

**BOARD OF SUPERVISOR'S Regular Meeting**  
**March 19, 2019 10:00 a.m. Board of Supervisors' Room**  
**Webster County Courthouse**

The Board of Supervisors met in Session on the above date with the following members present: Campbell, Dencklau, Thode and Conrad Absent: Carlson

Moved by Dencklau, seconded by Conrad to approve the Agenda. Motion carried unanimously.

Moved by Conrad, seconded by Thode to approve March 12, 2019 Meeting Minutes. Motion carried unanimously.

Moved by Thode, seconded by Dencklau to accept and authorize the hiring of Kamden Kramer, Correction Officer (part-time), effective March 28, 2019 at the rate of \$15.93 per hour, per recommendation of Steve Elifrits, Jail Administrator. Motion carried unanimously.

Moved by Dencklau, seconded by Conrad to receive and place on file the resignation of Tammy Donahe, Administrative Assistant/WIC Outreach Worker (full-time), effective March 14, 2019, per recommendation of Kari Prescott, Director-Webster County Public Health. Motion carried unanimously.

Moved by Conrad, seconded by Thode to receive and place on file pay increase for Alex Winninger, Deputy Sheriff, from \$55,240.11 (Step 2) to \$59,488.96 (Step 3) per labor agreement, effective April 11, 2019, per recommendation of James Stubbs, Webster County Sheriff. Motion carried unanimously.

Moved by Thode, seconded by Dencklau to receive and place on file appointment of Sheri McLuckie as Pleasant Valley Township Trustee due to resignation of Pat Chalstrom. Motion carried unanimously.

Moved by Dencklau, seconded by Conrad to approve Webster County Disaster Declaration for severe weather March 13, 2019 allowing for applying to the State of Iowa for Public and Individual Assistance. (Copy on file in Auditor's office) Motion carried unanimously.

Moved by Conrad, seconded by Thode to approve Resolution No. 2019-09

RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH CARGILL, INCORPORATED,  
AUTHORIZING TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE  
PAYMENT OF THE AGREEMENT

WHEREAS, Webster 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 Webster County Regional Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, the 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 of 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 Cargill, Incorporated, (the "Corporation") has been prepared in connection with the Corporation's continued business operations and to assist the Corporation with costs of certain sanitary sewer and waterworks system infrastructure in Iowa's Crossroads of Global Innovation in the Urban Renewal Area (the "Project"); and

WHEREAS, under the Agreement, the County would provide tax increment payments to the Corporation in a total amount not exceeding \$1,360,000; and

WHEREAS, the 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 March 5, 2019, 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; and

WHEREAS, pursuant to the Plan and Chapter 403 of the Code of Iowa, the County may undertake projects and initiatives for the promotion of economic development;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Webster County, Iowa, as follows:

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

- (a) The Project will add diversity and generate new opportunities for the Webster County and Iowa economies;
- (b) 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.

Section 2. 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 Corporation.

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 subfund (the "Cargill 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 of land being part of the South One-Half (S ½) of Section 19 and part of the Northeast Quarter (NE ¼) of Section 30, all in Township 89 North, Range 29 West of the 5<sup>th</sup> P.M., Webster County, Iowa, more particularly described as follows: Beginning at the East Quarter corner of said Section 19; thence South 00 degrees 33 minutes 54 seconds West along the East line of said Section 19 and the centerline of Hayes Avenue, 2603.34 feet to the Southeast corner of said Section 19; thence South 00 degrees 27 minutes 46 seconds West along the East line of said Section 30, 225.71 feet to the Northerly Right-Of-Way (ROW) of I.C. Railroad Co.; thence North 80 degrees 24 minutes 56 seconds West along said ROW line 5488.02 feet to the West line of said Section 19; thence North 00 degrees 45 minutes 48 seconds East along said West line, 2096.80 feet to the West Quarter corner of said Section 19; thence South 88 degrees 04 minutes 46 seconds East along the North line of the S ½ of said Section 19, 5414.00 feet to the point of beginning;

AND

The West One-Half (W ½) of Section 20, Township 89, Range 29, West of the 5<sup>th</sup> P.M. Iowa, excepting there from the right-of-way of the Chicago and North Western Transportation Company as now located and constructed over and across the same, and EXCEPT the following two tracts, described as follows: (1) Beginning at the Northwest corner of said Section 20; thence North 89 degrees 32 ½ minutes East 2524.1 feet on the North line of the NW ¼ thereof to the Westerly right of way line of the Chicago and North Western Transportation Company; thence South 1 degree 15 ½ minutes West 98.7 feet on said right of way line to a point 95 feet normally distant Southerly from the centerline of Primary Road No. 7; thence North 49 degrees 31 minutes West 22.9 feet to a point 80 feet normally distant Southerly from Sta. 398+28 (Prim. Rd. No. 7); thence South 89 degrees 37 ½ minutes West 1989.6 feet parallel to said centerline to a point normal to Sta. 378+38.6 (Prim. Rd. No. 7); thence Westerly concentric with said centerline 443.3 feet on a 49,192.9 foot radius curve, concave Northerly, the chord for which bears South 89 degrees 52 ½ minutes West and has a length of 443.3 feet to a point radial to Sta. 373+96 (Prim. Rd. No. 7); thence South 46 degrees 23 minutes West 101.1 feet to a point 150 radially distant Southerly from said centerline on the West line of said NW ¼; thence North 00 degrees 41 minutes East 147.3 feet to the point of beginning; AND (2) A parcel of land located in the W ½ of Section

20, Township 89, Range 29 West of the 5<sup>th</sup> P.M., Webster County, Iowa described as follows: Beginning at the West Quarter corner of said Section 20; thence N00°18'27"E along the West line of said Section 20, 2487.02 feet to the South right of way line of State Hwy. 7; thence N47°40'10"E, along said right of way, 96.47 feet; thence along said right of way on a non tangent arc of a 49193 foot radius curve to the left, 443.30 feet (chord bearing S89°17'28"E, 443.30 feet); thence S89°32'58"E along said right of way, 1988.00 feet; thence S48°53'08"E along said right of way, 22.90 feet to the West right of way line of the Chicago and North Western Transportation Company Rail Road; thence along said Rail Road right of way on a non tangent arc of a 28967.9foot radius curve to the left, 543.63 feet (chord bearing S00°49'55"W, 543.63 feet); thence S00°17'22"W along said Rail Road right of way, 3423.96 feet; thence on a non tangent arc of a 629.62 foot radius curve to the right, 763.77 feet (chord bearing S55°29'07"W, 717.79 feet); thence N89°55'07"W, 1934.70 feet to the West line of said Section 20; thence N00°33'54"E along said West line, 1855.85 feet to the point of beginning;

AND

Part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 29, Township 89, Range 29, West of the 5<sup>th</sup> P.M., Iowa (being at the vacated portion of the plat of Tara, Iowa, previously described as Lots 1, 2, 3, 4, 12, 13 and 14 in Block 1, all of Block 2 and all of Block 3 and the streets and alleys adjacent thereto in the town of Tara, Iowa) more particularly described as follows: Beginning at the Northeast corner of Lot 5 in Block 1 in said Town of Tara and running thence West to the Northwest corner of Lot 11 in said Block 1, thence South to the Southwest corner of said Lot 11, thence West along the North line of Powers Street to the West line of First Street, thence South along the West line of said First Street to the former Southeast corner of said vacated Block 3, thence Westerly along the Southerly line of said vacated Block 3 to the West line of Second Street extended, thence North along said West line of Second Street extended to the North line of said Section 29, thence East along said North line of said Section to the West line of Taylor Street, and thence South along the West line of said Taylor Street to the point of beginning;

AND

Also the following described tract of land, to-wit: All that part of the North One-Half (1/2) of the Northwest Quarter (NW ¼) of Section 29, Township 89, Range 29, West of the 5<sup>th</sup> P.M., Iowa, lying West of the town plat of Tara, and lying North of the Right-of-Way of the Chicago Central and Pacific Railroad Company, except a strip of land deeded to the Village of Tara, as described as follows: A strip of land 60 feet in width lying North of and adjoining the right-of-way of the Chicago Central and Pacific Railroad Company in the NW ¼ of said Section 29, commencing on the West line of said Section 28, and running East along said right-of-way, to the west line of Taylor Street, in said NW ¼ of Section 29, for a public highway and so long as used such.

Section 5.The County hereby pledges to the payment of the Agreement the Cargill 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 of Webster County to evidence the continuing pledging of the Cargill 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 County 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.

Roll Call: Ayes: Campbell, Dencklau, Conrad and Thode. Nays: None. Absent: Carlson.  
PASSED, APPROVED AND ADOPTED THIS 19<sup>th</sup> day of March 2019.

s/ Mark Campbell  
Chairman, Board of Supervisors  
Motion carried unanimously.

Attest: s/ Doreen Pliner  
Webster County Auditor

Moved by Thode, seconded by Dencklau to approve Resolution No. 2019-10

RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH CRIMMINS INVESTMENT L.L.C., AUTHORIZING TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

WHEREAS, Webster 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 Webster County Regional Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, the 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 of 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 Crimmins Investment L.L.C., (the "Company") has been prepared in connection with the construction of a new warehouse facility for use in the Company's business operations in the Urban Renewal Area (the "Project"); and

WHEREAS, under the Agreement, the County would provide tax increment payments to the Company in a total amount not exceeding \$375,000; and

WHEREAS, the 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 March 5, 2019, 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 incentive 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; and

WHEREAS, pursuant to the Plan and Chapter 403 of the Code of Iowa, the County may undertake projects and initiatives for the promotion of economic development;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Webster County, Iowa, as follows:

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

- (a) The Project will add diversity and generate new opportunities for the Webster County and Iowa economies;
- (b) 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.

Section 2. 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 Company.

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 subfund (the "Crimmins Investment 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:

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

A tract of land in the Northeast Fractional Quarter (NE Frac. ¼) of the Northwest Fractional Quarter (NW Frac. ¼) of section Four (4), Township Eighty-either (88) North, Range Twenty-nine (29) West of the Fifth Principal Meridian, Iowa; described as follows: Beginning at a point on the East line of said NW Frac. ¼, where the Chicago and North Western Transportation Company Southerly Right-of-way line intersects said East line of the NW Frac. ¼, said point being 545.59 feet south of the Northeast Corner (N ¼ Corner of Section 4-88-29) of the NW Frac. ¼, thence South 1489.82 feet, along said East line of the NW Frac ¼, to the Southeast Corner of the said NE Frac. ¼ of the NW Frac. ¼, thence South Eighty-nine (89) degrees, Forty-four (44) minutes, Eighteen (18) seconds West 1311.70 feet, to the Southwest Corner of the NE Frac. ¼ of the NW Frac. ¼, thence

North zero (0) degrees, Four (4) minutes, Fifty-six (56) seconds East 676.48 feet, to the Chicago and North Western Transportation Company Southerly Right-of-way line, thence North Fifty-seven (57) degrees, Fifty-nine (59) minutes, Twenty-six (26) seconds, East 1545.73 feet, along said Southerly Right-of-way line, to the place of beginning, containing 32.60 acres, more or less. Note: The East line of the NW Frac. ¼ is assumed to bear due North and South. ....Also, easements granted as follows: (1) Use of the tile lines across Grantors' property now used to drain the above described real estate subject to payment of proportionate share of costs of repairs and upkeep; (2) Use of the private driveway extending from the Northwest corner of the above described real estate across Grantors' land to U.S. Highway No. 20, until such time as Grantees may be able to obtain other means of ingress and egress; however, Grantors have no duty to maintain said private drive to make it usable.

Section 5.The County hereby pledges to the payment of the Agreement the Crimmins Investment 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 of Webster County to evidence the continuing pledging of the Crimmins Investment 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 County 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.

Roll Call: Ayes: Campbell, Dencklau, Conrad and Thode. Nays: None. Absent: Carlson.  
PASSED, APPROVED AND ADOPTED THIS 19<sup>th</sup> day of March 2019.

s/ Mark Campbell  
Chairman, Board of Supervisors  
Motion carried unanimously.

Attest: s/ Doreen Pliner  
Webster County Auditor

Moved by Dencklau, seconded by Conrad to receive and place on file Annual Manure Management Plans for: Bob & Travis Hicks, 3925 Baxter Ave., Gowrie; Mac 1/ Tom 1, 1010 280th St, Somers; Dallas Thomas Home, 3521 310th St, Farnhamville. (Copy on file in Auditor's office) Motion carried unanimously.

Moved by Conrad, seconded by Thode to approve and authorize Chair to sign license to enter premises agreement with Martin Marietta at Fort Dodge Mine. (Copy on file in Engineer's office) Motion carried unanimously.

Moved by Thode, seconded by Dencklau to adopt Resolution No. 2019-12

A RESOLUTION OPPOSING SENATE STUDY BILL 1045 AND SENATE FILE 184 PASSED BY THE SENATE COMMITTEE ON TRANSPORTATION

WHEREAS, the Transportation Committee in the Iowa Senate has passed House Study Bill 1045 (SF 184) which would amend and make changes to Iowa Code Chapter 321 related to transportation of indivisible loads and raw forestry products on primary and non-primary highways, and;

WHEREAS, Webster County owns and maintains non-primary highways, and is fiscally and legally responsible for the non-primary highways within the County, and;

WHEREAS, Webster County owns and maintains 165 structures classified as bridges by the National Bridge Inspection Standards, and;

WHEREAS, many of the bridges owned by Webster County are aging and structurally deficient or functionally obsolete, and;

WHEREAS, current funding is not adequate to replace or rehabilitate these bridges at the rate their conditions are deteriorating, and;

WHEREAS, the non-primary roads and bridges owned by Webster County serve a critical need for residents, agricultural users, businesses, schools, post offices, and emergency responders, and;

WHEREAS, the proposed bill would allow the Iowa Department of Transportation to issue annual permits to forestry industry haulers for loads up to 130,000 pounds on non-primary highways throughout Iowa, without knowledge of or notice given to the agencies which own these highways and the structures thereon, and;

WHEREAS, bridges within Webster County have been designed for loads that were legal on Iowa roads at the time of their construction, and bridges have only been rated or posted with weight restrictions for loads that are currently legal on roads, and;

WHEREAS, each bridge within Webster County is unique based on its age, design, and current condition, and;

WHEREAS, load rating to ensure safe passage of loads greater than 80,000 pounds would be unique for each load on each individual bridge, and;

WHEREAS, the traversing of Webster County bridges by loads up to 130,000 pounds without the County being afforded the knowledge of or the ability to restrict each occurrence, would result in gradual and possibly sudden failure of bridges within the County, and;

WHEREAS, Webster County would likely bear legal and financial liability for subsequent failure of its bridges, even if such failures are caused by loads they did not permit, and;

WHEREAS, Webster County is not financially able to repair or replace bridges which would be subject to accelerated deterioration by increased loads, and;

WHEREAS, Webster County and its residents, farmers, businesses, schools, post offices, and emergency responders, would be subjected to undue operational and economic hardships by further degradation of its road system and the structures thereon;

THEREFORE BE IT RESOLVED that the Webster County Board of Supervisors strongly urges all Iowa lawmakers to vote in opposition to this legislation.

Roll Call: Ayes: Campbell, Dencklau, Conrad and Thode. Nays: None. Absent: Carlson.  
PASSED, APPROVED AND ADOPTED THIS 19<sup>th</sup> day of March 2019.

s/ Mark Campbell  
Chairman, Board of Supervisors  
Motion carried unanimously.

Attest: s/ Doreen Pliner  
Webster County Auditor

Moved by Dencklau, seconded by Conrad to allow Claims. Motion carried unanimously.

Moved by Conrad, seconded by Thode to adjourn. Motion carried unanimously.

s/Doreen Pliner  
Webster County Auditor

s/ Mark Campbell  
Chairman, Board of Supervisors