

**BOARD OF SUPERVISORS MEETING
NINETEENTH MEETING, 2022 SESSION (19)
MAY 3, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 3, 2022, at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Ringgenberg, Snyder and with Huseman (remotely) and with Deputy Auditor Sharon Henkel as clerk for the meeting.

Unless otherwise indicated, all the following **motions** offered at this meeting were carried with the following vote: Ayes: Altena, Huseman, Merten, Ringgenberg, and Snyder. Nays: none. Abstentions: none.

Motion by Snyder, second by Ringgenberg, to approve **today's agenda**, Carried.

Engineer Bret Wilkinson reviewed the **utility permit for Mid-American Energy** to bury utility line picking up from their line on 630th to 70th Avenue to power the Platinum Crush project. Motion by Altena, second by Huseman, to accept and approve Utility Permit # 05032022 for Mid-American Energy. Carried.

Secondary Road Report: The crew is working on gravel roads. Good moisture to work with in shaping them back up. He is lining up a contractor as early as next week to test the strength of the road near the crush plant site. Surveying will be done on a 200 ft wide corridor for the 4 miles of roadway around the site to aid the design of the roads and information needs for the RISE Grant with the DOT which has a short deadline. Complaints on dust caused by traffic around the site last week could be due to the reroute of Hwy 7 and 110 and/or the spectators in vehicles checking out the site. Bret is looking at dust control in that area and asked for thoughts and comments from the board on how best to treat for the issue this year. The Board gave Bret direction to monitor the dust control and reapply approximately 600 feet per residence as needed. 27 Iowa engineers attended the conference in New York. Good information and contacts. Heavy conversations on life extension on asphalt and concrete roads.

Motion by Snyder, second by Ringgenberg, to approve **4/26/2022 minutes** as written and today's reports. Carried.

Motion by Ringgenberg, second by Huseman to sign **Resolution 2022-05-03-A to Ratify, Confirm, and Approve Prior Signatures on Agreement for Private Development** The roll was called, and the vote was: Ayes: Merten, Snyder, Altena, Ringgenberg, and Huseman. Nays: None. Motion Carried.

RESOLUTION NO. 2022-05-03-A

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN BUENA VISTA COUNTY AND PLATINUM CRUSH, LLC, AND TO RATIFY, CONFIRM, AND APPROVE PRIOR SIGNATURES ON AGREEMENT FOR PRIVATE DEVELOPMENT

WHEREAS, by Resolution No. 2022-03-15-A, adopted March 15, 2022, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Platinum Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") for the Platinum Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, Iowa Code Chapter 15A authorizes counties to make loans and grants for economic development, and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter; and

WHEREAS, the County received a proposal from Platinum Crush, LLC (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property") and consisting of the construction of a soybean crush facility and a new 15,000 square foot building to be used for the soybean crushing plant's main grain receiving building, together with all related site improvements, as outlined in the proposed Agreement; and

WHEREAS, the Agreement further proposes that the County will make up to twenty (20) consecutive annual payments of Economic Development Grants to Developer consisting of a certain percentage of the Tax Increments pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Minimum Improvements, excepting therefrom a portion of such Tax Increments each year for the County's use, the cumulative total for all such payments not to exceed the lesser of \$12,000,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement further proposes that the County construct certain Public Use Improvements (as defined in the Agreement) in support of the Project, consisting of updating approximately 4 miles of roads directly surrounding the Project site, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement also proposes that Developer will enter into a Minimum Assessment Agreement with the County setting the minimum actual value of the Minimum Improvements for tax purposes at not less than \$30,000,000, before rollback; and

WHEREAS, the Agreement further requires the Developer to occupy the Minimum Improvements and employ employees therein, including complying with the requirements of an Economic Development Assistance Contract between the Iowa Economic Development Authority, the Developer, and the County made through the State's High Quality Jobs Program; and

WHEREAS, on March 29, 2022, following duly published notice, the Board held a public hearing on the Agreement and following said public hearing, the Board, via motion, authorized the Chairperson to sign the Agreement; and

WHEREAS, consistent with such authorization, the Chairperson duly executed the Agreement; and

WHEREAS, the County subsequently determined it prudent to adopt a formal resolution authorizing and ratifying the execution of the Development Agreement; and

WHEREAS, at this meeting of the Board, the County will adopt this resolution to authorize, ratify, and confirm the execution of the Agreement; and

WHEREAS, Chapters 15A and 403, Code of Iowa, authorize counties to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and

make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Agreement is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account any or all of the factors set forth in Chapter 15A, Code of Iowa, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes, or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY IN THE STATE OF IOWA:

That the performance by the County of its obligations under the Agreement, including but not limited to making of grants to the Developer in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth in Chapter 15A, Code of Iowa.

That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the execution of the Agreement for and on behalf of the County following the March 29, 2022 public hearing, in substantially the form and content now before this meeting, is hereby ratified and confirmed.

PASSED AND APPROVED this 3rd day of May, 2022.

/s/ Paul Merten, Chair, Board of Supervisors /s/ Sharon Henkel, 1st Deputy Auditor

CERTIFICATE

I, the undersigned County Auditor of Buena Vista County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective county offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this 3rd day of May, 2022.

/s/ Sharon Henkel, 1st Deputy Auditor

Play 4 Him Academy Founder Jeramie Hinote came to discuss his plans that he would like to possibly get started as a location for the LLC in Buena Vista County and find any tax incentives available here. In 2016 he started the named business for youth after previously working as a high school basketball coach. The academy has grown nearly 300% in the first 6 years with the interest in the program continuing to grow. This is an outside of school program for 4th grade through High school for basketball and volleyball looking next year to possibly add 3rd grade. All during the year he has 2 regular employees, and then in the summer -14 coaches, 6 of which are college students who get their additional training, and also 5 winter coaches. Consensus of the board was to share information with him to first contact the Iowa Lakes Corridor and see what incentives the business could qualify for.

Env Health Specialist Johanna Hostetler was present for Resolution for the Minor subdivision for Kevin Buse and Michelle Henderson in Section 14 Fairfield Township. Motion by Snyder, second by Altene to Approve **Resolution 2022-05-03-B Minor Subdivision for Kevin Buse and Michelle Henderson NE ¼ Section 14 Fairfield Township.** Carried.

RESOLUTION 2022-05-03-B

WHEREAS Kevin R. Buse and Michelle A. Henderson have presented a preliminary and final plat (of survey) on the following described properties:

DESCRIPTION LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence South 89° 34' 15" East, along said North line, 22.24 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of the Northeast Quarter (NE ¼); Thence North 89° 42' 42" West, along said South line, 1601.53 feet to the West line of the Northeast Quarter (NE ¼); Thence North 00° 01' 18" East, along said West line, 2625.73 feet to the Point of Beginning.

Hereafter known as Lot C, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 92.93 Acres and is subject to all easements of record.

DESCRIPTION LOT D

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet to the Point of Beginning; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence North 89° 34' 15" West, along said North line, 320.00 feet to the Point of Beginning.

Hereafter known as Lot D, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 3.44 Acres and is subject to all easements of record.

DESCRIPTION LOT E

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence North 89° 34' 15" West, along the North line of said Northeast Quarter (NE ¼), 1041.39 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of said Northeast Quarter (NE ¼); Thence South 89° 42' 42" East, along said South line, 1041.36 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 02' 47" West, along said East line, 2619.27 feet to the Point of Beginning.

Hereafter known as Lot E, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 62.65 Acres and is subject to all easements of record.

WHEREAS, the final plats meet with the approval of the Board subject only to the following if any: None

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION LOT C

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Hereafter known as Lot C, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT D

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are hereby accepted subject to the following if any: None

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence South 89° 34' 15" East, along said North line, 22.24 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of the Northeast Quarter (NE ¼); Thence North 89° 42' 42" West, along said South line, 1601.53 feet to the West line of the Northeast Quarter (NE ¼); Thence North 00° 01' 18" East, along said West line, 2625.73 feet to the Point of Beginning.

Hereafter known as Lot C, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT D

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Hereafter known as Lot E, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2022.

/s/ Paul Merten, Chair, Board of Supervisors /s/ Sharon Henkel, 1st Deputy Auditor

Brief discussion was held on office space for the counselor at Catholic Charities. Motion by Snyder, second by Huseman to table the discussion until a later date. Carried.

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 9:51 a.m. until Tuesday, May 10 at 8:30 a.m. for a regular meeting.