

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:00 a.m. in the Harlan City Hall Council Chambers with the following members present: Steve Kenkel, Chairperson; and Supervisor Charles Parkhurst, Supervisor Darin Haake and Mark Maxwell, Clerk.

The Chair asked that any conflict of interest be stated concerning any item on the agenda. Darin Haake advised he would abstain from employee policy and handbook conversation and decisions.

A motion was made by Parkhurst and seconded by Haake to approve the agenda with no additions. AYES: Unanimous NAYES: None

A motion was made by Haake and a seconded by Parkhurst to approved the latest claims submitted for payment. Motion passed.

A motion was made by Haake with a second by Parkhurst, to approve the minutes of May 17th. AYES: Unanimous NAYES: None

Supervisor Kenkel reported that the Supervisors along with our County Attorney, Assessor and County Engineer are presently working on draft ordinances for windmills, solar farms and hazardous pipelines. Plan is to finalize drafts and bring to BOS for approval within next couple of months.

Parkhurst made a motion to recess the regular meeting and open the hearing for the proposed Urban Renewal Plan amendment and ordinance, Haake seconded the motion. The motion passed unanimously.

The Auditor and Supervisors stated that no comments have been received from the public, it was also mentioned that no one in attendance has any comments or objections. Having satisfied the requirements of the hearing Parkhurst made a motion to end the hearing and open the regular meeting. Haake seconded the motion. The motion passed.

The following Resolution 2022-31 was then approved after a motion by Haake to suspend further readings of the ordinance and approve the Resolution, a second by Parkhurst was noted in favor of the following:

**Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to
Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the
Shelby County Urban Renewal Area**

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”) a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, the Board of Supervisors (the “Board”) of Shelby County, Iowa (the “County”) by resolution previously established the Shelby County Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives to be undertaken therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) described on Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) covers the addition of the Property to the Urban Renewal Area; and (2) authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of using tax increment financing to pay the costs of constructing county road, bridge and culvert improvements for the betterment of transportation infrastructure and the promotion of economic development; and

WHEREAS, notice of a public hearing by the Board of Supervisors of the County on the question of establishing the Property as part of the Urban Renewal Area and on the proposal to adopt the Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on June 7, 2022; and

WHEREAS, portions of the Property lie within and within two miles of the incorporated limits of the Cities of Defiance, Iowa; Earling, Iowa; Elk Horn, Iowa; Harlan, Iowa; Irwin, Iowa; Kirkman, Iowa; Panama, Iowa; Portsmouth, Iowa; Shelby, Iowa; Tennant, Iowa; and Westphalia, Iowa (collectively known as the “Cities”), and pursuant to Section 403.17, the County has entered into joint agreements (the “Joint Agreements”) with such Cities in order to exercise urban renewal authority over such portions of the Property; and WHEREAS, the Planning and Zoning Commission of the County has reviewed and commented on the proposed Amendment; and WHEREAS, pursuant to Section 403.17 of the Code of Iowa, the County has received the consent of all owners of “agricultural land” proposed for inclusion in the Urban Renewal Area; and WHEREAS, copies of the Amendment, notice of the public hearing and notice of a consultation meeting with respect to the Amendment were mailed to the Harlan Community School District, Boyer Valley Community School District, and IKM-Manning Community School District; the consultation meeting was held on , 2022; and responses to any comments or recommendations received following the consultation meeting were made as required by law; NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Shelby County, Iowa, as follows: An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist on the Property.

The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the 2022 Addition to the Shelby County Urban Renewal Area. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of Shelby County, Iowa. It is hereby determined by this Board of Supervisors as follows: A. The Amendment and the projects and initiatives therein conform to the general plan of the County as a whole; B. Proposed projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives. C. It is not intended that families will be displaced as a result of the County’s undertaking under the Amendment. Should such issues arise, then the County will ensure that a feasible method exists to carry out any relocations without undue hardship to the displaced and into safe, decent, affordable and sanitary housing. The Amendment, attached hereto and made a part hereof, is hereby in all respects approved. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict. Passed and approved June 7, 2022. The Resolution approval vote were tallied with Parkhurst, Haake and Kenkel all voting in favor of the Resolution. No Nays were cast.

Supervisor Kenkel then introduced Ordinance number 2022-1 an Urban Renewal Plan Amendment for Supervisor consideration as follows:

SHELBY COUNTY, IOWA

URBAN RENEWAL PLAN AMENDMENT
SHELBY COUNTY URBAN RENEWAL AREA
ORDINANCE 2022-1

June 7th, 2022

The Urban Renewal Plan (the “Plan”) for the Shelby County Urban Renewal Area (the “Urban Renewal Area”) of Shelby County, Iowa (the “County”) is being amended for the purposes of (1) adding property to the Urban Renewal Area; and (2) identifying new urban renewal projects to be undertaken therein.

1) Addition of Property. The real property (the "Property") described on Exhibit A hereto is, by virtue of this Amendment, being added as the June, 2022 Addition to the Urban Renewal Area. With the adoption of this Amendment, the County will designate the Property as an economic development area. The Property will become subject to the provisions of the Plan for the Urban Renewal Area. It is anticipated that the County will adopt an ordinance providing for the division of property tax revenues, as set forth in Section 403.19 of the Code of Iowa, with respect to a portion of the Property. **2) Identification of Projects.** By virtue of this Amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following described project descriptions: **Name of Project:** Shelby County Road, Bridge and Culvert Improvement Projects (the “Road, Bridge and Culvert Projects”) **Name of Urban Renewal Area:** Shelby County Urban Renewal Area. **Date of Board Approval of Project:** June 7th, 2022. **Description of Project:** The Road, Bridge and Culvert Projects will consist of the construction of county road, bridge and culvert improvements in the Urban Renewal Area as more particularly described as follows:

Project	Location
Bridge/Culvert Jackson 97-34-110	800 th Street: 0.3 Miles west of the intersection of Woodland Road and 800 th Street

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Bridge/Culvert Westphalia 09-10-110	1800 th Street: 0.4 Miles west of the intersection of Juniper Road and 1800 th Street
Bridge/Culvert Grove 10-36-110	2000 th Street: 0.5 Miles east and south of the intersection of Fir Road and 2000 th Street
Bridge/Culvert Grove 10-36-120	2000 th Street: 0.02 Miles west of the intersection of Ginkgo Road and 2000 th Street
Bridge/Culvert Monroe 88-23-110	2200 th Street: 0.15 Miles east of the intersection of Timber Road and 400 th Street
Bridge/Culvert Jefferson 17-24-110	2200 th Street: 0.3 Miles east of the intersection of Wildwood Road and 2200 th Street
Bridge/Culvert Greeley 18-17-210	Mulberry Road: 0.45 Miles north of the intersection of 2300 th Street and Mulberry Road
Bridge/Culvert Washington 00-16-610	Cedar Road: 0.5 Miles north of the intersection of 1600 th Street and Cedar Road
Bridge/Culvert Washington 00-13-210	Elmwood Road: 0.2 Miles north of the intersection of 1600 th Street and Elmwood Road
Bridge/Culvert Jefferson 17-03-520	2450 th Street: 0.2 Miles west of the intersection of M-56 and 2450 th Street
Bridge/Culvert Clay 87-10-810	Yellowwood Road: 0.3 Miles south of the intersection of 600 th Street and Yellowwood Road
Bridge/Culvert Cass 90-33-210	Cedar Road: 0.1 Miles north of the intersection of 780 th Street and Cedar Road
Roadway Hazel Road	From the intersection of Hazel Road and Highway 37 and continuing south 1.4 miles

It is expected that the completed Road, Bridge and Culvert Projects will cause increased and improved ability of the County to provide adequate transportation infrastructure for the growth and retention of commercial, industrial and agri-business enterprises in the Urban Renewal Area.

Description of Properties to be Acquired in Connection with the Project: The County will acquire such easement territory and right-of-way as are necessary to successfully undertake the Road, Bridge and Culvert Projects. **Description of Use of TIF:** It is anticipated that the County will pay for the Road, Bridge and Culvert Projects with either borrowed funds and/or the proceeds of an internal advance of County funds on-hand. In any case, the County’s obligations will be repaid with incremental property tax revenues. It is anticipated that the County’s use of incremental property tax revenues for the Road, Bridge and Culvert Projects will not exceed \$2,000,000 plus any interest as may accrue on any credit facilities entered into by the County to finance the Road, Bridge and Culvert Projects. **3) Required Financial Information.** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the County:	<u>\$69,537,988</u>
Outstanding general obligation debt of the County:	<u>\$</u>
Proposed debt to be incurred in connection with this May, 2022 Amendment:	<u>\$ 2,000,000</u>

Supervisor Parkhurst made a motion to forgo future readings and approve the ordinance, Haake seconded the motion. A vote was held with Haake, Kenkel and Parkhurst all voting in favor approving ordinance 2022-1 and suspend future readings citing no public comment. No Nays were cast.

Kaylee Langrell from Turnkey Logistics along with Christopher Hill, representing Summit Pipeline solutions had requested time to address the Supervisors at an open meeting. Langrell and Hill were questioned about the claim of \$867,390.00 estimated property tax to be collected by Shelby County annually. They informed the audience that it was an estimate produced by others. Many questions were ask of Summit Reps on their tax estimates, construction protocol, project benefits to the County, as well as expected communication with our inspector prior to construction. BOS would like to Summit to attend our meetings at least every 90 days.

The Supervisors then considered approval of handbook corrections making the employee handbook more consistent in wording for similar issues addressed in different parts of the employee handbook. Parkhurst made a motion to approve the handbook effective July 1st, 2022 and Haake seconded the motion. The motion passed unanimously.

Brandon Burmeister, Shelby County Engineer, asked for Supervisor approval of a Resolution to vacate and abandon an easement for channel change maintenance. Haake made a motion to approve the resolution, Parkhurst seconded the motion in favor of Resolution 2022-34

RESOLUTION NO. 2022-34 RESOLUTION TO VACATE AND ABANDON AN EASEMENT FOR CHANNEL CHANGE MAINTENANCE WHEREAS, a request has been filed with the County Engineer asking that action be taken to vacate and abandon an easement of an area within Shelby County, described as follows: An existing easement located in part of the Northwest Quarter of the Northwest Quarter of Section 31,

Township North, Range 39 West of the 5th Principal Meridian, Shelby County, Iowa and described as follows: Commencing at a point 187 feet East of the Northwest corner of Section 31, Lincoln Township (79-39), Shelby County, Iowa and running thence in a Southwesterly direction 258 feet, and thence in a more Southwesterly direction 108 feet to a point 340 feet South of the Northwest corner of Section 31, Lincoln Township (79-39). Said easement was obtained by Shelby County on November 7, 1924, and recorded in the Shelby County Recorder's Office on March 25, 1926 in Book 233 at Page 595. Said easement was obtained for the purpose of a channel change to prevent the encroachment of the creek on the road. It was held for repairing an existing dam, and for cleaning the previously described ditch, or both, whenever in their judgement the dam needs repairing or the ditch needs cleaning. **NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY BOARD OF SUPERVISORS:** that the easement as described above be abandoned. The abandoned easement area as described above shall revert to the adjoining land-owner per Iowa Code.

A vote was counted with Haake, Kenkel and Parkhurst all voting in favor of Resolution 2022-34. No Nays were cast.

Employees that have not been addressed for wage increases as of yet were considered by the Supervisors for a wage adjustment similar to other non-union County employees. The supervisors approved a 50 cent an hour raise to accompany the cost of living raise to be awarded to most employees. The few employees that this affects were not purposely excluded from the initial wage package conversations. The County Auditors office will wait for the wage increase sheets submitted by Department Heads before awarding the scheduled increases. Parkhurst made a motion to approve the wage increase and Kenkel seconded the motion, the motion passed. Haake abstained.

Resolution 2022-32 was introduced and a motion was made by Haake and a second by Parkhurst to approve the following resolution. **RESOLUTION 2022-32 Authorizing Loan to Tax Increment Revenue Fund** WHEREAS, the Board of Supervisors of Shelby County, Iowa (the "County"), has established the Shelby County Urban Renewal Area (the "Urban Renewal Area") and has established the Shelby County Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund") in connection therewith; and WHEREAS, the County proposes to undertake certain urban renewal projects (the "Projects") in the Urban Renewal Area, consisting of using incremental property tax revenues to pay the costs, to that extent, of the construction of improvements to roads, bridges and culverts; and WHEREAS, it has been proposed that the County approve an internal advance of funds in the needed amount to bring the TIF Fund balance up to \$200,000.00 (the "Advance") for the purpose of paying the costs of the Projects, including legal and administrative fees, and in order to make the Advance eligible to be repaid from future incremental property tax revenues to be derived from the Urban Renewal Area; and WHEREAS, pursuant to Section 331.479 of the Code of Iowa, notice of the date of the meeting of the Board of Supervisors at which it is proposed to take action to approve the Advance has been published, and a hearing has been held; **NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Shelby County, Iowa, as follows:**

Section 1. It is hereby directed that up to \$200,000.00 be advanced to the Tax Increment Revenue Fund from the General Basic Fund, in order to pay certain costs incurred by the County related to the Projects. This advance shall be treated as a loan (the "Loan") to the Tax Increment Revenue Fund and shall be repaid to the General Basic Fund out of incremental tax revenues received with respect to the Urban Renewal Area. Payments on the Loan are subject to the Board's determination that there are incremental tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Revenue Fund. Once appropriated, payments may be made on the Loan on June 1 of each year to the extent there are incremental tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Revenue Fund. The right is hereby reserved to issue additional obligations, or to enter into additional loans, payable from the Tax Increment Revenue Fund, which may either rank on a parity with the Loan or may have a priority over the Loan with respect to the revenues in the Tax Increment Revenue Fund.

Section 2. The Tax Increment Revenue Fund is hereby pledged to the repayment of the Loan, and a copy of this Resolution shall be filed in the office of the County Auditor to evidence this pledge. Pursuant to Section 403.19 of the Code of Iowa, the original amount of the Loan shall be certified to the County Auditor as an obligation that is eligible to be repaid from future incremental property tax revenues by December 1, 2019, and no later than December 1 of each succeeding year, any remaining outstanding balance of the Loan, shall be certified to the County Auditor in the same manner.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. A vote was counted with Kenkel, Parkhurst and Haake all voting in favor of the resolution. No Nays were cast.

The annual SWIPCO Joint Participation agreement was then considered by the Supervisors. The cost for fiscal year 2023 will be \$6,000.00 unchanged from fiscal year 2022. A motion to approve was made by Haake and seconded by Parkhurst. The motion was unanimously approved by the Board Members.

The annual interfund transfer authorization was presented in the following resolution.

Resolution 2022-33

Auditor Transfer Authorization FY 23

RESOLUTION NO. 2022-33 AUTHORIZE AUDITOR TO TRANSFER FUNDS FISCAL YEAR 2023
WHEREAS, it is desired to transfer monies from the General Funds and from the Rural Basic Fund, and
WHEREAS, said operating transfers are in accordance with Sections 331.432, Code of Iowa, NOW
THEREFORE BE IT RESOLVED by the Board of Supervisors of Shelby County, Iowa, as follows:

- SECTION 1. The Auditor is hereby authorized to transfer funds from the General Basic and General Supplemental Funds and from the Rural Basic Funds to the Capital Fund to cover expenditures as set out in the County Budget for Fiscal Year 2023.
- SECTION 2. The Auditor is hereby authorized to transfer funds from the General Basic Fund to the General Supplemental Fund to cover expenditures as set out in the County Budget for Fiscal Year 2023.
- SECTION 3. The Auditor is hereby authorized to transfer funds from the Rural Basic Fund to the Secondary Roads Fund to cover expenditures as set out in the County Budget for Fiscal Year 2023.
- SECTION 4. The Auditor is hereby authorized to transfer funds from the Rural Basic Fund to the Flood & Erosion Control Fund to cover expenditures as set out in the County Budget for Fiscal Year 2023.
- SECTION 5. The Auditor is hereby authorized to transfer funds from the General Basic and Rural Basic Funds to the Secondary Road Fund to cover expenditures as set out in the County Budget for Fiscal Year 2023.
- SECTION 6. The Auditor is hereby authorized to transfer funds from the General Basic Fund to the Conservation Fund to cover expenditures as set out in the County Budget for Fiscal Year 2023.
- SECTION 7. The Auditor is hereby authorized to transfer funds from the Rural Basic Fund to the Environmental Health Fund as set out in the County Budget for Fiscal Year 2023.

A vote was counted with Haake, Parkhurst and Kenkel all voting in favor of approving the Resolution, No Nays were cast.

There being no further business the meeting was adjourned.

Steve Kenkel Chairperson

Attest: Mark Maxwell, Auditor