

April 13, 2021

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Belt presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

After discussion was held by the Board, a Motion was made by Schultz, and second by Shea to approve:

- A. March 30, 2021, Minutes as read.
- B. April 6, 2021, Minutes as read.
- C. Sheriff – Employment of Dalton Ebertowski, Travis Healy as Deputy.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Deb Masker from Southwest Iowa Leadership Academy appeared before the Board to give a presentation and provide an update on the 2021 Southwest Iowa Leadership Academy Retreat and potential funding by the County. Discussion only. No action taken.

Motion by Shea, second by Schultz, to open Public Hearing on Proposal to Incur Noncurrent Debt.
Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second by Schultz, to close public hearing.
Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion made by Wichman, second by Schultz, to approve and authorize Board to sign Resolution No. 28-2021 entitled: AUTHORIZING INTERNAL LOAN TO FUND URBAN RENEWAL PROJECT COSTS.

RESOLUTION NO. 28-2021

AUTHORIZING INTERNAL ADVANCE TO FUND URBAN RENEWAL PROJECT COSTS

WHEREAS, the Board of Supervisors of Pottawattamie County, Iowa (the "County"), has established the Pottawattamie County Industrial Park Urban Renewal Area (the "Urban Renewal Area") and has established the Pottawattamie County Industrial Park Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund") in connection therewith; and

WHEREAS, the County has proposed to undertake a certain urban renewal project (the "Project") in the Urban Renewal Area, consisting of the construction of certain public infrastructure improvements, including street and storm water drainage improvements, necessary for the development of an industrial park; and

WHEREAS, it has been proposed that the County facilitate an internal advance of funds in the amount of \$540,000 (the "Advance") in order to pay a portion of the costs of the Project, and, pursuant to Section 331.479 of the Code of Iowa, the County has published notice and has held a public hearing on such proposal on April 13, 2021, and

WHEREAS, the County desires to make the Advance eligible to be repaid from future incremental property tax revenues to be derived from the Urban Renewal Area;

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

Section 1. It is hereby directed that the Advance in the amount of FIVE HUNDRED FORTY THOUSAND DOLLARS (\$540,000) be advanced for the funding of the Project from the County's Impact Fund. The Advance shall be repaid to the County's Impact Fund, with interest at the per annum rate of 2.00%, out of future incremental property tax revenues received into the Tax Increment Fund. Interest shall be calculated from April 1, 2021, and shall be computed on the basis of the actual 365-day calendar year.

It is intended that the Advance, plus accrued interest thereon, shall be repaid in one or more annual installments on or before June 1, 2034, provided however that repayment of the Advance is subject to the determination of the Board of Supervisors that there are incremental property tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Fund relative to the Advance, and the Board of Supervisors reserves the right to appropriate funds, or to withhold such appropriation, at its discretion. All payments made will be applied first to accrued interest and then to the principal amount of the Advance.

Section 2. A copy of this Resolution shall be filed in the office of the County Auditor of Pottawattamie County to evidence the Advance. Pursuant to Section 403.19 of the Code of Iowa, the County Auditor is hereby directed to certify, no later than December 1, 2021, the original amount of the Advance.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

Dated this 13th day of April, 2021.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion by Wichman, second by Schultz, to open Public Hearing on Proposed Amended Development Agreement with Armstrong Investments, LLC.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second by Grobe, to close public hearing.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion made by Schultz, second by Wichman, to approve and authorize Board to sign Resolution No. 27-2021 entitled: RESOLUTION APPROVING AMENDED DEVELOPMENT AGREEMENT WITH ARMSTRONG INVESTMENTS, LLC, AUTHORIZING TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT.

RESOLUTION NO. 27-2021

RESOLUTION APPROVING AMENDED DEVELOPMENT AGREEMENT WITH ARMSTRONG INVESTMENTS, LLC, AUTHORIZING TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

WHEREAS, Pottawattamie 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 adopted an Urban Renewal Plan for the Pottawattamie County Industrial Park Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board of Supervisors 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 of 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 has previously entered into a certain development agreement (the "Original Agreement") with Armstrong Investments, LLC (the "Developer") in connection with the construction of public

infrastructure and the platting and marketing of lots necessary for the development of an industrial park (the "Project"); and

WHEREAS, the County and the Developer now propose to amend the Original Agreement in order to (1) provide for incremental property tax payments to be made to the Developer in an amount not to exceed \$200,000 under the authority of Section 403.9(1) of the Code of Iowa; and (2) make other related changes; and

WHEREAS, an amended agreement (the "Amended Agreement") has been prepared to set forth the new understanding between the County and the Developer; 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 Amended Agreement on April 13, 2021, and has otherwise complied with statutory requirements for the approval of said Amended 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;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board hereby reaffirms that:

(a) The Project will add diversity and generate new opportunities for the Pottawattamie 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 2. The Board of Supervisors further finds and reaffirms that a public purpose will reasonably be accomplished by entering into the Amended Agreement and providing the incremental property tax payments to the Developer.

Section 3. The Amended Agreement is hereby approved and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Amended Agreement on behalf of the County, in substantially the form and content in which the Amended 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 Amended Agreement.

Section 4. As provided and required by Chapter 403 of the Code of Iowa, the County's obligations under the Amended Agreement shall be payable solely from a subfund (the "Armstrong Investments, LLC Subfund") into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

Certain real property situated in Pottawattamie County, State of Iowa more particularly described as follows:

I-29/I-80 INDUSTRIAL PARK LT 2
 I-29/I-80 INDUSTRIAL PARK LT 3
 I-29/I-80 INDUSTRIAL PARK LT 4
 I-29/I-80 INDUSTRIAL PARK LT 5
 I-29/I-80 INDUSTRIAL PARK LT 6
 I-29/I-80 INDUSTRIAL PARK LT 7
 I-29/I-80 INDUSTRIAL PARK LT 8
 I-29/I-80 INDUSTRIAL PARK LT 9
 I-29/I-80 INDUSTRIAL PARK LT 10
 I-29/I-80 INDUSTRIAL PARK LT 11
 I-29/I-80 INDUSTRIAL PARK LT 12
 I-29/I-80 INDUSTRIAL PARK LT 13
 I-29/I-80 INDUSTRIAL PARK LT 14

Section 5. The County hereby pledges to the payment of its obligations under the Amended Agreement the Armstrong Investments, LLC Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Pottawattamie County to evidence the continuing pledging of the Armstrong Investments, LLC 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.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Dated this 13th day of April, 2021.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion made by Wichman, second by Shea, to approve and authorize Board to sign Resolution No. 26-2021 entitled ADOPTION OF INTERGOVERNMENTAL AGREEMENT CREATING THE IOWA COUNTY TREASURERS EGOVERNMENT ALLIANCE.

RESOLUTION NO. 26-2021

ADOPTION OF INTERGOVERNMENTAL AGREEMENT CREATING THE IOWA COUNTY TREASURERS E-GOVERNMENT ALLIANCE

BE IT RESOLVED, and it is hereby resolved, that the INTERGOVERNMENTAL AGREEMENT CREATING THE IOWA COUNTY TREASURERS EGOVERNMENT ALLIANCE, attached hereto and marked as Exhibit “A” is approved and adopted by Pottawattamie County.

BE IT FURTHER RESOLVED, that the Pottawattamie County Treasurer is authorized to participate as a Sponsor in the attached agreement in his/her capacity and consistent with his/her authority as County Treasurer of this County.

BE IT FURTHER RESOLVED, that the Pottawattamie County Treasurer is authorized to take additional actions and execute any documents that are, in his/her discretion, necessary to facilitate this Resolution.

Dated this 13th day of April, 2021.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion made by Shea, second by Grobe, to approve DOT submittals for the 2022 Budget and the County Five Year Plan. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Grobe, to approve Project plans for STBG-SWAP-CO78(204)—FG-78; L66 Paving from Highway 6 to G30.
UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Shea, and second by Wichman to approve and authorize Chairman to sign Farm Lease with Nick Hanson D/B/A Hanson Brothers Land & Livestock LLC for property legally described as: Commencing at the Southwest corner of the SW1/4 NW1/4 of Section 22, Township 76, Range 44, thence West along the South line of said SW1/4 NW1/4 to the Intersection of the East right -of- way line of the I.C. Railroad, thence Northerly along this Right-of-way line 1545 feet, thence Easterly 200 feet along the centerline of a Drainage ditch, thence continuing Southeasterly along this ditch 1301 feet to a point On the East line of SW1/4 NW1/4 802 feet North of the Southeast corner of said SW1/4 NW1/4, thence South 802 feet along said East line to the Point of Beginning. Commonly referred to as Crescent Wildlife Area. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Shea, and second by Grobe, to approve and authorize Chairman to sign Farm Lease with Nick Hanson D/B/A Hanson Brothers Land & Livestock LLC for property legally described as: Commencing at the center of said Section 28; thence S89°36'07"E 1099.49 ft. along the north line of said NW 1/4 SE 1/4; thence S22°11'50"W 112.44 ft.; thence southwesterly 614.43 ft. along a 768.51 ft. radius curve, concave northwesterly, and having a chord bearing S45°06'05"W 598.19 ft.; thence S68°00'20"W 681.74 ft. to a point on the west line of said NW 1/4 SE 1/4; thence N0°04'55"W 789.31 ft. along said west line to said center of Section 28, the Point of Beginning. Commonly referred to as Pheasants Forever Food Plot. UNANIMOUS VOTE. Motion Carried.

Matt Wyant/Planning and Development Director and John Rasmussen/County Engineer both appeared before the Board to discuss and provide an update on rural water and the pavement of 240th Street. Discussion only. No action taken.

3. OTHER BUSINESS

The Board held a discussion on Countywide Radios. Discussion only. No action taken.

The Board held a discussion on the Western Iowa Development Association. Discussion only. No action taken.

Motion made by Shea, second by Grobe, to approve Auditor's Office Scanning Project with Microfilm Imaging Systems, Inc. not to exceed \$27,630.00.
UNANIMOUS VOTE. Motion Carried.

4. RECEIVED/FILED

A. Salary Actions:

- 1) Jail – Payroll Status Change for Nolan Darnell, Sean Newton
- 2) Conservation – Employment of Abigail Ridder, Dillon Stane, Jeremy Yost, Grant Carstens
- 3) Sheriff – Payroll Status Change for Jaron Neumann
- 4) Communications – Payroll Status Change for Alicia Cotten

B. Reports

- 1) Recorder's Fee Book for March 2021

C. Out of State Travel

- 1) Jail – Out of State Travel Notification

5. CLOSED SESSION

Motion by Wichman, second by Schultz, to go into Closed Session pursuant to Iowa Code 20.17(3), for discussion and/or decision on labor negotiations / collective bargaining matters.
Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion by Wichman, second by Shea, to go out of Closed Session.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

6. ADJOURN

Motion by Schultz, second by Shea, to adjourn meeting.

UNANIMOUS VOTE. Motion Carried

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:10 P.M.

Scott Belt, Chairman

ATTEST:

Melvyn Houser, Pottawattamie County Auditor

APPROVED: April 20, 2021

PUBLISH: X