

**Regular Meeting
September 17, 2019**

The Board of Supervisors met in session on the above date with the following members present: Campbell, Dencklau, Carlson, Thode and Conrad Absent: None.

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

Moved by Carlson, seconded by Conrad to approve September 10, 2019 Meeting Minutes. Motion carried unanimously.

A Public Hearing was held on final consideration of Amendment to Ordinance Number 046, the Zoning Ordinance for the Unincorporated Area of Webster County, Iowa; to amend Section 1.04., "Farms Exempt", to allow a small parcel where a farmers home and operation are located, to be eligible for agricultural exemption even though the farm ground may not be contiguous with where the farm house is located. No oral or written comments were received.

Moved by Conrad, seconded by Thode to approve final consideration of Amendment to Ordinance Number 046, the Zoning Ordinance for the Unincorporated Area of Webster County, Iowa; **WHEREAS**, the Zoning Ordinance has been established previously in accordance with said County's comprehensive plan to promote the current and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Webster County, and

WHEREAS, said Zoning Ordinance was established and has been amended from time to time in accordance with the provisions of the Iowa Code, Section 335, and

WHEREAS, from time to time it is necessary to re-examine said Zoning Ordinance in light of changes in technology, society and culture and analyzing the application of said Ordinance, thus it becomes necessary to consider amendments to said Ordinance, and

WHEREAS, on July 9th, 2019, the Webster County Planning and Zoning Commission initiated a text amendment to the County's Zoning Ordinance, Section 1.04 to clarify wording regulating the concept, interpretation and determination of granting and applying agricultural exemptions, and

WHEREAS, on August 13th, 2019, the Webster County Planning and Zoning Commission did consider the first report of the proposed amendment to the text of said Zoning Ordinance from the County Planning and Zoning Department staff, and

WHEREAS, also on August 13th, 2019, the Webster County Planning and Zoning Commission did consider this first report and created a second and final report of the proposed amendment to the text of said Zoning Ordinance and has recommended approval of said proposed textual amendments to the Board of Supervisors of Webster County, both considerations done in accordance to the Iowa Code, Section 335 for amending zoning ordinances and/or regulations, therefore, the following text amendments shall be made to said Zoning Ordinance as follows:

*(Text amendment note used in this resolution: Items to be repealed by the adoption of this resolution shall appear with a ~~strike through~~ it and new items/words replacing those shall appear in **bold font** text.)*

1. Amend Section 1.04., "Farms Exempt," located on page 5 to allow a small parcel where a farmer's home and operation are located to be eligible for agricultural exemption even though the farm ground may not be contiguous with where the farm house is located.

Section 1.04: Farms Exempt

In accordance with the provisions of Chapter 335, Code of Iowa, except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.

In order for the land to be designated as a farm, it shall be an operation of the usual nature of local farms, raising crops and/or livestock (such as corn, grain, beans, cattle, sheep, hogs). Animals on such farms shall be raised, housed, and fed on the same farm. House and farm ground ~~must be~~ **may or may not be** contiguous."

NOW THEREFORE, having considered all of the above and making public notice in accordance with Section 335 of the Iowa Code for revising county zoning ordinances,

BE IT ORDAINED AND RESOLVED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA, THAT: the current and previously duly established version of the Webster County Zoning Ordinance be amended using the textual changes cited above.

Roll Call Vote: Ayes: Dencklau, Carlson, Campbell, Conrad and Thode; Nays; None.

s/Mark Campbell
Chairman, Webster County Board of Supervisors

Attest: s/ Doreen Pliner
Auditor, Webster County

Moved by Thode, seconded by Dencklau to approve suspension of taxes for Theresa O'Neill be suspended, under the provisions of Iowa Code 427.9. Ayes: Dencklau, Carlson, Campbell, Conrad and Thode; Nays; None. (Copy on file in Auditor's Office) Motion carried unanimously.

Moved by Dencklau, seconded by Carlson to approve Pay Estimate #1 in the amount of \$134,767, for the Bank Building Skylight Project, to Woodruff Construction, LLC per recommendation of Shuck & Britson. (Copy on file in Auditor's Office) Motion carried unanimously.

Moved by Carlson, seconded by Conrad to approve and allow board chairperson to sign contract and ancillary documents with Advanced Systems, Inc. regarding a 60-month copy machine lease and service agreement at the rate of \$143.66/mo. for the Webster County Attorney's Office, upon the recommendation of Darren D. Driscoll, Webster County Attorney. Said lease agreement is recommended after a competitive bidding process involving 4 interested bidders. (Copy on file in Auditor's Office) Motion carried unanimously.

Moved by Conrad, seconded by Thode approve request from Heart of Iowa Regional Housing Trust Fund for donation for the 2020 application in the amount of \$10,000. Motion carried unanimously.

Moved by Thode, seconded by Dencklau to adopt Resolution No. 2019-30 to express intent to support Crimmins Investment L.L.C.'s construction and operation warehouse facility through Tax Increment Financing. **WHEREAS**, it has been proposed that Crimmins Investment L.L.C. (the "Company") undertake the construction and operation of a warehouse facility requiring the investment of approximately \$2,000,000 (the "Project") on certain real property (the "Property") to be owned by the Company within Webster County, Iowa (the "County"); and

WHEREAS, the Company has requested County assistance and is willing to enter into an agreement with respect to the construction and operation of the Project and the establishment and maintenance of certain investment levels in connection therewith; and

WHEREAS, it has been requested that the County provide financial incentives under the urban renewal law for infrastructure support to the Company in order to advance the completion and success of the Project; and

WHEREAS, in anticipation of and contingent on future actions or the authorization and commitment of such support, the Board of Supervisors (the "Board") for the County desires to convey its intention to support the Company and the Project by incentives available through tax increment financing by the adoption of this Resolution;

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

Section 1. The Board hereby expresses its intent to support the Company and the Project through the undertakings of the following actions, subject in Section 2.

Assumptions

Building and Construction Costs: \$2 Million

Webster County

Webster County is prepared to provide financial assistance to the Company's project. The additional taxable value added by this project within Webster County is intended to rebate 7 years of incremental taxes equally over 10 years.

Section 2. All undertakings proposed in Section 1. are subject to the future legislative discretion of the Board in its sole discretion, with respect to:

- a.) All public hearings and legislative actions necessary to:
 - i.) Adopt an urban renewal plan or an amendment to an existing urban renewal plan, if necessary;
 - ii.) Negotiation and approval of a Development Agreement
- b.) The Development Agreement to be prepared between the parties shall contain terms and conditions describing the obligations of the County and the Company.

Section 3. All resolutions and orders or parts thereof in conflict with the provisions of this resolution, to the extent of such conflict, are hereby repealed.

Roll Call Vote: Ayes: Dencklau, Carlson, Campbell, Conrad and Thode; Nays; None.

PASSED AND APPROVED THIS 17th day of September, 2019

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

Attest: s/ Doreen Pliner
Auditor, Webster County

Moved by Dencklau, seconded by Carlson to adopt Resolution 2019-31 to Fix a Date for a Public Hearing on Proposal to Enter into a General Obligation Emergency Communications Equipment Loan Agreement and to Borrow Money Thereunder in a Principal Amount not to Exceed \$2,500,000. **WHEREAS**, the Board of Supervisors of Webster County, Iowa (the "County"), proposes to enter into a General Obligation Emergency Communications Equipment Loan Agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$2,500,000, pursuant to the provisions of Sections 331.402 and 331.441(2)(b)(17) of the Code of Iowa for the purpose of paying the cost, to that extent, of acquiring and installing emergency communications equipment and systems (the "Project"), and it is now necessary to fix a date of meeting of this Board at which it is proposed to take action on the proposal to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. The Board shall meet on October 1, 2019, at the Webster County Courthouse, Fort Dodge, Iowa, at 10:00 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000

(GENERAL OBLIGATION)

The Board of Supervisors of Webster County, Iowa, will meet on October 1, 2019, at the Webster County Courthouse, Fort Dodge, Iowa, at 10:00 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$2,500,000 for the purpose of paying the cost, to that extent, of acquiring and installing emergency communications equipment and systems.

The Loan Agreement is proposed to be entered into, and bonds will be issued thereunder, pursuant to authority contained in Sections 331.402 and 331.441(2)(b)(17) of the Code of Iowa. The Loan Agreement and the bonds will constitute general obligations of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the County declares (a) that it intends to undertake the above-referenced Project which is reasonably estimated to cost, in the aggregate, approximately \$2,500,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the County, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the County and no expenditures will be made by the County until after the date of this Resolution or a prior intent resolution of the County, and (c) that the County reasonably expects to reimburse the expenditures made for costs of the County out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Roll Call Vote: Ayes: Dencklau, Carlson, Campbell, Conrad and Thode; Nays; None.
PASSED AND APPROVED THIS 17th day of September, 2019

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

Attest: s/ Doreen Pliner
Auditor, Webster County

Moved by Dencklau, seconded by Carlson to amend motion to adopt Resolution 2019-31 and set the date of the hearing for October 1, 2019. Ayes: Dencklau, Carlson, Campbell, Conrad and Thode; Nays; None. Motion carried unanimously.

Moved by Carlson, seconded by Conrad to receive and place on file Annual Manure Management Plans for the following sites: Gross Site, 3636 Johnson Ave., Gowrie; Larson Site, 3213 Johnson Ave., Gowrie; Nel's Home Site, 1588 Moorland (Copy on file in Auditor's Office) Motion carried unanimously.

Moved by Conrad, seconded by Thode approve and authorize Chair to sign Iowa DOT Funding Agreement No. 1-19-HBP-SWAP-003 for Bridge Replacement Project BRS-SWAP-CO94(121)--FF-94 on Route D43 over D.D. #5 (West Buttrick Creek) in Section 12, Township 87 North, Range 30 West, Roland Township. Ayes: Dencklau, Carlson, Campbell, Conrad and Thode; Nays; None. (Copy on file in Auditor's Office) Motion carried unanimously.

Moved by Thode, seconded by Dencklau approve and authorize Chair to sign Iowa DOT Funding Agreement No. 1-19-HBP-SWAP-004 for Bridge Replacement Project BRS-SWAP-CO94(122)--FF-94 on Route D43 over D.D. #29 along the North Line of Section 10, Township 87 North, Range 29 West, Clay Township. (Copy on file in Auditor's Office) Motion carried unanimously.

Moved by Dencklau, seconded by Carlson to approve and authorize Chair to sign a permit application from Lehigh Valley Cooperative Telephone Association to install fiber optic cable on 300th St in Section 18, Township 87 North, Range 30 West, Roland Township. Motion carried unanimously.

Moved by Carlson, seconded by Conrad to Approve and authorize Chair to sign a permit application from Lehigh Valley Cooperative Telephone Association to install fiber optic cable on 245th St in Section 23, Township 88 North, Range 27 West, Washington Township. Motion carried unanimously.

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

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

s/ Doreen Pliner
Webster County Auditor

s/ Mark Campbell
Chairman, Board of Supervisors