

May 28, 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 remove item 2. C. from the agenda and to approve Consent Agenda:

- A. May 21, 2024, Minutes as read.
- B. Treasurer – Employment of Candace Diamond as a Clerk II in Treasurer’s Office.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Discussion on disaster recovery response update from department heads.
Discussion only. No Action Taken.

Marielle Anne Alipio/Public Information Officer, Office of Disaster Recovery and Resilience appeared before the Board to discuss the services offered by the Small Business Administration (SBA) Office of Disaster Recovery and Resilience (ODR&R) to assist Iowa businesses and residents affected by the severe storm and tornadoes from April 26 and 27.
Discussion only. No Action Taken.

Marie Sieck/Administrator, Public Health appeared before the Board to give an update on Public Health.
Discussion only. No Action Taken.

Motion by Belt, second by Shea, to open Public Hearing on Development Agreement with RMP 87 Development, LLC.

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

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

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

Motion by Wichman, second by Shea, to approve and authorize Chair to sign Development Agreement with RMP 87 Development, LLC.

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

Motion by Shea, second by Wichman, to approve and authorize Board to sign **Resolution No. 43-2024** entitled: Resolution Approving Development Agreement with RMP 87 Development, LLC, Authorizing Tax Increment Payments, and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.

RESOLUTION 43-2024

Resolution Approving Development Agreement with RMP 87 Development, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, the Board of Supervisors (the “Board”) of 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 2024 RMP Housing Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, the Board 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, a certain Development Agreement (the “Agreement”) between the County and RMP 87 Development, LLC, (the “Developer”) has been prepared in connection with the construction by the

Developer of public infrastructure necessary to support the development of a residential subdivision in the Urban Renewal Area (the “Project”); and

WHEREAS, under the Agreement, the County would provide tax increment payments to the Developer in a total amount not exceeding \$400,000; and

WHEREAS, the Board, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on May 28, 2024, and has otherwise complied with statutory requirements for the approval of the 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; and

WHEREAS, pursuant to the Plan and Chapter 403 of the Code of Iowa, the County may undertake projects and initiatives for the promotion of economic development;

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

Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

The Project will add diversity and generate new opportunities for the Pottawattamie County and Iowa economies;

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.

The Board further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Developer.

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

Section 4. All payments by the County under the Agreement shall be subject to annual appropriation by the Board, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the County’s obligations under the Agreement shall be payable solely from a subfund (the “RMP 87 Development, LLC Subfund”) which is hereby established, 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 certain real property described as follows:

Parcel 22047, a parcel of land located in part of the Northwest Quarter of the Northeast Quarter and in part of the Northeast Quarter of the Northeast Quarter and in part of the Southeast Quarter of the Northeast Quarter and in part of the Southwest Quarter of the Northeast Quarter, all in Section 30, Township 75 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described in Plat of Survey filed May 05, 2022 in Book 2022 at Page 06473;

AND

Parcel “F”, a parcel of land located in part of the Northwest Quarter of the Northeast Quarter in Section 30, Township 75 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, and in part of Lot 36, Cloverleaf Acres, Phase II, Pottawattamie County, Iowa, more particularly described in Plat of Survey filed November 12, 2015 in Book 2015 at Page 14876.

Section 5. The County hereby pledges to the payment of the Agreement the RMP 87 Development, 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, provided, however, that no payment will be made under the Agreement unless and until monies from the RMP 87 Development, LLC Subfund are appropriated for such purpose by the Board of Supervisors.

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 RMP 87 Development, 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 County 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.

Passed and approved May 28, 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. OTHER BUSINESS

Melvyn Houser/Auditor and Jeannette Johnson/Executive Assistant, Board of Supervisors appeared before the Board to discuss digitizing the minute books and the drainage district information. Discussion Only. No Action Taken

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Southwest Iowa Juvenile Detention Center – Employment of Thomas Blakeley as a Part-time Youth Corrections Worker.
 - 2) Sheriff – Payroll status change for Douglas Kelsey.
 - 3) Conservation – Employment of Will Beiermann as a Seasonal Park Aide at Arrowhead.
 - 4) Conservation – Employment of Michelle Jones as a Part-time Environmental Educator.
 - 5) Communications – Payroll status change for Madison Farley.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:12 A. M

Susan Miller, Chair
ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: June 4, 2024
PUBLISH: X

