

Sibley, Iowa  
July 13, 2021

The Osceola County Board of Supervisors met pursuant to law and adjournment at 8:45 am at the Osceola County Courthouse Boardroom 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 July 13, 2021 agenda. Second by Helmers. All vote aye. Motion carried.

It was moved by Schulte, second by Helmers to approve June 25, 2021 minutes. All vote aye. Motion carried.

The board received one estimated quote to repair the courthouse flat roof. Schulte moves to approve the estimated quote from Adam Martin Construction for \$945. Second by DeBoer. All vote aye. Motion carried.

The board met with department heads.

Stephanie Neppl, economic development director, informed the board about quotes she got for county-wide housing assessments which were around \$20,000 to 25,000. This year, there was a state grant for rural housing assessment program, but cities must be the applicant. Cities would have to pay a \$5,000 match in order to receive up to a \$10,000 grant. Neppl told the board that counties cannot be the applicant for the state grant but might be able to apply this fall in a new grant cycle. VandeHoef would like Neppl to look into what the county could do to help the cities with the initial cost.

VandeHoef stated he didn't think the topic necessitated closed session unless discussion focused on the applicant specifically. It was moved Schulte, second by Helmers to enter into closed session under Iowa Code – 21.5 (1) (i) to discuss hiring conditions for the assistant to the engineer. Ayes-Schulte, Helmers, DeBoer, Jones. Nay- VandeHoef. Motion carried. VandeHoef did not participate in the closed session.

Helmets moves to enter into regular session. Second by DeBoer. Ayes-Helmets, DeBoer, Schulte, Jones. Nay-None. Absent- VandeHoef. Motion carried.

It was moved by Helmers, second by DeBoer to approve draft contract as presented and direct the HR consultant to present the contract to the applicant. Ayes-Helmets, DeBoer, Schulte, Jones. Nay-None. Abstain-VandeHoef. Motion carried.

Nolan McGowan, county attorney told the board about his frustration of not having the cameras installed in his office and in the rotunda area on the court floor. The county did have an agreement with SuperHiTech to install the cameras. The board told McGowan to see if can get out of the agreement with SuperHiTech and look into other options for a camera system.

Dave DeNoble from DeNoble, Austin, and Company PC. presented the FY 19/20 audit findings.

Becky Marco, county treasurer explained the situation with the taxpayer who is requesting the late fees and interest be abated. Helmers moves to abate the late fees and interest on parcels 10 00916 01, 10 00935 01, 10 00937 01, 10 00938 01, 10 00939 01, and 10 10296 01. Second by Schulte. Ayes- Helmers, Schulte, DeBoer. Nays- VandeHoef, Jones. Motion carried.

It was moved by VandeHoef, second by Jones to approve to cancel warrants over one year old. All vote aye. Motion carried.

Helmets moves to suspend regular meeting to enter into a Joint Drainage District #3 meeting with Dickinson County. Second by Schulte. All vote aye. Motion carried.

It was moved Helmers, second by Jones to enter into regular board meeting. All vote aye. Motion carried.

The board reviewed the Amended Development with Green and Yellow, LLC. In the agreement under section B where it states "the aggregate, total amount of these Payments shall not exceed \$\_\_\_\_\_ need to insert \$122,809.09". The Board of Supervisors took up for consideration a resolution to approve an amended development agreement with Green & Yellow, LLC. Supervisor VandeHoef introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Schulte; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisors voted:

Ayes: VandeHoef, Schulte, DeBoer, Helmers, Jones. Nays-None.

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

RESOLUTION # 1 21/22

Resolution Approving Amended Development Agreement with Green & Yellow, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, Osceola 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 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a.k.a. Otter Creek Ethanol, LLC) (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, 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 Green & Yellow, LLC (the "Company") in connection with the development of new commercial farm implement and equipment dealership facilities (the "Project") on certain real property (the "Property") in the Urban Renewal Area; and

WHEREAS, under the Original Agreement, the County has agreed to provide tax increment payments (the "Payments") to the Company in a total amount not exceeding \$210,000 from incremental property tax revenues derived from the Property; and

WHEREAS, the County and the Company now propose to amend the Original Agreement in order to update the obligations that must be met by the Company in order to continue to receive the Payments; and

WHEREAS, an amended development agreement (the "Amended Agreement") has been prepared to set forth the new understanding between the County and the Company; 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 Osceola 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 Osceola 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 Company.

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. All resolutions or parts thereof in conflict herewith are hereby repealed. Passed and approved on July 13, 2021.

Helmets moves to approve Nyhart Contract for 509A Actuarial Certification for \$1,030. Second by VandeHoef. All vote aye. Motion carried

The board discussed the related party vendor approval. They would like an ad in the paper regarding this matter.

The board reviewed the quarterly reports submitted by the recorder and auditor.

Payroll registers from June 30<sup>th</sup>, July 2<sup>nd</sup>, and July 14<sup>th</sup> were reviewed.

It was moved by Schulte, second by DeBoer to approve the claims submitted by the auditor's office. All vote aye. Motion carried.

VandeHoef gave an update on Care Connection of Northern Iowa.