

**August 18, 2020**

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members, except Justin Schultz present. Chairman Pro-Tem Wichman presiding.

PLEDGE OF ALLEGIANCE

**1. CONSENT AGENDA**

After discussion was held by the Board, a Motion was made by Drake, second by Grobe, to approve

- A. August 11, 2020, Minutes as read.
- B. Planning – Employment of Lilia Torres, as Environmental Health Intern

UNANIMOUS VOTE. Motion Carried.

**2. PUBLIC HEARING**

Motion by Drake, second by Belt, to open public hearing on proposal to enter into a Development Agreement with Armstrong Investments, LLC. **Roll Call Vote: AYES: Drake, Belt, Grobe, Wichman. Motion Carried.**

Motion by Belt, second by Grobe, to close public hearing. **Roll Call Vote: AYES: Belt, Grobe, Drake, Wichman. Motion Carried.**

After discussion by Board motion by Drake, second by Grobe, on **Resolution 79-2020** approving and authorizing execution of a Development Agreement by and between Pottawattamie County and Armstrong Investments, LLC. Said Resolution is set out as follows:

**RESOLUTION NO. 79-2020**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN POTTAWATTAMIE COUNTY AND ARMSTRONG INVESTMENTS, LLC**

**WHEREAS**, by Resolution No. 59-2020, adopted July 21, 2020, 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 Pottawattamie County Industrial Park Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") for the Pottawattamie County Industrial Park Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan, is on file in the office of the Recorder of Pottawattamie 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**, the County has received a proposal from Armstrong Investments, 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 prepare for development certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property") by platting the Development Property to create multiple lots for industrial businesses, constructing water infrastructure to provide water service to the lots, and marketing the lots for sale to industrial businesses, which businesses are anticipated to create jobs and income through their operations on the Development Property; and

**WHEREAS**, the Agreement further proposes that the County will construct certain Public Improvements (as defined in the Agreement), including storm sewer infrastructure and streets to facilitate the development of lots for industrial businesses on the Development Property, under the terms and following satisfaction of the conditions set forth in the Agreement; and

**WHEREAS**, the County and the Iowa Department of Transportation have entered into a separate agreement under the Iowa Department of Transportation's RISE program, pursuant to which the County would receive a RISE grant to help finance the Public Improvements; and

**WHEREAS**, as security for the County's costs of constructing the Public Improvements, the

Agreement would require the Developer to make certain payments to the County, including the Shortfall Payments and Rise Grant Reimbursement Payments (as those terms are defined in the Agreement), if the Development Property is not developed as contemplated in the Agreement, all under the terms and conditions 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; and

**WHEREAS**, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement and has considered the extent of objections received from residents or property owners as to said proposed Agreement; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

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

Section 1. That the performance by the County of its obligations under the Agreement, including but not limited to the construction of the Public Improvements 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 therein.

Section 2. 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 Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Chairperson and the County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

Dated this 18<sup>th</sup> day of August, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Justin Schultz, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Drake, Grobe, Belt, Wichman. Motion Carried.

3. SCHEDULED SESSIONS

After discussion was held by the Board, a Motion was made by Belt, second by Drake, to approve second consideration of **Ordinance 2020-02**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 2.893 acres from a Class R-3 (Urban Residential) to a Class C-2 (General Commercial) District; and to adopt said Ordinance 2020-02 into law. Said Ordinance is set as follows:

POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2020-02

**AN ORDINANCE** to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 2.893 acres from a Class R-3 (Urban Residential) to a Class C-2 (General Commercial) District.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA**

**SECTION 1 - AMENDMENTS:** That the Official Zoning Map, as adopted by reference in Section 8.003.020 of the Pottawattamie County, Iowa, Zoning Ordinance, be and the same is hereby amended by changing the district designation from its present designation of a Class\_R-3 (Urban Residential) to a Class C-2 (General Commercial) District of certain real estate, as shown on the attached plat and which is legally described as follows:

Kathryn Rose Subdivision - Lot 3

**SECTION 2 - SEVERABILITY:** That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 3 - REPEAL OF CONFLICTING ORDINANCES:** That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4 - EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Justin Schultz, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Marilyn Jo Drake				
_____	○	○	○	○
Lynn Grobe				

ATTEST: \_\_\_\_\_  
 Melvyn Houser, County Auditor

**Roll Call Vote: AYES: Belt, Drake, Grobe, Wichman. Motion Carried.**

After discussion was held by the Board, a Motion was made by Belt, second by Drake, to pursue an Inter Fund Loan from Impact Fund of up to \$500,000 to match RISE Grant on TIF Funding source for Armstrong Development. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Belt, second by Drake, to approve the donation of computing equipment to the following organizations:

- 1) New Visions Homeless Service – 5 rugged tablets
- 2) Thomas Jefferson Robotics Program – 5 laptops
- 3) Connections Area Agency on Aging – 1 laptop
- 4) Centro Latino of Iowa – 2 laptops
- 5) Municipal Housing Agency – 2 desktops
- 6) Heartland Bike Share – 2 laptops and 1 desktop
- 7) Nebraska AIDS project (significant work is done in SWI) – 2 laptops
- 8) Iowa Legal Aid – 2 laptops
- 9) IowaWORKS, Veteran Career Planning – 2 laptops
- 10) Children’s Square – 6 laptops

UNANIMOUS VOTE. Motion Carried.

Discussion Only from Jason Slack, Building and Grounds Director, on Courthouse Renovation. No Action Taken.

After discussion by the Board, a Motion was made by Drake, second by Belt, to sign contract with Parallel Technologies for the County Security Upgrades in the amount of \$777,437.46. UNANIMOUS VOTE. Motion Carried.

After discussion by the Board, a Motion was made by Drake, second by Belt, to sign Food Service and Laundry Agreement with Summit Food Services. UNANIMOUS VOTE. Motion Carried.

**4. RECEIVED/FILED**

**A. Salary Actions:**

- 1) Jail – Payroll Status Change of Jason Karns, Tom Van Soelen, David Button, Cory Little
- 2) Medical Examiner – Payroll Status Change of Cheri Dahlheim

**5. ADJOURN**

Motion by Belt, second by Grobe, to adjourn meeting. UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:07 A.M.

\_\_\_\_\_  
 Tim Wichman, Pro-Tem Chairman

ATTEST:

\_\_\_\_\_  
Melvyn Houser, County Auditor

APPROVED: August 25, 2020

PUBLISH: X