Marshall County Board of Supervisors
Regular Session December 18, 2012, at 9:00 a.m.

AGENDA

The Board is meeting in regular session on Tuesday, December 18, 2012, at 9:00 a.m. in the Marshall County Courthouse, 3rd Floor, NE corner, meeting room #2, with ___ members present.

Pledge of Allegiance

Notice to the public--The Board of Supervisors welcomes comments from the public during the time allowed for discussion. You are requested to approach the microphone, state your name for the record and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any agenda item is for the Chairperson to read the item from the agenda. The Board is given an opportunity to comment on the issue and/or place a motion on the floor. An opportunity for discussion may be presented at which time the public may participate and a roll call vote will follow.

1. Approval or Amendment of Agenda—

Motion by _____, second by _____ to _____ the agenda as printed.

Roll call vote:	Adams-	Thompson-	Grabenbauer-
	Vice Chairman	Member	Chairman

2. Years of Service Recognition-Joel Phillips – 10 years, Cindy Reutzel – 10 years

3. Tri Oak Foods Application for Animal Confinement Feeding Operation Expansion (Master Matrix), Public Hearing--

At the public hearing, any resident may present objections to or arguments in favor of the application for expansion of an existing permitted animal confinement feeding operation for Tri Oak Foods.

There were _____ written comments, questions, or objections on file in the County Auditor's Office on the application for expansion of an existing animal feeding operation for Tri Oak Foods.

Of the ____ individual(s) attending the public hearing, ____ individual(s) presented oral comments, questions or objections.

Motion by _____, second by _____to close the hearing.

Roll call vote:	Adams-	Thompson-	Grabenbauer-
	Vice Chairman	Member	Chairman

4. Resolution 2012-0035
RESOLUTION-Master Matrix –Tri Oak Foods Application for Animal Confinement Feeding Operation Expansion—The application for expansion of existing animal confinement feeding operation from Tri Oak Foods was published in the Marshalltown Times-Republican, Marshalltown, Iowa on December 11, 2012, and the Mid Iowa Enterprise, State Center, Iowa on December 13, 2012; and

There were ___ written comments, questions, or objections on file in the Auditor's Office and _____ individual(s) attended the public hearing. There was ____ comment(s), question, or objection at the hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors to recommend approval by the Department of Natural Resources of the application for the expansion of the existing animal confinement feeding operation from Tri Oak Foods.

Dated at Marshalltown, Iowa this 18th day of December, 2012.

Motion by _____, second by _____, to _____ this Resolution.

Roll call vote:	Adams-	Thompson-	Grabenbauer-
	Vice Chairman	Member	Chairman

_____ Attest: _____
Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

Consent Agenda:

5. **Approve Minutes--**from Regular Session of December 4, 2012.
6. **Manure Management Update**-Liberty Finisher Farm, id no. 58020, annual update report received and placed on file with no changes made to the MMP.
7. **File Clerk of District Court Report –11-12-**General Supplemental Surcharge-$900.73
8. **Appointments-Commencing January 1, 2013:**
   a. **Condemnation Compensation Commission –** 1-year term:
   Owner-Operators of Agricultural Property:
   George Baitinger, Ronald D. Goecke, Clair Long, Gene Wiemers, Don Wogen, David Scott, Virtus Brockman
   Real Estate Salespersons or Real Estate Brokers
   Dean Elder Jr., Martha Garcia, Deb Block, Christopher Brodin, Carolyn Koll, Val Alkire, G. Ward Miller
   Owners of City Property

Larry Southard, Wendell Harmon, Sarah Hesmer, Helen Settle, Howard Stegmann, Edward Eugene Neven, Jean Clawson.
Persons Having Knowledge of Property Values by Reason of Their Occupation
Joseph Armbrecht, Jim Bacino, Cecil Buschbom, Russ D. Paul, Wayne McDonald, Dean Elder Jr., Joseph W. Ludley

9. **Approve Claims—**as audited and authorize the County Auditor and Recorder to issue payment of same. The listing of claims paid at this meeting will be included with all claims paid for the month of December; the December list of claims will be a part of the first meeting in January.

Motion by _____, second by _____, to _____ the consent agenda as printed above**.**

Roll call vote:	Adams-	Thompson-	Grabenbauer-
	Vice Chairman	Member	Chairman

10. Marshall County Commission on Aging-Mike Isaacson, CEO of Hawkeye Valley Area Agency on Aging, will give a presentation on Marshall County Commission on Aging.

11. Association of Libraries-Sarah Rosenblum, Marshalltown Public Library Director, will give a presentation on the local libraries.

12. Marshalltown Gateway Centre Urban Renewal Area Tax Increment Financing (TIF) Indebtedness Certification to County Auditor- Discussion and possible approval of:

Consumers Energy has certified to the Marshall County Auditor that during the time period December 1, 2011 to December 1, 2012 they have incurred outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified in the amounts shown below:

$0.00

Motion by_____, second by_____to_____the Marshalltown Gateway Centre Urban Renewal Area Tax Increment Financing (TIF) Indebtedness Certification.

Roll call vote:	Adams-	Thompson-	Grabenbauer
	Vice Chairman	Member	Chairman

13. Harvester Urban Renewal Area Tax Increment Financing (TIF) Indebtedness Certification to County Auditor- Discussion and possible approval of:

Harvester Development L.C. has certified to the Marshall County Auditor that during the time period December 1, 2011 to December 1, 2012 they have incurred outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified in the amounts shown below:

$0.00

Motion by_____, second by_____to_____the Harvester Urban Renewal Area Tax Increment Financing (TIF) Indebtedness Certification.

Roll call vote:	Adams-	Thompson-	Grabenbauer
	Vice Chairman	Member	Chairman

14. Marshall County Cost Allocation-Cost Advisory Services, Inc. Report—The fiscal year 2012 cost allocation plan will result in a total reimbursement of $38,449 for indirect cost recoveries regarding the local Department of Human Services Office during FY2014.

Motion by _____, second by _____, to _____this report.

Roll call vote:	Adams-	Thompson-	Grabenbauer
	Vice Chairman	Member	Chairman

15. **Trilogy/Embers of Marshalltown, Iowa Inc.-Resolution to Set a Date for Hearing—** Discussion and possible action to discuss matters for Trilogy/Embers of Marshalltown, Iowa Inc. pursuant to Chapter 419 of the Iowa Code.

Motion by_____, second by_____ to _____Resolution #2012-0036. This Resolution is authorizing the execution of a Memorandum of Agreement with Trilogy/Embers of Marshalltown, Iowa, Inc. and fix a date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code. Hearing to be held on Tuesday, January 15, 2013 at 9:00a.m., Meeting room #2, Marshall County Courthouse.

Roll call vote:	Adams-	Thompson-	Grabenbauer
	Vice Chairman	Member	Chairman

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

RESOLUTION NO. 2012-0036

A Resolution authorizing the execution of a Memorandum of Agreement with Trilogy/Embers of Marshalltown, Iowa, Inc. and fixing a date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code.

WHEREAS, Marshall County, Iowa (the "Issuer"), is a county and political subdivision of the State of Iowa authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the "Act"), to issue revenue bonds or notes for a project located within, or within eight miles of, the Issuer for the purpose of financing the cost of

acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds issued pursuant to the Act; and

WHEREAS, the Issuer has been requested by Trilogy/Embers of Marshalltown, Iowa, Inc. (the "Borrower"), a Tax Exempt Organization, to issue its revenue bonds or notes, in one or more series, in an aggregate principal amount not to exceed $5,250,000 (the "Notes") for the purpose of: (1) refunding the County's previous issue of Housing Development Revenue Refunding Bonds, Series 2003A (The Embers Project) (the "Series 2003A Bonds") the proceeds of which were used to refund the County's previous issues of Housing Development Revenue Bonds, Series 2000A, Series 2000B and Series 2000C (the "Series 2000 Bonds") the proceeds of which were used to finance the acquisition and refurbishment of a 108 unit independent senior housing facility (the "Facility") located at 1211 State Street, Marshalltown, Iowa; and (2) paying the costs of issuance pursuant to the Act; and

WHEREAS, it is proposed to finance the foregoing through the issuance of the Notes and to loan the proceeds from the sale of the Notes to the Borrower pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest on the Notes as they become due; and

WHEREAS, the Notes, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Notes shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to pursue proceedings necessary under the Act to issue the Notes for such purpose; and

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the Issuer, as follows:

Section 1. The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chairperson is hereby authorized to execute said Memorandum of Agreement and the County Auditor is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto.

Section 2. Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement.

Section 3. This Board shall meet on the 15th day of January, 2013, at the Marshall County Courthouse, 1 East Main Street, Marshalltown, Iowa, at _____ o'clock ___.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Notes referred to in the preamble hereof.

Section 4. The County Auditor is hereby directed to give notice of intention to issue the Notes, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE REVENUE BONDS OR NOTES
(THE EMBERS PROJECT)

The Board of Supervisors of Marshall County, Iowa, (the "Issuer") will meet on the 15th day of January, 2013, at _____ o'clock ___.m., at the Marshall County Courthouse, 1 East Main Street, Marshalltown, Iowa, for the purpose of conducting a public hearing on the proposal to issue revenue bonds or notes, in one or more series, of the Issuer in the aggregate principal amount not to exceed $5,250,000 (the "Notes") and to loan said amount to Trilogy/Embers of Marshalltown, Iowa, Inc. (the "Borrower"), for the purpose of: (1) refunding the County's previous issue of Housing Development Revenue Refunding Bonds, Series 2003A (The Embers Project) (the "Series 2003A Bonds") the proceeds of which were used to refund the County's previous issues of Housing Development Revenue Bonds, Series 2000A, Series 2000B and Series 2000C (the "Series 2000 Bonds") the proceeds of which were used to finance the acquisition and refurbishment of a 108 unit independent senior housing facility (the "Facility") located at 1211 State Street, Marshalltown, Iowa; and (2) paying for costs of issuance pursuant to the Act. The Facility will be owned and operated by the Borrower.

The Notes, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Notes will be payable solely and only from amounts received by the Issuer pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Notes as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Notes. Written comments may also be submitted to the Issuer at the Marshall County Courthouse, 1 East Main Street, Marshalltown, Iowa. Written comments must be received by the above hearing date.

By order of the Board of Supervisors of Marshall County, Iowa.

County Auditor

Section 5. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved December 18, 2012.

_____	Attest:	_____
Denny Grabenbauer Board of Supervisors, Chairman		Dawn Williams Marshall County Auditor and Recorder

15. Public Forum--is a time set aside for the public to make comments on topics of County business other than those listed on this agenda. No action will be taken on any of these topics brought up in the public forum.

16. Adjournment--The next regular meeting is January 2, 2013, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, December 27, 2012, at 1:00 p.m. There being no further business to come before the Board, the meeting is adjourned at ____ a.m.

_____	Attest:	_____
Denny Grabenbauer Board of Supervisors, Chairman		Dawn Williams Marshall County Auditor and Recorder