

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 21, 2019.**

Meeting called to order at 9:00 a.m. by Chairman Rusty Eddy with members Greg Barnett and Tom Heidenwirth present. Also present were Engineer John Riherd, Executive Director of Butler/Grundy Development Alliance Jeff Kolb, Gary Rankin, Elk Run Heights, Iowa, Ron Abbas, Sumner, Iowa, Kalen Schlader, Charles City, Iowa, Smokey Doyle, Decorah, Iowa and Bethany Carson, Mid-America Publishing.

Minutes of the previous meeting were read and approved as read.

Board held a public hearing on the first reading of a proposed amendment to Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, and Ordinance Title VI, No. 13 and providing that general property taxes shall no longer be divided on certain property located within the amended Butler County Logistics Park Urban Renewal Area. Present were Engineer John Riherd, Assessor Michele Shultz, Executive Director of Butler/Grundy Development Alliance Jeff Kolb, Gary Rankin, Elk Run Heights, Iowa, Ron Abbas, Sumner, Iowa, Kalen Schlader, Charles City, Iowa, Smokey Doyle, Decorah, Iowa and Bethany Carson, Mid-America Publishing. Auditor reported no written or oral comments received. At the close of the public hearing, it was moved by Heidenwirth, second by Barnett to approve. All ayes. Motion carried. It was further moved by Heidenwirth, second by Eddy to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of said Ordinance. All ayes. Motion carried. The Ordinance is as follows:

**ORDINANCE TITLE VI, No. 18**

**AN ORDINANCE AMENDING ORDINANCE TITLE VI, NO. 9, ORDINANCE TITLE VI, NO. 10-B, AND ORDINANCE TITLE VI, NO. 13 AND PROVIDING THAT GENERAL PROPERTY TAXES SHALL NO LONGER BE DIVIDED ON CERTAIN PROPERTY LOCATED WITHIN THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA, IN BUTLER COUNTY, STATE OF IOWA (REMOVING "2019 PARCEL" FROM DIVISION OF TAXES ONLY)**

WHEREAS, the Board of Supervisors of Butler County, State of Iowa, has heretofore, in Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, and Ordinance Title VI, No. 13 provided for the division of taxes within the Butler County Logistics Park Urban Renewal Area ("Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the Board of Supervisors of Butler County has determined that in order to fulfill the purposes, objectives and projects for the Urban Renewal Area, and comply with the Urban Renewal Law, certain portions of the Urban Renewal Area must be removed from Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, and Ordinance Title VI, No. 13 and are no longer subject to the division of taxes under Section 403.19 of the Code of Iowa.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, STATE OF IOWA, THAT:

Section 1: The following portion (the "Removed Property") of the Butler County Logistics Park Urban Renewal Area shall be and is hereby removed from the application of Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, and Ordinance Title VI, No. 13, and shall no longer be subject to the division of taxes under Section 403.19 of the Code of Iowa described in said Ordinances:

**2019 PARCEL**

The North One-half of the Southwest Quarter (N ½ SW ¼) in Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M.

and

The South Half of the Southwest Quarter (S ½ SW ¼) in Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M.

and

The South One-half of the Northwest Quarter (S ½ NW ¼) in Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M., except that part lying North and East of the Chicago, Rock Island and Pacific Railway right of way, and except a tract beginning at a point on the quarter section line that is North 90°00' East 1044 feet from the Northwest corner of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 33, thence continuing North 90°00' East 640 feet, thence South 0°00' West 442 feet, thence South 90° 00' West 640 feet, thence North 0° East 442 feet to point of beginning, EXCEPT Parcel B in the South One-half of the Northwest Quarter (S ½ NW ¼) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15), as shown by Plat of Survey filed February 28, 2000, in Book "K" page 139 in the records of the Butler County Recorder, and EXCEPT Parcel C in the South One-half of the Northwest Quarter (S ½ NW ¼) of Section Thirty-three (33), Township ninety-two (92) North, Range Fifteen (15), as shown By Plat of Survey filed February 28, 2000, in Book "K" page 139 in the records of the Butler County Recorder

and

Parcel A in the South One-half of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., as shown by Plat of Survey filed May 7, 1999, in Book "K", page 50 in the records of the Butler County Recorder, EXCEPT Parcel B in the South one-half of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M. as per Plat of Survey filed Feb. 28, 2000, recorded in Book "K" page 139 in the records of the Butler County Recorder

and

A tract of land commencing at the Southeast corner of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section Thirty-three (33), Township ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., thence West 18 rods, thence North 6 rods 4 feet, Thence East 33 rods, thence South 6 rods 4 feet, thence West 15 rods, to the place of beginning

and

Parcel B in the South One-half of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15), as shown By Plat of Survey filed February 28, 2000, in Book "K" page 139 in the records of the Butler County Recorder

and

Parcel C in the South One-half of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15), as shown By Plat of Survey filed February 28, 2000, in Book "K" page 139 in the records of the Butler County Recorder.

and

The Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., Butler County, Iowa, EXCEPT Parcel D located in the Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., as per Plat of Survey filed Aug. 4, 2006, recorded in Book "O" page 15, Instr. No. 2006-3240 of the records of the Butler County Recorder, subject to legal highways.

and

That part of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) and that part of the Northeast Quarter of the Northwest Quarter (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) lying and being South and West of the Chicago, Rock Island & Pacific Railway right-of-way in Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., in Butler County, Iowa, EXCEPT a tract commencing at the Southeast Corner of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of said Section, thence West 18 rods, thence North 6 rods, 4 feet, thence East 33 rods, thence South 6 rods, 4 feet, thence West 15 rods to the place of beginning, AND EXCEPT Parcel E located in the North One-half of the Northwest Quarter (N  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section Thirty-three (33), Township Ninety-two (92) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., as Per Plat of Survey filed January 8, 2007, recorded in Book "O" page 73, Instr. No. 2007-0097 of the records of the Butler County Recorder.

and

Lot No. One (1) in the Northeast Quarter (NE  $\frac{1}{4}$ ) of Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> PM, EXCEPT that part conveyed to the State of Iowa for road purposes. (Also described as all of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) lying North and East of the B.C.R. & N. RR. (now C.R.I. & P.R.R.) right of way, Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M., EXCEPT that part conveyed to the State of Iowa for highway.)

**Section 2.** That all other portions of the Butler County Logistics Park Urban Renewal Area shall be and remain subject to all of the provisions of Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, and Ordinance Title VI, No. 13; that the base value for said property shall remain unchanged by this Ordinance; and that except as amended herein, Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, and Ordinance Title VI, No. 13 shall remain in full force and effect.

**Section 3.** That nothing herein shall be interpreted as altering the boundaries or removing any property from the Butler County Logistics Park Urban Renewal Area (for purposes of clarity, while the Removed Property is no longer subject to the division of revenue provided for in Iowa Code section 403.19, the Removed Property remains a part of the Butler County Logistics Park Urban Renewal Area).

**Section 4.** That 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 or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 5.** That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

The vote thereon was as follows:

Ayes: Tom Heidenwirth      NAYS: None  
Greg Barnett  
Rusty Eddy

**PASSED AND APPROVED** this 21<sup>st</sup> day of May, 2019.

**ATTEST:** *Lizbeth Williams*, County Auditor

Also present was Chris Luhning, Parkersburg, Iowa.

Engineer Riherd conducted bid letting for rock resurfacing project FM-C012(111)--55-12.

Also present was Director of Conservation Mike Miner.

Moved by Barnett, second by Eddy to accept the recommendation of Engineer Riherd and approve a Utility Permit for Windstream, Iowa LLC for work near intersection of T25 (Hickory Avenue) and 300th Street. All ayes. Motion carried.

Following discussion regarding maintenance of driveway into Beaver Meadows Park and Golf and Country Club, Parkersburg, Iowa, it was moved by Barnett, second by Heidenwirth that the private drive will be maintained by owner, (City of Parkersburg) and tenant(s), (Butler County Conservation) of said property. All ayes. Motion carried.

Board will review bids and award contracts for rock resurfacing project FM-C012(111)--55-12 at the May 28, 2019 Board meeting.

Mark Gerdes, Aredale, Iowa was present for public comment. Mr. Gerdes stated that the tile in Drainage District #1 is in need of repair. Board will discuss further at May 28, 2019 meeting.

Board approved claims as submitted.

Moved by Eddy, second by Barnett to adjourn the meeting at 10:20 A.M. to Tuesday, May 28, 2019 at 9:00 A.M. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on May 21, 2019.