

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 31, 2023.**

Meeting called to order at 9:00 A.M. by Chairman Greg Barnett with members Rusty Eddy and Wayne Dralle present. Moved by Dralle second by Eddy to approve the agenda. All ayes. Motion carried.

Minutes of the previous meeting were read. Motioned by Eddy, second by Dralle to approve the minutes as read. All ayes. Motion carried.

No public comment was received.

Board considered Resolution 1089-2023 fixing date for a public hearing on the proposal to enter a Development Agreement with Butler-Grundy Development Alliance. Leslie Groen, Auditor, outlined the Resolution and stated that the date for public hearing is set for November 14, 2023. Motioned by Dralle, second by Eddy to approve Resolution 1089-2023. Roll call: Ayes – Eddy, Barnett, Dralle. Nays – None.

**RESOLUTION NO. 1089-2023**

**RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH BUTLER-GRUNDY DEVELOPMENT ALLIANCE, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF**

WHEREAS, by Resolution No. 692, adopted April 27, 2010, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Butler County Logistics Park Urban Renewal Plan (the "Plan") for the Butler County Logistics Park Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan, as amended, is on file in the office of the Recorder of Butler County, Iowa; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the County has received a proposal from Butler-Grundy Development Alliance (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to expand and prepare for development the Logistics Industrial Park ("Park") within the Urban Renewal Area in order to promote economic development and create and maintain jobs within the County; and

WHEREAS, in furtherance of this goal, the Iowa Regional Utilities Association (the "Association") has expended \$1,283,076.00 to construct and install public water supply services and public wastewater services to serve the Park and advance development therein, and the Developer is considering an agreement to reimburse the Association up to \$1,000,000 of those costs ("IRUA Agreement"); and

WHEREAS, Developer has also entered into a purchase agreement to acquire additional property within the Park and Urban Renewal Area for the price of \$260,000 ("Purchase Agreement") and Developer purchased such land in order to increase the availability of industrial sites for employers in the County; and

WHEREAS, the County is willing to provide Developer with economic development grants comprised of available incremental tax revenues from the Urban Renewal Area to reimburse the Developer for the obligations Developer has assumed under the IRUA Agreement and the Purchase Agreement; and

WHEREAS, the activities of IRUA and Developer described in these preambles were previously identified as urban renewal projects in the Plan; and

WHEREAS, the Agreement proposes that the County will make up to ten (10) consecutive annual payments of IRUA Economic Development Grants to Developer, the cumulative total for all such payments not to exceed the lesser of \$1,000,000, or the amount accrued under the schedule outlined in the proposed Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement also proposes that the County will make up to ten (10) consecutive annual payments of Purchase Agreement Economic Development Grants to Developer, the cumulative total for all such payments not to exceed the lesser of \$260,000, or the amount accrued under the schedule outlined in the proposed Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, Chapters 15A and 403, Code of Iowa, (the "Urban Renewal Law") authorize counties to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Agreement is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 331.301(5), Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the County Auditor publish notice of the proposal and of the time and place of the meeting at which the

Board proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said County to such action.

**NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY IN THE STATE OF IOWA:**

That this Board meet in the Board Room, Butler County Courthouse, 428 Sixth Street, Allison, Iowa, at 9:00 A.M. on November 14, 2023, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Butler-Grundy Development Alliance.

That the County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

The notice of the proposed action shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING OF THE BOARD OF SUPERVISORS OF BUTLER COUNTY IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH BUTLER-GRUNDY DEVELOPMENT ALLIANCE, AND THE HEARING THEREOF**

**PUBLIC NOTICE** is hereby given that the Board of Butler County in the State of Iowa, will hold a public hearing on November 14, 2023, at 9:00 A.M. in the Board Room, Butler County Courthouse, 428 Sixth Street, Allison, Iowa, at which meeting the Board proposes to take action on the proposal to enter into a Development Agreement (the "Agreement") with Butler-Grundy Development Alliance (the "Developer").

Developer is working in conjunction with the County to expand and prepare for development the Logistics Industrial Park ("Park") within the Butler County Logistics Park Urban Renewal Area in order to promote economic development and create and maintain jobs within the County.

In furtherance of this goal, the Iowa Regional Utilities Association (the "Association") has expended \$1,283,076.00 to construct and install public water supply services and public wastewater services to serve the Park and advance development therein, and the Developer is considering an agreement to reimburse the Association up to \$1,000,000 of those costs ("IRUA Agreement").

The Developer has also entered into a purchase agreement to acquire property within the Park and Urban Renewal Area for the price of \$260,000 ("Purchase Agreement") and Developer purchased such land in order to increase the availability of industrial sites for employers in the County.

The Agreement proposes that the County will make up to ten (10) consecutive annual payments of IRUA Economic Development Grants to Developer, the cumulative total for all such payments not to exceed the lesser of \$1,000,000, or the amount accrued under the schedule outlined in the proposed Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement.

The Agreement also proposes that the County will make up to ten (10) consecutive annual payments of Purchase Agreement Economic Development Grants to Developer, the cumulative total for all such payments not to exceed the lesser of \$260,000, or the amount accrued under the schedule outlined in the proposed Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the County Auditor, Courthouse, Butler, Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of said County, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the Board of Supervisors of Butler County in the State of Iowa, as provided by Sections 331.301(5) and 331.305, Code of Iowa.

Dated this 31st day of October, 2023.

Leslie Groen, County Auditor, Butler County in the State of Iowa

(End of Notice)

**PASSED AND APPROVED** this 31st day of October, 2023.

Greg Barnett, Chairperson, Board of Supervisors

**ATTEST:** Leslie Groen, County Auditor

Misty Day, Planning and Zoning Administrator, discussed a Septic Complaint. Day stated that this has been an ongoing issue since 2016 and now a recent complaint was received regarding raw sewage pooling near the bike trail. The individual has paid the \$100 fines assessed in the past. County Attorney, David Kuehner, mentioned it could be declared a nuisance, cleaned up by the County and cost recuperated through property taxes billing. With a scheduled court case in the near future, Eddy suggested that during court he could be allowed a certain amount of time before the complaint/fines are pushed out at a more consistent basis.

Board discussed compensation of township trustees. County Auditor, Leslie Groen stated the current pay for township trustees and clerks and that a township trustee would like the supervisors to also set an hourly rate for business outside of meetings. Township officials had a fence dispute has come up which lead the township to reviewing Iowa Code regarding hourly pay. Groen suggested that a rate be established similar to that of Precinct Election Official pay. Eddy suggested a pay of \$13.50 / hour for township trustees. Groen will draft a resolution for the Board to consider at a future meeting.

John Riherd, Engineer, provided an Engineer's update. Projects are under way and they are up against the weather when getting some of the work completed. A Secondary Roads employee has resigned this week and they will be seeking to hire a replacement for fall and winter.

Motioned by Eddy, second by Dralle to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Short Form Annual Updates for David Brinkman #58474 and DC Farms #64608.

Motioned by Eddy, second by Dralle to adjourn the regular meeting at 9:26 A.M. to November 7, 2023 at 9:00 A.M. All ayes. 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 October 31, 2023.

Attest: Leslie Groen  
Butler County Auditor

Greg Barnett  
Chairman of the Board of Supervisors