

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 27, 2020.

With limited public access to the courthouse due to COVID-19, this meeting was held telephonically with the public able to participate on a limited basis. 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 9:00 a.m. by Chairman Tom Heidenwirth with members Greg Barnett and Rusty Eddy present.

Minutes of the previous meeting were read. Moved by Barnett, second by Eddy to approve. All ayes. Motion carried.

No public comment received.

Director of Public Health Jennifer Becker reported 37 new cases of COVID-19 this week with 20 having recovered and 5 hospitalized for an 8.3% positivity rate. Total cases are 381 in Butler County.

Board reviewed Butler County COVID-19 Policy 20-04. Moved by Eddy, second by Heidenwirth to approve changes and additions to the Butler County COVID Policy 20-04. All Ayes. Motion carried.

Moved by Eddy, second by Barnett to set November 10, 2020 at 9:35 A. M. as the date and time for a public hearing on the first reading of an amendment to update the Floodplain Management Ordinance. All ayes. Motion carried.

Board held a public hearing on an amendment to the Zoning Ordinance Title VI, No. 23. Present were Heidenwirth, Eddy and Barnett. Auditor reported no written or oral comments received. At the close of the public hearing it was moved by Barnett, second by Heidenwirth to approve. All ayes. Motion carried. It was further moved by Eddy, second by Heidenwirth to waive the second and third readings and approve as follows:

ORDINANCE Title VI, No. 23

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 7, ADOPTED ON MAY 25, 2004)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, “A-1” Agriculture, on the property legally described as:

The North Half of the Northwest Quarter (N1/2 NW 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4), all on Section 4, Township 91 North, Range 15 West of the 5th P.M., Butler County, Iowa.

AND

The North Fractional Half of the Northeast Fractional Quarter (Nfr1/2 NEfr1/4) lying South and West of the Chicago, Rock Island and Pacific Railroad right of way; and the East Half of the Southeast Quarter of the Northeast Quarter (E1/2 SE1/4 NE1/4), 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:

- a) A tract commencing at the Northeast corner of said Sec. 4, thence South 588.7 feet along the East line of the NE1/4 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°37' East along the south line of the railroad 322.07 feet to the point of beginning.
- b) A tract commencing at the Northeast corner of said Sec. 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.

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation “M”, Manufacturing, for the property legally described above, on the Official Zoning Map.

Section 3. INTEGRATION WITH CODE. Each section, provision or part of this Ordinance which is followed by a section number shall be inserted in the Butler County Zoning Ordinance (Ordinance No. Title VI, Number 7, adopted on May 25, 2004) as indicated by said section number and hereafter shall be cited by reference to said section number.

Section 4. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

Section 6. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of the Ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its final passage and publication as provided by law.
UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth Rusty Eddy Greg Barnett	NAYS: None
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WHEREUPON the Resolution was declared duly adopted this 27th day of October, 2020.

ATTEST: *Lizbeth Williams*, County Auditor

Moved by Barnett, second by Eddy to set November 10, 2020 at 9:15 A.M. as the date and time for the following:

RESOLUTION NO. 972

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH TRINITYRAIL MAINTENANCE SERVICES, INC., 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; 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 TrinityRail Maintenance Services, Inc. (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 construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Butler County Logistics Park Urban Renewal Area as defined and legally described in the Agreement and consisting of the construction of approximately 9 buildings with a combined footprint of approximately 376,497 square feet, on-site rail tracks, and related improvements on the Development Property, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreement further proposes that the County will make up to fifteen (15) consecutive annual payments of Economic Development Grants to Developer consisting of a percentage of the Tax Increments pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$9,000,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, one of the obligations of the Developer relates to employment retention and/or creation; 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 Emergency Operations Center, 428 - 6th Street, Allison, Iowa, at 9:25 A.M. on November 10, 2020, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with TrinityRail Maintenance Services, Inc.

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 TRINITYRAIL MAINTENANCE SERVICES, INC., AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Supervisors for Butler County will hold a public hearing on November 10, 2020, at 9:25 A.M. in the Emergency Operations Center, 428 - 6th Street, Allison, Iowa, at which meeting the Board proposes to take action on the proposal to enter into a Development Agreement (the "Agreement") with TrinityRail Maintenance Services, Inc. (the "Developer").

The Agreement would obligate the Developer to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Butler County Logistics Park Urban Renewal Area as defined and legally described in the Development Agreement, consisting of the construction of the construction of approximately 9 buildings with a combined footprint of approximately 376,497 square feet, on-site rail tracks, and related improvements on the Development Property, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Agreement. One of the obligations of Developer relates to employment retention and/or creation.

The Agreement would further obligate the County to make up to fifteen (15) consecutive annual payments of Economic Development Grants to Developer consisting of a percentage of the Tax Increments pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the lesser of \$9,000,000, or the amount accrued under the formula outlined in the proposed Development 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.

PASSED AND APPROVED this 27th day of October, 2020.

ATTEST: *Lizbeth Williams*, County Auditor
Tom Heidenwirth
Chairperson, Board of Supervisors

Moved by Eddy, second by Barnett to approve an Agreement with Prairie Lake Data Center for \$1,383 monthly. All ayes. Motion carried.

Board authorized Auditor to transfer \$409,809 from Capital Projects to Secondary Roads.

Moved by Barnett, second by Heidenwirth to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Updates for DC Farms and David Brinkman.

Moved by Heidenwirth, second by Eddy to adjourn the meeting at 9:55 A.M. to Tuesday, November 3, 2020 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 October 27, 2020.