

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON September 7, 2021.**

With social distancing guidelines being maintained at in-person meetings, an electronic participation option is made available. This complies with Iowa Code section 21.8 that outlines the guidelines to hold an electronic meeting when there are valid concerns that an in-person meeting is "impossible or impractical".

Meeting called to order at 1:00 P.M. by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Moved by Heidenwirth, second by Barnett to approve the agenda. All ayes. Motion carried.

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

No public comment received.

Time and place set for public hearing to Consider TIF Ordinance Title VI, No. 25. Motioned by Barnett, second by Eddy to open the public hearing. All ayes. Motion carried. Barnett asked Auditor, Leslie Groen, if she has received any written or oral comments and Groen confirmed she has not received any written or oral comments. Groen explained the TIF Ordinance Title VI, No. 25 added the Shell Roy Soy Processing parcels to the existing TIF Ordinance. With no additional comments or discussion, motioned by Eddy seconded by Barnett to close the public hearing. All ayes. Motion carried. Motioned by Eddy, second by Heidenwirth to adopt the considered TIF Ordinance. All ayes. Motion carried. The roll was called and the vote was: AYES: Heidenwirth, Barnett, Eddy. NAYS: 0. Motioned by Eddy, second by Barnett to waive the second and third considerations. The vote for suspension of the rules was by a majority of the full Board of Supervisors, voting 3 in favor, 0 opposed and 0 absent, vacant or abstaining and was duly recorded. Motion carried and the TIF Ordinance was passed as follows:

**ORDINANCE NO. Title VI, No. 25**

**AN ORDINANCE AMENDING ORDINANCE TITLE VI, NO. 9, ORDINANCE TITLE VI, NO. 10-B, ORDINANCE TITLE VI, NO. 13, ORDINANCE TITLE VI, NO. 18, AND ORDINANCE TITLE VI, NO. 24, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON CERTAIN PROPERTY LOCATED WITHIN THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA, IN BUTLER COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, Butler County, APLINGON-PARKERSBURG COMMUNITY SCHOOL DISTRICT, DIKE-NEW HARTFORD COMMUNITY SCHOOL DISTRICT, Waverly-Shell Rock Community School District, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE COUNTY IN CONNECTION WITH THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA (SHELL ROCK SOY PROCESSING PARCELS)**

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; Ordinance Title VI, No. 13; Ordinance Title VI, No. 18; and Ordinance Title VI, No. 24 provided for the division of taxes on certain (but not all) property within the Butler County Logistics Park Urban Renewal Area ("Area" or "Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Butler County Logistics Park Urban Renewal Area through the adoption of Amendment No. 7 to the Butler County Logistics Park Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the County, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Butler County Logistics Park Urban Renewal Area, and the continuing needs of redevelopment within the amended Butler County Logistics Park Urban Renewal Area are such as to require the continued application of the incremental tax resources of the amended Butler County Logistics Park Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

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

Ordinance Title VI, No. 9; Ordinance Title VI, No. 10-B; Ordinance Title VI, No. 13; Ordinance Title VI, No. 18; and Ordinance Title VI, No. 24 are hereby amended to read as follows:

Section 1. For purposes of this Ordinance, the following terms shall have the following meanings:

a) Revised Original Area means that portion of Butler County, State of Iowa, described in the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 692 on the 27th day of April, 2010, which Revised Original Area includes the lots and parcels located within the area legally described as follows:

1. The entire existing county road right-of-way of Butler County Road 220th Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.

2. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220th Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
3. The entire existing county road right-of-way of Butler County Road T55 (Terrace Avenue) lying between Iowa Highway #3 on the North and Butler County Road C45 (Butler Center Road) on the South.
4. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220th Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212th Street lying between Union Avenue on the West and Vail Avenue on the East, except that portion vacated and described in document recorded as Instrument #2007-2171 with the Butler County Recorder.
6. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220th Street on the South and 212th Street on the North.
7. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212th Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

LESS the following parcels which were removed from the division of taxes under Section 403.19 of the Iowa Code through the adoption of Ordinance Title VI, No. 18 on May 21, 2019 ("2019 Parcel"):

The North One-half of the Southwest Quarter (N  $\frac{1}{2}$  SW  $\frac{1}{4}$ ) in Section 33, Township 92 North, Range 15 West of the 5th P.M.

and

The South Half of the Southwest Quarter of Section 33, Township 92 North, Range 15 West of the 5th P.M.

and

The South One-half of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) in Section 33, Township 92 North, Range 15 West of the 5th 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  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) 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  $\frac{1}{2}$  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 EXCEPT 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

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 5th 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 5th 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 5th 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 5th 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 5th 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 5th 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 5th 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 5th 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 5th P.M., EXCEPT that part conveyed to the State of Iowa for highway.)

b) Amendment No. 1 Area means that portion of Butler County, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 759 on the 31st day of July, 2012, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

1. The entire existing road right-of-way of Butler County Road C45/T55 (Butler Center Road) between Butler County Road T55 (Terrace Ave) on the West and Butler County Road T55 (Temple Ave) on the East.
2. The entire existing road right-of-way of Butler County Road T55 (Temple Ave) lying between Butler County Road C45 (Butler Center Road) on the North and Butler County Road C55 (290th Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.
4. The entire Section 32, Township 91 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

c) Amendment No.2 added only right of way so no TIF Ordinance was adopted on the Amendment No. 2 Area.

d) Amendment No. 3 Area (Menards and part of Sinclair) means that portion of Butler County, State of Iowa, described (in part) in Amendment No. 3 to the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 843 on the 6th day of October, 2015, which Amendment No. 3 Area (Menards and part of Sinclair) includes the lots and parcels located within the area legally described as follows:

#### Sinclair Legal (Partial)

County Auditor's Parcel Letter 'F' located in Lot Seventeen (17) of the Subdivision of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Ninety (90) North, Range Sixteen (16) West of the 5th P.M., Butler County, Iowa, more particularly described as follows: Commencing at the Southwest Corner of said Section 27; thence North 00'07'36" East, 1231.50 feet along the west line of said Southwest Quarter; thence South 89'32'50" East, 539.00 feet to the point of beginning; thence continuing South 89'32'50" East, 210.00 feet; thence South 00'27'10" West, 210.00 feet; thence North 89'32'50" West, 210.00 feet; thence North 00'27'10" East, 210.00 feet to the point of beginning, containing 1.01 acres total. Subject to easements.

#### Menard Legal

A tract of land lying in both the NE  $\frac{1}{4}$  of Section 2, Township 91 North, Range 15 West of the 5th P.M. & the SE  $\frac{1}{4}$  of Section 35, Township 92 North, Range 15 West of the 5th P.M.; more particularly described in Exhibit "A" of Instrument No. 2008-0078 as recorded in the office of the Butler County, Iowa Recorder.

e) Amendment No.4 did not add or remove land.

f) Amendment No. 5 added only right of way so no TIF Ordinance was adopted on the Amendment No. 5 Area.

g) Trinityrail Parcel means the following parcel which is within the Butler County Logistics Park Urban Renewal Area and was subjected to the division of taxes under Section 403.19 of the Iowa Code by the adoption of Ordinance Title VI, No. 24:

A tract in the West ½ of Section 33, South ½ NW ¼ lying South & West of Parcels F & G. and all of Southwest ¼ of Section 33.

h) Amendment No. 6 did not add or remove land.

i) Shell Rock Soy Processing Parcels means that portion of Butler County, State of Iowa, described in Amendment No. 7 to the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 992 on the 11th day of August, 2021, which Shell Rock Soy Processing Parcels includes the lots and parcels located within the area legally described as follows:

Shell Rock Soy Processing Parcels:

Tax ID Parcel No. 12-04-100-045 (As shown in Instrument No. 2020-2975, Office of the Recorder, Butler County, Iowa) "Shell Rock Soy Processing Parcel C" described as follows:

Parcel C in the Fractional Northwest Quarter of Section 4, township 91 North, Range 15 West of the 5th P.M., Butler County, Iowa, and more particularly described as follows: Beginning at the North Quarter Corner of said section; thence South 00°01'53" West, 1,646.46 Feet along the East line of the Fractional Northeast Quarter of the Northwest Quarter of said section to the Southeast Corner thereof, thence North 89°32'10" West, 2,146.69 Feet along the South line of said Fractional Northeast Quarter of the Northwest Fractional Quarter; and a portion of the Fractional Northwest Quarter of the Northwest Quarter; thence North 00°01'53" East, 1,639.05 Feet to the north line of said section; thence South 89°44'01" East (Assumed Bearing), 2,146.64 Feet along said North line to the Point of Beginning; Containing 80.955 acres, Including 3.105 acres of 220th Street right-of-way

Tax ID Parcel No. 12-04-200-047 (As shown in Instrument No. 2020-3070, Office of the Recorder, Butler County, Iowa) "Shell Rock Soy Processing - Reints Parcel" described as follows:

The North Fractional Half (Nfrl½) of the Northeast Fractional Quarter (NEfrl¼) lying South and West of the Chicago, Rock Island and Pacific Railroad right of way; and the East Half (E½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼), all in Section Four (4), Township Ninety-One (91) North, Range Fifteen (15) West of the 5th P.M., Butler County, Iowa, EXCEPT the following described tracts:

1. a tract commencing at the Northeast corner of said Section Four (4), thence South 588.7 feet along the East line of the Northeast Quarter (NE¼) to the south line of the Chicago, Rock Island Railroad which is the point of beginning, thence due South 331.22 feet thence due West 183 feet, thence due North 596.25 feet to the south line of the railroad, thence South 34°3 7' East along the south line of the railroad 322.07 feet to the point of beginning, and
2. a tract commencing at the Northeast corner of said Section Four (4), thence due South 969.92 feet to the Point of Beginning, thence due South 447.18 feet, thence North 88°50' West 158.47 feet to a pipe, thence North 1°38' East 37.16 feet to a pipe, thence North 88°29' West 102.59 feet to a pipe, thence North 4°27' West 421.37 feet to a pipe, thence South 86°52' East 293.02 feet to the Point of Beginning, and
3. Parcel "B" of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼), in Section Four (4), township Ninety-one (91) North, Range Fifteen (15) West of the 5th P.M., Butler County, Iowa, as shown on the Plat of Survey filed in the office of the Recorder of Butler County, Iowa, on December 4, 2003, as Instrument No. 2003-6387, Book M, Page 117

j) Amended Area means that portion of Butler County, State of Iowa, consisting of the property included within the Butler County Logistics Park Urban Renewal Area as legally described in Sections 1(a), (b), (d), (g), and (i).

Section 2. The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Butler, Iowa, Aplington-Parkersburg Community School District, Dike-New Hartford Community School District, Waverly-Shell Rock Community School District,

and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3. As to the Revised Original Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Revised Original Area upon the total sum of the assessed value of the taxable property in the Revised Original Area as shown on the assessment roll as of January 1, 2009, being the first day of the calendar year preceding the calendar year in which the County first certified to the Auditor an amount of loans, advances, indebtedness or bonds payable from the division of property tax revenue under Iowa Code Section 403.19. The taxes so determined shall be referred herein as the "base period taxes" for such Revised Original Area.

As to Amendment No. 1 Area, base period taxes shall be computed using the total assessed value shown on the assessment roll as of January 1, 2011, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance Title VI, No. 10-B.

As to Amendment No. 3 Area (Menards and part of Sinclair), base period taxes shall be computed using the total assessed value shown on the assessment roll as of January 1, 2014, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance Title VI, No. 13.

As to the Trinityrail Parcel of the Butler County Logistics Park Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2019, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effect date of Ordinance Title VI, No. 24.

As to the Shell Rock Soy Processing Parcels of the Butler County Logistics Park Urban Renewal Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2020, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effect date of this Ordinance.

Section 4. That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each subarea thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by Butler County, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by Butler County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Butler County Logistics Park Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

Section 5. Unless or until the total assessed valuation of the taxable property in the subareas of the Amended Area exceeds the total assessed value of the taxable property in the subareas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of Butler County, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Revised Original Area, the Amendment No. 1 Area, the Amendment No. 3 Area, and the Trinityrail Parcel, under the provisions of Section 403.19 of the Code of Iowa, as originally authorized in Ordinance Title VI, No. 9, Ordinance Title VI, No. 10-B, Ordinance Title VI, No. 13, Ordinance Title VI, No. 18, and Ordinance Title VI, No. 24, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Shell Rock Soy Processing Parcels and the Amended Area as described above. Notwithstanding any provisions in any prior Ordinances or other documents, the provisions of this Ordinance and all prior Ordinances relating to the Amended Area (including its subareas) shall be construed to continue the division of taxes from property within the Amended Area to the maximum period of time allowed by Section 403.19 of the Code of Iowa. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

Section 8. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7th day of September, 2021.

Greg Barnett  
Chairperson, Board of Supervisors

ATTEST:

Leslie Groen  
County Auditor

Read First Time: September 7, 2021  
Read Second Time: Waived on September 7, 2021  
Read Third Time: Waived on September 7, 2021

Time and place for the opening of bids for the sale of \$5,000,000\* (Subject to Adjustment e Terms of Offering) General Obligation Urban Renewal Refunding Bonds, Series 2021, the meeting was opened for the receipt of bids for the Bonds. Maggie Burger, Speer Financial, Inc., was present and shared the seven electronic bids that were received and announced as follows:

<u>Account Manager</u>	<u>True Interest Rate</u>
UMB Bank, n.a., Kansas City, Missouri	0.9175%
FHN Financial Capital Markets, Memphis, Tennessee	1.0190%
Robert W. Baird & Co., Inc., Milwaukee, Wisconsin	1.0286%
First National Capital Markets, Omaha, Nebraska	1.1178%
Northland Securities, Inc., Minneapolis, Minnesota	1.1213%
D.A. Davidson & Co., Denver, Colorado	1.1613%
BOK Financial Securities, Inc., Milwaukee, Wisconsin	1.2047%

The best bid was determined to be as follows:

Names and Address of Bidder: UMB Bank, n.a., Kansas City, MO  
Trust Interest Rate (as-bid): 0.9175%  
Net Interest Cost (as-bid): \$283,119

In consultation with Speer Financial, the County considered the adjustment of the aggregate principal amount of the Bonds and each scheduled maturity thereof in accordance with the Terms of Offering and the following actions were taken:

Final Par Amount as adjusted: \$5,000,000  
Purchase Price as adjusted: \$5,039,683.80

Burger pointed out that Iowa State Bank, Clarksville, IA, was assisting UMB Bank, n.a., Kansas City, MO, and reviewed the other strong bids as well. Burger also shared the newest Moody's rating report and explained the County's Moody's rating as Aa3.

Barnett reiterated that they are not anticipating an increase in the debt levy from the new bond.

Motioned by Heidenwirth, second by Eddy to approve RESOLUTION DIRECTING SALE OF \$5,000,000\*(SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION URBAN RENEWAL REFUNDING BONDS, SERIES 2021 as Resolution 996. The roll was called and the vote was: AYES: Heidenwirth, Barnett, Eddy. Nays: 0 and the resolution was adopted as follows:

#### RESOLUTION 996

RESOLUTION DIRECTING SALE OF \$5,000,000\* (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION URBAN RENEWAL REFUNDING BONDS, SERIES 2021

WHEREAS, bids have been received for the Bonds described as follows and the best bid received (with permitted adjustments, if any) is determined to be the following:

\$5,000,000\* (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION URBAN RENEWAL REFUNDING BONDS, SERIES 2021

Bidder: UMB Bank, n.a., of Kansas City, MO

The terms of award:

Final Par Amount as adjusted: \$ 5,000,000  
Purchase Price as adjusted: \$ 5,039,683.80  
True Interest Rate: 0.9175 %  
Net Interest Cost: \$283,119

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

Section 9. That the bid for the Bonds as above set out is hereby determined to be the best and most favorable bid received and, the Bonds are hereby awarded as described above.

Section 10. That the statement of information for Bond bidders and the form of contract for the sale of the Bonds are hereby approved and the Chairperson and Auditor are authorized to execute the same on behalf of the County.

Section 11. That the notice of the sale of the Bonds heretofore given and all acts of the County Treasurer and other officials done in furtherance of the sale of the Bonds are hereby ratified and approved.

PASSED AND APPROVED this 7th day of September, 2021.

Greg Barnett  
Chairperson

ATTEST:

Leslie Groen  
County Auditor

Barnett introduced RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2010, DATED SEPTEMBER 15, 2010, as Resolution 997. Burger explained the bond holder refunding notification that is required 30 days prior. Motioned by Barnett, second by Eddy to approve RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2010, DATED SEPTEMBER 15, 2010. The roll was called and the vote was: AYES: Heidenwirth, Barnett, Eddy. NAYS: 0 and the resolution was adopted as follows:

#### RESOLUTION 997

RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2010, OF BUTLER COUNTY, STATE OF IOWA, DATED SEPTEMBER 15, 2010, AND DIRECTING NOTICE BE GIVEN

WHEREAS, the County did by resolution dated August 31, 2010, authorize the issuance of \$2,200,000 General Obligation Urban Renewal Bonds, Series 2010, (the "Bonds") dated September 15, 2010; and

WHEREAS, the Bonds are redeemable in any order of their numbering on June 1, 2020 or any date thereafter upon giving notice in the manner provided in the resolution authorizing the issuance of the Bonds; and

WHEREAS, it is deemed necessary and advisable that \$730,000 be so redeemed on October 12, 2021 and notice of redemption be given according to the terms of the resolution authorizing issuance of the Bonds.

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

That outstanding General Obligation Urban Renewal Refunding Bonds, dated September 15, 2010, in the principal amount of \$730,000, be and the same are hereby redeemed as of October 12, 2021.

UMB Bank, n.a. in its capacity as assignee of and successor to Bankers Trust Company, is hereby authorized and directed to cause notice of such redemption be given not less than thirty (30) days prior to the redemption date and to cause notice of redemption to be mailed to the registered owners of the Bonds by ordinary mail, and to notify DTC.

The County Treasurer is hereby authorized and directed to cause to be deposited in a separate fund such sum as is sufficient to pay all principal and interest on the redeemed Bonds to the date of redemption and to notify the County's dissemination agent to post the Notice of Redemption to the MSRB's website (EMMA) in searchable PDF format for the refunded Bonds in accordance with the Continuing Disclosure Certificate for the Bonds.

That the form of such notice be substantially as follows:

—

**NOTICE OF FULL REDEMPTION**

To the Holders of the  
Butler County, State of Iowa  
General Obligation Urban Renewal Bonds  
Series 2010

\$2,200,000

*Dated September 15, 2010*

Notice is hereby given by UMB Bank, N.A. that the Bonds of the above referenced issue which mature on June 1, in the following years and amounts are called for redemption and prepayment on **October 12, 2021**:

Year	Amount	Interest Rate	Cusip No *	Bond No.
2022	\$170,000	3.20%	123412AL2	BOOK ENTRY
2023	\$180,000	3.30%	123412AM0	BOOK ENTRY
2024	\$185,000	3.40%	123412AN8	BOOK ENTRY
2025	\$195,000	3.50%	123412AP3	BOOK ENTRY

The Bonds will be redeemed at a price of 100% of their principal amount plus accrued interest to the date of redemption. Holders of such Bonds should present them for payment on or before said Redemption Date, on which date they will cease to bear interest:

**Registered/Certified Mail, Air Courier or In Person:**

UMB Bank, N.A. 1010408  
Corporate Trust Bond Operations Department  
928 Grand, 4<sup>th</sup> Floor  
Kansas City, MO 64106-2040

Please DO NOT submit your securities for payment more than 30 days in advance of the redemption date. When inquiring about this redemption, please have the Note number available. Customer Service can be reached at 800-416-6212.

Under the provisions of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (the "Act"), 24% will be withheld if a tax identification number is not properly certified. Bondholders who wish to avoid the application of these provisions should submit a completed IRS Form W-9 when presenting their Bonds.

This notice is given by order of the **Butler County, Iowa** pursuant to the terms of the resolution authorizing the redemption of these Bonds, **dated September 7, 2021**.

**By: UMB BANK, N.A., as Paying Agent**

(End of Notice)

PASSED AND APPROVED this 7th day of September, 2021.

Greg Barnett  
Chairperson

ATTEST:

Leslie Groen  
County Auditor

Groen shared that she has hired Matt Wilken, Clarksville, as Elections Deputy. Motioned by Barnett, second by Eddy to approve Resolution 998 Elections Deputy Appointment. The roll was called and the vote was: AYES: Heidenwirth, Barnett, Eddy. NAYS: 0 and the resolution was adopted as follows:

**RESOLUTION 998  
ELECTIONS DEPUTY APPOINTMENT**

**WHERE AS** Iowa Code Sec. 331.903 states in part that the auditor, treasurer, recorder, sheriff, and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board. **WHERE AS** the Board of Supervisors of Butler County, State of Iowa, previously approved the temporary increase in deputies in the Office of the County Auditor and Commissioner of Elections to hire and train a replacement deputy, due to retirement.

**BE IT RESOLVED** that the Board of Supervisors of Butler County, State of Iowa, hereby approves the temporary increase in the position of Election Deputy in the Office of the County Auditor and



Commissioner of Elections, and with that approves the appointment of Matthew Wilken to that position, effective September 13, 2021.

UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth  
Greg Barnett  
Rusty Eddy

NAYS: None

WHEREUPON the Resolution was declared duly adopted this 7<sup>th</sup> day of September, 2021.

Greg Barnett  
Chairman, Board of Supervisors  
Leslie Groen, County Auditor

ATTEST:  
Leslie Groen

Barnett reviewed the NEI3A – 28E Agreement document. Motioned by Eddy, second by Barnett to approve the NEI3A – 28E Agreement. All ayes. Motion carried.

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

Motioned by Barnett, second by Eddy to adjourn the regular meeting at 1:26 P.M. to September 14, 2021 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 September 7, 2021.

Attest: \_\_\_\_\_  
Butler County Auditor

\_\_\_\_\_  
Chairman of the Board of Supervisors