

SUPERVISOR'S MINUTE BOOK 2021

November 30, 2021

The regular meeting of the Board of Supervisor's was called to order at 8:30 a.m. by Chairman Rick Thompson. Others present were Gary VanAernam, Lisa Frederiksen, Diana Munch, Becky Marten, Kent Grabill, Chris Hemmingsen, Mitch Rydl, Bruce Haag, Chris Swensen, Stacia Timmer of Elderbridge and Doug Sorensen by Zoom for part of the meeting.

Motion-VanAernam Second-Thompson to approve the agenda. Vote-all in favor. Motion-VanAernam Second-Thompson to approve minutes of the November 23, 2021 meeting with deletion of line concerning Kent Grabill and snow removal. Vote-all in favor.

Weed Commissioner Kent Grabill joined the meeting and Thompson relayed he had talked to Carroll County. Kent stated he had participated in state survey concerning wages and job descriptions and he will request a copy of that to present to the Supervisors for comparison of salaries, etc.

Motion-VanAernam Second-Thompson to approve and sign the Audubon County consolidated urban renewal certification. Vote-all in favor. Motion-VanAernam Second-Thompson to set public hearing for amending ordinance/voting precincts to December 14, 2021.. Vote-all in favor.

Zoning Administrator Chris Hemmingsen presented spread sheet with the building/construction permits issued and income received from the permits. Many of the permits issued were for the wind turbines, turbine updates and utility permits. Also discussed number of permits issued for the current wind turbine project. Hemmingsen also discussed various permits that can be issued and some discussion as to a fee scale and changes possibly needed.

Hemmingsen, as part of the steering committee, along with Region XII reviewed the Comprehensive Plan which is being updated from a 2003 plan. This includes census, zoning maps, zoning regulations/ordinances, etc and is given to interested businesses/people wanting to locate to Audubon County. There is still more to be done with the plan before approval by the Supervisors.

Chris Hemmingsen reviewed the proposed 2021 zoning ordinances which had been recodified by Simmering-Cory and had been received by Supervisors for review in August and again recently. Attorney Swensen is currently reviewing the flood plain management ordinance and this needs to be approved so that the Homeland Security money from 2019 flood can be received.

Engineer Rydl presented fuel bid notice. Motion-VanAernam Second-Thompson to approve the notice to bidders for 2022 fuel bid and approved publication in paper. Vote-all in favor. Rydl gave bridge reports of AU10 and GR3. Rydl stated that they will not start LE20 until GR3 is open to traffic. Discussed local projects and LE6 is completed and open and work is progressing at Viola 20. Engineer relayed to the Supervisors of work needing done on bridge in Sharon Township and will be closed for 2-3 days.

Motion-VanAernam Second-Thompson to open Public Hearing at 10 a.m. No objections received. Motion-VanAernam Second-Thompson to approve Resolution 2021-47 setting date of December 7 for GO urban renewal county purposal bonds. Vote-all in favor.

RESOLUTION NO 2021-47

Resolution taking additional action on proposals to enter into General Obligation Loan Agreements, combining Loan Agreements, setting the date for sale of General Obligation Urban Renewal County Purpose Bonds, Series 2021A and authorizing the use of a preliminary official statement in connection herewith

WHEREAS, the Board of Supervisors (the "Board") of Audubon County, Iowa (the "County"), has established the Audubon County Consolidated Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, the Board heretofore proposed to enter into a loan agreement (the "Original Loan Agreement") and to issue general obligation bonds in a principal amount not to exceed \$10,000,000 pursuant to the provisions of Subsection 331.441(2)(b)(14), Section 331.402, Section 331.442, Section 331.443 and Chapter 403 of the Code of Iowa, for the purpose of carrying out

projects in the Urban Renewal Area consisting of construction, reconstruction and improvement of county roads and bridges, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of July 14, 2020, no petition had been filed with the County asking that the question of entering into the 2020 Loan Agreement be submitted to the registered voters of the County; and

WHEREAS, the County previously used a portion of its authority to borrow money under the Original Loan Agreement by entering into an initial loan agreement and issuing its \$5,000,000 General Obligation Urban Renewal County Road Improvement Bonds, Series 2020A, dated October 15, 2020 in evidence of its obligations thereunder; and

WHEREAS, the County now intends to use its remaining borrowing authority under the Original Loan Agreement to issue additional General Obligation Urban Renewal Bonds in a principal amount not to exceed \$5,000,000 in evidence of its obligations thereunder in order to fund additional costs of the Original Projects; and

WHEREAS, the County also proposed to enter into a General Obligation Urban Renewal Grants Funding Loan Agreement (the "Grants Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$600,000 pursuant to the provisions of Section 331.402 and Section 331.441(2)(b)(14) of the Code of Iowa for the purpose of paying the costs, to that extent, of funding an authorized urban renewal project of the County consisting of making economic development grants for projects in the Urban Renewal Area, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of November 30, 2021, no petition had been filed with the County asking that the question of entering into the Grants Loan Agreement be submitted to the registered voters of the County; and

WHEREAS, the County also proposed to enter into a General Obligation Urban Renewal Conservation Improvements Loan Agreement (the "Conservation Loan Agreement" and together with the Grants Loan Agreement and the Original Loan Agreement hereinafter referred to as the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$1,220,000 pursuant to the provisions of Section 331.402 and Section 331.441(2)(b)(14) of the Code of Iowa for the purpose of paying the costs, to that extent, of undertaking an authorized urban renewal project in the Urban Renewal Area consisting of the Littlefield Recreation Area conservation project, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of November 30, 2021, no petition had been filed with the County asking that the question of entering into the Conservation Loan Agreement be submitted to the registered voters of the County; and

WHEREAS, the County intends to combine the Original Loan Agreement, the Grants Loan Agreement and the Conservation Loan Agreement into a common Loan Agreement and to issue General Obligation Urban Renewal County Purpose Bonds, Series 2021A (the "Bonds") in evidence of its obligations thereunder; and

WHEREAS, a Preliminary Official Statement (the "P.O.S.") has been prepared to facilitate the sale of the Bonds, and it is now necessary to make provision for the approval of the P.O.S. and to authorize its use by PFM Financial Advisors LLC, as municipal financial advisor (the "Financial Advisor") to the County; and

WHEREAS, it is now necessary to set the date for the sale of the Bonds and to authorize the Financial Advisor to carry out such sale;

NOW, THEREFORE, Be It Resolved, by the Board of Supervisors of Audubon County, Iowa, as follows:

Section 1. The Original Loan Agreement, the Grants Loan Agreement and the Conservation Loan Agreement are hereby combined into the Loan Agreement and the Board hereby orders that the Bonds be issued at such time, as the County closes on the Loan Agreement. The Board of Supervisors further declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa.

Section 2. The County Auditor is hereby authorized to take such action as shall be deemed necessary and appropriate, with the assistance of the Financial Advisor to prepare the P.O.S. describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved.

Section 3. The use by the Financial Advisor of the P.O.S. in substantially the form as has been presented to and considered by the Board of Supervisors is hereby approved, and the Financial Advisor is hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the P.O.S. but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds, and the County Auditor is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested by the Financial Advisor. The P.O.S. as of its date is deemed final by the County within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Section 4. Sealed bids for the purchase of the Bonds shall be received and canvassed on behalf of the County until 9:30 a.m., Central Time on December 7, 2021, at the office of the County Auditor, at the County Courthouse, in Audubon, Iowa, and the Board of Supervisors shall meet on the same date at 11:00 a.m., at the County Courthouse, 318 Leroy Street, #4, Audubon, Iowa, for the purpose of considering such bids received and considering and passing a resolution providing for the award of the Bonds, and the Financial Advisor is hereby authorized and directed to disseminate the notice of said sale, in compliance with the Internal Revenue Service regulations governing "Issue Price" determinations. The County Auditor is hereby authorized and directed to disseminate the notice of said sale, as provided by Chapter 75 of the Code of Iowa, such notice to be in substantially the following form, and also to be published at least once, not less than four (4) and not more than twenty (20) days before the December 7, 2021 sale date, in a newspaper of general circulation in Audubon County:

**NOTICE OF SALE
AUDUBON COUNTY, IOWA
\$5,000,000* GENERAL OBLIGATION URBAN RENEWAL COUNTY PURPOSE BONDS, SERIES 2021A**

Bids will be received on behalf of Audubon County, Iowa, until 9:30 a.m., Central Time, on December 7, 2021, for the purchase of \$5,000,000* General Obligation Urban Renewal County Purpose Bonds, Series 2021A (the "Bonds").

Any of the methods set forth below may be used, but no open bids will be accepted:

Sealed Bidding: Sealed bids will be received at the office of the County Auditor, Audubon County Courthouse, 318 Leroy Street, #4, Audubon, Iowa 50025.

Electronic Internet Bidding: Electronic Internet bids will be received through PARITY.

Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the County's Municipal Advisor, PFM Financial Advisors LLC, fax number (515) 243-6994 and will be sealed and treated as sealed bids. After the deadline for receipt of bids has passed, sealed bids will be opened and announced, and electronic internet bids will be accessed and announced. All bids will be presented to the Board of Supervisors for consideration at its meeting to be held at 11:00 a.m. on December 7, 2021, at the County Courthouse, at which time the Bonds will be sold to the best bidder for cash.

The Bonds will be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof, will be dated October 15, 2020, will bear interest payable semiannually on each June 1 and December 1 to maturity, commencing June 1, 2022, and will mature on June 1 in the following years and amounts:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2025	\$100,000	2034	\$285,000
2026	\$150,000	2035	\$295,000
2027	\$200,000	2036	\$305,000
2028	\$250,000	2037	\$315,000
2029	\$255,000	2038	\$320,000
2030	\$260,000	2039	\$335,000
2031	\$265,000	2040	\$355,000
2032	\$275,000	2041	\$755,000
2033	\$280,000		

*The County reserves the right to increase or decrease the aggregate principal amount of the Bonds and to increase or reduce each scheduled maturity thereof after the determination of the successful bidder.

The right is reserved to the County to call and redeem all of the Bonds maturing in the years 2030 to 2041, inclusive, in whole or from time to time in part, in one or more units of \$5,000, on June 1, 2029, or on any date thereafter prior to and in any order of maturity (and within a maturity by lot), upon terms of par and accrued interest.

Bidders must specify a price of not less than \$4,925,000, plus accrued interest. The legal opinion of Dorsey & Whitney LLP, Attorneys, Des Moines, Iowa, will be furnished by the County.

A good faith deposit of ONE PERCENT OF PAR (\$50,000) is required from the successful bidder and may be forfeited to the County in the event the successful bidder fails or refuses to take and pay for the Bonds.

The County reserves the right to reject any or all bids and to waive irregularities in any bid.

The Bonds are being issued pursuant to the provisions of Chapters 331 and 403 of the Code of Iowa and will constitute general obligations of the County, payable from taxes levied upon all the taxable property in the County without limitation as to rate or amount.

Bidders should be aware that the official terms of offering to be published in the Official Statement for the Bonds contain additional bidding terms and information relative to the Bonds, including, without limitation, requirements regarding the establishment of issue price for the Bonds. Bidders should prepare their bids on the assumption that the Bonds will be subject to the "hold-the-offering-price" rule, if the requirements for a competitive sale have not been met. Any bid submitted pursuant to this Notice of Sale will be considered a firm offer for the purchase of the Bonds, and bids submitted will not be subject to cancellation or withdrawal. In the event of a variance between statements in this Notice of Sale (except with respect to the time and place of the sale of the Bonds and the principal amount offered for sale) and said official terms of offering, the provisions of the latter shall control.

By order of the Board of Supervisors of Audubon County, Iowa.

Lisa Frederiksen – County Auditor

Section 5. Pursuant to Section 75.14 of the Code of Iowa, the Board of Supervisors hereby authorizes the use of electronic bidding procedures for the sale of the Bonds through PARITY®, and hereby finds and determines that the PARITY® competitive bidding system will provide reasonable security and maintain the

integrity of the competitive bidding process and will facilitate the delivery of bids by interested parties under the circumstances of this bond sale. **Section 6.** All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved November 30, 2021.

/s/ Rick Thompson
Chairperson, Board of Supervisors

Attest: /s/ Becky Marten
Audubon County Auditor Clerk

Conservation Director Bruce Haag told of activity in the park and the progress of the cabins. Basements are being poured along with wiring/sewer/water work. Cabins will be delivered in February but Haag said possibly would be end of 2022 before cabins are ready for occupancy due to work inside the cabins, roads, landscaping, etc. Haag asked Rydl when park road would be resurfaced and relayed probably wouldn't be until 2023. Much discussion on various Secondary Road projects and funding. Motion-VanAernam Second-Thompson to close the Public Hearing at 10:25 a.m. Vote-all in favor.

Engineer Rydl reviewed Secondary Road Ordinances. Reviewed Chapter 4 (Utility Permit Regulations) and no changes needed. Chapter 41 (Level "B" Road Classification) and feels county is following ordinance. Chapter 42 ("C" Road Maintenance) No changes. Chapter 45 (Use of Road Right-Of-Way) No changes. Supervisors need to review Chapter 46 (Snow and Ice Removal) and will do so at December 2nd meeting.

Stacia Timmer representing Elderbridge Agency on Aging presented the annual report and also statistics on services provided to Audubon County residents. They are seeing a state-wide increase in population over 60 and they have lost some funding. They are requesting \$.05 more for each Audubon County person over 60 which amounts to an increase in their allocation of \$246. Thanks was given by Supervisors for the services they provide to Audubon County citizens.

Attorney Chris Swensen joined the meeting. Motion-VanAernam Second Thompson to enter into closed session pursuant to Iowa Code 21.5(c) discuss litigation with counsel at 11:25 a.m. Vote-all in favor. Motion-VanAernam Second-Thompson to go out of closed session at 11:50 a.m. Vote-all in favor. Attorney Swensen discussed court appointed attorney fees. Legislation has been passed that counties must pay a court appointed attorney fees from \$63.00 to \$66.00 per hour subject to maximum of \$200 for cases where Audubon County is responsible for payment. This resolution will be discussed at December 2, 2021 meeting. Swensen also discussed legislation on the hotel reimbursement law change and will be forwarding this information to Department Heads. He also reviewed a resolution declaring Audubon County to be a second amendment sanctuary county. Discussion was held on the opioid litigation settlement and this will be addressed at December 2, 2021 meeting also. Discussion on County Attorney office manager resolution will be tabled until December 2 or December 7 meetings.

Telephone call to Suzanne Gerlach of PFM concerning bond issue questions and message was left for her to contact Board at 9 a.m. meeting on December 2nd. Motion-VanAernam Second-Thompson to adjourn at 12:25 p.m.

/s/ Rick Thompson
Chairman, Audubon Co. Board of Supervisors

Attest: /s/ Becky Marten, Clerk
Audubon County Auditor Clerk