

West Union, Fayette County, Iowa  
Monday, July 22, 2013

The Board of Supervisors of Fayette County, Iowa, met on Monday, July 22, 2013, at 9:00 o'clock a.m., at the Fayette County Supervisor's office.

The meeting was called to order by the Chairperson, and the roll was called showing the following Supervisors present and absent:

Present: Jeanine Tellin, Vicki Rowland & Darrel Dolf

Absent: None

Motion was made by Dolf and seconded by Rowland to approve the current agenda. On roll call, all voted aye, none nay, and the motion was carried.

Motion was made by Rowland and seconded by Dolf to approve the minutes of the July 15, 2013 meeting. On roll call, all voted aye, none nay, and the motion was carried.

Motion was made by Dolf and seconded by Rowland to open the public hearing at 9:05A.M. for the purpose of hearing comments on the proposed development agreement with Viafield. On roll call all voted aye, none nay, and the motion was carried.

The Board of Supervisors investigated and found that notice of the intention of the Board of Supervisors to conduct a public hearing to approve a Development Agreement between the County and Viafield Cooperative with respect to the development of new grain loading facilities and the construction of railroad improvements from the Transco rail yard to Highway 3, which agreement provides for certain financial incentives in the form of incremental property tax payments in a total amount not exceeding \$2,600,000, had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

There were no objections.

There being no further objections or comments, motion was made by Rowland and seconded by Dolf to close the hearing at 9:10 A.M.

On roll call, all voted aye, none nay, and the motion was carried.

Supervisor Rowland introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Dolf; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution and the roll being

called the following named Supervisors voted: Rowland and Dolf voted aye, no nays, Tellin abstained and the resolution duly adopted, as follows:

#### RESOLUTION 242

Approving Development Agreement with Viafield Cooperative,  
Authorizing Tax Increment Payments and Pledging Certain Tax Increment  
Revenues to the Payment of the Agreement

WHEREAS, Fayette County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has previously adopted an Urban Renewal Plan for the Fayette County 2013 Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, a certain development agreement (the "Agreement") between the County and Viafield Cooperative (the "Coop") has been prepared (the "Agreement"), pursuant to which the Coop has agreed to develop new grain loading facilities and construct railroad improvements from the Transco rail yard to Highway 3 (the "Viafield Project") and the County has agreed to provide incremental tax increment payments to the Coop in a total amount not exceeding \$2,600,000; and

WHEREAS, this Board of Supervisors, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on July 22, 2013, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a Board of Supervisors must consider any or all of a series of factors;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Fayette County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

A. The Viafield Project will add diversity and generate new opportunities for the Fayette County and Iowa economies;

B. The Viafield Project will generate public gains and benefits, particularly in the creation of new jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Board further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Coop.

Section 3. The Agreement is hereby approved and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County, in substantially the form and content in which the Agreement has been presented to this Board of Supervisors, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. As provided and required by Chapter 403 of the Code of Iowa, the County's obligations under the Agreement shall be payable solely from a subfund (the "Viafield Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

PARCEL "D" IN THE FRACTIONAL SOUTHWEST QUARTER OF  
SECTION 6, TOWNSHIP 91 NORTH, RANGE 9 WEST OF THE 5TH  
P.M., PER SURVEY OF LYLE G. TeKIPPE RECORDED AS FILE NO.  
2013-1163, FAYETTE COUNTY, IOWA

Section 5. The County hereby pledges to the payment of the Agreement the Viafield Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Fayette County to evidence the continuing pledging of the Viafield Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 22nd day of July, 2013.

The Board met with Paul Greaufe, SPHR, for an update of his services.

The Board met with Lee Bjerke, Interim Engineer, for an update.

Motion was made by Rowland and seconded by Dolf to approve a contract with Shuck-Briston, Inc. for the inspection of 117 bridges in Fayette County that are out of compliance. On roll call, all voted aye, none nay, and the motion was carried.

Motion was made by Dolf and seconded by Rowland to approve the rating of 10 bridges within city limits that need to be in compliance. On roll call, all voted aye, none nay, and the motion was carried.

The Board had a discussion with Rachelle Howe from Upper Explorerland regarding an Administrator for the Watershed Project in Fayette County.

Rod Marlatt gave an update on the Watershed Project.

Rowland gave an update on Heartland Insurance.

Motion was made by Rowland and seconded by Dolf to approve the Outdoor Service Area on the Class C Liquor License of Sam Schmitt Enterprises, Ltd., d/b/a Alpha Tavern. On roll call, all voted aye, none nay, and the motion was carried.

Motion was made by Dolf and seconded by Rowland to appoint Pat Hunsberger to the Fayette County Board of Health. On roll call, all voted aye, none nay, and the motion was carried.

The Board attended the Oelwein Rotary to hear the Iowa Secretary of State speak.

Effective 7/8/13 Christopher Schweiger has been hired as a Deputy for the Fayette County Sheriff's Office. His wage will be \$17.76 per hr.

Effective 6/6/13 Cory Hartmann has been hired by the Fayette County Sheriff's Office as a Reserve Deputy. Cory's wage will be \$15.00 per hour.

Effective 7/16/13 Justin Herrick has been hired as a Temporary Part Time Detention Officer for the Fayette County Sheriff's Office. Justin's wage will be \$13.04 per hour.

Effective 7/9/13 Sarah Trimble has been employed by the Fayette County Sheriff's Office as a Dispatcher for 5 years. Sarah's wage will increase to \$16.18 per hour.

The Board adjourned.

Upon request, this information could be made available in large print, and/or computer disk.

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Lori Moellers  
County Auditor

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Jeanine Tellin  
Chair of the Board