

BOARD PROCEEDINGS  
REGULAR FEBRUARY SESSION

SIXTH DAY

FEBRUARY 7, 2006

The Board of Supervisors met pursuant to adjournment. Present were Lee Froehlich, Chairman, Don Besch, Eugene Elsbecker, Don McGregor, and Jack Plathe. Absent none.

Motion by McGregor and 2<sup>nd</sup> by Elsbecker to approve the minutes. Ayes all, Nays none. Motion carried unanimous.

Motion by Plathe and 2<sup>nd</sup> by Besch to approve the agenda. Ayes all, Nays none. Motion carried unanimous.

Public discussion and committee reports were held.

Motion by McGregor and 2<sup>nd</sup> by Elsbecker to approve the contract for gravel crushing with Wayne Hansen. Ayes all, Nays none. Motion carried unanimous.

Construction permits for Matrix was discussed and will be looked into with the DNR for two locations.

Motion by Besch and 2<sup>nd</sup> by McGregor to appoint Dr. Bottjen to the Board of Health. Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2<sup>nd</sup> by McGregor to sign the Letter of Support for Kossuth County Attorney Grants. Ayes all, Nays none. Motion carried unanimous.

Motion by McGregor and 2<sup>nd</sup> by Plathe to approve Sara Curtis for NIACOG Board. Ayes all, Nays none. Motion carried unanimous.

Rick Dean from 'architects collaborative' in Spencer gave an update on sending out specks for Tuck-Pointing the Courthouse. Motion by McGregor and 2<sup>nd</sup> by Elsbecker to hold a Hearing and bid opening on March 7, 2006, 10:00 a.m. in the Supervisors Room in Courthouse.

Motion by Besch and 2<sup>nd</sup> by Plathe to postpone definitely the approval of enterprise zone applications so language can be corrected in Resolution #1 Amended, to allow the Board of Supervisor final approval of any tax abatements or exemptions given in those enterprise zones. The Board of Supervisors were elected to have this authority by the electors of Kossuth County.

Motion by McGregor and 2<sup>nd</sup> by Elsbecker to amend this motion and to have the County Attorney, review the process of language and move forward with approvals of todays' certifications. Roll Call Vote: Besch no, Elsbecker yes, McGregor yes, Plathe yes, Froehlich yes. Motion passed 4-1.

Motion by McGregor and 2<sup>nd</sup> by Plathe to approve the Certification for City of Algona to the Enterprise Zone with 125.79 acres. Roll Call Vote: Besch yes, Elsbecker yes, McGregor yes, Plathe yes Froehlich yes. Motion carried unanimous.

Motion by Plathe and 2<sup>nd</sup> by Besch to approve the Certification for Hawkeye Bio Diesel LLC to the Enterprise Zone with 59.99 acres. Roll Call Vote: Besch yes, Elsbecker yes, McGregor yes, Plathe yes, Froehlich yes. Motion carried unanimous. (Note name change to East Fork Bio Diesel LLC)

Motion by Froehlich and 2<sup>nd</sup> by McGregor to approve the Certification for Hawkeye Bio Diesel LLC #2 to the Enterprise Zone with 183.83 acres. Roll Call Vote: Besch yes, Elsbecker yes, McGregor yes, Plathe yes, Froehlich yes. Motion carried unanimous. (Note name change to East Fork Bio Diesel LLC #2)

Motion by Elsbecker and 2<sup>nd</sup> by McGregor to approve Resolution #14 . Roll Call Vote: Besch pass, Elsbecker yes, McGregor yes Plathe yes, back to Besch , yes, Froehlich yes. Motion carried unanimous.

Kossuth County, Iowa  
Resolution No. 14

RESOLUTION APPROVING THE APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING CERTIFICATION OF AN ENTERPRISE ZONE IN KOSSUTH COUNTY.

WHEREAS, Kossuth County, Iowa, (hereinafter referred to as “County”) is a political subdivision organized and existing under the laws and the constitution of the State of Iowa (hereinafter referred to as “State”); and

WHEREAS, the purpose of Iowa Code Sections 15E.191 through 15E.196 is to promote new economic development in economically distressed areas by encouraging communities to target resources in ways that attract productive private investment; and

WHEREAS, administrative rules adopted by the Iowa Department of Economic Development (hereinafter referred to as “Department”) require the County to approve, by resolution, the establishment of an enterprise zone and the submission of an application requesting certification to the Iowa Department of Economic Development Board (hereinafter referred to as “Board”); and

WHEREAS, Iowa Code Section 15E.196 enumerates incentives or assistance for an eligible business located in an enterprise zone. For purposes of determining the incentives or assistance provided in Section 15E.196, “*eligible business*” means a business which has been approved to receive incentives and assistance by the Department pursuant to application as provided in Section 15E.196 of the Iowa Code. One of the incentives listed is the County for which an eligible enterprise zone is certified may exempt from all property taxation all or a portion of the value added to the property upon which an eligible business locates or expands in an enterprise zone and which is used in the operation of the eligible business. (Under Article 8; Section 6, the Commission will utilize the decision matrix forms in determining the property tax exemption under the Enterprise Zone Benefits. Refer to Attachment Amended Resolution #1).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY AS FOLLOWS:

SECTION 1. The County certifies that it is an eligible participant and meets the following required distress criteria pursuant to Iowa Code Section 15E.194: (Choose all that apply – must have at least 2)

- The County has an average weekly wage that ranks among the bottom twenty-five counties in the state based on the 2000 annual average weekly wage for employees in private business.
- The County has a family poverty rate that ranks among the top twenty-five counties in the state based on the 2000 census.
- The County has experienced a percentage population loss that ranks among the top twenty-five counties in the state between 1995 and 2000.
- The County has a percentage of persons sixty-five years of age or older that ranks among the top twenty-five counties in the state based on the 2000 census.

SECTION 2. The County hereby requests enterprise zone certification from the Board, pursuant to Iowa Code Section 15E.192, for **369.50 acres** described below, which the County verifies the total amount of land designated as enterprise zones under Iowa Code Section 15E.192, Subsections 1 and 2, and any other enterprise zones certified by the Department, excluding those approved pursuant to Iowa Code Section 15E.194, Subsection 4, does not exceed in the aggregate one (1) percent of the total county area (623,248 or 623,251.20 acres).

(See attached legal descriptions and site maps)

SECTION 3. The County shall provide a copy of this resolution to the Department and shall file this resolution with the Kossuth County Assessor.

SECTION 4. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. The provisions of this resolution are hereby declared to be severable and if any section, phrase, or provision shall be for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereof.

SECTION 6. This resolution shall become effective immediately upon its passage and approval.

Passed and approved this 7th day of February, 2006.

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Lee Froehlich, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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On motion adjournment was taken until February 14, 2006.

Attest: \_\_\_\_\_  
Joann Bormann  
Kossuth County Auditor

\_\_\_\_\_  
Lee Froehlich, Chairman  
Board of Supervisors