

April 10, 2024

Board members present for regular session at 9:17 a.m. were: Baier, Hoadley, Twombly, Wedemeyer and Walker.

Also present: Mandy Berg, Jeff Vandewater, Paul Ehm, Tanya Lamb, Dan Dreher, Brenda Dudley, and Alex Lynch. Mandy Billings – KSOM, Caleb Nelson – Adair County Free Press, Ric Hansen - KJAN, and Jennifer Nichols – Atlantic News Telegraph joined via conference call.

All motions were approved unanimously unless noted otherwise.

MINUTES: Moved by Wedemeyer and seconded by Baier to approve the minutes from April 2, 2024. Approved.

CLAIMS: Moved by Twombly and seconded by Hoadley to approve the following claims:

ALLIANT ENERGY - IES	UTILITIES	\$483.43
AUXIANT	HRA INS TRUST CLAIMS	\$6,443.51
	GRAND TOTAL	\$6,926.94
0001 - GENERAL FUND		\$483.43
8500 - ADAIR COUNTY INSURANCE TRUST		\$6,443.51
	GRAND TOTAL	\$6,926.94

Approved.

TOWNSHIP CLERK WAGES: Moved by Baier and seconded by Hoadley to approve the township clerk wages for Doug Skellenger for \$80.00. Approved.

MANURE MANAGEMENT PLAN UPDATE: Moved by Twombly and seconded by Baier to acknowledge receipt of the manure management plan update from Todd Van Eaton #57965. Approved.

HOMESTEAD & MILITARY DISALLOWANCES: Moved by Twombly and seconded by Baier to approve and for the chair to send letters to the two homestead and two military disallowances. Approved.

\$5,000,000 GENERAL URBAN RENEWAL BONDS: Resolution Fixing Date – Moved by Twombly and seconded by Hoadley to approve **Resolution 2024-23 – Resolution Fixing Date For A Meeting On The Proposition Of The Issuance Of Not To Exceed \$5,000,000 General Obligation Urban Renewal Bonds Of Adair County, State Of Iowa (For Essential County Urban Renewal Purposes), And Providing For Publication Of Notice Thereof WHEREAS,** by Resolution No. 2010-51, adopted November 12, 2010, 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 Adair County Northwest Wind Farm Urban Renewal Plan (the "Plan") for the Northwest Wind Farm Urban Renewal Area (the "Area" or "Urban Renewal Area"), which Plan is on file in the office of the Recorder of Adair_ County, Iowa; and WHEREAS, by Resolution 2013-33, adopted April 10, 2013, this Board approved and adopted an Amendment No. 1 to the Plan, which Amendment added urban renewal projects proposed to be undertaken within the Area and added land to the Area; and WHEREAS, by Resolution 2020-51, adopted November 25, 2020, this Board approved and adopted an Amendment No. 2 to the Plan, which Amendment added urban renewal projects proposed to be undertaken within the Area and added land to the Area; and WHEREAS, it is deemed necessary and advisable that Adair County, State of Iowa, should issue General Obligation Urban Renewal Bonds, to the amount of not to exceed \$5,000,000, as authorized by Sections 331.443 and 403.12, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county urban renewal purpose project(s) as hereinafter described; and WHEREAS, before bonds may be issued, it is necessary to comply with the procedural requirements of Chapters 331 and 403 of the Code of Iowa, and to publish a notice of the proposal to issue such bonds and the right to petition for an election. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ADAIR COUNTY, STATE OF IOWA: That this Board meet in the Supervisors' Board Room, Adair County Courthouse, 400 Public Square, Greenfield, Iowa, at 9:15 A.M., on the 1st day of May, 2024, for the purpose of taking action on the matter of the issuance of not to exceed \$5,000,000 General Obligation Urban Renewal Bonds, for essential county urban renewal purposes, the proceeds of which bonds will be used to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403 including P33 Resurfacing - P33 from Hwy 92 to Union County and Grading & Paving - 290th St. from P33 west to the Henry A. Wallace Country Life Center as authorized in Amendment No. 2 to the Adair County Northwest Wind Farm Urban Renewal Plan. That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds. The notice of the proposed action to issue bonds shall be in substantially the following form: NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF ADAIR COUNTY, STATE OF IOWA, ON THE MATTER OF THE PROPOSED ISSUANCE OF NOT TO EXCEED \$5,000,000 GENERAL OBLIGATION URBAN RENEWAL BONDS OF THE COUNTY (FOR ESSENTIAL COUNTY URBAN RENEWAL PURPOSES), AND THE HEARING ON THE ISSUANCE THEREOF PUBLIC NOTICE is hereby given that the Board of Supervisors of Adair County, State of Iowa, will hold a public hearing on the 1st day of May, 2024, at 9:15 A.M., in the Supervisors' Board Room, Adair County Courthouse, 400 Public Square, Greenfield, Iowa, at which meeting the Board proposes to take additional action for the issuance of not to exceed \$5,000,000 General Obligation Urban Renewal Bonds, for essential county urban renewal purposes, to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403 including P33 Resurfacing - P33 from Hwy 92 to Union County and Grading & Paving - 290th St. from P33 west to the Henry A. Wallace Country Life Center as authorized in Amendment No. 2 to the Adair County Northwest Wind Farm Urban Renewal Plan. At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the County, may be filed with the Auditor of the County in the manner provided by Section 331.306 of the Code of Iowa, pursuant to the provisions of Sections

331.441(2)(b)(14), 331.443 and 403.12 of the Code of Iowa. At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds. This notice is given by order of the Board of Supervisors of Adair County, State of Iowa, as provided by Chapters 331 and 403 of the Code of Iowa. Dated this 10th day of APRIL, 2024. (End of Notice) PASSED AND APPROVED this 10th day of April, 2024. Roll Call Vote: Hoadley, aye; Baier, aye; Wedemeyer, aye; Twombly, aye; and Walker, aye. Approved. **Engagement Agreement** – Moved by Twombly and seconded by Baier to approve and sign the Engagement Agreement with Ahlers & Cooney for the issuance of the \$5,000,000 General Obligation Urban Renewal Bonds. Approved.

DATA CENTER ORDINANCE DISCUSSION – Supervisor Wedemeyer stated that he had asked for this item to be placed on the agenda after talking with several County residents. One of those residents was Dan Dreher whose attorney drew up an ordinance to place setbacks for data centers. Wedemeyer had County Attorney Larson review the ordinance and asked that she provide feedback on the ordinance. Larson's email stated that there are potential issues with the ordinance including enforceability with not being a zoned County and the ordinance not including a clause that would grandfather in existing contracts already in the works. She recommends that if the Board moves forward with the ordinance that it should include a grandfather clause, but again, it likely cannot be enforced in court if it is challenged. Larson also gave options of enacting no such ordinance or to begin the process of planning and zoning that could include a regulation of this type of development. Dan Dreher stated that is not against the data center itself, but with the size and scale of the structure he thinks it is logical to put setbacks in place like the Board did for the solar panels and wind turbines. Even if the ordinance is not enforceable for this project, Dreher and Supervisor Wedemeyer are hoping the data center company will act in good faith and attempt to work with the County and residents and will help with any future projects down the road. Supervisor Hoadley stated she is not sure a data center is good for the County, like the solar panels, and that we need to keep the farmland. Paul Ehm stated that he has spoken to another community who has a data center and that if you are within a mile you will hear a buzz and that it will be big multiple buildings that be lit up. Hoadley has talked with residents who think it is time to start doing zoning. Supervisor Twombly stated that he believes in ownership and landowner rights and if we had zoning currently we could do more; he stated that he believes we will have to act and put zoning in place if we want a say. Supervisor Wedemeyer thinks residents will be in favor of zoning when it comes to these projects, but maybe not as receptive for their own rights like when having to get a permit to put up a grain bin. Supervisor Hoadley is interested in how these would be taxed and has heard that they receive a bunch of tax incentives and that this will not benefit the County much. Alex Lynch, Greater Des Moines Partnership, stated that he has worked with data centers quite a bit and that they do bring good taxable value to the County and other communities have been thankful for that value. The ones he has worked with provide construction jobs and provide continual people coming into the community to eat, etc., which would increase the County's LOSST revenue. Lynch understands it that the data center can't have any tax breaks unless the County is the one that abates it. Supervisor Walker stated he thinks Attorney Larson needs to draw up a new ordinance that includes a grandfather clause and Supervisor Twombly agreed saying he thinks she needs to attend their next meeting. Moved by Wedemeyer and seconded by Hoadley to move forward with the ordinance as written. Twombly, nay; Walker, nay. Approved. Moved by Wedemeyer and seconded by Hoadley to set the public hearing for the proposed ordinance for April 24th at 9:15 a.m. Approved. Ehm, Lamb, Dreher, Dudley, Lynch exited at 9:35 a.m.

PUBLIC HEARING: Judy, Ron, Brad, and Mark Nelson entered 9:36 a.m. Moved by Twombly and seconded by Baier to open the public hearing at 9:26 a.m. Judy and Ron Nelson presented a letter stating that vacating this road would be detrimental to the operation of their family's farming business. Mark stated that the bridge needs taken care of. The Board, Engineer Kauffman, and Nelsons discussed the different options. If the County provides and delivers the culvert, the Nelsons will remove the bridge and perform the construction of the crossing. This would cost the County about \$4,346.20. Moved by Twombly and seconded by Hoadley to close the public hearing. Moved by Wedemeyer and seconded by Baier to approved **Resolution #2024-24** – WHEREAS, a public hearing was conducted on April 10, 2024, at 9:30 am following publication and service of notice as required by law on the proposed vacation and closure of a portion of county secondary road, described as follows: That portion of "190th St.", established June 8th, 1909 (See Road Record Book 4, Page 314), commencing at the southwest corner of the southeast quarter of the southwest quarter of Section 15, Township 76 North, Range 31 West of the 5th P.M. running thence east on the line between Sections 15 and 22 to the southwest corner of the southeast quarter of the southeast quarter of said Section 15 and running thence east on the north side of the east half of the northeast quarter of Section 22 and terminating at the southeast corner of the southeast quarter of the southeast quarter of said Section 15. Also, a piece of land beginning at a point 7 rods east of the southwest corner of the southeast quarter of the southeast quarter of Section 15, Township 76 North, Range 31 West of the 5th P.M., thence west 7 rods, thence north 5 rods, thence southeast to the point of beginning. WHEREAS, an existing bridge (FHWA #56820) is located on 190th St. within the portion to be vacated and Adair County agrees to provide a new 60' x 48" diameter corrugated metal pipe culvert to replace the bridge and provide a means of crossing the stream at that location. WHEREAS, the adjacent landowner agrees to remove the aforementioned bridge superstructure and sufficient substructure necessary to construct a crossing. As a condition of this resolution, the adjacent landowner shall take full possession of the bridge and all related components thereof. WHEREAS, Adair County agrees only to provide and deliver said culvert; removal of said bridge and construction of crossing shall be the sole responsibility of the adjacent landowner. WHEREAS, the remaining portions of "190th St." shall remain open as established. WHEREAS, Any and all objections that have been received, either in writing or by persons present have been discussed and resolved requiring no further action by Adair County. NOW THEREFORE BE IT RESOLVED by the Adair County Board of Supervisors that the subject section of road be ordered vacated and closed. Walker, aye; Hoadley, aye; Baier, aye; Wedemeyer, aye; and Twombly, abstain. Approved. Nelsons and Sheriff Vandewater exited at 9:53 a.m.

ENGINEER: Contract & Performance Bond – Moved by Hoadley and seconded by Baier to sign the Contract and Performance Bond for FY24 FM Granular Surfacing Contract FM-C001(125)—55-01. Approved. **Front Page Plans** – Moved by Hoadley and seconded by Baier to sign the Front Page Plans for FY25 FM HMA Crack Sealing Project FM-C001(127)—55-01. Approved. **Resolution Setting Public Hearing** – Moved by Wedemeyer and seconded Hoadley to approve **Resolution #2024-25** – WHEREAS, a memorandum from the County Engineer has been filed with the Adair County

Board of Supervisors asking that action be taken to vacate and close a section of Adair County Secondary Road, as described as follows: That portion of "110th St.", established September 19th, 1876 (See Road Record Book 3, Page 53), commencing at the southwest corner of the southeast quarter of the southeast quarter of Section 4, Township 77 North, Range 32 West of the 5th P.M., running east on section line to the southeast corner of Section 4, Township 77 North, Range 32 West of the 5th P.M. NOW, THEREFORE BE IT RESOLVED that a hearing on the proposed vacation will be held by the Adair County Board of Supervisors in their office, Adair County Courthouse, Greenfield, Iowa 50849, at 9:30 AM on Wednesday, April 17, 2024, in accordance with Iowa Code Chapter 306. Roll Call Vote: Walker, aye; Hoadley, aye; Baier, aye; Wedemeyer, aye; and Twombly, aye. Approved. **Maintenance & Activities Report** – Engineer Kauffman gave the Board an update on the following projects: 36 Lee Gus is starting on box today, Mack truck tractors is building pressure in cooling system - \$19,000 repair bill, transmission out of another, and hauling rock.

ADJOURNMENT: Moved by Twombly and seconded by Hoadley to adjourn at 10:01 a.m. Approved.

ADAIR COUNTY BOARD OF SUPERVISORS: _____ Jerry Walker, Chair

ATTEST: _____ Mandy Berg, Auditor