

January 23, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. January 16, 2024, Minutes as read.
- B. Secondary Roads – Approve 40-hour vacation buyback from Craig Jensen.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to approve letter of intent for the Pottawattamie County Trails Association to secure financial grants for the construction of multi-use trails connecting our community. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Belt, to approve Lewis Township to hold more than 3 meetings up to 12.

UNANIMOUS VOTE. Motion Carried.

Mark Eckman/Executive Director, Council Bluffs Convention & Visitors Bureau appeared before the Board to give an update on Pottawattamie Tourism. Discussion only. No Action Taken.

Motion by Jorgensen, second by Shea, to approve funding for Southwest Iowa Leadership Academy in the amount of \$2,500 to be paid out of gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve submission of Final Plat for RMP 87 Subdivision for a 12-month extension.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve and authorize Board Chairperson to sign Urban Renewal Joint Agreement related to RMP 87 Subdivision.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Board to sign **Resolution No. 13-2024**, an amended Development Agreement with JJHP, LLC.

RESOLUTION NO. 13-2024

Resolution Approving Amended Development Agreement with JJHP, LLC

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 Heartland Ridge Subdivision Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this Board of Supervisors (the “Board”) of the County 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, 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 JJHP, LLC (the “Developer”) in connection with construction of public infrastructure (the “Project”) necessary to support the development of a residential subdivision in the Urban Renewal Area; and

WHEREAS, under the Original Agreement, the County has agreed to provide tax increment payments (the “Payments”) to the Developer in a total amount not exceeding \$4,000,000 from incremental property tax revenues derived from the Property; and

WHEREAS, the County and the Developer now propose to amend the Original Agreement in order to (1) adjust the date by which the Developer must submit the Triggering Certification (as defined in the Original Agreement) to the County; (2) update the LMI Amount (as defined in the Original Agreement); and (3) make other related changes; and

WHEREAS, an amended development agreement (the “Amended Agreement”) has been prepared to set forth the new understanding between the County and the Developer; 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 and housing opportunities, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Board 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. 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. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved on January 23, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, Chairperson	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____

Melvyn Houser, County Auditor

Roll Call Vote: **AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

3. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.
Discussion only. No action taken.

4. RECEIVED/FILED

A. Salary Action(s):

- 1) Sheriff – Payroll status change for Carie Savage and Tom Smith.
- 2) Communications – Payroll status change for Merissa Cox.
- 3) Crescent Ridge Ski Hill – Employment of Christian Buhrman as a Kitchen Staff Team Member.
- 4) Crescent Ridge Ski Hill – Payroll status for Peyton Bell.
- 5) Jail – Payroll status change for Spencer Pingel and Connor Lange.
- 6) Crescent Ridge Ski Hill – Employment of Cece Cronin, Mergan Cox, and Matthew Blair as Ski/Snowboard Instructors.

5. PUBLIC COMMENTS

No Public Comments.

6. STUDY SESSION

Ordinance No. 2023-05 to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03).

Discussion only. No Action Taken.

7. CLOSED SESSIONS

Motion by Wichman, second by Shea, 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: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

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

Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

8. BUDGET STUDY SESSION

- 1) Medical Examiner
- 2) HHS
- 3) GA/MH/Substance
- 4) Veterans Service

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:08 P. M

Susan Miller, Chair

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 30, 2024

PUBLISH: X