

PROCEEDINGS OF THE FRANKLIN COUNTY BOARD OF SUPERVISORS

January 19, 2015

Be it duly noted these minutes of 1/19/15 are UNOFFICIAL minutes.

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

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

Motion by Eberling, seconded by McVicker, approves the minutes of 1/12/14. All ayes. Motion carried.

Public Comment: Tom Heinz, Trustee for DD 3-47, had questions regarding issues of Beaver Creek and the tremendous amount of erosion caused from the Peterson property making changes to the drainage and FEMA's denial to fund repairs due to the lack of rip rap under the bridge on 30th Street; Ron Schermer and Terry Carr furnished information on the new playground area at Harriman's Park in Hampton that they had previously requested funding.

Committee Updates: Conservation monthly meeting update; NIACOG monthly meeting; New Officer School training in Des Moines; and Update on time line for the purchase of the Gospel Hall.

Motion by Eberling, seconded by McVicker, approves an Iowa Department of Transportation Federal-Aid Agreement for a County Highway Bridge Program Project for replacement of a bridge on Indigo Avenue between 190th and 200th Streets. Preliminary estimate of \$200,000 is anticipated for Project No. BROS-C035(86)—8J-35. All ayes, motion carried.

At 9:15 AM Jan Libbey-Healthy Harvest of North Iowa and Dennis Carlson, met to request \$2600 funding for FY15/16 based on \$.25 per capita. No action taken.

At 9:30 AM Christa Wiarda-Public Health Director and Jenni Swart met regarding FY15/16 Public Health Budget. No action taken.

Motion by Eberling, seconded by McVicker, opens at 10:00 AM a Public Hearing to receive comments on a Development Agreement between Franklin County and NEW Cooperative, Inc. All ayes. Motion carried. Present was: Mark Walter and Bob Dobson-New Cooperative and Karen Mitchell-FCDA. Brief discussion was held and no objections were received.

Motion by Eberling, seconded by McVicker, closed the Public Hearing at 10:24AM. All ayes, motion carried.

Motion by Eberling, seconded by McVicker, adopts Resolution 2015-04: Approving a Development Agreement with NEW Cooperative, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. Said Resolution reads as follows:

RESOLUTION 2015-04: Resolution Approving Development Agreement with NEW Cooperative, Inc., Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

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 adopted an Urban Renewal Plan for the 2015 Coop Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board of Supervisors 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, a certain development agreement (the "Agreement") between the County and NEW Cooperative, Inc. (the "Coop") has been prepared in connection with the construction of new grain storage and processing facilities for use in its agribusiness operations on certain real property situated in the Urban Renewal Area (the "New Coop Project"); and WHEREAS, under the Agreement, the County would provide tax increment payments to the Coop in a total amount not exceeding \$600,000; 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 January 19, 2015, 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, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board of Supervisors hereby finds that:

(a) The New Coop Project will add diversity and generate new opportunities for the Franklin and Iowa economies;

(b) The New Coop 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 financial incentives.

Section 2. The Board of Supervisors 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.

Section 3. 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 sub fund (the "New Coop Sub fund") 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:

Certain real property situated in Franklin County, State of Iowa legally described as follows:

The North 30 acres of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Thirty- one (31), Township Ninety-Two (92), Range Twenty-two (22), West of the 5th P.M., Franklin County, Iowa (exclusive of road right-of way).

Section 5. The County hereby pledges to the payment of the Agreement the New Coop Sub fund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Sub fund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Franklin County to evidence the continuing pledging of New Coop Sub fund and the portion of taxes to be paid into such Sub fund 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.

BE IT DULY ADOPTED this 19th day of January 2015, with the vote thereon being as follows:

AYES: Eberling, McVicker, Nolte

NAYS:

ABSENT/NOT VOTING:

FRANKLIN COUNTY BOARD OF SUPERVISORS

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

At 10:30 AM Micah Cutler-GIS Coordinator met to update the Board on the GIS Department. No action taken.

The Board discussed the future of the GIS Coordinator shared position with Hardin County. Hardin County has offered a full time position to the present shared GIS employee, and Franklin County Supervisors have decided they couldn't offer the position to the present employee due to matching the wage Hardin offered.

At 11:30 AM Art Cady-Drainage Attorney representing the Board of Supervisors, serving as Trustees for DD #48, stated there could be problems with the procedure that was initially done and he recommended to redo the process setting another public hearing with a 40 day notice to address and possibly accept an Engineer's Report. Supervisor Eberling will contact David Cook-Drainage Engineer to set up another public hearing. No action taken.

Motion by Eberling, seconded by McVicker, approves claims for the period ending January 18, 2015. All ayes, motion carried.

The Board acknowledged Manure Management Plan Renewals for: 1) Plagge Farms Inc, #56368, owner Plagge Farms Inc, site located 562 190th St, Latimer, Sec 2, Scott Township; 2) Black Dog Pork, #65130, owner Plagge Farms Inc, site located 1751 Finch Ave, Latimer, Sec 12, Scott Township; 3) Shugar Finisher Farm, #64300, owner TEDE Farms LLC, site located 1695 30th St, Ackley, Sec 34, Grant Township; 4) Peterson Finisher Farm, #58290, owner Elk Run Farms Inc, site located 481 Killdeer Ave, Iowa Falls, Sec 14, Lee Township; 5) Mensing Finisher Farm, #63583, owner Insignia Farms LLC, site located 960 30th St, Alden, Sec 27, Lee Township; 6) Plagge Site Finisher Farm, #62664, owner John Plagge, site located 1747 Grouse Ave, Latimer, Sec 7, Marion Township; 7) Marton/Gruis Finisher Farm, #58291, owner Marton Pork Production Inc, site located 350 220th St, Alexander, Sec 21, Wisner Township; 8) Muth Stock Farms, #59020, owner David Muth Sr, site located 11736 Floyd Line St, Dougherty, Sec 5, Bennezette Township, Butler County; 9) RB Real Site Finisher Farm, #62676, owner Cy One Farms LLC, site located 28405 Douglas Ave, Ackley, Sec 4, Washington Township, Butler County; 10) Ackley Finisher Farm, #60852, owner Iowa Select Farms LLP, site located 30450 State Hwy 57, Ackley, Sec 4, Etna Township, Hardin County.

The Board acknowledged the Franklin County Alcoholism Service Center Financial Statements period ending 12/31/14.

The Board acknowledged the Franklin County Sheriff's Quarterly Report from 10/1/14-12/31/14.

The Home Base Iowa Incentive for Franklin County was not addressed and will be addressed at a future meeting. No action taken.

Motion by Eberling, seconded by McVicker, amends the Franklin County Security Committee replacing Judge Carroll with Judge James Drew, replacing Dan Weichmann with Brent Symens and changing the status of the Clerk of Court from a voting member to a Liaison position on the Committee. All ayes. Motion carried.

Motion by Eberling, seconded by McVicker, re-appoints Betty Flint, Eugene Sukup and Dennis Vanness to the Magistrate Appointing commission for a six year term to expire December 31, 2020. All ayes. Motion carried.

Motion by McVicker, seconded by Eberling, adjourns at 3:09 PM, until January 26, 2015. All ayes. Motion carried.

Michael Nolte, Chairman

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