

December 2, 2014 — FORTYEIGHTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, December 2, 2014 at 10:00 a.m. Board members present were Boykin, Monson, Smith, Clausen and Ung. Staff members present were Karen James, Board Administrative Coordinator, Dennis Butler, Finance/Operations Controller, Joshua Widman, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

The meeting was called to order.

Motion by Clausen second by Monson to approve the minutes from the 11/25/14 Board meeting. Carried 5-0. Copy filed.

Motion by Smith second by Clausen to approve the County's claims totaling \$907,183.89. Carried 5-0. Copy filed. *444d*

Motion by Smith second by Monson to approve the reclassification of Terry Svendsen, Maintenance Worker, Building Services Dept., effective 12/20/14, \$17.33/hour, 5%=\$.90/hour. Per AFSCME Courthouse Contract agreement, from Grade 3/Step 3 to Grade 3/Step 4. Carried 5-0. Copy filed. *ee*

Discussion of County Workplace Culture.

A public hearing was held at 10:15 a.m. on 2014 Amendment to the Liberty Park Urban Renewal Area and Plan.

The Chairperson called on anyone wishing to be heard.

Motion by Smith second by Clausen to close the hearing. Carried 5-0.

Motion by Clausen second by Monson to approve and authorize the Chairperson to sign a Resolution to approve the 2014 Urban Renewal Plan Amendment for the Liberty Park Urban Renewal Area. Carried 5-0.

RESOLUTION #12,105
A RESOLUTION TO APPROVE 2014 URBAN RENEWAL PLAN AMENDMENT FOR THE LIBERTY PARK URBAN RENEWAL AREA *20*

WHEREAS, the Board of Supervisors of Woodbury County, Iowa (the "County") has created the Liberty Park 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, a county must amend the existing urban renewal plan to include that new project; and

WHEREAS, an amendment to the urban renewal plan for the Urban Renewal Area (the "2014 Amendment") has been prepared, which proposes to add and describe a tax increment rebate agreement between the County and CF Industries Nitrogen LLC as a new urban renewal project; and

WHEREAS, notice of a public hearing by the Board on the proposed 2014 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 2014 Amendment, notice of public hearing and notice of a consultation meeting with respect to the 2014 Amendment were sent to each School District affected by the 2014 Amendment; the consultation meeting was held and no additional comments were submitted;

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

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

- A. The 2014 Amendment conforms to the general plan of the County;
- B. The tax increment rebate project described in the 2014 Amendment to the Urban Renewal Plan is 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 2014 Amendment, in the form attached to this Resolution 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 December 2, 2014.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

A public hearing was held at 10:15 a.m. on Development Agreement/Tax Increment Rebate Agreement.

The Chairperson called on anyone wishing to be heard.

Motion by Monson second by Clausen to close the hearing. Carried 5-0.

5d. Motion by Clausen second by Smith to approve and authorize the Chairperson to sign a Resolution to Approve Development Agreement and Tax Increment Rebate Agreement with CF Industries Nitrogen, LLC. Carried 5-0.

RESOLUTION #12,106 20
**APPROVING DEVELOPMENT AGREEMENT WITH CF INDUSTRIES NITROGEN, LLC,
AUTHORIZING TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT
REVENUES TO THE PAYMENT OF THE AGREEMENT**

WHEREAS, the Board of Supervisors of Woodbury 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 adopted an Urban Renewal Plan for the Liberty Park 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, an agreement between the County and CF Industries Nitrogen, LLC (the "Company") has been prepared (the "Agreement"), for the purpose of defraying the cost of capital investments being made by the Company on property located within the Urban Renewal Area (the "CF Industries Project"), pursuant to which the County would provide economic development tax increment payments in a total amount not exceeding \$800,000; 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 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 Woodbury County, Iowa, as follows:

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

(a) The CF Industries Project will add diversity and generate new opportunities for the Woodbury County and Iowa economies;

(b) The CF Industries 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 also finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the property tax payments to the Company.

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 the income and proceeds of the Urban Renewal Tax Revenue Fund.

Section 5. The County hereby pledges to the payment of the Agreement the Urban Renewal Tax Revenue Fund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Fund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor to evidence the continuing pledging of the Urban Renewal Tax Revenue Fund and the portion of taxes to be paid into such Fund 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 2d day of December, 2014.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

Motion by Smith second by Monson to approve Investing in Woodbury County Loan Application, Cyclone Properties, LLC. Carried 5-0. Copy filed.

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There was a discussion on the adding descriptions to the claims process. More info was requested from departments.

There was a discussion on the use of cell phones within the county.

Motion by Smith second by Clausen to issue a call for applications for grants to Non-Profit Agencies funded through Gaming Funds. Carried 4-0; Boykin abstained.

There was a discussion on the budget process for the coming year.

Motion by Monson second by Smith to approve and authorize the Chairperson to sign a 2014 Weed Commissioners Report. Carried 5-0. Copy filed.

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Bid opening was held for DHS Telephone System. The bids were as follows:

9-2115

TeleSystems	\$59,225.00 plus tax
	\$52,125.00 after decommissioned phones
SDN Communications	\$74,704.00
Quality Telecommunications & Triview Communications	Option 1: \$47,587.00
	Option 2: \$53,243.00
Electric Innovations	\$79,520.96
CEC	\$80,507.96

Motion by Clausen second by Ung to receive the bids for DHS Telephone System and submit them to WCICC—IT for review and recommendation. Carried 5-0. Copy filed.

Motion by Clausen second by Smith to approve and authorize the Chairperson to sign a Permanent Utility Easement for the Zenith Drive Improvement Project. Carried 5-0. Copy filed. 9-2116

Motion by Monson second by Ung to approve and authorize the Chairperson to sign a Temporary Construction Easement for the Zenith Drive Improvement Project. Carried 5-0. Copy filed. 9-2116

Motion by Clausen second by Smith to approve and authorize the Chairperson to sign a Waiver of Compensation for the Zenith Drive Improvement Project. Carried 5-0. Copy filed. 9-2116

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

The Board adjourned the regular meeting until December 9, 2014.