

**PROCEEDINGS OF THE FRANKLIN COUNTY BOARD OF SUPERVISORS**

January 23, 2017

Be it duly noted these minutes of 1/23/17 are UNOFFICIAL minutes.

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

Motion by Nolte, seconded by Eberling, approves the agenda as submitted. All ayes, motion carried.

Motion by Eberling, seconded by Nolte, approves the minutes of 1/16/17. All ayes. Motion carried.

Committee Updates: ITC, FCDA, Case Management Conference Call

Public Comment: Jess Miller, Latimer resident, met with concerns on drainage work done on his property in Latimer. A camera or a piece of equipment was lost in the tile by a company repairing the tile and besides digging up his yard they now want to dig up his driveway and a portion of the road to find this equipment. Miller is requesting that all damages be addressed and repaired back to the original or better condition. The Board will talk with Drainage Engineer, Lee Gallentine, and bring him up to date on this topic.

Paul Williams, Williams Excavating & Directional Boring, Ackley, met to review invoices on Drainage Work Orders #36, 27, 13, 42, & 14. No action taken.

Motion by Eberling, seconded by Nolte, approves plans, specifications, form of contract and notice to bidders for Abutment Repair Project (L-31-131—73-35) on 240th Street between Lark and Mallard Avenues; setting February 24, 2017 as letting date. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves plans, specifications, form of contract and notice to bidders for Abutment Repair Project (L-31-262—73-35) on Killdeer Avenue between 210th and 220th Streets; setting February 24, 2017 as letting date. All ayes. Motion carried.

Motion by Eberling, seconded by Nolte, approves plans, specifications, form of contract and notice to bidders for Abutment Repair Project (L-21-112—73-35) on Killdeer Avenue between 180th and 190th Streets over Buffalo Creek; setting February 24, 2017 as letting date. All ayes. Motion carried.

Motion by Eberling, seconded by Nolte, approves plans, specifications, form of contract and notice to bidders for Abutment Repair Project (L-11-162—73-35) on Indigo Avenue between 100th and 120th Street over Maynes Creek; setting February 24, 2017 as letting date. All ayes. Motion carried.

Motion by Eberling, seconded by Nolte, approves an Agreement between The North Iowa Safety Coalition (NoRISC) and Franklin County for 2016-2017 safety training. All ayes. Motion carried.

Jenny Baker, Director, Access Incorporated, met to request \$13,860 for transit funding in the FY17/18 Budget. No action taken.

At 10:00 AM Todd Drake, Asset Coordinator, Landus Cooperative (fka Farmers' Cooperative), Bradford, introduced information on a rebuild of the present ammonia site. He inquired about appropriate steps and requirements of the County.

Motion by Nolte, seconded by Eberling, permits Landus Cooperative (fka Farmers' Cooperative), Bradford, Iowa, to change the configuration and size of the anhydrous storage tanks from two 12,000 and two 11,000 gallon tanks to three 30,000 gallon tanks; all subject to the State permits and local zoning and building permits. All ayes, motion carried.

The Board held a conference call with Mike Galloway, Employment Attorney.

Motion by Nolte, seconded by Eberling, moves to go into closed session at 10:37 AM per Iowa Code Section 21.9, Employment Conditions discussed. Eberling-Aye, Nolte-Aye, McVicker-Aye. Motion carried.

Motion by Eberling, seconded by Nolte, moves to come out of closed session at 11:11 AM. Eberling-Aye, Nolte-Aye, McVicker-Aye. Motion carried.

No action was taken from the closed session.

Christa Wiarda, Health Nurse Director, met to review the FY17/18 Budget. No action taken.

Chad Murray, Treasurer, met to review the FY17/18 Budget and request appointments and wage increases within the Treasurer's office. No action taken.

Motion by Nolte, seconded by Eberling, adopts Resolution 2017-04: Resolution approving Development Agreement with NEW Cooperative, Inc. Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. Said Resolution reads as follows:

Resolution approving Development Agreement with NEW Cooperative, Inc., Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, Franklin County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has previously adopted an Urban Renewal Plan for the 2015 Coop Urban Renewal Area (the "Urban Renewal Area"); and

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

WHEREAS, an agreement (the "Agreement") between the County and NEW Cooperative, Inc. (the "Coop") has been prepared pursuant to which the Coop would agree to develop new feed mill, grain storage and processing facilities (the "Project"), and the County would agree to provide incremental tax increment payments in a total amount not exceeding \$3,000,000 to the Coop; and

WHEREAS, this Board of Supervisors, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on October 24, 2016, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a Board of Supervisors must consider any or all of a series of factors;

NOW, THEREFORE, It is resolved by the Board of Supervisors of Franklin County, Iowa, as follows:

Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

The Project will add diversity and generate new opportunities for the Franklin County and Iowa economies;

The Project will generate public gains and benefits, particularly in the creation of new jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

The Board further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Coop.

The Agreement is hereby approved and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County, in substantially the form and content in which the Agreement has been presented to this Board of Supervisors, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. As provided and required by Chapter 403 of the Code of Iowa, the County's obligations under the Agreement shall be payable solely from a subfund (the "NEW Cooperative Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

A PARCEL LOCATED IN THE SW FRACTIONAL ¼ OF THE NW ¼ OF SECTION 31, TOWNSHIP 92 NORTH, RANGE 22 WEST OF THE 5TH P.M., FRANKLIN COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW ¼ OF SAID SECTION 31; THENCE NORTH 00°08'49" EAST 858.33 FEET ALONG THE WEST LINE OF THE SAID NW 1/4; TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°08'48" EAST 464.05 FEET ALONG THE SAID WEST LINE; THENCE NORTH 89°52'38" EAST 990.01 FEET; THENCE SOUTH 00°08'49" WEST 468.06 FEET; THENCE NORTH 89°53'26" WEST 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.59 ACRES.

Section 5. The County hereby pledges to the payment of the Agreement the NEW Cooperative Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor to evidence the continuing pledging of the NEW Cooperative Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 23rd day of January 2017 per the Public Hearing held on 10/24/16.

Eberling-Aye, McVicker-Aye, Nolte-Aye. Resolution duly adopted.

The Board acknowledged receipt of \$1000 ICAP Loss Control/Risk Management Grant dollars for 2016.

The Board acknowledged the Sheriff's Second Quarter Report of Fees and the November and December 2016 Monthly Report of Fees.

The Board acknowledged Manure Management Plan Renewals for: 1) LJDD Site #1, # 61565, owner LJDD Enterprises, site located 832 120th St, Hampton, Sec 8, Hamilton Twp 2) Jordahl Site 3, #59751, owner Justin Jordahl, site located 424 Heather Ave, Alden, Sec 18, Lee Twp 3) LJDD Site #3, #65039, owner LJDD Enterprises, site located 1352 125th St, Hampton, Sec 7, Reeve Twp 4) Sugar Finisher Farm, #64300, owner TEDE Farms LLC, site located 1695 30th St, Ackley, Sec 34, Grant Twp 5) Elk Run Peterson Finisher Farm, #58290, owner Elk Run Farms Inc., site located 481 Killdeer Ave, Iowa Falls, Sec 14, Lee Twp 6) Mensing Finisher Farm, #63583, owner Insignia Farms LLC, site located 960 30th St, Alden, Sec 27, Lee Twp 7) Edgington North, #59321, owner Richland Pork LP, site located 2168 Lark Ave, Sheffield, Sec 23, Richland Twp 8) Marton/Gruis Finisher Farm, #58291, owner Marton Pork Production Inc., site located 350 220th St, Alexander, Sec 21, Wisner Twp 9) B&S Site 2, #63597, owner Brad Schmidt, site located 655 220th St, Alexander, Sec 25, Wisner Twp 10) Bruns, #59664, owner Wiarda Enterprises LLC, site located 572 200th St, Alexander, Sec 35, Wisner Twp 11) Ackley Finisher Farm, #60852, owner Iowa Select Farms LLP, site located 30450 State Hwy 57, Ackley, Sec 4, Etna Twp, Hardin County

Motion by Nolte, seconded by Eberling, adjourns at 12:34PM, until January 30, 2017. All ayes. Motion carried.

Gary McVicker, Chairman

Michelle S. Giddings, Auditor