

The Cass County Board of Supervisors met at 8:30 a.m. with all members present: Gaylord Schelling, chair; Steve Baier, Stephen Green, Frank Waters and Mark Wedemeyer. Agenda upon motion by Baier, 2nd by Green was approved. Minutes of February 15, 2017 upon motion by Green, 2nd by Wedemeyer were approved.

Arlo Winderboer, Energyefficient, presented a proposal for an efficiency upgrade to the lighting in the Cass County courthouse. Proposed replacing the more than 1,000 florescent and incandescent lights with led lights and separate proposal for motion sensors. Estimated it would take a little over two years for energy saving to pay back the cost of the projects. Taken under advisement with further consideration on February 28.

Supervisor Green introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Baier; 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 named Supervisors voted:  
Ayes: Wedemeyer, Baier, Green, Waters and Schelling. Carried unanimously.  
Whereupon, the Chairperson declared said resolution duly adopted, as follows:

Resolution approving Development Agreement with Elite Octane, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, Cass 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 previously adopted an Urban Renewal Plan for the 2017 Cass County Agribusiness 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, a certain Development Agreement (the “Agreement”) between the County and Elite Octane, LLC (the “Company”) has been prepared pursuant to which the Company would undertake the planning, design and construction of an ethanol plant for use in the Company’s business operations in the Urban Renewal Area (the “Project”), and the County would agree to provide incremental tax increment payments in a total amount not exceeding \$8,500,000 to the Company; 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 January 31, 2017, 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; and

WHEREAS, pursuant to the Plan and Chapter 403 of the Code of Iowa, the County may undertake projects and initiatives for the promotion of economic development and the elimination and prevention of blight;

NOW, THEREFORE, It is Resolved by the Board of Supervisors of Cass County, Iowa, as follows:

- A. The Project will add diversity and generate new opportunities for the Cass 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 property tax incentives.

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.

Certain real property situated in Cass County, Iowa bearing the following Cass County Property Tax Parcel Identification Numbers as of January 1, 2017:

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Cass County to evidence the continuing pledging of the Elite Octane 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.

Resolution adopted.

Motion to adjourn by Wedemeyer, 2nd by Green. Carried unanimously. Meeting adjourned. Next meeting February 28, 2017.

Attest: /s/-Dale Sunderman, Auditor