

The Cass County Board of Supervisors met at 8:30 a.m. with three members present: Gaylord Schelling, chair; Frank Waters and Mark Wedemeyer (by phone). Attending new officers' training: Steve Baier & Stephen Green. Agenda upon motion by Waters, 2nd by Wedemeyer was approved. Minutes of January 11, 2017 upon motion by Wedemeyer, 2nd by Waters were approved.

Griswold wants to continue its cooperative law enforcement agreement with Cass County for the purpose of engaging in mutual aid law enforcement support for four more years through 06/30/2021.

The Board of Supervisors of Cass County, Iowa, met on January 18, 2017, at 8:45 a.m., at the courthouse, Atlantic, Iowa, for the purpose of conducting 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 Supervisors were present and absent:

The Board of Supervisors investigated and found that notice of intention to conduct a public hearing on the designation of the 2017 Cass County Agribusiness Urban Renewal Area and on an urban renewal plan and project for the 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 objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board, and all oral objections, statements, and all other exhibits presented were considered.

There being no further objections, comments, or evidence offered, the Chairperson announced the hearing closed.

Ayes: Schelling, Waters and Wedemeyer; Nays: none.

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa, the “Urban Renewal Law”, a county must adopt a resolution finding that one or more slums, blighted or



Supervisor Schelling introduced an ordinance entitled “Ordinance No. 35. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2017 Cass County Agribusiness Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.”

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

Ayes: Schelling, Waters and Wedemeyer; Nays: none.

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

It was moved by Supervisor Waters and seconded by Supervisor Wedemeyer 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: Schelling, Waters and Wedemeyer; Nays: none.

Whereupon, the Chairperson declared the motion duly carried.

It was moved by Supervisor Wedemeyer and seconded by Supervisor Waters that the ordinance entitled “Ordinance No. 35. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2017 Cass County Agribusiness 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 motion, and the roll being called, the following named Supervisors voted:

Ayes: Schelling, Waters and Wedemeyer; Nays: none.

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

#### ORDINANCE NO. 35

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2017 Cass County Agribusiness Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Board of Supervisors of Cass 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 2017 Cass 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 Cass 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 Cass County, Iowa.

“Urban Renewal Area” shall mean the 2017 Cass County Agribusiness Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on January 18, 2017:

Certain real property situated in Cass County, Iowa bearing the following Cass County Property Tax

Parcel Identification Numbers as of January 1, 2017:

Parcel ID: 180001556001000 – 3.55 acres

Parcel ID: 250000488001005 – 13.29 acres

Parcel ID: 250000488001006 – 50.87 acres

Parcel ID: 250000488004011 – 2.25 acres

Parcel ID: 250000488004012 – 8.95 acres

Parcel ID: 250000522001006 – 1.93 acres  
Parcel ID: 250000523002003 – 3.17 acres  
Parcel ID: 250000533001001 – 2.81 acres  
Parcel ID: 250000533001002 – 0.24 acres  
Parcel ID: 250000533001003 – 1.04 acres  
Parcel ID: 250000687003002 – 6.08 acres  
Parcel ID: 250000754001002 – 3.60 acres  
Parcel ID: 250000754003002 – 4.41 acres

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 instructional support program of a school district imposed pursuant to Section 257.19 of the Code of Iowa and 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, 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 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

[illegible]

Ayes: Schelling, Waters and Wedemeyer; Nays: none.

A Resolution to Fix a Date of Meeting at Which it is Proposed to Approve a Development Agreement with Elite Octane, LLC, Including Tax Increment Payments in an Amount not to Exceed \$8,500,000

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, 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, the County proposes to enter into an agreement (the “Development Agreement”) with Elite Octane, LLC (the “Company”) with respect to the planning, design and construction of an ethanol plant for use in the Company’s business operations in the Urban Renewal Area; and

WHEREAS, under the Development Agreement the County would provide financial incentives to the Company in the form of incremental property tax payments in an amount not to exceed \$8,500,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

Section 1. This Board shall meet on the 31st day of January, 2017, at 8:30 a.m., at the courthouse, Atlantic, Iowa, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the incremental property tax payments to the Company in a total amount not exceeding \$8,500,000.

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH ELITE OCTANE, LLC AND  
AUTHORIZATION OF TAX INCREMENT PAYMENTS

The Board of Supervisors of Cass County, Iowa, will meet at the courthouse, Atlantic, Iowa, on the 31st day of January, 2017, at 8:30 a.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the County and Elite Octane, LLC (the “Company”) with respect to the planning, design and construction of an ethanol plant in the 2017 Cass County Agribusiness Urban Renewal Area for use in the

Company's business operations, which Agreement provides for certain financial incentives in the form of incremental property tax payments to the Company in a total amount not exceeding \$8,500,000, as authorized by Section 403.9 of the Code of Iowa.

The Agreement to make incremental property tax payments will not be a general obligation of the County, but will be payable solely and only from incremental property tax revenues generated within the 2017 Cass County Agribusiness Urban Renewal Area.

At the meeting, the Board will receive oral or written objections from any resident or property owner of the County. Thereafter, the Board may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the Board of Supervisors of Cass County, Iowa, in accordance with Section 403.9 of the Code of Iowa. Cass County Auditor Dale Sunderman

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

Passed and approved January 18, 2017.

Motion to adjourn by Waters, 2nd by Wedemeyer. Carried unanimously. Next meeting January 25, 2016.

/s/-Gaylord Schelling, Chair

Attest: /s/-Dale Sunderman, Auditor