

Sibley, Iowa
December 28, 2021

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

Schulte moves to approve the December 28, 2021 agenda. Second by DeBoer. All vote aye. Motion carried.

It was moved by Helmers, second by VandeHoef to approve the December 16, 2021 minutes. All vote ayes. Motion carried.

DeBoer moves to approve the January schedule as follows: January 4th, 11th, 25th, and 26th with claims being paid on the 11th and 25th. Department budget reviews for FY 22/23 will be January 25th and 26th. Second by Helmers. All vote aye. Motion carried.

The Redistricting Commission held a public hearing on December 28th at 8:30 am for the redistricting precinct boundaries. Rochelle Van Tilburg, County Auditor informed the Board that at the public hearing there were no written or oral objection received. It was moved by Helmers, second by DeBoer to approve the new precinct boundaries. All vote aye. Motion carried.

DeBoer moves to approve the amended joint agreement with the City of Sibley for precinct boundaries. Second by VandeHoef. All vote aye. Motion carried.

It was moved by Schulte, second by Helmers to table the compensation board recommendations. All vote aye. Motion carried.

Nick Schmalen, Conservation Director presented FY 20/21 Conservation Board annual report.

Shelly Sindt, CEO at Elderbridge Agency on Aging gave their annual report.

At 9:15 am a public hearing was held on Amended Ordinance #57 Osceola County Precinct Boundaries. With there being no oral or written comments, the public hearing was closed. It was moved by Helmers, second by Schulte to approve the first consideration of Amended Ordinance #57 Osceola County Precinct Boundaries. All vote aye. Motion carried.

VandeHoef moves to waive the second vote on Amended Ordinance #57 Osceola County Precinct Boundaries. Second by Helmers. All vote aye. Motion carried.

It was moved by Schulte, second by DeBoer to waive the third vote on Amended Ordinance #47 Osceola County Precinct Boundaries. All vote aye. Motion carried.

Helmers moves to approve Amended Ordinance #57 Osceola County Precinct Boundaries. Second by VandeHoef. All vote aye. Motion carried.

The county libraries presented their annual report.

Nick Schmalen, Conservation Director was present to talk with the Board about the Hawkeye Point house. Schmalen told the Board it would cost too much to convert the house into a cabin. The Conservation Board already discussed if the county would turn the house over to the Conservation Board they would take sealed bids to have the house removed off the premises. It was moved by Helmers, second by Schulte to turn the Hawkeye Point house over to the Conservation Board. All vote aye. Motion carried.

Helmers moves to refund the previous tenants their security deposit. Second by Jones. All vote aye. Motion carried.

VandeHoef expressed concerns that the previous motion at December 16th meeting that the Board approved to reduce the health insurance premiums for the county and non-union employees by 10% but currently employees on the HSA plan are paying their share of the actual cost of the family plan premium. It was moved by VandeHoef, second by DeBoer that the employees participating in the HSA plan will pay the actual cost of their share of the family health insurance premium. Ayes- VandeHoef, DeBoer, Schulte. Nay- Helmers, Jones. Motion carried.

Jones informed the Board that since the county needs to hire an engineer with a PE license that the company he contacted to help us find an engineer won't be able to help us out after all. The Board discussed revising the current employment advertisement. Schulte moves to increase the salary to \$130,000, include a \$10,000 sign-on bonus and negotiate moving expenses. Second by Jones. Ayes- Schulte, Jones, DeBoer. Nay- Helmers, VandeHoef. Motion carried.

It was moved by VandeHoef, second by Helmers to approve the 28E Agreement with Clay County for Sharing Engineer Services with the discussed modifications to section 3 of the agreement. All vote. Motion carried.

It was moved by Schulte, second by Helmers to approve the following resolution:

RESOLUTION #20 – 21/22

BE IT RESOLVED by the Board of Supervisors of Osceola County, Iowa, that William Rabenberg, the County Engineer of Clay County, as recited in the Osceola-Clay Shared County Engineer 28E Agreement be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said county to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications in connection with all Farm-to-Market and Federal or State aid construction projects in this county.

Board of Supervisors, Osceola County, Iowa. Ayes- Schulte, Helmers, DeBoer, VandeHoef, Jones. Nay-None. Passed and adopted this 28th day of December, 2021 in Sibley, Iowa.

The Board discussed with Roger Mouw, Assistance to Engineer and Mike O'Connor, Operation Superintendent about hiring a tech in their office. Schulte moves to approve to advertise for a tech in the engineer's office. Second by Jones. Ayes- Schulte, Jones, DeBoer, VandeHoef. Nay- Helmers. Motion carried.

It was moved by Helmers, second by VandeHoef to approve the following resolution:

RESOLUTION NO 21 21/22

Resolution Consenting to Assignment of Development Agreement and Tax Increment Payments

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

WHEREAS, the County previously authorized and entered into a development agreement (the "Development Agreement") with Bosma Poultry, Inc. (the "Developer Assignor"), dated December 5, 2013, in connection with the development of new facilities for a trucking operation in the Urban Renewal Area; and

WHEREAS, under the Development Agreement, assignment of rights and responsibilities thereunder was made subject to prior consent of the contracting parties; and

WHEREAS, the Developer Assignor has requested that the County consent to the assignment of all of its rights and responsibilities under the Development Agreement to DAK Landholdings, LLC (the "Developer Assignee"); and

WHEREAS, it is now necessary for the County to provide consent to the assignment of the Development Agreement;

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

Section 1. The County hereby consents to the request by the Developer Assignor that all of its rights, including its rights to receive incremental property tax payments, and responsibilities under the Development Agreement be assigned to the Developer Assignee, and the assignment is hereby consented to and approved. The Chairperson and the County Auditor are hereby authorized and directed to execute and deliver any additional documentation and to make any changes thereto as are deemed necessary to carry out the assignment of the Development Agreement to Developer Assignee.

Section 2. Subject to due authorization, execution and delivery of the Assignment and Assumption of Development Agreement between Developer Assignor and Developer Assignee, the Developer Assignor is hereby released from all remaining duties to be performed under the Development Agreement, and all remaining communications and payments to be made with respect to the Development Agreement shall exclusively be directed to the Developer Assignee. The Developer Assignee shall in all ways be substituted into the Development Agreement on the same terms and basis as the Developer Assignor.

Section 3. Nothing contemplated herein shall be interpreted as interfering with the division of incremental property tax revenues and the payments to be funded therefrom as contemplated in the Agreement regardless of the future recipient of such payments.

Section 4. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

Ayes- Helmers, VandeHoef, DeBoer, Schulte, Jones. Nay-None.

PASSED AND APPROVED this December 28, 2021.

Jones informed the Board that several counties have sent letters to the Iowa Utilities Board in opposition of eminent domain for carbon capture pipeline going through individual landowners' property. Helmers moves to send a letter to the Iowa Utilities Board in opposition of eminent domain for the carbon capture pipeline. Second by Schulte. Ayes- Helmers, Schulte, DeBoer, Jones. Nay-VandeHoef. Motion carried.

It was moved by DeBoer, second by Jones to approve claim# 1132 to Bosma Water Service. Ayes- DeBoer, Jones, Helmers, Schulte. Nay – None. Abstain-VandeHoef. Schulte moves to pay the remainder of the claims submitted by the auditor's office. Second by Jones. All vote aye. Motion carried.

The Board reviewed payroll registers from December 15th and 17th.

Helmers moves to approve the state redistricting reports. Second by DeBoer. All vote aye. Motion carried.