Marshall County Board of Supervisors
Special Session September 7, 2010, at 9:00 a.m.

MINUTES

The Board met in Special session on Tuesday, September 7, 2010, at 9:00 a.m. in meeting room #2, 3rd Floor, northeast corner of the courthouse with all 3 members present.

1. Approval or Amendment of Agenda—

Motion by Brooks, second by Grabenbauer to approve the agenda as printed.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

2. Marshall County Pickering Heartland Coop Urban Revitalization Plan, Public Hearing-

This being the time and place fixed for a public hearing on the matter of the adoption of the Marshall County Pickering Heartland Coop Urban Revitalization Plan, the Chairperson asked the Auditor whether any written objections had been filed with respect to the proposed Plan, and the County Auditor reported that no written objections thereto had been filed. The Chairperson then called for any oral objections to the adoption of the Heartland Coop Urban Revitalization Plan and none were made. The public hearing was then closed.

Motion by Grabenbauer, second by Brooks to close the public hearing.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

3. Resolution No. 2010-0022

RESOLUTION No. 2010-0022

RESOLUTION ADOPTING THE MARSHALL COUNTY PICKERING HEARTLAND COOP URBAN REVITALIZATION PLAN

WHEREAS, pursuant to the provisions of Chapter 404 of the Code of Iowa (the "Act") the County of Marshall, Iowa, may designate an area of the County as a revitalization area, if that area meets the criteria of Section 404.1 of the Act; and

WHEREAS, the Board of the County did find and determine that an area within the County designated by Resolution No. 2010-0018, adopted on August 3, 2010, and known as the Marshall County Pickering Heartland Coop Urban Revitalization Area legally described as:

> That part of the southeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, in Marshall County, Iowa, lying west of the west line of the right of way of the Union Pacific Railroad (formerly the Chicago and North Western Railroad, the Minneapolis and St. Louis Railroad, and the Central Railroad of Iowa) and lot 3 of the northeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, in Marshall County, Iowa.

meets the criteria of Section 404.1 of the Act; and

WHEREAS, in compliance with requirements of the Act, before designating any area a revitalization area, the County prepared a proposed plan for such revitalization area and published and mailed notice of hearing thereon to persons and parties designated in said Act; and

WHEREAS, after mailed and published notice thereof was given, as required by the Act, the Board of the County did, on September 7, 2010, at 9:00 o'clock A.M., in the County, hold a public hearing on the designation of the Marshall County Pickering Heartland Coop Urban Revitalization Area (the "Urban Revitalization Area") and the proposed Marshall County Pickering Heartland Coop Urban Revitalization Plan (the "Plan") and considered all objections, comments, and evidence there presented.

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

Section 1. That all objections received, if any, at the public hearing referred to in the preamble above are found to be without sufficient merit to warrant amending the proposed plan for the Marshall County Pickering Heartland Coop Urban Revitalization Area.

Section 2. That no land within the Urban Revitalization Area is assessed as agricultural.

Section 3. That any land located within the Urban Revitalization Area that was zoned as agricultural has been rezoned as commercial.

Section 4. That the owner of record of the addresses located within the proposed area executed an affidavit waiving its right to petition for or request a second public hearing which affidavit is attached hereto as Exhibit A and incorporated herein by reference.

Section 5. That the proposed Plan for the Urban Revitalization Area is hereby approved and adopted for said area, in the form attached as Exhibit B to this Resolution and incorporated herein by reference.

Section 6. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 7th day of September, 2010.

Board Member Brooks introduced the Resolution entitled "RESOLUTION ADOPTING THE MARSHALL COUNTY PICKERING HEARTLAND COOP URBAN REVITALIZATION PLAN" and moved its adoption. Board Member Grabenbauer seconded the motion to adopt. The roll was called and the vote was:

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

Whereupon, the Chairperson declared the Resolution duly adopted:

_____ Attest: _____

Ronald D. Goecke
Board of Supervisors, Chairman

Karen Squiers
Marshall County Auditor

4. Proposed ORDINANCE NO. 33

AN ORDINANCE DESIGNATING THE MARSHALL COUNTY PICKERING HEARTLAND COOP URBAN REVITALIZATION AREA, IN THE COUNTY OF MARSHALL, IOWA

WHEREAS, Chapter 404 of the Code of Iowa, the "Act", authorizes counties by ordinance to designate revitalization areas if such areas meet the criteria of the Act and if the County completes the procedural requirements of the Act; and

WHEREAS, pursuant to the Act, this Board did, by Resolution No. 2010-0022, on September 7, 2010, adopt an urban revitalization plan for the County of Marshall, Iowa, said area having been heretofore designated on August 3, 2010 and called the Marshall County Pickering Heartland Coop Urban Revitalization Area; and

WHEREAS, the area so designated has heretofore been found to meet the criteria of the Act; and

WHEREAS, the revitalization of the area so described will enhance the rehabilitation and redevelopment of the area resulting in the improvement of public health, safety and welfare of the residents of the County; and

WHEREAS, pursuant to the Act, the County has caused to be prepared a plan for the revitalization of the area called the Marshall County Pickering Heartland Coop Urban Revitalization Plan; and

WHEREAS, pursuant to the provisions of the Act, the County has held a public hearing on the proposed plan for said revitalization area; and

WHEREAS, notice of the public hearing was published at least 30 days prior to the date of the hearing and notice by ordinary mail was sent to the last known address of the owners of record within the revitalization area as well as to the "occupants" of the addresses located within the proposed area; and

WHEREAS, the owner of record of the addresses located within the proposed area executed an affidavit waiving their right to petition for or request a second public hearing; and

WHEREAS, pursuant to the provisions of the statute, the County has adopted the proposed plan for said revitalization area on September 7, 2010;

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

Section 1. That in accordance with Chapter 404 of the Code of Iowa, and in consideration of the restrictions set forth in the preamble hereof, the area described as:

> That part of the southeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, in Marshall County, Iowa, lying west of the west line of the right of way of the Union Pacific Railroad (formerly the Chicago and North Western Railroad, the Minneapolis and St. Louis Railroad, and the Central Railroad of Iowa) and lot 3 of the northeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, in Marshall County, Iowa.

be and the same is hereby designated as a revitalization area under the Act, which shall be known as the Marshall County Pickering Heartland Coop Urban Revitalization Area of the County of Marshall, Iowa, to be governed by the Marshall County Pickering Heartland Coop Urban Revitalization Plan.

Section 2. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That 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 4. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7th day of September, 2010.

Board Member Grabenbauer introduced the Ordinance set out above and caused the same to be read in full. Board Member Grabenbauer moved that the ordinance be considered and voted on for passage and approved upon its first reading. Board Member Brooks seconded the motion for approval on its first reading and after due consideration thereof by said Board of Supervisors, the Chairperson put the question on the adoption of said motion and the roll being called, the following named Board members voted:

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

_____ Attest: _____
Ronald D. Goecke Karen Squiers
Board of Supervisors, Chairman Marshall County Auditor

5. Suspension of the Second and Third Reading on Proposed Ordinance No. 33 and Final Adoption--

Board Member Brooks moved the suspension of the rule requiring separate consideration of the Ordinance at three meetings. Board Member Grabenbauer seconded the motion for suspension of the rule. After due consideration thereof by said Board of Supervisors, the Chairperson put the question on the adoption of said motion and roll being called, the following Board members voted:

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

_____ Attest: _____
Ronald D. Goecke Karen Squiers
Board of Supervisors, Chairman Marshall County Auditor

The vote for suspension of the rules was by a majority of the full Board of Supervisors, voting 3 in favor, 0 opposed and 0 absent, vacant or abstaining and was duly recorded.

_____ Attest: _____
Ronald D. Goecke Karen Squiers
Board of Supervisors, Chairman Marshall County Auditor

Following the passage of the motion to suspend the rule, Board Member Brooks moved the final adoption of Ordinance #33. Board Member Grabenbauer seconded the motion. After due consideration thereof by said Board of Supervisors, the Chairperson put the question on the adoption of said motion and the roll being called, the following named Board members voted:

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

_____ Attest: _____

Ronald D. Goecke — Karen Squiers
Board of Supervisors, Chairman — Marshall County Auditor

6. Public Forum—There were no public comments.

7. Adjournment--The next meeting is a Special Session on September 8, 2010 at 7:00 p.m. and the next Regular session is on September 14, 2010, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the Board of Supervisors' Office by September 9, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:14 a.m.

_____ Attest: _____

Ronald D. Goecke — Karen Squiers
Board of Supervisors, Chairman — Marshall County Auditor

EXHIBIT A TO RESOLUTION

**AFFIDAVIT IN SUPPORT OF
MARSHALL COUNTY PICKERING HEARTLAND COOP
URBAN REVITALIZATION PLAN**

STATE OF IOWA)
) ss:
COUNTY OF POLK)

I, Brian Bailey, having been first duly sworn upon my oath, depose and state that I am currently the Chief Financial Officer of Heartland Property Coop ("Heartland"), an Iowa cooperative,and am authorized to sign on behalf of Heartland and that:

1. Heartland is the owner of record of all the property contained within the Marshall County Pickering Heartland Coop Urban Revitalization Area ("Urban Revitalization Area" or "Area"), and which property or "Area" is legally described as follows:

That part of the southeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, in Marshall County, Iowa, lying west of the west line of the right of way of the Union Pacific Railroad (formerly the Chicago and North Western Railroad, the Minneapolis and St. Louis Railroad, and the Central Railroad of Iowa) and lot 3 of the northeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, in Marshall County, Iowa.

2. There are no residential units within the designated Urban Revitalization Area.

3. Notice of the September 7, 2010 Public Hearing on the Marshall County Pickering Heartland Coop Urban Revitalization Plan was received by the owners of record prior to 30 days before September 7, 2010, at the following addresses: Heartland Cooperative, 2829 Westown Parkway, West Des Moines, Iowa 50266 and Heartland Coop, 3119 290th Street, Gilman, Iowa 50106.

4. As the sole property owner within the Area, Heartland

(a) waives its right to file a petition requesting a second public hearing in the thirty days following the first public hearing (September 7, 2010) pursuant to Iowa Code Section 404.2(5)(a) (2009); and

(b) does not object to, and in fact urges, the adoption of the Ordinance regarding the Marshall County Pickering Heartland Coop Urban Revitalization Area immediately following the public hearing dated September 7, 2010 by the Board of Supervisors of Marshall County, Iowa.

Dated this 30th day of August, 2010.

HEARTLAND PROPERTY COOP

Brian Bailey
Chief Financial Officer

ATTEST:

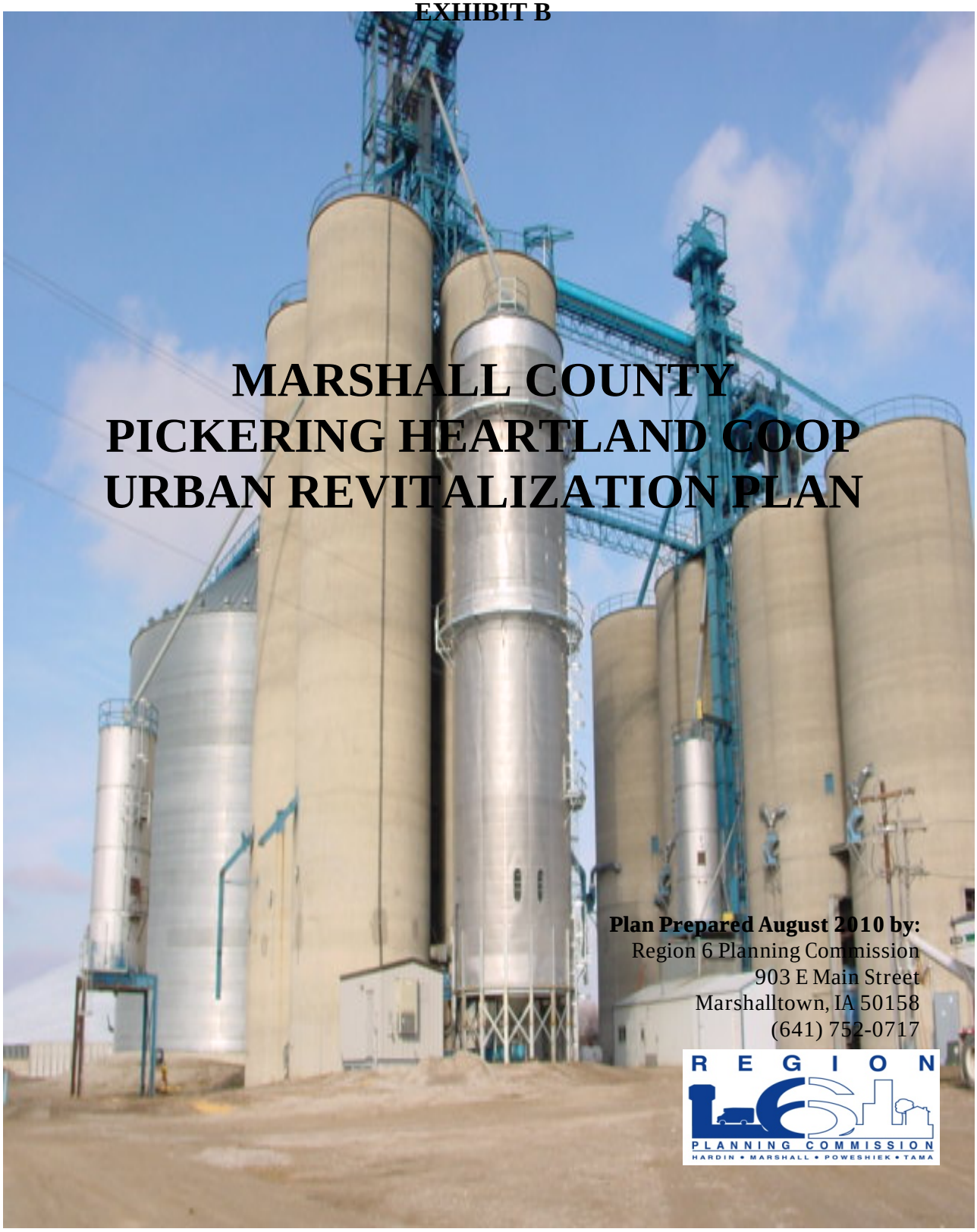
STATE OF IOWA)
) ss:
COUNTY OF Polk)

On this 30 day of August, 2010, before me the undersigned, a Notary Public in and for said State, personally appeared Brian Bailey, to me personally known, who being by me duly sworn did say that he is the Chief Financial Officer of Heartland Property Coop, and that said instrument was signed on behalf of said company; and that the said Chief Financial Officer, as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by him voluntarily executed.

Notary Public in and for the State of Iowa

666616.118952008

EXHIBIT B



MARSHALL COUNTY
PICKERING HEARTLAND COOP
URBAN REVITALIZATION PLAN

Plan Prepared August 2010 by:
Region 6 Planning Commission
903 E Main Street
Marshalltown, IA 50158
(641) 752-0717

INTRODUCTION

The Marshall County Pickering Heartland Coop Urban Revitalization Plan ("Plan") serves as the guideline and regulations for the Marshall County Pickering Heartland Coop Urban Revitalization Area ("Area"). This plan can be changed as development factors indicate a need for review.

Iowa Code Chapter 404, "Urban Revitalization Act" or "Act" provides for a county's governing body to designate an area as a revitalization area if the area meets the definition of an "economic development area" under Iowa Code Section 403.17. This is done so that commercial and/or residential properties in the designated area may benefit from the abatement of taxes on the value added by development or redevelopment activities**.** The Area described is appropriate as an economic development area as defined in Section 403.17 of the Code of Iowa. The adoption of the Plan will enhance the rehabilitation and redevelopment of the area resulting in increased income and the improvement of public health, safety and welfare of the residents of the County.

This plan conforms with the objectives of the 1991 Marshall County Community Builder Plan and the 2004 Marshall County Comprehensive Plan. Both plans were prepared with input from the public. One of the community builder plan goals is to expand the number of business and employment opportunities in Marshall County. This plan will help the Pickering Heartland Coop create a place for future investments, which will include some direct and indirect job creation. The plan also recommends providing support for the agricultural base. The Heartland Coop serves the agricultural market. This project will help reduce agriculture storage and distribution expenditures.

The Comprehensive Plan designates areas for expansion as those undeveloped areas already zoned for development, or undeveloped areas which may be considered as logical extensions of existing developments. Also, areas designated for infill are primarily areas of existing development. The urban revitalization area is an existing built up area. The comprehensive plan encourages further development of the area.

LEGAL DESCRIPTION OF THE MARSHALL COUNTY PICKERING HEARTLAND COOP URBAN REVITALIZATION AREA ("AREA")

That part of the southeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, Marshall County, Iowa, lying west of the west line of the right of way of the Union Pacific Railroad (formerly the Chicago and North Western Railroad, the Minneapolis and St. Louis Railroad, and the Central Railroad of Iowa) and lot 3 of the northeast quarter of the southwest quarter of section 3, township 82 north, range 17 west of the 5th principal meridian, Marshall County, Iowa.

A map of the Area is attached as Exhibit A.

EXISTING VALUATION OF REAL ESTATE WITHIN THE DISTRICT

The Marshall County 1/1/2009 assessed value for the Area is:

Land	$364,390
Improvements	$2,118,690
TOTAL	**$2,483,080**

The property is 100 % commercially assessed by Marshall County. There are no incorporated areas within 2 miles of this urban revitalization area.

NAMES AND ADDRESS OF THE OWNERS

Heartland Cooperative, 2829 Westown Parkway, West Des Moines, IA 50266 owns 100% of the legally described real estate within the Marshall County Pickering Heartland Coop Urban Revitalization Area. There are no tenants.

EXISTING ZONING CLASSIFICATION

Although all the land in the Area is currently assessed as commercial, it is zoned as agricultural land. All the property in the Area is planned to be re-zoned to commercial zoning before the Plan is adopted.

PROPOSALS FOR IMPROVING OR EXPANDING COUNTY SERVICES

There are no County plans to improve or expand County services within this district.

URBAN REVITALIZATION ELIGIBILITY& PERCENT OF INCREASE IN ACTUAL VALUE REQUIRED

The revitalization is only applicable to property used as commercial or industrial property. One hundred percent of the property within the Area is assessed as commercial property. Rehabilitations and/or additions, and/or new construction on commercial property are eligible for the revitalization.

"Qualified real estate" means real property, other than land, which is located in a designated revitalization area and to which improvements have been added, during the time the area was so designated, which have increased the actual value by at least fifteen percent. No property within the Area is assessed as agricultural property. This Plan is not applicable to residential property.

"Qualified real estate" also means land upon which no structure existed at the start of the new construction, which is located in a designated revitalization area and upon which new construction has been added during the time the area was so designated.

"Improvements" includes rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures, which have increased the actual value by at least fifteen percent. If more than one building is located on the property, which property is not assessed as residential, the 15 percent increase requirement applies only to the structure or structures upon which the improvements were made. If no structures were located on the property prior to the improvements, any improvements may qualify.

"Actual value added by the improvements" means the actual value added as of the first year for which the exemption was received.

TAX EXEMPTION SCHEDULE

All qualified real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

DISTRICT NEED& GOALS

Marshall County needs to attract additional investment and job creation. This urban revitalization effort will assist the county in attracting and encouraging economic development.

In May 2010 the Marshall County unemployment rate was 7.2%. This was 0.4% greater than the state average. An even more discouraging trend is that the county unemployment rate from 5/2009 to 5/2010 increased 1%. The county is performing much better than the national 9.7% unemployment rate.

Marshall County needs to encourage economic development to retain population, especially younger people. From 1995 to 2000, the outflow of residents exceeded the inflow by 738 people. The top two out-migration locations were fast growing Polk and Story Counties. Two of the top ten in-migration places were from Los Angeles County, California and Cameron County, Texas (Brownsville). Migrants from these places were most likely Hispanic.

Marshall County has shown some population growth. From 1990 to 2000 the county population increased 3%. This increase was largely due to the in-migration of Hispanics that work at the Swift meat processing facility in Marshalltown. The county population, however, from 1980 to 2000 decreased 6%. The current county population is similar to the later 1960s.

Recent population estimates show that the county population is stagnant. The 2009 estimate is less than 1% under the 2000 Census official count. The estimated population loss is 52 people. Population projections also show county stagnation. The future

population growth is projected at 2.8% over the next 20 years. Economic incentives, like this urban revitalization plan, are needed to help meet or exceed that target.

In summary the district goals include:

- *Seek job creation and retention opportunities.*
- *Provide an incentive to attract and encourage economic development.*
- *Promote new commercial construction, expansion of existing commercial construction, and stabilizing and increasing the tax base.*

PROVISIONS FOR THE RELOCATION OF PERSONS

There are no persons, including families, business concerns and other, whom the County anticipates will be displaced as a result of improvements to the Area.

DESCRIPTION OF ANY STATE, FEDERAL, OR PRIVATE GRANT OR LOAN PROGRAM TO BE USED FOR RESIDENTIAL IMPROVEMENTS

The County at the time this plan was prepared does not expect, at the time of plan adoption, to submit any applications for state, federal, or private grant assistance for revitalization improvements in the area.

APPLICATION

Strict application procedures are required for exemption under this Plan. Applicants should read and follow provisions in Iowa Code Chapter 404, especially Section 404.4, and as amended.

Application Procedures

"A person may submit a proposal for an improvement project to the County Board of Supervisors to receive prior approval for eligibility for a tax exemption on the project. The County Board of Supervisor's shall, by resolution, give its prior approval for an improvement project if the project is in conformance with the plan for revitalization developed by the County. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the County Board of Supervisor's to approve or reject." Iowa Code Section 404.4.

"An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the County Board of Supervisor's by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years, in which case the

exemption is allowed for the total number of years in the exemption schedule. However, upon the request of the owner at any time, the County Board of Supervisor's provides by resolution that the owner may file an application by February 1 of any other assessment year selected by the County Board of Supervisor's in which case the exemption is allowed for the number of years remaining in the exemption schedule selected. The application shall contain, but not be limited to, the following information: The nature of the improvement, its cost, the estimated or actual date of completion, the tenants that occupied the owner's building on the date the County adopted the resolution for the Plan," and which exemption will be elected. Iowa Code Section 404.4.

All applications shall include the information required by the Act. This application will be subject to review by County Staff and by the Planning and Zoning Commission before being forwarded to the County Board of Supervisor's for official action.

"The County Board of Supervisor's shall approve the application, subject to review by the local assessor pursuant to section 404.5, if the project is in conformance with the plan for revitalization developed by the County, is located within a designated revitalization area, and if the improvements were made during the time the area was so designated. The County Board of Supervisor's shall forward for review all approved applications to the appropriate local assessor by March 1 of each year with a statement indicating" which exemption applies. "Applications for exemption for succeeding years on approved projects shall not be required." Iowa Code Section 404.4.

"The local assessor shall review each first-year application by making a physical review of the property, to determine if the improvements made increased the actual value of the qualified real estate by at least fifteen percent or at least ten percent in the case of real property assessed as residential property." "If the assessor determines that the actual value of the real estate has increased by at least the requisite percent, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section 404.3 to the county auditor at the time of transmitting the assessment rolls. However, if a new structure is erected on land upon which no structure existed at the start of the new construction, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section 404.3 to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section 441.37. If an application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in section 404.3, the owner may file a first annual application in a subsequent year when additional improvements are made to satisfy requirements of section 404.3, and the provisions of section 404.4 shall apply. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified in the tax exemption schedule under which the exemption was granted. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years." Iowa Code Section 404.5.

Application forms are available at the Board of Supervisor's office.

SUNSET

There is no sunset in this Plan.

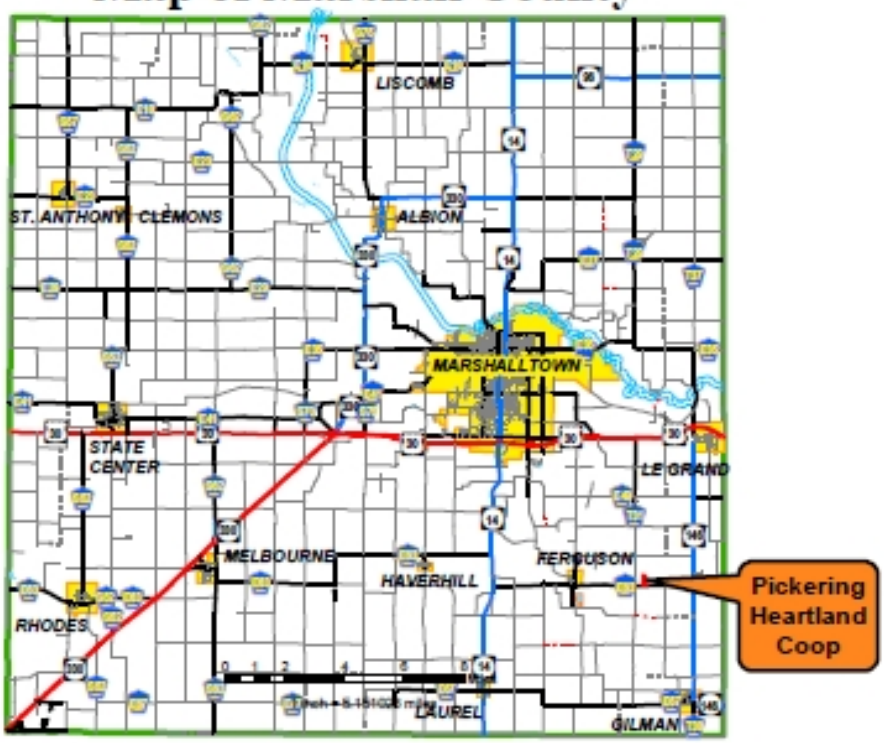
EFFECTIVE DATE

The Plan shall become effective from and after its final adoption by ordinance following such required public hearing (s).

EXHIBIT A: URBAN REVITALIZATION AREA MAP

Marshall County
Pickering Heartland Coop
Urban Revitalization Plan

Map of Marshall County



Marshall County GIS

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July 22, 2010

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF)
MARSHALL

I, the undersigned Auditor of Marshall County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the County showing proceedings of the Board of Supervisors, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective County offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the County hereto affixed this _____ day of _____, 2010.

_____
Auditor, Marshall County, State of Iowa

(SEAL)