

SUPERVISOR'S MINUTE BOOK 2023

August 15, 2023

The regular meeting of the Board of Supervisors was called to order at 9:00 am by Doug Sorensen. Present were Doug Sorensen, Rick Thompson, Heath Hansen, John Hansen, Chris Swensen, Chassity Musfeldt, Lisa Frederiksen, Mitch Rydl, Kent Grabill, Barb Jacobsen, Laura Miller, Miranda Bills, Steve Schmitz, Josh Ellingson, Justin Veik via phone, and Stacia Timmer- Elderbridge via phone.

Motion- Thompson Second- Hansen to approve the agenda. Vote-all in favor.

The meeting started off with a phone call to Justin Veik to discuss the HVAC project status. John Hansen was present to give input. Veik proposed a rough timeline laying out the overall project. He said there are currently five possible interested contractors. He would like to have the interested contractors do a walkthrough of the Courthouse in September if possible. Barb Jacobsen was present on behalf of the City of Audubon stating that as of Monday August 14th, the City has possession of the old Audubon State Bank location. She said the County is welcome to walk through and check out the space that we would possibly be renting during the HVAC construction. Veik estimated that the entire project would roughly take a year.

Motion- Thompson Second- Sorensen to approve the meeting minutes of 8-8-23. Vote All-in Favor. Chairman Sorensen signed the paperwork for the audit entrance conference.

Motion- Thompson Second- Hansen to open the Public Hearing at 9:30- Proposed Area Service Road Maintenance Changes to Falcon Avenue. Vote-all in favor. Sign in sheet for those in attendance for the Public Hearing was filled out. The proposed area would take the Level A to a Level B road. Engineer Rydl showed several detailed maps and plans of the area where the Level B road would begin and end. Engineer Rydl also answered questions from Laura Miller, a resident of the area. He said signage would be posted alerting drivers of the new changes. Miller asked if there would be any trees taken out and what bridge they would be starting at first. There had been challenges with the utility lines in the area and Rydl will be meeting with all three utility companies next week. Motion- Thompson Second- Hansen to close the Public Hearing at 9:54 am. Motion- Thompson Second- Hansen to approve Resolution No. 2023-53 for Area Service "B" Road Classification. Vote-all in favor.

RESOLUTION FOR AREA SERVICE "B" ROAD CLASSIFICATION

Audubon County

Resolution No. 2023-53

WHEREAS, a public hearing was conducted on August 15th, 2023 following publication and service of notice as required by law on the proposed change in Service Road Classification on the area service system in the County of the following sections of Audubon County Secondary Roads, described as follows:

Change to Area Service "B", a section of Falcon Ave. originally named County Road No. 400 established the 9th day of April 1891 (see Road Record Book D, Page 33) and County Road No. 368 established the 4th day of April 1888 (see Road Record Book D, Page 9). From the SE corner of the NE1/4 of the NE1/4 of section 11, T79N, R36W, thence south 300 feet along section line between sections 11 and 12 of Sharon Township (T79N, R36W), thence in a

northwesterly direction following centerline of existing roadway 50 feet to the point of Beginning Level "B" Service. Thence following centerline of existing roadway and ending Level "B" Service at the south right-of-way of 230th Street.

WHEREAS, no objections have been received, either in writing or by persons present.

NOW THEREFORE, BE IT RESOLVED by the Audubon County Board of Supervisors that the subject section of road be changed to an Area Service "B" Road Classification. All future maintenance of the subject section of road shall follow Chapter 41, Audubon County Ordinance Establishing the Area Service System "B" Road Classification.

Passed and approved this 22nd day of August, 2023.

Board of Supervisors Audubon County, Iowa

Doug Sorensen
Doug Sorensen, Chairperson

ATTEST: Chassity Musfeldt
Audubon County Auditor Clerk

Motion- Hansen Second- Thompson to open the Public Hearing at 10:00 am- Approval of Development Agreement with Hamlin Feed Mill LLC and Authorization of Tax Increment Payments. Vote-all in favor. Steve Schmitz and Josh Ellingson were present to give input and talk about some of the features of the Hamlin Feed Mill. Engineer Rydl asked Schmitz when the County would be able to start working on the road by the Feed Mill. Ellingson inquired about the time frame it would take the road to be finished. In order to use RISE funding towards the road, it would need to be done before 2025. Rydl would like to get together with those in charge of the Feed Mill soon to get a plan together. Auditor Frederiksen was present during the Public Hearing to answer questions regarding the site plan and approval date to be included within the development agreement. Auditor is waiting for law firm to complete the document and will notify Schmitz when ready to sign. Motion- Hansen Second- Thompson to close the Public Hearing at 10:16 am. Vote-all in favor. Motion- Thompson Second- Hansen to approve Resolution No. 2023-52- Approving Development Agreement with Hamlin Feed Mill, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.

RESOLUTION 2023-52

Resolution Approving Development Agreement with Hamlin Feed Mill, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, Audubon 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 previously adopted an Urban Renewal Plan for the Audubon County Consolidated 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 Hamlin Feed Mill, LLC, (the "Company") has been prepared in connection with the construction of a new feed mill in the Urban Renewal Area for use in its business operations (the "Project"); and

WHEREAS, under the Agreement, the County would provide tax increment payments to the Company in a total amount not exceeding \$3,200,000; and

WHEREAS, the Board of Supervisors, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on August 15, 2023, 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 Audubon 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 Audubon County and Iowa economies;

The Project will generate public gains and benefits, particularly in the creation of new jobs and income, 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 Company.

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. 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 "Hamlin Feed Mill, 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 the property described as follows:

PARCEL A BEING LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 79 NORTH, RANGE 35 WEST OF THE 5TH P.M., AUDUBON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE N00°18'06"E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 345.08 FEET, TO THE POINT OF BEGINNING; THENCE N89°41'54"W, 494.47 FEET; THENCE N00°18'06"E, 218.68 FEET; THENCE S89°41'54"E, 494.47 FEET, TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE S00°18'06"W, ALONG SAID EAST LINE, 218.68 FEET, TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 2.48 ACRES, WHICH INCLUDES 0.21 ACRE OF EXISTING ROAD EASEMENT.

Section 5. The County hereby pledges to the payment of the Agreement the Hamlin Feed Mill, 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.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Audubon County, Iowa to evidence the continuing pledging of the Hamlin Feed Mill, 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 August 15, 2023.

Doug Sorensen
Chairperson

Attest:

Chassity Musfeldt, Clerk
County Auditor

Kent Grabill attended the meeting to discuss Nishnabotna Park, give updates on the tree removals, and discuss some options that have been presented. He said there is a local group that would be willing to help donate new trees. Others have voiced that it would be nice to have a shelter house and possibly a bathroom to use if it were going to be a public park. There have been some people willing to help donate towards these ideas. Attorney Swensen was present to answer a few questions regarding liability and use of ATV/UTV riding and signage that would need to be posted. Grabill also asked various questions regarding what budget the improvements would come out of.

At 10:30 am a phone call was made to Stacia Timmer representing Elderbridge. She was asked to help explain and answer some questions that had stemmed from a previous Board of Supervisor's meeting and from some concerned citizens. To start with, she explained what different programs Elderbridge helps fund throughout the county. They help fund meals/subcontract with the Good Neighbor Center, and contract with Guthrie County Public Health to provide Audubon County residents with homemaker, respite, behavioral health, and personal care services. She said they had to cut their reimbursements from \$7.16 a meal down to \$4.92 a meal. There had been cuts to all 29 counties that Elderbridge works

with due to lack of State and Federal support. They had asked places like the Good Neighbor center to look at other sources such as contributions and fundraising to possibly help supplement their funds. There was a misunderstanding that Elderbridge funds the Good Neighbor Center, but this is not the case, they just help fund the nutritional program within it. She pointed out that last year there were \$29,000 in contributions made to the Good Neighbor Center for the meals that were served, and that amount goes right back into the meal program. She stated that this amount could be looked at as a “supplemental contribution”. Questions were asked if the “supplemental contribution” played any part of calculating the reimbursement rate cuts to the meals. The contract amount that they allowed last year was not totally expended. There were concerns that the reimbursement of \$4.92 per meal was significantly low considering the inflation rates. She was asked to provide some documents with information as to how many services were provided and to contact her further with any other questions.

Motion- Thompson Second- Hansen to approve Resolution No. 2023-51 for Board of Adjustment Appointees. Vote-all in favor.

Resolution 2023-51

New Board of Adjustment Members

BE IT HEREBY RESOLVED, by the Audubon County Board of Supervisors, that effective August 15th, 2023, that the following individuals be appointed to the Audubon County Board of Adjustment with terms ending as indicated.

Todd Nelsen – Term ending December 31, 2023

Jeffrey Glade – Term ending December 31, 2024

Abby Rasmussen – Term ending December 31, 2026

Passed and approved this 15th day of August, 2023.

Doug Sorensen

ATTEST By: Chassity Musfeldt

Audubon County Board of Supervisors

Audubon County Auditor Clerk

Motion- Thompson Second- Hansen to approve the utility permit: Nishnabotna Valley REC- Section 20 & 21, Oakfield Township, Falcon Avenue. Vote-all in favor. Engineer Rydl gave maintenance and construction updates for Secondary Roads. He showed the Supervisors a bill from the Landfill for \$172 that the County had to pay to dispose of 23 tires that someone had improperly disposed into a county ditch. Another bill he presented to the Board was from Ziegler’s where they charged \$324 for the cost of washing heavy equipment. Area water restrictions prevented the county from doing the washing themselves, and this had to be done in order to keep the equipment running smoothly. Further discussion will be held with Avoca Rural Water and the city of Exira to see if something can be allowed so the county doesn’t have to be paying Ziegler’s such a steep rate to wash the equipment.

Motion- Thompson Second- Hansen to approve claims for payment. Vote-all in favor.

Recorder Bills brought in two asset transfer slips to be approved. Motion- Thompson Second- Sorensen to approve Asset Transfers #0935 and #2306. Vote-all in favor. It was discussed that for future assets, we need to have an answer as to how to handle the new assets, transfers, and deletions.

Motion- Hansen Second- Thompson to approve the MMP Update for Amelia-Clark Family Farms of Iowa LLC- Aaron Juergens #65543. Vote all in favor.

Motion- Hansen Second- Thompson to adjourn the meeting at 12:27 pm. Vote-all in favor.

/s/Doug Sorensen

/s/Chassity Musfeldt

Audubon County Board of Supervisors

Audubon County Auditor Clerk

A handwritten signature in blue ink, appearing to read "Doug Sorensen". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.