th Street; Thence West along said south line to the east line of Mallard Avenue; Thence South along said east line to the north line of 75th Street; Thence East along said north line and extension thereof to the east line of Nettle Avenue; Thence South along said east line to the north line of 70th Street; Thence West along said north line to the west line of Nettle Avenue; Thence North along said west line to the south line of 75th Street and extension thereof; Thence West along said south line to the east line of Mallard Avenue; Thence South along said east line to the north line of 70th Street; Thence West along said north line to the west line of Mallard Avenue;

Thence North along said west line to a point 20 feet south of Turbine 117; Thence West to a point 20 feet west and 20 feet south of Turbine 117; Thence North to a point 20 feet west and 20 feet north of Turbine 117; Thence East to the west line of Mallard Avenue; Thence North along said west line to the south line of 90th Street;

Thence West along said south line to a point 20 feet east of Turbine 205; Thence South to a point 20 feet east and 20 feet south of Turbine 205; Thence West to a point 20 feet west and 20 feet south of Turbine 205; Thence North to the south line of 90th Street;

Thence West along said south line to a point 20 feet east of Turbine 118; Thence South to a point 20 feet east and 20 feet south of Turbine 118; Thence West to a point 20 feet west and 20 feet south of Turbine 118; Thence North to the south line of 90th Street; Thence West along said south line to the east line of Killdeer Avenue;

Thence South along said east line to a point 20 feet north of Turbine 85; Thence East along a line 20 feet north of Turbine 85 to a point 20 feet east of Turbine 84; Thence South to a point 20 feet east and 20 feet south of Turbine 84; Thence West to a point 20 feet west and 20 feet south of Turbine 84; Thence North to a point 20 feet south of Turbine 85; Thence West along a line 20 feet south of Turbine 85 to the west line of Killdeer Avenue;

Thence North along said west line to a point 20 feet south of Turbine 86; Thence West to a point 20 feet west and 20 feet south of Turbine 86; Thence North to a point 20 feet west and 20 feet north of Turbine 86; Thence East to the west line of Killdeer Avenue;

Thence North to a point 20 feet south of Turbine 122; Thence West along a line 20 feet south of Turbine 122 to a point 20 feet east of Turbine 119; Thence South along a line 20 feet east of Turbine 119 to a point 20 feet south of Turbine 120; Thence West to a point 20 feet west and 20 feet south of Turbine 120; Thence North to a point 20 feet west and 20 feet north of Turbine 120; Thence East to a point 20 feet west of Turbine 119; Thence North along a line 20 feet west of Turbine 119 to a point 20 feet south of Turbine 123; Thence West to a point 20 feet west and 20 feet south of Turbine 123; Thence North to a point 20 feet west and 20 feet north of Turbine 123; Thence East along a line 20 feet north of Turbines 123 and 122 to the west line of Killdeer Avenue;

Thence North along said west line to a point 20 feet south of Turbine 124; Thence West to a point 20 feet west and 20 feet south of Turbine 124; Thence North to a point 20 feet west and 20 feet north of Turbine 124; Thence East to the west line of Killdeer Avenue; Thence North along said west line to the south line of 90th Street;

Thence west along said south line to a point 20 feet east of Turbine 125; Thence South to a point 20 feet east and 20 feet south of Turbine 125; Thence West to a point 20 feet west and 20 feet south of Turbine 125; Thence North to the south line of 90th Street;

Thence west along said south line to a point 20 feet east of Turbine 126; Thence South to a point 20 feet east and 20 feet south of Turbine 126; Thence West to a point 20 feet west and 20 feet south of Turbine 126; Thence North to the south line of 90th Street; Thence West along said south line to the east line of Jonquil Avenue;

Thence South along said east line to a point 20 feet north of Turbine 121; Thence East to a point 20 feet east and 20 feet north of Turbine 121; Thence South to a point 20 feet east and 20 feet south of Turbine 121; Thence West to the east line of Jonquil Avenue;

Thence South along said east line to a point 20 feet north of Turbine 87; Thence East to a point 20 feet east and 20 feet north of Turbine 87; Thence South to a point 20 feet east and 20 feet south of Turbine 87; Thence West to the east line of Jonquil Avenue; Thence South along said east line to the north line of 70th Street; Thence East along said north line to the west line of Lemon Avenue;

Thence North along said west line to a point 20 feet south of Turbine 80; Thence West to a point 20 feet west and 20 feet south of Turbine 80; Thence North to a point 20 feet west and 20 feet north of Turbine 80; Thence East to the west line of Lemon Avenue;

Thence North along said west line to a point 20 feet south of Turbine 82; Thence West to a point 20 feet west and 20 feet south of Turbine 82; Thence North to a point 20 feet west and 20 feet north of Turbine 82; Thence East to a point 20 feet west of Turbine 81; Thence North to a point 20 feet west and 20 feet north of Turbine 81; Thence East to a point 20 feet east and 20 feet north of Turbine 81; Thence South to a point 20 feet north of Turbine 82; Thence East to the west line of Lemon Avenue; Thence North along said west line to the north line of 80th Street;

Thence East along said north line to a point 20 feet west of Turbine 116; Thence North to a point 20 feet west and 20 feet north of Turbine 116; Thence East to a point 20 feet east and 20 feet north of Turbine 116; Thence South to the north line of 80th Street; Thence East along said north line to the west line of Mallard Avenue; Thence South along said west line to the south line of 80th Street; Thence West along said south line to the east line of Lemon Avenue; Thence South along said east line to the north line of 70th Street;

Thence East along said north line to a point 20 feet west of Turbine 77; Thence North to a point 20 feet west and 20 feet north of Turbine 77; Thence East to a point 20 feet east and 20 feet north of Turbine 77; Thence South to the north line of 70th Street; Thence East to the west line of Olive Avenue;

Thence North to a point 20 feet south of Turbine 78; Thence West to a point 20 feet west and 20 feet south of Turbine 78; Thence North to a point 20 feet west and 20 feet north of Turbine 78; Thence East to the west line of Olive Avenue; Thence North to the south line of 80th Street;

Thence West to a point 20 feet east of Turbine 79; Thence South to a point 20 feet east and 20 feet south of Turbine 79; Thence West to a point 20 feet west and 20 feet south of Turbine 79; Thence North to the south line of 80th Street; Thence West along said south line to the east line of Mallard Avenue; Thence North along said east line to the north line of 80th Street and point of beginning.

Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective

date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Board of Supervisors of Franklin County, Iowa, on October 5, 2009.

Michael Nolte, Chairperson
Board of Supervisors

Attest: Michelle S. Giddings, County Auditor

At 10:15 AM Russell Wood-Community Services Director & Robin McKee-TCM/MH met for an informational discussion and input on the idea of a Franklin County Waiver home. Present were: Russell Wood-Community Services Director, Robin McKee-TCM/MH, Christa Wiarda-Public Health Director, Dan Wiechmann-County Attorney, Andrea Miller-Magistrate Judge, Ray Baltes-Hampton Chronicle, Ray Beltran-Hampton Police Chief and Andy Eastwood-North Iowa Mental Health Center of Mason City. The Mental Health budget is stretched and may not provide all services for the chronic and mental health services. The option of a County Waiver home may help relieve the financial constraints of the County and be of more available to those needing this type of service. The proposal would hire 3-5 full-time employees with 3-5 clients that would fall under this classification. At this time, this is only in the discussion phase and open for feedback from all present. Franklin County has clients in need of such a service and placement has been an issue in the past years at facilities throughout the State. All present were in favor of the waiver home and willing to discuss it further. No action was taken.

At 11:00 AM Tom Borrer & David Jorgenson, representatives from The Baker Group, Des Moines, Iowa, met with the Board to report on the energy inspection they performed of the Courthouse. Recommendations for better energy efficiency were: 1) Added insulation in the attic areas; 2) Remove the existing pneumatic control system and replace with a Direct Digital Control System; 3) Reheat zone DDC Conversion; 4) Increased capacity Hydronic reheat pumps for increased flow and proper heating; 5a) Windows-replacement of old single pane glass on west side of Courthouse; 5b) Replace all existing windows from basement to 3rd floor replacing the broken frames to halt transmission of cold from the building's exterior. These proposals were reviewed and the Board will respond to them prior to the end on December 2009 during the FY10/11 budget process. No action taken.

The Board acknowledged Manure Management Plan Renewals for: 1) Larry J. Hansen LLC #59771, owner Larry J. Hansen, Hampton, site located 974 Killdeer Ave, Section 22, Hamilton Township; 2) Carl & Dean Heeren #61522, owner Carl & Dean Heeren, site located 2311 170th St, Hampton, Section 23, Ingham Township; 3) Duit Site #57749, owner Steven Stockdale, Iowa Falls, site located 692 Lemon Ave, Iowa Falls, Section 1, Lee Township; 4) DLM Farms #58717, owner Daniel McNickle, Alden, site located 856 40th St, Alden, Section 20, Lee Township; 5) B & S Farm Corp #64431, owner Bradley Schmidt, site located 2359 Finch Ave, Thornton, Section 12, Wisner Township; 6) Sunrise Pork #64430, owner Gene Allen, site located Finch Ave, Section 24, Wisner Township; 7) Dennis Brocka #64429, owner Dennis Brocka, site located 10502 170th St, Dumont, Section 6, Pittford Township, Butler County; Rankin Brothers North #64512, owner Merle Rankin, site located 30th Street, Iowa Falls, Section 31, Grant Township.

Motion by Plagge, seconded by Eberling, changes the employee mileage rate reimbursement from \$.38 per mile to \$.37 per mile, effective October 4, 2009. All ayes. Motion carried.

Motion by Eberling, seconded by Plagge, approves claims for the period ending 10/4/09. All ayes. Motion carried.

Motion by Plagge, seconded by Eberling, approves the ordering and hook-up of three T7316 black phones from Heartland Technology, Estherville, Iowa, to be used for the Emergency Operations Center in times of a disaster. All ayes. Motion carried.

Motion by Plagge, seconded by Eberling, adjourns at 12:55 PM, until October 12, 2009. All ayes. Motion carried.

ATTEST: _____
Michael Nolte, Chairman
Michelle S. Giddings, Auditor & Clerk to Board