RESOLUTION 25-38

Resolution Approving Development Agreement with Jennifer and Mark Hughes, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

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 2025 Whitetail Run 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 heretofore proposed to enter into a certain development agreement (the "Development Agreement") with Jennifer and Mark Hughes (the "Developers") in connection with the construction by the Developers of public infrastructure necessary for the development of a housing subdivision in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide financial incentives in the form of incremental property tax payments in an amount not to exceed $389,000 (the "Payments") under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, the Board of Supervisors, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on November 18, 2025, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a Board of Supervisors must consider any or all of a series of factors; and

WHEREAS, pursuant to the Plan and Chapter 403 of the Code of Iowa, the County may undertake projects and initiatives for the promotion of economic development;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Mills County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

(a) The Project will add diversity and generate new housing opportunities for the Mills County and Iowa economies;

(b) The Project will generate public gains and benefits, particularly in the creation and retention of jobs and income and new housing opportunities, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Board further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Developers.

Section 3. The Agreement is hereby approved, and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County, in substantially the form and content in which the Agreement has been presented to this Board of Supervisors. Such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. All payments by the County under the Agreement shall be subject to annual appropriation by the Board, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the County's obligations under the Agreement shall be payable solely from a subfund (the "Jennifer and Mark Hughes Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from certain real property described as follows:

> Certain real property situated in Mills County, State of Iowa more particularly described as follows:
>
> Lot Ten (10) of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of Section Thirty-five (35),
>
> ALSO, Lot Twenty-eight (28) of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section Thirty-five (35),
>
> AND ALSO, Lot Nine (9) of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of Section Thirty-six (36),
>
> ALSO, the North Half of the Northwest Quarter of the Southwest Quarter (N½ NW¼ SW¼) of Section Thirty-six (36), lying west of the road,

AND ALSO, the South Eighteen (18) feet of East one hundred seventy-seven and five-tenths (177.5) feet of Lot Thirty-three (33) of Three Oaks Subdivision, a rural subdivision, in Section Thirty-six (36).

All of the above land being in Township Seventy-three (73) North, Range Forty-three (43) West of the Fifth Principal Meridian, Mills County, Iowa.

Section 5. The County hereby pledges to the payment of the Agreement the Jennifer and Mark Hughes Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund, provided, however, that no payment will be made under the Agreement unless and until monies from the Jennifer and Mark Hughes Subfund are appropriated for such purpose by the Board of Supervisors.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Mills County to evidence the continuing pledging of the Jennifer and Mark Hughes Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the County Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved November 18, 2025.

Lonnie Mayberry, Chairperson

Attest:

Amber Farnan, Auditor

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On motion and vote the meeting adjourned.

Lonnie Mayberry, Chairperson

Attest:

Amber Farnan, Auditor

STATE OF IOWA

SS:

MILLS COUNTY

I, the undersigned, County Auditor of Mills County, hereby certify that the foregoing is a true and correct copy of the minutes of the Board of the County relating to holding a public hearing and adopting a resolution to approve a Development Agreement.

WITNESS MY HAND this 18 day of November, 2025.

Amber Farnan, Auditor

STATE OF IOWA

SS:

MILLS COUNTY

I, the undersigned, County Auditor of Mills County, in the State of Iowa, do hereby certify that on the 18 day of November, 2025, there was filed in my office a certified copy of a resolution of such County shown to have been adopted by the Board of Supervisors and approved by the Chairperson thereof on November 18, 2025, entitled: "Resolution Approving Development Agreement with Jennifer and Mark Hughes, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement," and that I have duly placed the copy of the resolution on file in my records.

WITNESS MY HAND this 18 day of November, 2025.

Amber Farnan, Auditor

HOLD HEARING ON AND APPROVE DEVELOPMENT AGREEMENT AND TAX INCREMENT PAYMENTS

(JENNIFER AND MARK HUGHES)

438850-19

Glenwood, Iowa

November 18, 2025

The Board of Supervisors of Mills County, Iowa, met on November 18, 2025, at 8:45 a.m., at the Mills County Courthouse, Glenwood, Iowa, pursuant to the rules of the Board.

The Chairperson presided and the roll was called, showing Supervisors present and absent as follows:

Present: Lonnie Mayberry and Jack Sayers

Absent: Richard Crouch.

The Board of Supervisors investigated and found that notice of the intention of the Board of Supervisors to conduct a public hearing to approve a Development Agreement between the County and Jennifer and Mark Hughes had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

No oral or written comments were received prior to the meeting
At the meeting the following made statements:
John Scherle opposed the development agreement requested the BOS to reconsider what Urban Renewal was and how to increase affordable housing availability
Chris Weide questioned why private developers needed public money for developments
Duane Olson praised the housing development as it will increase the tax base
Lucy Wilson encouraged the BOS to investigate affordable housing

There being no further objections or comments, the Chairperson announced that the hearing was closed.

Supervisor Sayers introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Mayberry; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisors voted:

Ayes: Sayers, Mayberry

Nays: - None -.

Whereupon, the Chairperson declared said resolution duly adopted, as follows: