

September 4, 2007

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; LaVon Christensen; and Marsha J. Carter, Clerk.

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

- A. Minutes of August 21, 2007
- B. Office Reports – None
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the Claims of August 31, 2007, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen NAYES: None

A discussion was held on the cost of the repairs to the Mill-Picayune watershed structures being recommended by the NRCS. A letter will be presented to the NRCS from the Board stating that new easements need to be completed before the County will pay for any repairs.

Marsha Carter, Auditor and Election Commissioner, updated the Board on the ongoing State and Federal legislative changes dealing with the types of voting equipment that will be certified for use in the 2008 elections. Because of state legislation passed during the 2007 session changing the voting equipment requirements, the Iowa State Association of County Auditors is supporting possible legislation for the state to appropriate funding for counties to switch to an “all-paper” system. The 2007 legislature appropriated over \$2 million for counties to do what may only be a “band aid” upgrade of the current system.

David Yamada, Shelby County DevelopSource, updated the Board on the economic development projects for Shelby County.

The County Engineer updated the Board on activities of the county road crews and the status of current maintenance and construction projects.

A discussion was held on options to upgrade the road by the dairy in Douglas Township. The increased traffic has become a safety issue. The County Engineer reported that the cost would be approximately \$500,000 for grading plus \$200,000 for the base. He also recommended that a double seal coat be applied after the base has been established, which could be an additional \$250,000. The total cost for the project could be \$1 million.

The Board of Supervisors of Shelby County, Iowa, met on September 4, 2007, at 9:00 o’clock, a.m., at the Supervisors Chambers in the Shelby County Courthouse, Harlan, Iowa, for the purpose of setting a date for a public hearing on the designation of an urban renewal area and on a proposed urban renewal plan and project. The Chairperson presided and the roll being called, the following members of the Board were present and absent:

Present: Schmitz, Ferry, Christensen

Absent: None.

The Chairperson announced that a plan had been prepared for a proposed project and that it was now necessary to set a date for a public hearing on the designation of the Douglas Township Urban Renewal Area and on that plan and the project outlined therein. Accordingly, Supervisor Christensen moved the adoption of the following resolution entitled “Resolution Setting Date for a Public Hearing on Designation of the Douglas Township Urban Renewal Area and on Urban Renewal Plan and Project,” and the motion was seconded by Supervisor Ferry.

Following due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Schmitz, Ferry, Christensen Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted, as follows:

RESOLUTION NO. 2007-26
SET DATE FOR HEARING ON URBAN RENEWAL AREA DESIGNATION
AND URBAN RENEWAL PLAN AND PROJECT

WHEREAS, a proposal has been made which shows the desirability of designating a portion of Shelby County as the Douglas Township Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board of Supervisors under which an area within the boundaries set out in Exhibit A would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a proposed urban renewal plan for a project within that proposed designated area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and project;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Shelby County, Iowa, as follows:

This Board will meet at the Supervisors Chambers of the Shelby County Courthouse, Harlan, Iowa, on the 2nd day of October, 2007, at 9:30 o'clock a.m., at which time and place it will hold a public hearing on the designation of the proposed Douglas Township Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Shelby County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Pursuant to Section 403.5 of the Code of Iowa, the County Auditor is hereby designated as the County's representative in connection with the consultation process which is required under that section of the urban renewal law.

The proposed urban renewal plan is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

Passed and approved September 4, 2007.

ATTACHMENT TO RESOLUTION NO. 2007-26

NOTICE OF A PUBLIC HEARING ON DESIGNATION OF THE DOUGLAS
TOWNSHIP URBAN RENEWAL AREA, AND ON PROPOSED URBAN
RENEWAL PLAN AND PROJECT

Notice Is Hereby Given: That at 9:30 o'clock a.m., at the Supervisors Chambers of the Shelby County Courthouse, Harlan, Iowa, on the 2nd day of October, 2007, there will be conducted a public hearing on the question of designating as the Douglas Township Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, the property described as follows:

The East ½ of Section 26; NE1/4, E1/2NW1/4, NE1/4SW1/4 & N1/2SE1/4 of Section 35, all in Township 80 North, Range 38, West of the 5th P.M.;

and

The following road rights-of-way: 1400th Street beginning at the Northwest Corner of Section 34-T80N-R38 West of the 5th P.M.; east to Redwood Road; Redwood Road beginning at the Northeast Corner of Section 35-T80N-R38, West of the 5th P.M.; north to 1500th Street and 1500th Street beginning at the Northeast Corner of said Section 26-T80N-R38, West of the 5th P.M., east to Road M47, all in Shelby County, Iowa.

The subject matter of the public hearing will also include a proposed urban renewal plan and project for the Douglas Township Urban Renewal Area identified above, pursuant to Chapter 403, Code of Iowa, a copy of which plan is on file for public inspection in the office of the County Auditor.

The general scope of the proposed urban renewal plan, as more specifically described therein, includes the following:

Increasing the tax base and promoting economic growth in Shelby County by encouraging commercial development related to agricultural production. The initial purpose of the plan is to use incremental property tax revenues from new development to finance improvement of county roads.

At the hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matter of the hearing.

Marsha J. Carter
County Auditor

EXHIBIT A
Legal Description
Douglas Township Urban Renewal Area

The East ½ of Section 26; NE1/4, E1/2NW1/4, NE1/4SW1/4 & N1/2SE1/4 of Section 35, all in Township 80 North, Range 38, West of the 5th P.M.;

and

The following road rights-of-way: 1400th Street beginning at the Northwest Corner of Section 34-T80N-R38 West of the 5th P.M.; east to Redwood Road; Redwood Road beginning at the Northeast Corner of Section 35-T80N-R38, West of the 5th P.M.; north to 1500th Street and 1500th Street beginning at the Northeast Corner of said Section 26-T80N-R38, West of the 5th P.M., east to Road M47, all in Shelby County, Iowa.

It was moved by Ferry, seconded by Christensen, to set September 18 at 9:00 a.m. as the date and time for the Consultation Session regarding the creation of the Douglas Township Urban Renewal Area and to authorize the Auditor to send out the necessary notices. AYES: Schmitz, Ferry, Christensen NAYES: None

The Board of Supervisors of Shelby County, Iowa, met on September 4, 2007, at 9:00 o'clock a.m. at the Shelby County Courthouse, Harlan, Iowa. The Chairperson presided and the roll was called showing the following members of the Board present and absent:

Present: Schmitz, Ferry, Christensen

Absent: None.

Supervisor Christensen introduced a resolution hereinafter next set out and moved its adoption, seconded by Supervisor Ferry. After due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

Ayes: Schmitz, Ferry, Christensen Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

RESOLUTION NO. 2007-27

RESOLUTION TO FIX A DATE OF MEETING AT WHICH IT IS PROPOSED TO TAKE
ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,100,000 GENERAL OBLIGATION
URBAN RENEWAL COUNTY ROAD BONDS, SERIES 2007

WHEREAS, the Board of Supervisors of Shelby County (the "County") has begun the process required by state law to establish an urban renewal area for the purpose of financing the construction of improvements to certain county roads located in Douglas Township; and

WHEREAS, Subparagraph (16) of Section 331.441 of the Code of Iowa authorizes counties to issue general obligation bonds for the construction, reconstruction or improvement of county roads if such project will assist in economic development which creates jobs and wealth; and

WHEREAS, the County has received a request from Natural Milk Production, L.L.P. (the "Company") for assistance in improving certain county roads in order to provide safe travel for traffic to and from their milking facilities; and

WHEREAS, the Company has provided documentation to the County that such road improvements would contribute to the Company's expansion and addition of 40 new employees; and

WHEREAS, the County proposes to issue not to exceed \$1,100,000 General Obligation Urban Renewal County Road Bonds, Series 2007 (the "Bonds"), pursuant to the provisions of Chapters 331 and 403 of the Code of Iowa, for the purpose of planning, undertaking, and carrying out an urban renewal project within the Douglas Township Urban Renewal Area, consisting of the construction of improvements to county roads, and it is necessary to fix a date of meeting of the Board at which it is proposed to take action for the issuance of the Bonds and to give notice thereof as required by such law;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Shelby County, Iowa, as follows:

Section 1. This Board hereby finds that the proposed increase in jobs by the Company meets the requirement of Subparagraph (16) of Section 331.441 of the Code of Iowa described above, and this Board declares that the proposed county road improvements are an urban renewal project within the provisions of Chapter 403 of the Code of Iowa.

Section 2. This Board shall meet on the 2d day of October, 2007, at the Shelby County Courthouse, Harlan, Iowa, at 10:00 o'clock a.m., at which time and place proceedings will be instituted and action taken for the issuance of the Bonds.

Section 3. The County Auditor is hereby directed to give notice of the proposed action for the issuance of the Bonds setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than 4 nor more than 20 days before the meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS FOR
THE ISSUANCE OF NOT TO EXCEED \$1,100,000 GENERAL OBLIGATION
URBAN RENEWAL COUNTY ROAD BONDS, SERIES 2007

The Board of Supervisors of Shelby County, Iowa, will meet on the 2d day of October, 2007, at the Shelby County Courthouse, Harlan, Iowa, at 10:00 o'clock a.m. for the purpose of instituting proceedings and taking action for the issuance of not to exceed \$1,100,000 General Obligation Urban Renewal County Road Bonds, Series 2007, for the purpose of planning, undertaking, and carrying out an urban renewal project within the Douglas Township Urban Renewal Area, consisting of the construction of improvements to county roads.

At such time and place, the Board shall receive oral or written objections from any resident or property owner of the County. After receiving objections, the Board may take action for the issuance of the Bonds, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

The Bonds are proposed to be issued pursuant to authority contained in Chapters 331 and 403 of the Code of Iowa, and, when issued, the Bonds will constitute general obligations of the County.

By order of the Board of Supervisors and pursuant to Chapters 331 and 403 of the Code of Iowa.

Marsha J. Carter
County Auditor

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved September 4, 2007.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:00 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.