

November 19, 2013

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; Steve Kenkel, Vice Chairman; Charles Parkhurst; and Marsha J. Carter, Clerk.

The Chair asked that any Conflict of Interest be stated concerning any item on the agenda. None were stated.

It was moved by Parkhurst, seconded by Kenkel, to approve the agenda. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the minutes of November 5 and 12, 2013, as presented. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the Claims of November 19, 2013, and place the listing on file in the Auditor's Office. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Now being the time for the auction for the cash rent of the County Farm ground, the Chairman opened the bidding at \$250/acre, with bids increased by \$10 increments. There were six bidders present with the final bid at \$400/acre. It was moved by Parkhurst, seconded by Kenkel, to accept John Wingert's high bid of \$400/acre for the 145 acres of farm ground at the County Farm for the 2014 year and order the County Attorney to draw up the agreement to include payment of one fourth of the lime plus fertilizer costs. AYES: Schmitz, Burmeister, Hull NAYES: None

The Board of Supervisors of Shelby County, Iowa, met on November 19, 2013, at 9:00 o'clock, a.m., at the County Courthouse, for the purpose of conducting a public hearing on a proposed urban renewal plan amendment. The Chairperson presided and the roll being called the following members of the Board were present and absent:

Present: Schmitz, Kenkel, Parkhurst

Absent: None

The Board investigated and found that notice of the intention of the Board to conduct a public hearing on the 2013 Amendment to the urban renewal plan for the Douglas Township Urban Renewal Area 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 comments from any resident or property owner of the County.

There were no written or oral comments, and the Chairperson announced the hearing closed.

Supervisor Parkhurst moved the adoption of a resolution entitled "A Resolution to Approve 2013 Urban Renewal Plan Amendment for the Douglas Township Urban Renewal Area", seconded by Supervisor Kenkel. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Schmitz, Kenkel, Parkhurst

Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 2013-24

A resolution to approve 2013 Urban Renewal Plan Amendment for the Douglas Township Urban Renewal Area

WHEREAS, the Board of Supervisors of Shelby County, Iowa (the "County") has created the Douglas Township Urban Renewal Area (the "Urban Renewal Area") and has approved an urban renewal plan for the Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa requires that, before a county approves any new urban renewal project, or adds property to an urban renewal area, a county must amend the existing urban renewal plan to include that new project or new property; and

WHEREAS, an amendment to the urban renewal plan for the Urban Renewal Area (the "2013 Amendment") has been prepared, in the form of an Amended and Restated Urban Renewal Plan, which changes the name of the Area to the Shelby County Urban Renewal Area and describes the expenditure of incremental property tax revenues for public projects in the Urban Renewal Area, as follows:

Bridge replacements/improvements: on Timber Road, 2300th Street, 1000th Street, Wildwood Road, 1200th Street, Juniper Road, Ginkgo Road, Ironwood Road, 300th Street, 500th Street, 800th Street, Redwood Road, 1800th Street and 2100th Street, all as more specifically shown on the map that is part of the 2013 Amendment on file in the office of the County Auditor.

Improvements to County Roads: Commencing at intersection of County Road F-16 and Hwy 59, thence east approximately two miles; commencing at the intersection of Hwy 59 and 2200th St, thence west approximately 1400 feet; and commencing at the intersection of Redbud Road and Hwy 44, thence north approximately 6600 feet. All as more specifically shown on the map that is part of the 2013 Amendment on file in the office of the County Auditor.

and

WHEREAS, the 2013 Amendment also proposes to add property to the Urban Renewal Area generally described as follows:

- Kirkman Farms Confinement, located in Sections 11 & 14-79-38
 - Arkfeld Confinement, located in Section 6-81-38
 - Farm Service Coop fertilizer plant, located in Section 23-81-39
 - Agricultural property owned by Arkfeld family interests, located at the intersection of Highway 59 and County Road F16, plus other property in Sections 1-81-39 & 6-81-38
- and

WHEREAS, notice of a public hearing by the Board on the proposed 2013 Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing; and

WHEREAS, copies of the 2013 Amendment, notice of public hearing and notice of a consultation meeting with respect to the 2013 Amendment were sent to each School District in the County; the consultation meeting was held and no one from any School District attended the meeting;

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

Section 1. It is hereby determined by this Board as follows:

A. The 2013 Amendment conforms to the general plan of the County;

B. The public road and bridge replacement and improvement projects described in the 2013 Amendment to the Urban Renewal Plan are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 2. The name of the Urban Renewal Area is hereby changed to Shelby County Urban Renewal Area, and the 2013 Amendment, in the form of an Amended and Restated Urban Renewal Plan for the Shelby County Urban Renewal Area, as referred to herein and made a part hereof, is hereby in all respects approved.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved November 19, 2013.

The Board of Supervisors of Shelby County, Iowa, met on November 19, 2013 at 9:00 o'clock a.m., at the County Courthouse.

The Chairperson presided and the roll was called showing Supervisors present and absent, as follows:

Present: Schmitz, Kenkel, Parkhurst

Absent: None.

Supervisor Kenkel introduced an ordinance entitled "Ordinance No. 2013-2. Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2013 Amendment to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

It was moved by Supervisor Kenkel, and seconded by Supervisor Parkhurst, that the ordinance be adopted. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Schmitz, Kenkel, Parkhurst

Nays: None.

Whereupon, the Chairperson declared the motion duly carried and declared that the ordinance had been given its initial consideration.

It was moved by Supervisor Kenkel, and seconded by Supervisor Parkhurst, that the statutory rule requiring an ordinance to be considered and voted on for passage at two Board meetings prior to the meeting at which it is to be finally passed be suspended. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Schmitz, Kenkel, Parkhurst

Nays: None.

Whereupon, the Chairperson declared the motion duly carried.

It was moved by Supervisor Parkhurst, and seconded by Supervisor Kenkel, that the ordinance entitled "Ordinance No. 2013-2 An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2013 Amendment to the Shelby County Urban

Renewal Area, Pursuant to Section 403.19 of the Code of Iowa,” now be put upon its final consideration and adoption. The Chairperson put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Supervisors voted:

Ayes: Schmitz, Kenkel, Parkhurst

Nays: None.

Whereupon, the Chairperson declared the motion duly carried and the ordinance duly adopted, as follows:

ORDINANCE NO. 2013-2

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2013 Amendment to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Board of Supervisors of Shelby County, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2013 Amendment to the Shelby County Urban Renewal Area, each year by and for the benefit of the state, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Shelby County to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Shelby County, Iowa.

“Urban Renewal Area” shall mean the taxable property included in the 2013 Amendment to the Shelby County Urban Renewal Area, which is identified below, such Area having been identified in the Urban Renewal Plan Amendment approved by the Board of Supervisors of the County by resolution adopted on November 19, 2013:

Kirkman Farms, LLP (Calf Farm)

The Southwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 11 and the Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ of Section 14, all in Township 79 North Range 38 West of the 5th PM Shelby Co , IA

Robert J Arkfeld Jr & Jon Arkfeld (corner of Hwy 59 & F16)

All of our right, title and interest in the Southwest Quarter of Section 1, which includes Lot 3 of Pauley Subdivision, in Township 81 North, Range 39 West of the 5th P.M., Shelby County, Iowa, subject to public roads, except therefrom Lots 1 and 2, and also except Parcel A of Lot 3 as described in Survey recorded as Instrument No. 1333-05 and Parcel B of Lot 3 as described in Survey recorded as Instrument No. 2007-1328, all of said lots being a part of Pauley Subdivision, said Subdivision being a part of the West Half of the Southwest Quarter of said Section 1.

Robert J & Linda L Arkfeld

Lt 2 of the Pauley SD of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 1 Township 81 North Range 39 West of the 5th PM Shelby Co, IA

Robert Arkfeld

Parcel B as described in Survey 2007-1328 of Lt 3 of the Pauley SD of W ½ of SW ¼ of Section 1 Township 81 North Range 39 West of the 5th PM Shelby Co, IA

Robert J Arkfeld & Linda Arkfeld Trust

Parcel A as described in Survey 2007-1328 of Lt 3 of the Pauley SD of W ½ of SW ¼ of Section 1 Township 81 North Range 39 West of the 5th PM Shelby Co, IA

Robert J Arkfeld, Linda Arkfeld Trust, Robert J Arkfeld Jr & Karen Arkfeld ¼ int each

The South ½ of the Southeast ¼ Section 6 Township 81 North Range 38 West of the 5th PM Shelby Co, IA except the Southeast corner of the Southeast ¼

Jon P Arkfeld, Jami Arkfeld, Robert J Arkfeld Jr, & Karen A Arkfeld ¼ int each (new confinement site)

The Southeast corner of the Southeast ¼ of the Southeast ¼ Section 6 Township 81 North Range 38 West of the 5th PM Shelby Co, IA

Farm Service Coop

Lot 1 of the Northwest Quarter of the Northeast Quarter of Section 23, Township 81 North, Range 39 West of the 5th P.M., Shelby County, Iowa, subject to public roads as described in correction survey filed as Instrument No. 2011-0129.

AND

Lot 1 of the Northeast Quarter of the Northeast Quarter of Section 23, Township 81 North, Range 39 West of the 5th P.M., Shelby County, Iowa, subject to public roads as described in correction survey filed as Instrument No. 2011-0129.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) 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 upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which there is certified to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in

whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized in Section 403.19 (2) of the Code of Iowa, taxes for the instructional support program levy of a school district, to the extent authorized in Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication, as provided by law.

Passed and approved by the Board of Supervisors of Shelby County, Iowa, on November 19, 2013.

Nick Preston, Conservation Director, appeared before the Board to update them on Conservation projects.

Mike Galloway, Ahlers Law Firm, was present to answer any questions about the amendments to the Employee Handbook. It was moved by Kenkel, seconded by Parkhurst, to approve the Shelby County Employee Information Handbook, as amended, which includes policies that pertain to both union and non-union employees. AYES: Schmitz, Burmeister, Hull NAYES: None

Carter updated the Board on the Downtown Holiday Lighting Project. The light show will be turned on November 29 and be displayed every night through New Years.

Dan Ahart, County Engineer, was available to update the Board on activities of the county road crews and the status of current maintenance and construction projects.

It was moved by Parkhurst, seconded by Kenkel, to go into closed session according Iowa Code Section 20.17 to discuss union negotiation strategy. AYES: Schmitz, Burmeister, Hull NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 9:49 p.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.