

August 22, 2016

Chairman Watne called the regular meeting of the Wright County Board of Supervisors to order at 9:00 a.m. Members present were Watne, Helgevold, and Rasmussen.

Minutes of the previous regular meeting of August 15, 2016 were read and approved.

Approved claims for payment.

Public Forum: Dr. Kinney with Iowa Central Community College spoke in support of Prestage Foods.

Bryce Davis, Wright County Economic Development Director, presented the Agreement for Private Development with Prestage Foods of Iowa, LLC. Davis summarized the agreement for all those in attendance.

Supervisor Watne opened the public hearing on the proposal to enter into an Agreement for Private Development with Prestage Foods of Iowa, LLC. in connection with the development of a new pork processing plant. There were over 100 people in attendance for the public hearing. 53 people signed up to speak. Of the 53 people, there were 40 people that spoke in favor of the Processing plant, 12 not in favor and one person decided not to speak. Also, Shannon Walker presented a letter requesting that an Environmental Impact Study be done and included 30 signed requests from citizens on same request. Walker also presented a Petition opposing the Prestage Processing Plant with 239 signatures. (The count was not verified for duplicate signatures).

Board member Rasmussen introduced Resolution 2016-27 hereinafter set out and moved it adoption, seconded by board member Helgevold; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following name Board Members voted: Ayes: Rasmussen, Helgevold, and Watne; nays – none. Resolution 2016-27 duly passes and reads as follows:

RESOLUTION 2016-27

Resolution Approving Development Agreement with Prestage Foods of Iowa, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, Wright 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 2016 Wright County Agribusiness Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board of Supervisors 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, a certain development agreement (the "Agreement") between the County and Prestage Foods of Iowa, LLC (the "Company") has been prepared in connection with the development of a new pork processing plant (the "Project") for use in its business operations on certain real property in the Urban Renewal Area; and

WHEREAS, under the Agreement, the County would provide tax increment payments to the Company in a total amount not exceeding \$8,000,000; 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 on August 22, 2016, 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 Wright County, Iowa, as follows:

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

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

(b) The 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 financial incentives.

Section 2. The Board of Supervisors further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental 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 a subfund (the "Prestage Foods Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

Certain real property situated in the County of Wright, State of Iowa, more particularly described as follows:

The Southeast Quarter of Section 21, Township 90 North, Range 26 West of the 5th P.M.
containing 160 acres more or less.

Section 5. The County hereby pledges to the payment of the Agreement the Prestage Foods Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Wright County to evidence the continuing pledging of Prestage Foods Subfund and the portion of taxes to be paid into such Subfund 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 22nd day of August, 2016.

Chairman Watne announced that on August 8, 2016 and August 15, 2016 the board had given its initial and second consideration on an ordinance entitled "Ordinance #52" which provides for the division of taxes levied on taxable property in the 2016 Wright County Agribusiness Urban Renewal Area. It was moved by Supervisor Helgevold and seconded by Supervisor Rasmussen that the aforementioned ordinance to be given its final third consideration and that it be adopted. By roll call vote: Ayes – Helgevold, Rasmussen, and Watne; nays – none. Ordinance #52 duly passes and reads as follows:

ORDINANCE NO. 52

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2016 Wright County Agribusiness Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Board of Supervisors of Wright 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 2016 Wright County Agribusiness Urban Renewal Area, each year by and for the benefit of the state, city, 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 Wright 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 Wright County, Iowa.

"Urban Renewal Area" shall mean the taxable real property situated in 2016 Wright County Agribusiness Urban Renewal Area, the boundaries of which are set out below, such property having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on August 8, 2016:

Certain real property situated in Wright County, State of Iowa, legally described as follows:

The Southeast Quarter of Section 21, Township 90 North, Range 26 West of the 5th P.M.. containing 160 acres more or less.

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 city, 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 the County certifies 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, taxes for the instructional support levy of a school district imposed pursuant to Section 257.19 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 Wright County, Iowa, on August 22, 2016.

Watne announced that the Board will be in recess and will reconvene at 1:00 p.m. in the Board of Supervisors chambers in the basement.

Watne opened the completion hearing on DD #131 and directed Luke Huggins with McClure Engineering to proceed.

Huggins began by giving a recap of the districts projects over the past couple of years, stating that initially there was a petition for improvement, after a remonstrance towards the improvement we televised the tile and proceeded with a repair that consisted of replacing the needed areas of tile at the same drainage coefficient as the existing tile. Weidemann Inc. of Dows, IA was appointed by the Board of Supervisors as Trustees of the district to complete the repair. The original contract cost was \$111,072.30 and the final cost came in at \$120,098.34. No Claims for damages were presented by landowners.

Motion by Rasmussen and seconded by Helgevold to approve the completion of DD #131 repair and order final payment to the contractor per Iowa Code Section 468.103. Motion carries.

Motion by Rasmussen and seconded by Helgevold to request the opinion of Drainage Attorney, David R Johnson, of assessing the annexed land to the north more for historical use. Motion carries.

Adam Clemons, Wright County Engineer, presented a map concerning bridges that are requested to be embargoed. There are 5 bridges that need repaired and need to be weight restricted. There is one bridge that needs to be closed immediately. This bridge will have to be moved up in the 5 year plan.

Motion by Rasmussen and seconded by Helgevold to approve Resolution 2016-26 on Bridge Embargo. By roll call vote: Ayes – Rasmussen, Helgevold, and Watne; nays – none. Resolution 2016-26 duly passes and reads as follows:

RESOLUTION #2016-26
Bridge Embargo

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.255 and 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: The Wright County Engineer has caused to be completed the Structure Inventory and Appraisal of certain Wright County bridges in accordance with the National Bridge Inspection Standards and it has been determined that an adjustment of the bridges load restrictions is needed to allow for correct operating stresses.

NOW, THEREFORE, BE IT RESOLVED by the Wright County Board of Supervisors that:

FHWA No. 357490 (Local Bridge #66) on C-54 (270th Street) Avenue over White Fox Creek in Section 31, T-91N, R-24W, Lincoln Township shall be posted “Trucks over 3 tons yield to trucks on bridge”, “One truck on bridge at a time” because of pile decay and erosion. Signs shall be erected advising of the bridge load limits.

FHWA No. 357670 (Local Bridge #77) on 250th Street over Eagle Creek in Section 21, T-91N, R-25W, Dayton Township is posted at six (6) tons because of severe pile decay and crushing at deadmen. Signs shall be erected advising of the bridge load limits.

FHWA No. 358160 (Local Bridge #116) on Victor Avenue over Drainage Ditch No. 4-118 in Section 27, T-92N, R-23W, Iowa Township is posted at 23 tons, 40 tons, 40 tons because of advanced pile decay. Signs shall be erected advising of the bridge load limits.

FHWA No. 358911 (Local Bridge #173) on 120th Street over West Otter Creek in Section 17, T-93N, R-25W, Norway Township is posted at 16 tons, 27 tons, 30 tons because of severe pile decay. Signs shall be erected advising of the bridge load limits.

FHWA No. 359070 (Local Bridge #188) on Keokuk Avenue over Eagle Creek in Section 35, T-93N, R-25W, Norway Township is closed because of severely decayed, crushing and flexing piles. Signs shall be erected advising of the bridge closure.

BE IT RESOLVED by the Wright county Board of Supervisors that:

Resolution 2015-20 be amended to reflect above changes in Bridge Postings
Passed and approved this 22nd day of August, 2016.

Motion by Rasmussen and seconded by Helgevold to adjourn the meeting. Motion carries.

Stan Watne, Chairman
Wright County Board of Supervisors

Betty Ellis, Wright County Auditor