

Tuesday, March 22, 2022 Minutes

The Cass County Board of Supervisors met at 9:00 a.m. with all members present: Steve Baier chair; Stephen Green, John Hartkopf, Mark O'Brien and Bernard Pettinger. Agenda upon motion by Bernard Pettinger; 2nd by Steve Green was approved. Minutes of March 15, 2022, upon motion by John Hartkopf, 2nd by Mark O'Brien were approved.

Jotham Arber reported on raising rates for the following:

Septic Permit to \$225.00

Time of Transfer to \$300.00

Well to \$175.00

Motion by Steve Green, 2nd by John Hartkopf: to approve raising rates on July 01, 2023. Carried unanimously.

Mick Allen and Mike Baragary presented on behalf of Atlantic Golf & Country Club. Mick and Mike sought the boards approval on pumping water out of the East Nishnabotna to water the golf course. Bernard Pettinger motioned, 2nd by Steve Green to approve this action on the grounds that the proper permits were applied for and the approval of the Iowa DNR was granted. Carried unanimously.

Motion by Steve Green, 2nd by John Hartkopf: to approve the application for a Class C Liquor License with Outdoor & Sunday Service privilege of Bluebird Hill, LLC (56741 655th St). Carried unanimously.

Motion by Bernard Pettinger, 2nd by Steve Green: to approve the request of the Cass Co. Child Abuse Prevention Council, that the month of April be proclaimed child abuse awareness month.

County Engineer reviewed current road projects and discussed the delays of buying equipment, such as motor graters and dump trucks, due to the supply chain issues.

Motion by Mark O'Brien, 2nd by Bernard Pettinger: to approve resolution No. 2022-12 Supervisor Districts and Election Precincts for Cass County, Iowa.

RESOLUTION NO 2022-12

RESOLUTION APPROVING SUPERVISOR DISTRICTS AND ELECTION PRECINCTS

A resolution by Cass County to approve the Supervisor Districts and Election Precincts as imposed and approved by the Secretary of State and the Legislative Services Agency pursuant to Iowa Code Section 331.210A

WHEREAS, the Secretary of State and the Legislative Services Agency developed a Redistricting Plan and Report and presented the same to the Cass County Board of Supervisors, and

WHEREAS, the Cass County Board of Supervisors approved of said Redistricting Plan and Report pursuant to Cass County Ordinance No. 19-2022; and

WHEREAS, the State Commissioner of Elections and the Legislative Services Agency imposed said Precinct Redistricting Plan and Report to the Cass County Board Of Supervisors;

WHEREAS, the Legislative Services Agency submitted the following Supervisor Redistricting Plan 3 as follows:

District 1- Precinct 1 (Atlantic Ward 1); Precinct 8 (Brighton Township, Grove Township, Pymosa Township, Washington Township and the City of Marne and excluding that portion of the City of Atlantic which lies within those townships)

District 2- Precinct 2 (Atlantic Ward 2); Precinct 3 (Atlantic Ward 3)

District 3- Precinct 4 (Atlantic Ward 4); Precinct 5 (Atlantic Ward 5)

District 4- Precinct 6 (Bear Grove Township, Cass Township, and the City of Lewis); Precinct 9 (Noble Township, Pleasant Township, and the City of Griswold); Precinct 11 (Edna Township, Victoria Township, Easterly portion of Massena Township: That part of Massena Township North of Newport Road and East of 730th Street and North of Quincy Road, and that part South of Quincy Road and East of 740th Street, and that part South of Richland Road and East of 750th Street)

District 5- Precinct 7 (Benton Township, Franklin Township, Grant Township, Lincoln Township, City of Anita and the City of Wiota); Precinct 10 (Union Township and the City of Cumberland); Precinct 12 (Westerly portion of Massena Township: That part of Massena Township South of Newport Road and West of 730th Street and North of Quincy Road, and that part South of Quincy Road and West of 740th Street, and that part South of Richland Road and West of 750th Street, and the City of Massena)

NOW, THEREFORE, BE IT RESOLVED, that the Cass County Board of Supervisors declares said Redistricting Plan and Report approved and final; and

BE IT FURTHER RESOLVED, that the Cass County Board of Supervisors directs the Cass County Auditor to publish notice of the changes in the newspaper of general circulation once each week for three consecutive weeks no later than 30 days before the next general election in accordance with the Iowa Code Section 49.11. **HEREBY RESOLVED** by the Cass County Board of Supervisors this 22nd of March, 2022.

Adopted this 22 day of March, 2022.

Roll Call Vote:

Baier	Aye
Pettinger	Aye
Green	Aye
Hartkopf	Aye
O'Brien	Aye

Resolution Adopted.

Motion by John Hartkopf, 2nd by Steve Green: to approve Resolution approving and authorizing execution of a Development Agreement by and between Cass County and KLC Comes, LLC d/b/a Bluebird Hill Event Venue.

RESOLUTION NO. 2022-13

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN CASS COUNTY AND KLC COMES, LLC D/B/A BLUEBIRD HILL EVENT VENUE

WHEREAS, Iowa Code Chapter 15A authorizes counties to make loans and grants for economic development, and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter; and

WHEREAS, the County has received a proposal from KLC Comes, LLC d/b/a Bluebird Hill Event Venue (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement) consisting of the construction of an 8,500 square foot building, together with all related site improvements, on certain real property located within the County as defined and legally described in the Agreement (the "Development Property"), and thereafter the Developer would operate its business on the Development Property, including hiring and retaining employees, as outlined in the proposed Agreement (the "Project"); and

WHEREAS, the Agreement further proposes that the County will make up to two (2) consecutive annual payments of Economic Development Grants to Developer consisting of a declining percentage of the County-Only Property Taxes generated by the construction of the Minimum Improvements, the cumulative total for all such payments not to exceed the amount accrued under the formula outlined in the proposed Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, Iowa Code Chapter 15A authorizes counties to make grants for economic development and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Agreement is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapter 15A of the Iowa Code taking into account any or all of the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes, or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, this Board believes 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 CASS COUNTY IN THE STATE OF IOWA: That the performance by the County of its obligations under the Agreement, including but not limited to making of grants to the Developer in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapter 15A of the Iowa Code, taking into account the factors set forth therein.

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, and that from and after the execution and delivery 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 22nd day of March, 2022.

Roll Call Vote:

Baier	Aye
Pettinger	Aye
Green	Aye
Hartkopf	Aye
O'Brien	Aye

Resolution Adopted.

Committee reports:

John Hartkopf: CADCO

Steve Green: Public Safety, ISAC

Steve Baier: Juvenile Detention

Mark O'Brien: ARPA

Mike Kennon reported that this week is Severe Weather Awareness Week and that either on 3/23 or 3/24, there will be a county wide Tornado Drill.

Sheri Karns acknowledged Department Heads who have served 20 years or more of service in Government.

Reports filed:

TIME 10:54 a.m. Motion by Mark O'Brien, 2nd by Bernard Pettinger: to adjourn.
Meeting adjourned. Next meeting March 31, 2022.