

Minutes of the Marion County Zoning Commission Meeting
January 16, 2024

The Marion County Zoning Commission met on January 16, 2024, at 5:00p.m., 3014 East Main St., the Marion County Office Building.

The members present were Leslie Miller, Sarah Treft, and Joe Cunningham. Keith Davis and Sandy Agan were absent from the meeting.

The public members present were Steven Meinders, Ron Kaldenberg, Kevin Van Haften, Joann and Jim Schroder.

Poffenbarger called the meeting to order, until a vote could be taken on the Chair and Vice-Chair for 2024, as this was the first meeting of the year.

Miller made a motion for Davis to serve as chair and Cunningham seconded the motion. With Miller making a motion nomination cease and Cunningham seconded the motion; all were in favor.

Miller made a motion for Davis to be chair with Cunningham seconding that motion. A vote was taken for to Davis be the chair for 2024.

Miller aye
Treft aye
Cunningham aye

Cunningham made a motion for Miller to serve as vice-chair and Treft seconded the motion. With Cunningham making a motion nomination cease and Treft seconded the motion; all were in favor.

Cunningham made a motion for Miller to be vice-chair with Treft seconding that motion. A vote was taken for to Miller be the vice-chair for 2024.

Miller aye
Treft aye
Cunningham aye

In the absence of Davis, Vice-Chair Miller took over the meeting.

The November 21, 2023, minutes were presented for approval. Vice-Chair Miller called for a motion for approval. Cunningham made a motion to approve, Treft seconded the motion. A roll call vote was taken.

Miller aye
Treft aye
Cunningham aye

The next agenda item was regarding a Zoning Map correction of Parcel 2240900500, 2259901000, and 225602000 owned by Two Rivers Coop. The acquisition of railroad right-of-way described as: All those parts of the vacated railroad right-of-way lying south of the south right-of-way line of Main Street and north of a

line drawn perpendicular to the railroad and lying 60 feet southeasterly of the south right-of-way line of Washington Street.

Poffenbarger explained through the discovery process for the public hearing it was found that surveys of the roads currently on property owned by Two Rivers Coop and maintained by Marion County had never formally been accepted by Marion County. Poffenbarger explained since the public hearing notice was published any public present would be allowed to speak. Only roads owned completely by Two Rivers Coop were surveyed: Boston Avenue, Union Street, and Main Street. There is no record of Keystone Street being surveyed. Keystone Street includes more owners than Two Rivers Coop.

First property owner to speak was Jim Schroder. His concern is that all current roads being maintained by Marion County would continue to be maintained by Marion County.

Kevin Van Haaften spoke of his parcel. The Parcel is 2255300000 and is .145 acres. Van Haaften voiced the concerns he has regarding how much of his property would be taken by road right-of-way. Van Haaften also has concerns about property lines. Poffenbarger explained that is not a zoning question and if property owners dispute the surveys done by Garden and Associates, they can hire another surveyor. Poffenbarger encouraged Van Haaften to contact the Marion County Road Department regarding his right-of-way concerns.

Steven Meinders has questions regarding the property lines defined after the railroad right-of-way was abandoned. Stated it seems to vary from what was presumed to be the property lines when the railroad was in operation.

Poffenbarger recommends all property owners review their abstracts for references to the right-of-way.

Ron Kaldenberg stated there are many survey discrepancies in Otley. Poffenbarger again stated it may be in the property owners' best interest to get their own survey.

All property owners present want all roads currently maintained by the Marion County Road Department continue to be maintained as such. Poffenbarger explained all involved will need to continue to work on a resolution to the situation.

Until formal action is taken no zoning action can be taken. Property owners will be notified when the petition is ready to move forward.

Miller called for a motion to close the public hearing. Treft made the motion and Cunningham seconded the motion. A roll call vote was taken.

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| Miller | aye |
| Treft | aye |
| Cunningham | aye |

A draft of updated Zoning Commission by-laws was submitted to the Commission for review. Poffenbarger explained typos, neutral language, meeting location and other minor changes were made. Miller found a conflict in the language; Article V, Section 2 states notifications must be received by neighboring property owners at least 3 days prior to meetings. All ordinance updates reference 10 days. Cunningham made a

motion to approve the by-laws with the noted amendment to Article V, Section 2 be changed to 10 days. Treft seconded the motion. A roll call vote was taken.

Miller aye
Treft aye
Cunningham aye

A discussion began about the materials sent to the Commission from Iowa State University. Two of the articles included were a checklist for Conflict of Interest. Poffenbarger explained it is always important to review and apply the checklist when packets are sent out and notify the Zoning Department immediately if they believe they have a conflict of interest on a petition. Members would be asked to step out of the room for that petition.

Roles and Responsibilities – Planning Commission was briefly discussed and the important role the Commission has within the County.

Poffenbarger recommends members place these articles, especially the checklist for conflicts, in their book.

Poffenbarger also explained if there is other topics or workshops they would like to discuss please let the office know.

Miller called for adjournment of the meeting. Cunningham made the motion and Treft seconded the motion. Meeting adjourned at 6:15p.m.

Minutes by Melissa Poffenbarger and Karie Ellwanger.