

21

SEPTEMBER 17, 2013 — THIRTYSEVENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, September 17, 2013 at 10:00 a.m. Board members present were Boykin, Clausen, Smith, Tripp, and Monson. Staff members present were Karen James, Board Administrator, Dennis Butler, Finance/Operations Controller, Joshua Widman, Assistant County Attorney, and Patrick F. Gill, Auditor/Clerk to the Board.

The meeting was called to order.

Motion by Monson second by Smith to approve the minutes of the 9/10/2013 Board meeting. Carried 4-0; Tripp abstained. Copy filed.

Motion by Boykin second by Tripp to approve the minutes of the 9/12/2013 Special meeting. Carried 4-0; Monson abstained. Copy filed.

Motion by Boykin second by Monson to approve the minutes of the 9/13/2013 Special Canvas meeting. Carried 4-0; Tripp abstained. Copy filed.

Motion by Tripp second by Smith to approve the county's claims totaling \$493,006.07. Carried 5-0. Copy filed. 4+4d

Motion by Smith second by Monson to approve the reclassification of Richard Bryce, Maintenance Technician, Building Services Dept., effective 10/05/13, \$18.38/hour, 5%=\$.92/hour. Per AFSCME Courthouse Contract agreement; from Grade 4/Step 3 to Grade 4/Step 4. Carried 5-0. Copy filed. 22

Motion by Boykin second by Monson to lift the suspension of taxes for DeAnna Chrestensen-Wright, 3516 Floyd Blvd., Sioux City, parcel #894711331016. Carried 5-0. Copy filed. 5K

Motion by Monson second by Tripp to approve and authorize the Chairperson to sign a Resolution authorizing a tax abatement for Steven Smith, for a mobile home that has been removed, parcel #884730301981, taxes for 2013-14 totaling \$30.00. Carried 5-0.

WOODBURY COUNTY, IOWA 20  
RESOLUTION #11,909  
RESOLUTION APPROVING ABATEMENT OF TAXES

WHEREAS, Steven Smith is the titleholder of a mobile home located in Woodbury County, Iowa.

WHEREAS, the above-stated mobile home has taxes payable for 2013-14, and the mobile home is owned by Steven Smith

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes; and

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above mobile home according to Code of Iowa, 445.16 and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 17th day of September, 2013.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

Motion by Monson second by Boykin to approve renewal of a 1-year Class C beer permit with Sunday sales privileges for Chet's Merville Market, 741 Frontage Road, Merville, Iowa, effective 11/12/13 through 11/11/14. Carried 5-0. Copy filed.

Motion by Smith second by Tripp to approve and authorize the Chairperson to sign a Policy and Procedure Memorandum for Road Improvements for Residential and Commercial Development. Carried 5-0. Copy filed. 9-1939

September 17, 2013 Cont'd.

Motion by Boykin second by Smith to approve and authorize the Chairperson to sign a Resolution authorizing a Property Valuation Exemption for CF Industries Nitrogen, LLC related to State of Iowa High Quality Jobs Program.

**RESOLUTION #11,910  
APPROVING PROPERTY VALUATION EXEMPTION FOR  
CF INDUSTRIES NITROGEN, LLC  
RELATED TO STATE OF IOWA  
HIGH QUALITY JOBS PROGRAM**

WHEREAS, CF Industries Nitrogen, LLC (the "Company") has proposed to construct a facility (the "Project") on certain property (the "Property") located within Woodbury County, Iowa (the "County"); and

WHEREAS, the Iowa Economic Development Authority ("IEDA") has approved an application from the Company for financial assistance pursuant to the State's High Quality Jobs Program; and

WHEREAS, the County, the Company and the IEDA have entered into an Economic Development Financial Assistance Contract (the "State Agreement"), pursuant to which the County has agreed to adopt a resolution, in accordance with Section 15.332 of the Code of Iowa, that will exempt the Property and the Project from property taxes levied on a percentage of the actual value added by improvements to the Property for a period of twenty years (the "Property Valuation Exemption"); and

WHEREAS, in connection with the Project, the County has also determined to enter into a development agreement with the Company dated as of the 9<sup>th</sup> day of September, 2013 (the "Development Agreement"), pursuant to which the Company agrees to construct the Project and the County agrees to approve the Property Valuation Exemption;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of Woodbury County, Iowa, as follows:

Section 1. Pursuant to authority provided to the County in Section 15.332 of the Code of Iowa, the Board of Supervisors hereby approves the property valuation exemption schedule attached to this Resolution as Exhibit A, which authorizes and exempts from taxation a percentage of the actual value added by improvements constructed by the Company on the Property, as defined in the Development Agreement, for a period of twenty years, beginning in the 2016 assessment year, subject to the Company's continued compliance with the State Agreement and the Development Agreement.

Section 2. As set out in the Development Agreement, all improvements completed by the Company shall be eligible for exemption from property taxation, and the exemption period for each of the improvements completed by the Company shall begin on the date such improvements are first assessed for taxation, provided that, regardless of the date on which a particular exemption begins, all exemptions shall terminate on the date that the initial exemption has been in effect for twenty years.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved September 17, 2013.

EXHIBIT A

<u>Assessment Year</u>	<u>Exemption Percentage</u>
2016	100%
2017	96%
2018	91%
2019	87%
2020	82%
2021	78%
2022	74%
2023	69%

2024	65%
2025	60%
2026	56%
2027	52%
2028	47%
2029	43%
2030	38%
2031	34%
2032	30%
2033	25%
2034	21%
2035	16%
2036	0%

WOODBURY COUNTY BOARD OF SUPERVISORS  
Carried 5-0 on a roll call vote. Copy filed.

Motion by Boykin second by Smith to approve and receive for signatures a Resolution authorizing Execution of Development Agreement between Woodbury County and CF Industries Nitrogen, LLC related to State of Iowa High Quality Jobs Program.

**RESOLUTION #11,911**  
**APPROVING AND AUTHORIZING EXECUTION OF**  
**DEVELOPMENT AGREEMENT BETWEEN**  
**WOODBURY COUNTY AND CF INDUSTRIES NITROGEN, LLC**  
**RELATED TO STATE OF IOWA HIGH**  
**QUALITY JOBS PROGRAM**

20

WHEREAS, CF Industries Nitrogen, LLC (the "Company") has proposed to construct a facility (the "Project") on certain property (the "Property") located within Woodbury County, Iowa (the "County"); and

WHEREAS, the Iowa Economic Development Authority ("IEDA") has approved an application from the Company for financial assistance pursuant to the State's High Quality Jobs Program; and

WHEREAS, the Company has requested assistance from the County in connection with the Project; and

WHEREAS, on November 1, 2012, the Board of Supervisors of the County approved Resolution No. 10,983, in which the Board directed that a formal development agreement be prepared and presented to the Board for approval, which agreement would set out an economic development incentive package for the Company including the following terms and conditions:

- A. Total Company investment shall be \$1.7 billion, with 35% (\$595 million) being minimum taxable value;
- B. County to provide 20-year taxable valuation exemption schedule, with a 4.4% reduction in exemption percentage each year;
- C. Company to pay costs of installing proposed rail infrastructure improvements;
- D. County to be responsible for constructing access road, subject to County receiving RISE grant from the State of Iowa of approximately \$4.2 million
- E. County will return to Company County's portion of natural gas replacement tax during the 20-year period of the tax exemption schedule; and

WHEREAS, a development agreement containing the required terms has been prepared, dated as of the 9<sup>th</sup> day of September, 2013 (the "Development Agreement"), pursuant to which the Company agrees to construct the Project and the County agrees to provide the incentives set out in Resolution No. 10,983; and

WHEREAS, attached to the Development Agreement as an exhibit is a minimum assessment agreement (the "Minimum Assessment Agreement"); pursuant to which the Company agrees that the minimum taxable valuation of the Property will be not less than \$595 million as of January 1, 2016; and

WHEREAS, the County has received copies of the Development Agreement and the Minimum Assessment Agreement that have been signed on behalf of the Company;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of Woodbury County, Iowa, as follows:

Section 1. The Development Agreement is hereby approved, and each member of the Board of Supervisors is hereby authorized to execute the Development Agreement on behalf of the County, and the County Auditor is hereby authorized to attest to such signatures.

Section 2. The Minimum Assessment Agreement is hereby approved, and the Chairperson of the Board is hereby authorized to execute the Minimum Assessment Agreement on behalf of the County, and the County Auditor is hereby authorized to attest such signature.

Section 3. A copy of the fully executed Development Agreement shall be sent to the Company and to the IEDA.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved September 17, 2013.

WOODBURY COUNTY BOARD OF SUPERVISORS

Carried 4-1 on a roll call vote; Tripp voted no. Copy filed.

There was a presentation of Woodbury County's new Web site from John Malloy, WCICC—IT.

The Chairperson asked if there were any individuals or groups wishing to make a presentation of items not on the agenda, or Supervisors concerns.

Robert Logan, Merville, discussed with the Board concerns about access to his property.

The Board adjourned the regular meeting until September 24, 2013.