

Office of Mills County Auditor  
Carol Robertson  
Mills County Courthouse  
Glenwood, IA

The Board of Supervisors met this 11th day of April 2023, at the Mills County Courthouse in Glenwood with Supervisors Lonnie Mayberry, Carol Vinton and Richard Crouch present. The meeting opened with the Pledge of Allegiance.

Motion by Crouch, seconded by Vinton to approve the Consent Agenda and Minutes as presented from April 4, 2023, a Class C Retail Alcohol License, 5-day (April 26-April 30,2023) for Tobey Jack's Mineola Steakhouse. Motion carried on vote: Ayes: 3, Nays: 0

Jacob Ferro, Mills County Engineer, was present for his scheduled meeting. Ferro presented his Iowa DOT Budget to the Board. Motion by Vinton, seconded by Crouch to approve the Iowa DOT Budget in the amount of \$7,871,040.00. Motion carried on vote: Ayes: 3, Nays: 0

Motion by Crouch, seconded by Vinton on approval of Budget Amendment for Engineer's FY 22-23 Budget. Motion carried on vote: Ayes: 3, Nays: 0

Motion by Vinton, seconded by Crouch on approval to sign Gaston Avenue Resurfacing Contract with Western Engineering, as soon as available on DOT website. Motion carried on vote: Ayes: 3, Nays: 0

Motion by Vinton, seconded by Crouch to approve a driveway variance at 56146 240<sup>th</sup> ST approximately 80ft south of existing shared driveway. The current shared drive is not safe because of the location and the owner is asking for a variance. Ferro stated the site distance is fine and this will add additional safety to the area. Motion carried on vote: Ayes: 3, Nays: 0

Motion by Vinton, seconded by Crouch to approve Driveway Variance on 195<sup>th</sup> ST for separation distance from field driveway. The Engineer felt there were no safety concerns. Motion carried on vote: Ayes: 3, Nays: 0

Engineer Ferro discussed current driveway ordinance and some concerns regarding variances. Does he need to bring to BOS for approval if the parcels are grandfathered in, but own parcels adjoining? County Attorney stated that Engineer should still continue to request variances.

Travis Hitchcock was present for his scheduled meeting. The Board praised Hitchcock for his efforts on awareness of Telecommunicators Week and helping the Community realize the jobs these people do for their safety. Motion by Crouch, seconded by Vinton to authorize Chair to Sign Proclamation for National Public Safety Telecommunications Week. Motion carried on vote: Ayes:3, Nays: 0

Joe and Joann Cheney along with Jodi Smith, representing the Farmers' Market, were present and asked if they could have permission for special parking on August 2<sup>nd</sup> for a vendor who makes homemade ice cream with his tractor. Farmers Market Board is paying for the ice cream, so it is free to the public. The Board will ask the employees to have cars moved in that area early to accommodate the vendor.

Motion by Crouch seconded by Vinton to open the Public Hearing at 10:08 a.m. for the Mills County Woodfield Phase 3 Urban Renewal Area hearing. Motion carried on vote: Ayes: 3, Nays: 0. Roll call vote: Crouch – Aye, Mayberry – Aye, Vinton – Aye

The Board received oral communications from Glenwood Schools that they are in favor of this project to increase housing in the community. The Planning and Zoning Board also commented through memo that they were in favor of the development.

Motion by Crouch seconded by Vinton to close the public hearing at 10:10 A.M.  
Motion carried on a vote: Ayes: 3 Nays: 0 Roll call vote: Crouch – Aye, Mayberry – Aye, Vinton – Aye

Motion by Vinton seconded by Crouch to approve **Resolution 23-13** Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Pan and Project for the Mills County Woodfield Phase 3 Urban Renewal Area. Motion carried on vote: Ayes: 3, Nays: 0. Roll call vote: Crouch – Aye, Mayberry – Aye, Vinton – Aye

**RESOLUTION NO. 23-13**

A 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 and Project for the Mills County Woodfield Phase 3 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, it has been recommended to the Board of Supervisors of Mills County, Iowa (the “County”) that the Mills County Woodfield Phase 3 Urban Renewal Area (the “Urban Renewal Area”) be established containing the real property (the “Property”) described on Exhibit A to this Resolution; and

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

WHEREAS, an urban renewal plan (the “Plan”) has been prepared for the governance of projects and initiatives to be undertaken within the Urban Renewal Area, and which authorizes a certain initial urban renewal project (the “Project”) to be undertaken in the Urban Renewal Area consisting of providing tax increment financing support to Oak Ranch Development, LLC in connection with the construction of public infrastructure necessary to support the development of a residential subdivision; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the Urban Renewal Area and on the proposed Plan and the Project was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing on April 11, 2023; and

WHEREAS, the Plan was submitted to and considered by the Planning and Zoning Commission of the County; and

WHEREAS, copies of the Plan, notice of public hearing and notice of a consultation meeting with respect to the Plan were mailed to Glenwood Community School District; the consultation meeting was held; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Mills 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 Mills County Woodfield Phase 3 Urban Renewal Area.

The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the County.

It is hereby determined by this Board of Supervisors as follows:

The Plan conforms to the general plan for the development of the County;

Proposed residential development in the Urban Renewal Area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives; and

C. It is not anticipated that any families will be displaced in connection with the County’s undertakings under the Plan. Should such issues arise, then the County will develop a feasible method of relocating any displaced persons into decent, safe and sanitary dwelling accommodations within their means and without undue hardship.

The Plan is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the County is hereby authorized to undertake the projects and initiatives described therein.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved April 11, 2023.

**EXHIBIT A**

**LEGAL DESCRIPTION**

Mills County Woodfield Phase 3 Urban Renewal Area

**Lying in the following Sec/twp/range 27-73-43**

**Parcel #**

030340020000000	S27.30 AC NE1/4 SE1/4 WOODFIELD SUBDIV & EXC WOOD-FIELD SUBDIV 2 <sup>ND</sup> ADD
030330020000000	NW1/4 SE1/4 EXC NE PT
030380010000000	NE1/4 SW1/4 SE1/4 (LOT 7)
030360030200000	PCL C S112 SW1/4 SE1/4 (LOT 9)
030360030300000	PCL D S1/2 SW1/4 SE1/4 (LOT 9)

030350020101000	PCLS D SE1/4 SE1/4
030390000000000	LOT 12 W OF VAC RD
030190062300000	LOT 23 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190061400000	LOT 14 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190063001000	PCL F OF LOTS 29 & 30 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190062801000	PCL E OF LOTS 28 & 29 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190062500000	LOT 25 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190061200000	LOT 12 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
<b>Lying in the following Sec/twp/range 26-73-43</b>	
030190064100000	LOT 41 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190060800000	LOT 8 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190060900000	LOT 9 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)

Motion by Mayberry, seconded by Vinton to approve **Ordinance 23-03** Providing for the Division of Taxes Levied on Taxable Property in the Mills County Woodfield Phase 3 Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa. Motion carried on vote: Ayes: 3, Nays: 0. Roll call vote: Mayberry – Aye , Crouch – Aye, Vinton – Aye

**ORDINANCE NO. 23-03**

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Mills County Woodfield Phase 3 Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Board of Supervisors of Mills County, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Mills County Woodfield Phase 3 Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Mills County to finance projects in such area.

- Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Mills County, Iowa.

“Urban Renewal Area” shall mean the Mills County Woodfield Phase 3 Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on April 11, 2023:

**Lying in the following Sec/twp/range 27-73-43**

**Parcel #**

030340020000000	S27.30 AC NE1/4 SE1/4 WOODFIELD SUBDIV & EXC WOOD-FIELD SUBDIV 2 <sup>ND</sup> ADD
030330020000000	NW1/4 SE1/4 EXC NE PT
030380010000000	NE1/4 SW1/4 SE1/4 (LOT 7)
030360030200000	PCL C S112 SW1/4 SE1/4 (LOT 9)
030360030300000	PCL D S1/2 SW1/4 SE1/4 (LOT 9)
030350020101000	PCLS D SE1/4 SE1/4
030390000000000	LOT 12 W OF VAC RD
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030190061400000	LOT 14 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
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030190062801000	PCL E OF LOTS 28 & 29 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190062500000	LOT 25 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190061200000	LOT 12 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)

**Lying in the following Sec/twp/range 26-73-43**

030190064100000	LOT 41 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190060800000	LOT 8 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)
030190060900000	LOT 9 WOODFIELD SUB 1 <sup>ST</sup> ADD (SECS 26 & 27)

- Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:
  - that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing

districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

▪ that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the instructional support program of a school district imposed pursuant to Section 257.19 of the Code of Iowa and for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

▪ the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

▪ as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

- Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Board of Supervisors of Mills County, Iowa, on April 11, 2023.

Motion by Crouch, seconded by Vinton to Suspend the second and third reading of the **Ordinance 23-03** and approve. Motion carried on vote: Ayes: 3, Nays: 0. Roll call vote: Mayberry – Aye , Crouch – Aye, Vinton – Aye

Motion by Crouch, seconded by Vinton to approve **Resolution 23-14** Setting a Date of April 25, at 10:00 AM for a Meeting at Which it is Proposed to Approve a Development Agreement with Oak Ranch Development, LLC, Including Annual Appropriation Tax Increment Payments . Motion carried on vote: Ayes: 3, Nays: 0. Roll call vote: Mayberry – Aye , Crouch – Aye, Vinton – Aye

#### **RESOLUTION NO. 23-14**

Resolution Setting a Date of Meeting at Which it is Proposed to Approve a Development Agreement with Oak Ranch Development, LLC, Including Tax Increment Payments

WHEREAS, Mills 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 adopted an urban renewal plan for the Mills County Woodfield Phase 3 Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this Board of Supervisors 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, 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, the County proposes to enter into a certain development agreement (the “Development Agreement”) with Oak Ranch Development, LLC (the “Developer”) in connection with the construction of public infrastructure necessary to support the development of a residential subdivision in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide financial incentives to the Developer including certain incremental property tax payments in an amount not to exceed \$1,600,000 (the “TIF Payments”) under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement and the TIF Payments, pursuant to Section 403.9 of the Code of Iowa;

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

Section 1. This Board of Supervisors shall meet on April 25, 2023, at 10:00 a.m., at the Supervisors’ Board Room, Glenwood, Iowa, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the TIF Payments.

Section 2. The County Auditor is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four (4) days and not more than twenty (20) days before the date of said meeting in a legal newspaper of general circulation in the Mills County. Said notice shall be in substantially the following form:

#### **NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH OAK RANCH DEVELOPMENT, LLC AND AUTHORIZATION OF TAX INCREMENT PAYMENTS**

The Board of Supervisors of Mills County, Iowa (the “County”), will meet at the Supervisors’ Board Room, in Glenwood, Iowa, on April 25, 2023, at 10:00 a.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement (the “Agreement”) between the County and Oak Ranch Development, LLC (the “Developer”), in connection with the construction of public infrastructure necessary to support the development of a residential subdivision in the Mills County Woodfield Phase 3 Urban Renewal Area. The Agreement will provide for certain financial incentives in the form of incremental property tax payments to the Developer in a total amount not exceeding \$1,600,000 as authorized by Section 403.9 of the Code of Iowa.

The commitment of the County to make incremental property tax payments to the Developer under the Agreement will not be a general obligation of the County, but such payments will be payable solely and only from incremental property tax revenues generated within the Mills County Woodfield Phase 3 Urban Renewal Area. Some or all of the payments under the Agreement may be subject to annual appropriation by the Board of Supervisors.

At the meeting, the Board of Supervisors will receive oral or written objections from any resident or property owner of the County. Thereafter, the Board may, at the meeting or at an adjournment thereof, take additional action to approve the Agreement or may abandon the proposal.

This notice is given by order of the Board of Supervisors of Mills County, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 11, 2023.

Cindy Morrical arrived for her scheduled meeting. Morrical addressed concerns of the Sheriff's department. Morrical had been previously employed as a detention officer with Mills County and felt many deputies had taken on extra duties to compensate for the Sheriff's absence. It was explained by the Board they appreciated her notifying them but unfortunately, they have no jurisdiction over that department.

Holly Jackson, Planning & Zoning, and Andrew Rainbolt, Economic Development were present for their meeting with the Board. Motion by Vinton, Seconded by Crouch to approve recommendation to hire Confluence, as needed, for a Planning Consultant. This planner would look at plans for large commercial and industrial projects within the county. Attorney Bird-Sell asked that parameters be outlined and the cost should be included in the permit cost. Jackson said she would get the parameters for the Board approval. Motion carried on vote: Ayes: 2, Nays: 1. : Mayberry – Nay , Crouch – Aye, Vinton – Aye

Motion by Crouch, seconded by Vinton to set Public Hearing for adding a Renewable Energy Chapter to the current Comprehensive Plan for May 2<sup>nd</sup> at 10:00AM. Motion carried on vote: Ayes: 3, Nays: 0

Motion by Vinton, seconded by Crouch to set Public Hearing to adopt an amendment of Chapter 27 of Mills County Ordinances for Solar Energy for May 2<sup>nd</sup> at 10:15AM. Motion carried on vote: Ayes: 3, Nays: 0

Steve Poole, Custodian, joined the meeting for his scheduled time. Poole provided several bids for mower purchases: (1) John Deere-\$12,421.12; (2) Evans Equipment - \$11,040.48; (3) Uphoff - \$5,749.00. The variety of prices also represents different types of styles/options for the equipment. By using our other equipment for snow blowing it was determined to purchase the 52" Scag Liberty Mower from Uphoff Outdoor Power since our equipment will work with this equipment.

Motion by Crouch, seconded by Vinton for approval to purchase 52" Scag Liberty Mower from Uphoff Outdoor Power in the amount of \$5,749.00. Motion carried on vote: Ayes: 3, Nays: 0

Motion by Vinton, seconded by Crouch to approve ARPA funding of Silver City Project for ADA bathroom and improvements of City Hall for the full amount of the project in the amount of \$10,328.23. Motion carried on vote: Ayes: 3, Nays: 0

Kate McGann, Vice Chair of East Mills Childcare Solutions. McGann explained this is a 5 million dollar project, applying for grants and asked County to fund 5% of project. McGann explained daycare is a countywide problem and this is separate from the school, but the school will help with busing of students and lunches. County Attorney Bird-Sell explained the state is trying to shut down daycares that have more than 5 children thus why affordable daycare is hard to find. A contract will be written with East Mills Childcare Solutions to identify that funds from Mills County will go towards infrastructure. \$150,000 ARPA funding and an additional \$100,000 over a period of 5 years. The Auditor will work with the County Attorney to write the contract.

Motion by Crouch, seconded by Vinton to approve \$150,000 ARPA funding and an additional \$100,000 over a period of 5 years to East Mills Childcare Solutions. Motion carried on vote: Ayes: 3, Nays: 0

The Board discussed the proposed budget to be approved on April 18<sup>th</sup>. Cuts have been made and it was determined they will stay with corrections made after maximum property tax levy which lowered the asking.

The Board received the March Jail Report.

There being no further business to come before the Board, they adjourned to meet on Tuesday, April 18, 2023.