

The Marion County Board of Supervisors met in regular session at 3014 E Main St. Knoxville, IA 50138 on Tuesday, May 9, 2023 with Mark Raymie, Steve McCombs, and Kisha Jahner present in-person. Public access to the meeting was available in-person and electronically. Board Chair Jahner opened the regular session at 9:00 A.M.

Unless otherwise indicated, all the motions offered at this meeting were carried with the following vote:

Ayes: Raymie, McCombs, Jahner Nays: None Abstentions: None Absent: None

Agenda:

Raymie moved and McCombs seconded to approve the agenda as posted.

Communications: None

Public Comments:

1. Larry Lockwood representing a group of Hempstead Street residents near Pleasantville raised concerns regarding storm water runoff from the new proposed Adkins Commercial Project.

Consent Agenda:

Raymie moved and McCombs seconded to approve the consent agenda as follows:

1. Marion County Warrants #250021 - #250173 through 5/9/2023.
2. Marion County employee salary adjustments. Complete list available in the Human Resource Office.

Business:

1. Raymie moved and McCombs seconded to approve Agreement with ArcaSearch for Digital Preservation of Board of Supervisor and Auditor Historical Documents.

2. Raymie moved and McCombs seconded to approve Class C Alcohol License Application including Outdoor Service and Catering: KLN Entertainment dba Slideways Karting Center – 1230 Hwy 14, Knoxville, Iowa.

3. Raymie moved and McCombs seconded to approve Class C Alcohol License Application including Outdoor Service: Wackos Bar & Grill LLC dba Wackos Bar & Grill – 3906 E Main St., Knoxville, Iowa.

4. Raymie moved and McCombs seconded to approve the following recommendation as Marion County representative to the Pella Board of Adjustment:

1. Vince Nossaman – term ending 5/1/2028

5. Raymie moved and McCombs seconded to approve the following recommendation as Marion County representative to the Pella Planning & Zoning Commission:

1. Teri Vos – term ending 5/1/2028
2. Marc Vande Noord – 5/1/2028

6. Raymie moved and Jahner seconded to approve the following appointment to the Marion County Planning & Zoning Commission:

1. Joseph Cunningham – To Fill Vacancy term ending 12/31/2025

7. McCombs moved and Raymie seconded to approve Resolution 2023-51 Transfer from Local Option Sales and Services Tax (LOSST) Fund to Debt Service Fund for principal and interest payment on the Law Enforcement Center construction costs as follows:

WHEREAS, the voters of Marion County approved a \$5,100,000 General Obligation Bond Issue to construct a new Marion County Law Enforcement Center.

WHEREAS, the Marion County Board of Supervisors believe it is in the best interest of the taxpayers of Marion County to supplement the annual debt service principal and interest payment on the Marion County Law Enforcement Center with funds from the proceeds of the Local Option Sales and Services Tax (LOSST) collected in Marion County. The Board approved in the Fiscal Year 2022-2023 budget to use \$300,000 LOSST Funds to reduce the required debt service levy to fund the construction of the Marion County Law Enforcement Center.

WHEREAS, ACCORDING TO chapter 331.432 of the Code of Iowa, the Board of Supervisors must approve the actual transfer,

THEREFORE, BE IT RESOLVED that the transfer of funds from the Marion County Local Option Sales and Services Fund to the Marion County Debt Service Fund be approved by the Marion County Board of Supervisors for the Fiscal Year of 2022/2023, and,

BE IT FURTHER RESOLVED, that the Auditor and Treasurer be instructed to make the said transfer in a timely fashion equal to the amount of the approved budgeted transfer of \$300,000.

8. McCombs moved and Raymie seconded to approve Resolution 2023-52 Iowa DOT Agreement Addendum 2022 2202-C-103A for Hwy 92 Sideroads as follows:

WHEREAS, an Agreement is to be entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and Marion County, Iowa, a Local Public Agency, hereafter designated the "LPA" in accordance with Iowa CODE Chapters 28E, 306, 306A and 313.4 as applicable;

WHEREAS, the DOT proposes to establish or make improvements to Iowa 92 within Marion County, Iowa; and

WHEREAS, the DOT and the LPA are willing to jointly participate in said project, in the manner hereinafter provided; and

WHEREAS, this Agreement reflects the current concept of this project which is subject to modification by mutual agreement between the LPA and the DOT; and

NOW THEREFORE, BE IT RESOLVED, the Marion County Board of Supervisors approve and enter into Agreement No. 2022-C-103A for DOT Project No. NHSX-092-6(40)—3h-63 for the six-inch paving of granular secondary road approaches adjacent to Iowa 92 and resurfacing of T17 adjacent to radius widening and as defined in said Agreement.

9. The Board discussed proposed construction and funding of a Road Department office and shop at the Junction Hwy 92 property location. There was a consensus of the Board to move forward with the project. Raymie moved and McCombs seconded to close discussion.

10. Chair Jahner opened a Public Hearing at 10:07 A.M. regarding Proposed Adkins Urban Renewal Plan for a Proposed Urban Renewal Area in Marion County, State of Iowa. No public comments were received. Raymie moved and McCombs seconded to close the Public Hearing at 10:08 A.M.

11. Raymie moved and McCombs seconded to approve Resolution 2023-53 Determining an Area of the County to be an Economic Development Area, and That the Rehabilitation, Conservation, Redevelopment, Development, or a Combination Thereof, of Such Area is Necessary in the Interest of the Public Health, Safety or Welfare of the Residents of the County; Designating Such Area as Appropriate for Urban Renewal Projects; and Adopting the Adkins Urban Renewal Plan as follows:

WHEREAS, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the County and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the County; and

WHEREAS, this Board has caused there to be prepared a proposed Adkins Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Adkins Urban Renewal Area ("Area" or "Urban Renewal Area"), which proposed Plan is attached hereto as Exhibit 1 and which is incorporated herein by reference; and

WHEREAS, the purpose of the Plan is to form the Adkins Urban Renewal Area as an area suitable for economic development and to include a list of proposed projects to be undertaken within the Urban Renewal Area, and a copy of the Plan has been placed on file for public inspection in the office of the County Auditor; and

WHEREAS, the property proposed to be included in the Urban Renewal Area is legally described in the Plan and this Board has reasonable cause to believe that the Area described in the Plan satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and; and

WHEREAS, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan; and

WHEREAS, portions of the land proposed to be included in the Urban Renewal Area is within the corporate boundaries of the City of Pleasantville, Iowa and the County has entered into a joint agreement with the City to allow the County to operate within the proposed Urban Renewal Area; and

WHEREAS, the proposed Urban Renewal Area includes land classified as agricultural land and consequently written permission of the current owners has been obtained; and

WHEREAS, it is desirable that the Urban Renewal Area be redeveloped as described in the proposed Urban Renewal Plan to be known hereafter as the "Adkins Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the County as a whole, prior to Board of Supervisors approval thereof; and

WHEREAS, creation of the Urban Renewal Area and adoption of the Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the County as being in conformity with the general plan for development of the County as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on March 28, 2023, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the Board of Supervisors and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Board of Supervisors Chairperson, or his delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Board also set a public hearing on the adoption of the proposed Urban Renewal Plan for this meeting of the Board, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Marion County Express, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Board in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MARION COUNTY, STATE OF IOWA: That the findings and conclusions set forth or contained in the proposed "Adkins Urban Renewal Plan" for the area of Marion County, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Adkins Urban Renewal Area"), be and the same are hereby adopted and approved as the findings of this Board for this area.

This Board further finds: Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

The Urban Renewal Plan conforms to the general plan for the development of the County as a whole; and

Acquisition by the County is not immediately expected, however, as to any areas of open land to be acquired by the County included within the Urban Renewal Area:

Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this Board of Supervisors hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the County; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

That the Urban Renewal Area is an economic development area within the meaning of Chapter 403, Code of Iowa; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403, Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this County.

That the Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Adkins Urban Renewal Plan for the Adkins Urban Renewal Area"; the Urban Renewal Plan for such area is hereby in all respects approved; the Chairperson and County Auditor have been authorized to execute the Joint County Agreement; and the County Auditor is hereby directed to file a certified copy of the Urban Renewal Plan with the proceedings of this meeting.

That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Plan. Said Urban Renewal Plan shall be forthwith certified by the County Auditor, along with a copy of this Resolution, to the Recorder for Marion County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 9th day of May, 2023.

12. Raymie moved and McCombs seconded to approve Ahlers & Cooney, P.C. – Bond and Disclosure Counsel Engagement Agreement – Adkins Project.

Steve Woodhouse, Marion County Express, inquired if the Board ever used a Request for Proposal regarding these types of services. The Board indicated these services are unique and use firms specialized in this area like Ahlers & Cooney and Dorsey Whitney.

13. Jahner asked about the level of bonds being borrowed and amount going to the City of Pleasantville. Raymie moved and McCombs seconded to approve Resolution 2023-54 Fixing Date for a Meeting on the Authorization of a Loan Agreement and the Issuance of Not to Exceed \$2,750,000 General Obligation Capital Loan Notes of Marion County, State of Iowa (For Essential County Urban Renewal Purpose) and Providing for Publication of Notice Thereof as follows:

WHEREAS, by Resolution No. **2023-54**, adopted May 9, 2023, 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 Adkins Urban Renewal Plan (the "Plan") for the Adkins Urban Renewal Area (the "Area" or "Urban Renewal Area"); and

WHEREAS, it is deemed necessary and advisable that Marion County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$2,750,000, as authorized by Sections 331.402, 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, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and General Obligation Capital Loan Notes, issued to evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Board proposes to take action for

the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the County to such action.

WHEREAS, before notes 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 notes and the right to petition for an election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARION COUNTY, STATE OF IOWA:

That this Board meet in the Meeting Room, 3014 East Main Street, Knoxville, Iowa, at 9:00 A.M., on the 23rd day of May, 2023, for the purpose of taking action on the matter of the authorization of a Loan Agreement and issuance of not to exceed \$2,750,000 General Obligation Capital Loan Notes, for essential county urban renewal purposes, the proceeds of which notes will be used to provide funds to pay the costs of aiding of the planning, undertaking, and carrying out of urban renewal projects in the Adkins Urban Renewal Plan for the Adkins Urban Renewal Area under the authority of chapter 403, including a contribution to the City of Pleasantville in the total amount of \$2,031,025 for a portion of the cost of the construction and installation of Iowa Highway 5 north bound offset left turn lane, Iowa 5 Highway northbound offset right turn lane, Iowa Highway 5 southbound offset left turn lane, Iowa Highway 5 southbound offset right turn lane, improvements to West Pleasant Street and the unnamed street that intersects therewith, and associated water mains, sanitary sewer infrastructure, storm sewer infrastructure, and traffic control devices.

The Auditor is authorized and directed to proceed on behalf of the County with the negotiation of terms of a Loan Agreement and the issuance of General Obligation Capital Loan Notes, evidencing the County's obligations to a principal amount of not to exceed \$2,750,000, to select a date for the final approval thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the completion of a loan on a basis favorable to the County and acceptable to the Board.

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 Notes.

The notice of the proposed action to issue notes shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF MARION COUNTY, STATE OF IOWA, ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$2,750,000 GENERAL OBLIGATION CAPITAL LOAN NOTES 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 Marion County, State of Iowa, will hold a public hearing on the 23rd day of May, 2023, at 9:00 A.M., in the Meeting Room, 3014 East Main Street, Knoxville, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$2,750,000 General Obligation Capital Loan Notes, for essential county urban renewal purposes, to provide funds to pay the costs of aiding of the planning, undertaking, and carrying out of urban renewal projects in the Adkins Urban Renewal Plan for the Adkins Urban Renewal Area under the authority of chapter 403, including a contribution to the City of Pleasantville in the total amount of \$2,031,025 for a portion of the cost of the construction and installation of Iowa Highway 5 north bound offset left turn lane, Iowa 5 Highway northbound offset right turn lane, Iowa Highway 5 southbound offset left turn lane, Iowa Highway 5 southbound offset right turn lane, improvements to West Pleasant Street and the unnamed street that intersects therewith, and associated water mains, sanitary sewer infrastructure, storm sewer infrastructure, and traffic control devices. Principal and interest on the proposed Loan Agreement will be payable from the Debt Service Fund.

At any time before the date of the meeting, a petition, asking that the question of issuing such Notes be submitted to the legal voters of the County, may be filed with the Auditor of the County, including the drop box at the south entrance of the Marion County Courthouse, 214 E Main St, Knoxville, Iowa during non-business hours, in the manner provided by Section 331.306 of the Code of Iowa, pursuant to the provisions of Sections 331.402, 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 authorization of a Loan Agreement and the issuance of the Notes to evidence the obligation of the County thereunder or will abandon the proposal to issue said Notes.

This notice is given by order of the Board of Supervisors of Marion County, State of Iowa, as provided by Chapters 331 and 403 of the Code of Iowa.

Dated this 9th day of May, 2023.

14. Chair Jahner opened a Public Hearing at 10:14 A.M. regarding the Proposal to Enter Into an Amended and Restated 28E Agreement with the City of Knoxville, Iowa. No public comments were received. Raymie moved and McCombs seconded to close the Public Hearing at 10:08 A.M.

15. Raymie moved and Jahner seconded to approve Resolution 2023-55 Ratifying, Confirming and Approving Publication of Notice of Public Hearing and Approving and Authorizing Execution of an Amended and Restated 28E Agreement By and Between Marion County, Iowa and the City of Knoxville, Iowa as follows:

WHEREAS, Chapter 28E of the Code of Iowa permits local governments in Iowa to enter into agreements for the undertaking of projects of mutual advantage; and

WHEREAS, the Marion County, Iowa ("County") and the City of Knoxville, Iowa ("City") previously entered into a 28E Agreement dated June 29, 2021 ("Original Agreement"), in connection with the redevelopment of the veteran's affairs property (the "Project"); and

WHEREAS, the County and City desire to amend the Original Agreement (the "Agreement") to amend and restate the Original Agreement to better facilitate completion of the Project; and

WHEREAS, County staff has caused publication to be made of a notice of the proposal to enter into the Agreement and of the time and place of this meeting at which it is proposed to take action on the authorization of the Agreement and to receive oral and/or written objections from any resident or property owner of said County to such action; and

WHEREAS, pursuant to said notice, which notice is hereby ratified by the Board of Supervisors, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement and has considered the extent of objections received from residents or property owners as to said proposed Agreement, and, accordingly, the following action is now considered to be in the best interests of the County and residents thereof.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MARION COUNTY, STATE OF IOWA:

That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers.

That following execution of the Agreement, the County Auditor shall ensure that the Agreement is filed with the Iowa Secretary of State's office in conformance with Iowa Code Section 28E.8.

That from and after execution of the Agreement, the Chairperson and the County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

PASSED AND APPROVED this 9th day of May, 2023.

16. Raymie moved and McCombs seconded to approve a Letter of Support for Origin Homes to the Iowa Economic Development Authority regarding tax credits from development in a new subdivision on the VA Campus in the City of Knoxville.

Raymie moved and McCombs seconded to recess at 10:20 A.M.

Raymie moved and McCombs seconded to reconvene at 10:29 A.M.

17. The Board conducted the Annual Review of the following Department Head:

- Missy Poffenbarger - Marion County Planning and Zoning Director

18. The Board conducted the Annual Review of the following Department Head:

- Chris Nesteby – Marion County Facilities Director

19.(a) Raymie moved and McCombs seconded to enter into Closed Session pursuant to Iowa Code Chapter 21.5(1)(i) at 10:58 A.M.

19.(b) Raymie moved and McCombs seconded to reconvene into Open Session at 11:01 A.M.

19.(c) No action taken by the Board

20. Board of Supervisor Update:

Raymie – Mental Health consolidation – 2 Boards until counties become contiguous.

McCombs – Landfill meeting.

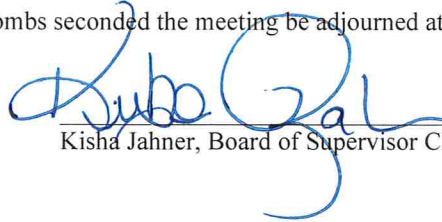
Jahner – Iowa Workforce Development meeting, No update on status of Sinkhole.

Adjournment:

There being no other business, Raymie moved and McCombs seconded the meeting be adjourned at 11:33 A.M.



Jake Grandia, County Auditor



Kisha Jahner, Board of Supervisor Chair