

October 19, 2004

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:00 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present:, Roger Schmitz, Chairman; Richard Ferry, Vice-Chairman; Gayle Petersen and Marsha J. Carter, Clerk.

It was moved by Ferry, seconded by Petersen, to approve the agenda AND the following items contained in the Consent Agenda:

- A. Minutes of October 5, 2004
- B. Office Reports – Sheriff, Recorder & IT
- C. Committee Reports

AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the Claims of October 19, 2004, as listed in the Claims Register. AYES: Schmitz, Ferry, Petersen NAYES: None

Now being the time for the public hearing on the Amendment to the County Urban Renewal District, the Chairman did open the hearing. The Auditor reported that she had received no written or oral comments. It was moved by Ferry, seconded by Petersen, to close the hearing and approve the following resolution with the clarification that the legal descriptions set out in this Resolution replace the legal descriptions in the May 18, 2004, Resolution No. 2004-16:

RESOLUTION NO. 2004-37
AMENDMENT TO THE COUNTY'S URBAN RENEWAL PLAN

DESCRIPTION OF THE BUSINESS PARK URBAN RENEWAL DISTRICT

The boundaries of the Shelby County Business Park Urban Renewal District as stated on Page 6 of the Urban Renewal Plan are amended to include the following area:

Parcel No. 831125104002 - A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the East Quarter Corner of said Section 25; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,333.76 feet along the east line of said Northeast Quarter; thence North 89 deg. 14' 55" West, a distance of 460.82 feet to a point on the north line of said Southeast Quarter of the Northeast Quarter, said point being the point of beginning; thence South 70 deg. 22' 48" West, a distance of 343.05 feet; thence South 69 deg. 55' 08" West, a distance of 335.45 feet to the east line of Shelby County Business Park, an official plat, now included in and forming part of the City of Harlan, Shelby County, Iowa.

Containing 13,570 square feet or 678.5 linear feet, more or less.

Parcel No. 831030202005 - A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the West Quarter Corner of said Section 30; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,474.93 feet along the west line of said Northwest Fractional Quarter; thence North 89 deg. 14' 55" East, a distance of 30.00 feet to the east right-of-way of Old Highway 59, said point being the

point of beginning; thence North 60 deg. 28' 52" East, a distance of 130.90 feet; thence North 89 deg. 32' 31" East, a distance of 191.41 feet to the north line of Owners' property.

Containing 6,450 square feet or 322.5 linear feet, more or less.

Parcel No. 831030201004 – A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the West Quarter Corner of said Section 30; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,540.72 feet along the west line of said Northwest Fractional Quarter; thence South 89 deg. 14' 55" East, a distance of 1,620.00 feet to the west line of said Northeast Quarter of the Northwest Fractional Quarter, said point being the point of beginning; thence South 82 deg. 50' 50" East, a distance of 20.62 feet; thence North 60 deg. 47' 19" East, a distance of 170.00 feet; thence North 75 deg. 56' 09" East, a distance of 380.00 feet; thence North 52 deg. 35' 19" East, a distance of 240.00 feet; thence North 59 deg. 05' 52" East, a distance of 220.00 feet; thence North 87 deg. 14' 04" East, a distance of 295.00 feet; thence North 00 deg. 37' 29" East, a distance of 548.91 feet to the north line of said Northeast Quarter of the Northwest Fractional Quarter.

Containing 37,490 square feet or 1874.5 linear feet, more or less.

Parcel No. 831030202003 and 831030201002 – A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the West Quarter Corner of said Section 30; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,544.96 feet along the west line of said Northwest Fractional Quarter; thence South 89 deg. 14' 55" East, a distance of 337.42 feet to the north line of the property conveyed to Owners in Book 2000 on Page 1114 in the Shelby County Recorder's Office, said point being the point of beginning; thence North 89 deg. 32' 31" East, a distance of 208.59 feet; thence North 80 deg. 51' 31" East, a distance of 400.00 feet; thence North 82 deg. 41' 28" East, a distance of 400.00 feet; thence South 82 deg. 20' 50" East, a distance of 284.38 feet to the east line of said Owners' property recorded in Probate Book 73 on Page 236.

Containing 25,860 square feet or 1293 linear feet, more or less.

Parcel No. 831125101001 – A strip easement 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the East Quarter Corner of said Section 25; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,487.60 feet along the east line of said Northeast Quarter; thence North 89 deg. 14' 55" West, a distance of 33.00 feet to the west right-

of-way of Old Highway 59, said point being the point of beginning; thence South 86 deg. 15' 44" West, a distance of 18.37 feet; thence South 70 deg. 19' 59" West, a distance of 380.00 feet; thence South 70 deg. 22' 48" West, a distance of 56.95 feet to the south line of said Northeast Quarter of the Northeast Quarter.

Containing 9,110 square feet or 455.5 linear feet, more or less.

TERMINATION OF URBAN RENEWAL PLAN

The date of termination of the Business Park Urban Renewal Plan as stated on Page 13 of the Urban Renewal Plan is amended to June 30, 2010.

All other portions of the Urban Renewal Plan will remain as stated.

Passed and approved this 19th day of October, 2004.

AYES: Schmitz, Ferry, Petersen

NAYES: None

Pat Deren, attorney representing Shelby County Cookers, appeared before the Board to discuss the \$150,000 forgivable loan. The original agreement called for Shelby County to loan Shelby County Cookers \$150,000, and Shelby County Cookers would immediately repay Shelby County \$80,000 from grant funds. Deren was requesting today that Shelby County Cookers pay back the \$80,000 over a period of 3-4 years. Schmitz stated that he thought the original agreement should stand. Petersen and Ferry agreed. It was also agreed that the County change the loan amount to Shelby County Cookers to \$70,000, which would change the bond amount from \$150,000 to \$70,000, and there would be no need for the re-payment of \$80,000.

It was moved by Petersen, seconded by Ferry, to authorize the Chairman to sign the EMS Systems Development Grant for FY2005 for approximately \$35,000. This grant will pay 100% of the EMS Coordinator's salary. AYES: Schmitz, Ferry, Petersen NAYES: None

Board Member Petersen introduced the following Resolution entitled "RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004A", and moved that the same be adopted. Board Member Ferry seconded the motion to adopt. The roll was called and the vote was: AYES: Schmitz, Ferry, Petersen NAYS: None

Whereupon, the Chairperson declared the following Resolution duly adopted:

RESOLUTION NO. 2004-38

RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004A

WHEREAS, the County of Shelby, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including improvements to sewer services to the Business Park, and it is deemed necessary and advisable that said City should authorize a Loan Agreement and issue General Obligation Capital Loan Notes, Series 2004A, to the amount of not to exceed \$700,000, as authorized by Sections 331.402, 331.441 and 331.443 of the Code of Iowa, for the purpose of providing funds to pay costs thereof; and

WHEREAS, before said Notes may be issued, it was necessary to comply with the provisions of said Code, and to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes and of the time and place of the meeting at which it is proposed to take action of the issuance of the Notes.

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

Section 1. That the action of the County Auditor allowing for petitions to be filed and setting a public hearing before the Board of Supervisors to meet at the Supervisors Chambers, in the Shelby County

Courthouse, Harlan, Iowa, at 9:30 o'clock A. M., today, the 19th day of October, 2004, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$700,000 General Obligation Capital Loan Notes, Series 2004A, of the County, the proceeds of which will be used to provide funds to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including improvements to the sewer services to the Business Park, is hereby ratified, confirmed and approved.

Section 2. That the Auditor had caused 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 the County, said publication to be not less than ten (10) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 19th day of October, 2004.

The Chairperson asked the Auditor whether any petition had been filed in the Auditor's Office, as contemplated in Section 331.442 of the Code of Iowa, and the Auditor reported that no such petition had been filed, requesting that the question of issuing General Obligation Capital Loan Notes, Series 2004A, be submitted to the qualified electors of the County.

The Chairperson announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$700,000 General Obligation Capital Loan Notes, Series 2004A, in order to provide funds to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including improvements to sewer services to the Business Park, an essential county purpose, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes, had been published pursuant to the provisions of Sections 331.402, 331.441, and 331.443 of the Code of Iowa, as amended.

The Chairperson then asked the Auditor whether any written objections had been filed by any county resident or property owner to the proposal. The Auditor advised the Chairperson and the Board that no written objections had been filed. The Chairperson then called for oral objections to the proposal and none were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

The Board then considered the proposed action and the extent of objections thereto.

Whereupon, Board Member Petersen introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004A" and moved that the Resolution be adopted. Board Member Ferry seconded the motion. The roll was called and the vote was AYES: Schmitz, Ferry, Petersen NAYS: None

Whereupon, the Chairperson declared the following measure duly adopted:

RESOLUTION NO. 2004-39
RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE
AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT
TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES
2004A

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$700,000 General Obligation Capital Loan Notes, Series 2004A, for the purpose of paying costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including improvements to sewer services to the Business Park, and has considered the extent of objections received from residents or property owners as to said proposal and no petition has been filed and, accordingly the following action is now considered to be in the best interests of the County and residents thereof:

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

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization of a Loan Agreement and issuance in the manner required by law of not to exceed \$700,000 General Obligation Capital Loan Notes, Series 2004A, to evidence the obligation thereof for the foregoing purpose.

Section 2. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2, because the County reasonably expects to reimburse with the proceeds of the Notes, all or a portion of original expenditures incurred in connection with the above purpose.

PASSED AND APPROVED this 19th day of October, 2004.

Board Member Ferry introduced the following Resolution entitled "RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE ISSUANCE OF NOT TO EXCEED \$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B", and moved that the same be adopted. Board Member Petersen seconded the motion to adopt. The roll was called and the vote was AYES: Schmitz, Ferry, Petersen NAYS: None

Whereupon, the Chairperson declared the following Resolution duly adopted:

RESOLUTION NO. 2004-40
RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF
PUBLIC HEARING FOR THE ISSUANCE OF NOT TO EXCEED
\$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B

WHEREAS, the County of Shelby, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including a forgivable loan to Shelby County Cookers, LLC, and it is deemed necessary and advisable that said City should authorize a Loan Agreement and issue Taxable General Obligation Capital Loan Notes, Series 2004B, to the amount of not to exceed \$150,000, as authorized by Sections 331.402, 331.441 and 331.443 of the Code of Iowa, for the purpose of providing funds to pay costs thereof; and

WHEREAS, before said Notes may be issued, it was necessary to comply with the provisions of said Code, and to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes and of the time and place of the meeting at which it is proposed to take action of the issuance of the Notes.

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

Section 1. That the action of the County Auditor allowing for petitions to be filed and setting a public hearing before the Board of Supervisors to meet at the Supervisors Chambers in the Shelby County Courthouse, Harlan, Iowa, at 9:30 o'clock A. M., today, the 19th day of October, 2004, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$150,000 Taxable General Obligation Capital Loan Notes, Series 2004B, of the County, the proceeds of which will be used to provide funds to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including a forgivable loan to Shelby County Cookers, LLC, is hereby ratified, confirmed and approved.

Section 2. That the Auditor had caused 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 the County, said publication to be not less than ten (10) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 19th day of October, 2004.

The Chairperson asked the Auditor whether any petition had been filed in the Auditor's Office, as contemplated in Section 331.442 of the Code of Iowa, and the Auditor reported that no such petition has been filed, requesting that the question of issuing Taxable General Obligation Capital Loan Notes, Series 2004B, be submitted to the qualified electors of the County.

The Chairperson announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$150,000 Taxable General Obligation Capital Loan Notes, Series 2004B, in order to provide funds to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including a forgivable loan to Shelby County Cookers, LLC, an essential county purpose, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes, had been published pursuant to the provisions of Sections 331.402, 331.441, and 331.443 of the Code of Iowa, as amended.

The Chairperson then asked the Auditor whether any written objections had been filed by any county resident or property owner to the proposal. The Auditor advised the Chairperson and the Board that no written objections had been filed. The Chairperson then called for oral objections to the proposal and none were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

The Board then considered the proposed action and the extent of objections thereto. Whereupon, Board Member Ferry introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B" and moved that the Resolution be adopted. Board Member Petersen seconded the motion. The roll was called and the vote was AYES: Schmitz, Ferry, Petersen NAYS: None

Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION NO. 2004-41
RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE
AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED
\$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$150,000 Taxable General Obligation Capital Loan Notes, Series 2004B, for the purpose of paying costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including a forgivable loan to Shelby County Cookers, LLC, and has considered the extent of objections received from residents or property owners as to said proposal and no petition has been filed and, accordingly the following action is now considered to be in the best interests of the County and residents thereof:

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

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization of a Loan Agreement and issuance in the manner required by law of not to exceed \$150,000 Taxable General Obligation Capital Loan Notes, Series 2004B, to evidence the obligation thereof for the foregoing purpose.

Section 2. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2, because the County reasonably expects to reimburse with the proceeds of the Notes, all or a portion of original expenditures incurred in connection with the above purpose.

PASSED AND APPROVED this 19th day of October, 2004.

It was moved by Petersen, seconded by Ferry, to approve the transfer of \$25,000 from General Basic to Capital. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Ferry, seconded by Petersen, to authorize the Chairman to sign the Release of Mortgages for Down Payment Assistance Program Project No. 99-HM-132-024, 027, 028, and 031. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Ferry, seconded by Petersen, to approve and sign the plans for Bridge Replacement BROS-CO83(35)-Lee Bridge. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Petersen, seconded by Ferry, to approve and sign the plans for Bridge Replacement BROS-CO83(32)-Irwin North. AYES: Schmitz, Ferry, Petersen NAYES: None

The County Engineer gave a secondary road project update.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:14 a.m.

Roger Schmitz, Chairman

ATTEST:

Marsha J. Carter
Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.