

Sibley, Iowa
October 23, 2020

The Osceola County Board of Supervisors met pursuant to law and adjournment at 8:45 am at First Baptist Church Fellowship Hall in Sibley, Iowa with the following members present: Jerry Helmers, Mike Schulte, LeRoy DeBoer, Jayson VandeHoef, and Ed Jones. Absent: None.

DeBoer moves to approve the October 23, 2020 agenda. Second by Helmers. All vote aye. Motion carried.

It was moved by Helmers, second by Schulte to approve October 9, 2020 minutes. Second by Schulte. All vote aye. Motion carried.

VandeHoef moves to approve the November schedule as follows: November 10th and 24th with both meetings to be held at the First Baptist Church Fellowship Hall with claims being paid on the 10th and 24th. Second by DeBoer. All vote aye. Motion carried

Ernie Villanueva, custodian informed the board that the air conditioner compressor needs to be replaced. He received an estimate from Sibley Sheet Metal for \$14,750 to replace the compressor. The board talked about getting a quote for new air conditioner system instead of repairing the current system. The board will table this decision until can get a quote for a new air conditioner unit.

The board talked about utilizing the office space at the jail house for additional offices. They would need to be updated with paint, carpet, and WiFi. It was moved by Schulte, second by Helmers to approve to makes those discussed updates to the offices at the jail house. All vote aye. Motion carried.

The Chairperson announced that this was the time and place for a public hearing on a proposal to sell certain property to Sunset Semi Retreat, LLC, and that notice of the hearing had been published as required by state law.

The County Auditor reported that no written objections had been filed, and the Chairperson called for any written or oral comments; there being none, the Chairperson declared the public hearing closed.

Whereupon, Supervisor Schulte introduced a proposed resolution entitled: "Resolution #6 20/21 Approving Disposition of Property to Sunset Semi Retreat, LLC and Authorizing an Economic Development Grant in Connection Therewith," and moved that the said resolution be adopted, seconded by Supervisor DeBoer and after due consideration thereof by the Board, the Chairperson put the question on the motion for adoption of the said resolution and, the roll being called, the following named Supervisors voted: Ayes- Schulte, DeBoer, Helmers, Jones. Nay- None. Abstain-VandeHoef.

Whereupon, the Chairperson declared the said resolution duly adopted and signed approval thereto.

RESOLUTION NO. 6 20/21

Resolution Approving Disposition of Property to Sunset Semi Retreat, LLC and Authorizing an Economic Development Grant in Connection Therewith

WHEREAS, Osceola County, Iowa (the "County") has previously established the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a/k/a Otter Creek Ethanol, LLC) (the "Urban Renewal Area"); and

WHEREAS, one of the County's objectives for the Urban Renewal Area is to promote the development of new commercial enterprises in the Osceola County Enterprise Park; and

WHEREAS, Osceola County (the "County") is the owner of certain real property (the "Property") situated in the Urban Renewal Area which is more particularly described as follows:

Lots 2 & 3 in the Osceola County Enterprise Park

WHEREAS, the County has received a proposal from Sunset Semi Retreat, LLC (the "Developer") which includes the acquisition of the Property and the construction of a new shop, storage building, and staging area thereon for use in the Developer's trucking business operations (the "Project"); and

WHEREAS, the County has prescribed and followed reasonable competitive procedures for the selection of a developer to undertake the Project and the corresponding disposition of the Property in

accordance with the provisions of Sections 331.361 and 403.8 of the Code of Iowa and has held a public hearing on the proposal to sell the Property on October 23, 2020; 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, 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 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, the County proposes to grant public funds in the amount of \$30,240 (the “Economic Development Grant”) to the Developer in connection with the acquisition of the Property and the construction of the Project thereon; and

WHEREAS, it is now necessary for the Board of Supervisors (the “Board”) of the County to take action to (1) approve the sale of the Property; and (2) approve the Economic Development Grant;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Osceola County, Iowa, as follows:

Section 1. The Board hereby determines that the proposal of the Developer represents the best interests of the County with respect to the development of the Property and the undertaking of the Project, and the proposal of the Developer is hereby accepted and approved. The disposition of the Property to the Developer as set forth in the proposal is hereby approved. The Chairperson and County Auditor are hereby authorized and directed, with advice from the County Attorney, to execute such documents as may be necessary to carry out the disposition of the Property.

Section 2. Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

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

b) The Project will generate public gains and benefits, particularly in the maintenance or creation of jobs, which are warranted in comparison to the amount of the proposed Economic Development Grant.

Section 3. The Board further finds that a public purpose will reasonably be accomplished by making the Economic Development Grant to the Developer.

Section 4. The Economic Development Grant in the amount of \$30,240 to the Developer is hereby approved, subject to the terms and conditions set out in the Grant Agreement (the “Grant Agreement”) to be entered into by the Developer and the County. The Chairperson and the County Auditor are hereby authorized and directed to prepare any additional documentation and to make any changes to the Grant Agreement, with the advice of bond counsel, that are deemed necessary to carry out the purposes of this Resolution. The Chairperson and the County Auditor are hereby authorized execute such documents as may be necessary to implement the Grant approved herein, including the Grant Agreement, in substantially the form as has been presented to this Board.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved October 23, 2020.

Stephanie Nepl, economic development director, informed the board that Heather Carson’s banker has some concerns with the Development Agreement. The Development Agreement references the Memorandum of Understanding, and since that is not a binding document they would like references to it modified in the Development Agreement. It was moved by Schulte, second by Helmers to approve the Development Agreement for Sunset Semi Retreat, LLC with the modifications that were discussed. Ayes-Schulte, Helmers, DeBoer, Jones. Nay-None. Abstain-VandeHoef. All vote aye. Motion carried.

Helmers moves to approve the Assessment Agreement for Sunset Semi Retreat, LLC. Second by Schulte. Aye- Helmers, Schulte, DeBoer, Jones. Nay- None. Abstain-VandeHoef. Motion carried.

The board discussed the engineer position.

Josh Folkerts from Premier informed the board that the software daily backup equipment is not working correctly. He gave the board a couple different options to consider. One option is to purchase a 12 TB Network Attached Storage for \$750 or to purchase Cloud Failover Appliance that stores data on the cloud instead on tapes for \$6,000 a year. If the courthouse ever had a disaster with that system we could be up a running within hours instead of days. VandeHoef moves to purchase 12 TB network attached storage for \$750 and give future consideration at budget time to purchase the Cloud Failover Appliance next fiscal year. Second by Schulte. All vote aye. Motion carried.

Rick Hopper and Derek Behrens from Jacobson-Westergard & Associates explained to the board a petition was filed to do a cleanout in Joint Drainage Districts 2 and 3. They showed the board the drone flight images of the obstructions and they are recommending an hourly cleanout to clear the obstructions. They also talked about some areas where it washed out and might need some riprap. The board also wanted to make sure the proposed cleanout is approved by the Army Core of Engineers. It was moved VandeHoef, second by Helmers to approve the hourly cleanout as long as it is approved by the Army Core of Engineers and it is repaired to the original design. All vote aye. Motion carried.

Helmers move to approve Federal Aid project number BROSCHBP-CO72(76)—NC-72)- Olive Avenue Bridge Replacement Project. Second by DeBoer. All vote aye. Motion carried.

Rochelle Van Tilburg, auditor explained to the board she would like to pay the precinct election officials an additional \$5.00 per hour for hazardous pay for the general election with the grant money that the county received from Center for Tech and Civil Life. It was moved by Schulte, second by Helmers to pay the precinct election officials an additional \$5.00 per hour hazardous pay for the general election. All vote aye. Motion carried.

Ernie Villanueva, custodian had a chance to talk to Sibley Sheet Metal due to Covid none of their vendors would be able to give them a quote until end of November for a new air conditioner unit. VandeHoef moves to proceed to purchase the air conditioner compressor for \$14,750. Second by Jones. Ayes- VandeHoef, Jones, DeBoer. Nay-Schulte, Helmers. Motion carried.

The board reviewed payroll registers from October 21st and 23rd.

It was moved by Schulte, second by Helmers to approve the payment of claims submitted by the auditor's office. Aye-Schulte, Helmers, DeBoer, Jones. Nay-None. Abstain-VandeHoef.

VandeHoef informed the board the Iowa Department of Public Health is doing the Covid contact tracing instead of the local Public Health Office. The state has hired additional staff to do the contact tracing.