

DUBOIS COUNTY COUNCIL SPECIAL MEETING

June 5, 2023

The Dubois County Council met on Monday, June 5, 2023, in the Commissioners/Council Chambers in the Dubois County Annex at 3:30 p.m. Present at the meeting were Board Members Michael W. Kluesner, Sonya Haas, Meredith Voegerl, Ryan Craig, Alex P. Hohl, Doug M. Uebelhor, Daryl Schmitt, Auditor Sandra L. Morton and Deputy Auditor Lynn Gosman. A quorum was declared present. President Kluesner called the meeting to order for the Wabash Valley Foods, LLC tax abatement applications.

RE: WABASH VALLEY FOODS, LLC

William Kaiser, Attorney, and Andrew Seger, Wabash Valley Chief Financial Officer and Vice President of Sales, were present and provided information on the request for tax abatements for both Real and Personal Property for Wabash Valley Foods, LLC in Harbison Township. The proposed expansion of the Wabash Valley Foods was presented.

RE: ABATEMENT COMMITTEE

Deputy Auditor Lynn Gosman, representing the County Tax Abatement Committee, presented the recommendations and scoring as noted in Exhibit B and Exhibit C of the Resolution. The Committee recommended a 10-year abatement schedule for Real Property as follows: Year 1 – 100%; Year 2 – 95%; Year 3 – 85%; Year 4 – 75%; Year 5 – 65%; Year 6 – 55%; Year 7 – 45%; Year 8 – 35%; Year 9 – 25% and Year 10 – 10%. The Committee recommended a 5-year abatement schedule for Personal Property as follows: Year 1 – 100%; Year 2 – 80%; Year 3 – 60%; Year 4 – 40% and Year 5 – 20%.

RE: RESOLUTION 2023-06

President Kluesner presented the Declaratory Resolution 2023-06 with the recommendations of the Tax Abatement Committee as presented. A motion was made to approve Resolution 2023-06 by Ryan Craig, duly seconded Meredith Voegerl. The motion carried unanimously.

COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA

**DECLARATORY RESOLUTION DESIGNATING A
PORTION OF DUBOIS COUNTY, INDIANA, AS AN ECONOMIC
REVITALIZATION AREA**

Resolution No. 2023-06

REAL AND PERSONAL PROPERTY TAX ABATEMENT

WHEREAS, Wabash Valley Foods, LLC (“Wabash Valley”) intends to develop a new egg processing facility in Harbison Township in the County, more particularly depicted on Exhibit A hereto (the land on Exhibit A is also referred to herein as the “Property”), and in the course of doing so, intends to completely renovate a vacant 53,880 square foot building formerly used for wood manufacturing. Wabash Valley also intends to develop and construct upon the Property an additional 32,250 square feet primarily for freezer space with a total overall real property investment of approximately \$24,000,000.00 and total personal property investment of approximately \$39,000,000 (collectively, the “Project”);

WHEREAS, Wabash Valley has requested the Dubois County Council (the “Council”) approve a 10-year real property tax deduction period and a 5-year personal property tax deduction schedule for the Project;

WHEREAS, Wabash Valley has further requested that the Real Property be designated an economic revitalization area (an “ERA”) for purposes of permitting such deductions;

WHEREAS, Wabash Valley has advised the Council that the Project will involve significant investment in real property redevelopment or rehabilitation and new manufacturing equipment on the Real Property;

WHEREAS, Wabash Valley submitted to the Council a form SB-1/PP and SB-1/RP, Statement of Benefits in connection with the Project, and provided all information and documentation necessary for the Council to make an informed decision (the “Statement”);

WHEREAS, the Council is authorized under the provisions of Indiana Code 6-1.1-12.1-1 *et seq.* to designate areas of the County as an ERA for the purposes described herein;

WHEREAS, the Council has adopted Ordinance No. 2012-01, as amended by Ordinance No. 2017-02 and Ordinance 2021-10, establishing an alternative tax abatement schedule pursuant to I.C. 6-1.1-12.1, and directing the County Abatement Review Committee (“Committee”) to review applications for tax

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abatement and to make a recommendation to this Council concerning an application for tax abatement; and

WHEREAS, the County has received an application for tax abatement from Wabash Valley Foods, LLC, and the Committee has reviewed such application and has submitted its recommendation concerning the appropriate schedule of tax abatement for the applicant, which recommendation is attached hereto as Exhibit B and C. As part of the review, both the Council and the Committee have considered the Statement submitted by Wabash Valley and have conducted a complete and proper investigation of the Real Property and determined that the area qualifies as an ERA under Indiana statutes; and

WHEREAS, the Council has considered the following factors under I.C. 6-1.1-12.1-17 in connection with the Project:

1. The total amount of Wabash Valley's investment in real and personal property under the Project;
2. The number of new full-time equivalent jobs to be created under the Project;
3. The average wage of the new employees under the Project compared to the state minimum wage; and
4. The infrastructure requirements for the Wabash Valley's investment under the Project;

(collectively, the "Deduction Schedule Factors").

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Council that:

1. That the estimate of the value of the redevelopment or rehabilitation of the Real Property is reasonable for projects of that nature and the estimate of the cost of the new manufacturing equipment to be installed in connection with the Project is reasonable for projects of that type.
2. That the estimate of the number of individuals who will be employed or whose employment will be retained as a result of the proposed redevelopment or rehabilitation of the Real Property and the installation of the new manufacturing equipment can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property and the proposed installation of new manufacturing equipment.
3. That the estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property and the proposed installation of new manufacturing equipment.
4. That the number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid to employees, along with the value of the acquisition and construction of improvements as a result of the Project, create benefits of the type and quality anticipated by the Council within the ERA and can reasonably be expected to result from the proposed Project and the redevelopment or rehabilitation of the Real Property and the proposed installation of new manufacturing equipment.
5. That the benefits described in the Statement can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property and the proposed installation of new manufacturing equipment.
6. That the totality of benefits from the proposed redevelopment or rehabilitation of the Real Property and the proposed installation of new manufacturing equipment is sufficient to justify a real property tax deduction period and a personal property tax deduction schedule as set out herein.
7. That the Deduction Schedule Factors in connection with the Project justify granting the deduction schedule for both real and personal property under I.C. 6-1.1-12.1-17 as specified herein.
8. That the Real Property constitutes an "economic revitalization area," as defined by I.C. 6-1.1-12.1-1(1).

NOW, THEREFORE, based on the foregoing, the Council further RESOLVES, FINDS AND DETERMINES:

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1. That all of the conditions for the designation of the ERA and all of the requirements for the tax deductions to be granted hereby have been met, and the foregoing findings are true and all information required to be submitted has been submitted in proper form.
2. That the Statement submitted by Wabash Valley is hereby approved.
3. That the Real Property is hereby designated as an ERA pursuant to I.C. 6-1.1-12.1-1 *et seq.*
4. Wabash Valley is entitled to real property tax deductions for the proposed redevelopment or rehabilitation of the Real Property as part of the Project for a period of 10 years as allowed in I.C. 6-1.1-12.1-4 (as in effect on the date hereof), and personal property tax deductions for the proposed installation of manufacturing equipment as part of the Project for a period of 5 years as allowed in I.C. 6-1.1-12.1-4.5(d) (as in effect on the date hereof), all in accordance with the abatement schedules attached hereto as Exhibit B and C, hereby adopted pursuant to I.C. 6-1.1-12.1-17 (as in effect on the date hereof), for any aggregate cost of real property improvements and new manufacturing equipment in excess of \$63,000,000.00 Wabash Valley shall receive deductions as set forth in the abatement schedules attached hereto as Exhibit B and C.
5. That notice hereof should be published in accordance with I.C. 5-3-1 stating the following: the adoption and substance hereof, a copy of the description of the affected area is available for inspection in the County Auditor's Office and the setting of June 19th, 2023 at 4:30 p.m. as the date and time on which the Council will hear and receive remonstrances and objections and take final action, all as required by law.
6. A copy of the above-referenced notice and copies of the Real and Personal Statement of Benefits shall be filed with the officers of each taxing unit that has authority to levy property taxes in the geographic area which is hereby designated as an economic revitalization area at least ten (10) days prior to the public hearing on this resolution.

This Declaratory Resolution is adopted by the Council on June 5th, 2023.

RE: PUBLIC HEARING

The Public Hearing was scheduled for Monday, June 19, 2023, at 4:30 p.m. in the Commissioner/Council Room of the Dubois County Annex.

RE: ADJOURNMENT

With no further business to discuss, a motion was made by Doug Uebelhor, seconded by Sonya Haas, to adjourn the meeting. The meeting was adjourned at 4:12 p.m.

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EXHIBIT A

PROJECT MAP
OUTLINE OF THE PROJECT AREA



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EXHIBIT B

Recommendation of Dubois County Abatement Review Committee

Real Property Abatement

On Wednesday, May 31, 2023, Wabash Valley Foods, LLC also presented an application for a real property tax abatement to the Tax Abatement Review Committee. The review of the application resulted in the scoring as follows:

| <u>Category</u> | <u>Application</u> | <u>Points</u> |
|--|---------------------------|----------------------|
| New Investment | \$24,000,000 | 30 |
| New Employment | 30 Full-time; 1 Part-time | 23 |
| New Employment Wage Level | \$19.65 | 27 |
| Targeted Business Bonus Points | | 5 |
| Use of Existing Vacant Structure | | 8 |
| Use of Local Suppliers & Contractors in Project | | 10 |
| Offers Tuition Reimbursement/Continuing Ed/ Clean & Safe workplace/ or incentives to move to Dubois County | | 2 |
| Years of Operation in County | 10+ | 5 |
| TOTAL POINTS | | 110 |

Based on the point score, the applicant would be eligible for tax abatement on the following schedule:

| | |
|---------|------|
| Year 1 | 100% |
| Year 2 | 95% |
| Year 3 | 85% |
| Year 4 | 75% |
| Year 5 | 65% |
| Year 6 | 55% |
| Year 7 | 45% |
| Year 8 | 35% |
| Year 9 | 25% |
| Year 10 | 10% |

It is the recommendation of this committee that the Council adopt the proposed declaratory resolution, and that a public hearing on the proposed tax abatement as outlined above be scheduled prior to the next Council meeting.

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EXHIBIT C

Recommendation of Dubois County Abatement Review Committee
Personal Property Abatement

On Wednesday, May 31, 2023, Wabash Valley Foods, LLC presented an application for a personal property tax abatement to the Tax Abatement Review Committee. The review of the application resulted in the scoring as follows:

| <u>Category</u> | <u>Application</u> | <u>Points</u> |
|--|---------------------------|----------------------|
| New Investment | \$39,000,000 | 30 |
| New Employment | 30 Full-time; 1 Part-time | 23 |
| New Employment Wage Level | \$19.65 | 27 |
| Targeted Business Bonus Points | | 5 |
| Use of Existing Vacant Structure | | 0 |
| Use of Local Suppliers & Contractors in Project | | 0 |
| Offers Tuition Reimbursement/Continuing Ed/ Clean & Safe workplace/ or incentives to move to Dubois County | | 2 |
| Years of Operation in County | 10+ | 5 |
| TOTAL POINTS | | 92 |

Based on the point score, the applicant would be eligible for tax abatement on the following schedule:

| | |
|--------|------|
| Year 1 | 100% |
| Year 2 | 80% |
| Year 3 | 60% |
| Year 4 | 40% |
| Year 5 | 20% |

It is the recommendation of this committee that the Council adopt the proposed declaratory resolution, and that a public hearing on the proposed tax abatement as outlined above be scheduled prior to the next Council meeting.