

**MINUTES OF THE FORMAL MEETING OF THE JOHNSON COUNTY BOARD
OF SUPERVISORS:
OCTOBER 13, 2011**

Chairperson Harney called the Johnson County Board of Supervisors to order in the Johnson County Administration Building at 5:30 p.m. Members present were: Pat Harney, Terrence Neuzil, Janelle Rettig, Sally Stutsman, and Rod Sullivan.

Unless otherwise noted, all actions were taken unanimously.

Motion by Stutsman, second by Sullivan, to approve the claims on the Auditor's Claim Register, as approved by a majority of the Supervisors.

Motion by Neuzil, second by Rettig, to approve the minutes of the formal meetings of October 6, 2011, and October 7, 2011.

Motion by Sullivan, second by Stutsman, to approve the payroll authorizations submitted by department heads, as approved by a majority of the Supervisors.

Motion by Sullivan, second by Stutsman, to place on file the Clerk's Report of Fees Collected for the month of September 2011, in the amount of \$15,479.20, as submitted by Clerk of District Court Lodema Berkley.

Motion by Rettig, second by Sullivan, to accept the County Auditor's Quarterly Report of Fees Collected for the quarter ending September 30, 2011, in the amount of \$2,656.30, as submitted by County Auditor Tom Slockett.

Motion by Rettig, second by Sullivan, to receive the American Federation of State, County and Municipal Employees (AFSCME) Local 183 collective bargaining proposals for 2012-2013 with Johnson County for Ambulance, SEATS, Social Services and Mental Health/Disability Services Units.

Motion by Stutsman, second by Neuzil, to set the public hearing for the FY 2012 Johnson County Budget Fall Amendment for Thursday, November 3, 2011, at 9:00 a.m. and authorize the Auditor's Office to publish the budget amendment public hearing notice.

Convened **Public Hearing on Rezoning Application 16846** at 5:37 p.m.

Rezoning Application 16846 of Dale and Audrey Miller and Russell and Janice Miller, requesting the rezoning of Lot 1 of Buds Third Subdivision, containing 2.24 acres, from CH – Highway Commercial to ML – Light Industrial and Auditor's Parcel 2011062, containing 0.93, acres from A-Agricultural to ML-Light Industrial of certain property described being located in the S 1/2 of the SE 1/4 of Section 12, Township 78 North, Range 8 West of the 5th P.M. in Johnson County, Iowa. This property is located

on the north side of 500th Street SW, approximately 1470 feet west of its intersection with Iowa State Highway 1 SW in Washington Township.

Stanley, Lande & Hunter Lawyer Charles Coulter spoke for the application on behalf of the Millers.

Closed **Public Hearing** at 5:41 p.m.

Motion by Neuzil, second by Sullivan, to waive the requirement of three considerations before amending An Ordinance Amending the Johnson County Unified Development Ordinance by Changing the Classification of Certain Property from CH-Highway Commercial to ML-Light Industrial and A-Agricultural to ML-Light Industrial and to approve Zoning Application 16846 on first and second consideration. Roll call: aye: Harney, Neuzil, Stutsman, Sullivan, Rettig.

Convened **Public Hearing on Rezoning Application 16847** at 5:42 p.m.

Rezoning Application 16847 of Donald and Margie Sims signed by Sandy Steil, MMS Consultants, requesting the rezoning of .28 acres from R-Residential to A-Agricultural of certain property described as being in the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4 of Section 15, Township 81 North, Range 7 West of the 5th p.m. in Johnson County, Iowa. This property is located at end of Cedar Tree Court NE in Jefferson Township.

Sullivan asked if this road is off of Curtis Bridge Road. Assistant Planning and Zoning Administrator R.J. Moore said yes. Sullivan asked if that area of the road is essentially closed due to County road performance standards. Moore said no; Curtis Bridge Road is paved. The road needs improvements, but the road performance standards do not address that. Sullivan said the 40 acres could be developed in different ways. Moore said that is possible.

MMS Consultants Land Surveyor Mark Stein was present to answer questions.

Closed **Public Hearing** at 5:46 p.m.

Motion by Sullivan, second by Stutsman, to waive the requirement of three considerations before amending An Ordinance Amending the Johnson County Unified Development Ordinance by Changing the Classification of Certain Property from R – Residential to A- Agricultural and to approve Zoning Application 16847 on first and second consideration. Roll call: aye: Harney, Neuzil, Stutsman, Sullivan, Rettig.

Convened **Public Hearing on Rezoning Application 16848** at 5:47 p.m.

Rezoning Application 16848 of Ron Prokop signed by Thomas Anthony, Shoemaker-Haaland Engineers, requesting rezoning of 4.68 acres from A-Agricultural to P-Public and 4.56 acres from A –Agricultural to R5-Residential and 1.03 acres from R-

Residential to P-Public and, 0.18 acres from R-Residential to A-Agricultural and 0.69 acres from R-Residential to R5-Residential of certain property described as being in the NW 1/4 of the NE 1/4 of Section 12, Township 81 North, Range 7 West of the 5th p.m. in Johnson County, Iowa. This property is located on the south side of 120th Street NE approximately 2300 feet east of its intersection with Hickory Hollow Road NE in Jefferson Township.

Moore said the City of Shueyville has recommended approval of this rezoning. Harney said this rezoning would combine the Swisher and Solon Sheds into one Secondary Roads Maintenance Shed.

Johnson County Resident Mary Jo Meggers spoke about the application.

Closed **Public Hearing** at 5:54 p.m.

Motion by Stutsman, second by Rettig, to waive the requirement of three considerations before amending An Ordinance Amending The Johnson County Unified Development Ordinance by Changing the Classification of Certain Property from A–Agricultural to P-Public, A-Agricultural to R5-Residential, R-Residential to P-Public, R-Residential to A–Agricultural, and R–Residential to R5-Residential and to approve Zoning Application 16848 on first and second consideration. Roll call: aye: Harney, Neuzil, Stutsman, Sullivan, Rettig.

Convened **Public Hearing on Subdivision Application 16851** at 5:54 p.m.

Subdivision Application 16851 of Pioneer Oaks, Inc. signed by Robert Adams, requesting preliminary and final plat approval of Adams Acres Subdivision, a subdivision described as being located in the N 1/2 of the SE 1/4 of Section 36, Township 81 North, Range 6 West of the 5th p.m. in Johnson County, Iowa. This is a 2 lot subdivision containing 1 farmstead split lot and 1 agricultural outlot of 7.32 acres located on the south side of 210th Street NE approximately 1000 feet west of its intersection with State Highway 1 NE in Big Grove Township.

MMS Consultants Land Surveyor Mark Stein was present to answer questions.

Sullivan asked what the purpose of this outlot is. Stein said if there was not a five-acre rule, the subdivision would not necessarily need this outlot. No farm land is being taken out of production; this outlot is seven acres of trees and buildings. Sullivan said the reason behind the five-acre rule is to avoid having seven acre lots, and that is essentially what has been created here.

Rettig said the Board needs to revisit the rules in order to prevent eight or nine acre estates from being built. Neuzil said this application meets all of the requirements in terms of rules and regulations. Sullivan said he prefers developers voluntarily follow the five-acre rule and not push the limit. Harney asked if the outlot abuts Highway 1. Stein said the property is a quarter or half mile from Highway 1.

Closed **Public Hearing** at 6:01 p.m.

Stutsman asked if the applicant is aware they will be paying residential taxes on the seven acres.

RESOLUTION 10-13-11-Z1
RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF ADAMS ACRES SUBDIVISION

Whereas, the owner has filed application 16851 for approval of a preliminary and final plat of Adams Acres Subdivision, and

Whereas, the County Zoning Commission, having studied said application recommends that the plat be approved.

Now, Therefore, be it Resolved by the Board of Supervisors of Johnson County, Iowa:

1. That said plat be approved.
2. That the Chairperson be directed to sign said plat and Subdivider's Agreement.
3. This Resolution requires the recording of the following documents: A. Resolution & Documents: Owner's Certificate, Attorney Title Opinion, Certificate of County Auditor, Certificate of Treasurer, Subdividers' Agreement, Covenant Concerning Fences, Easement for Public Highway, Access Easement Agreement, Resolution Affirming the Stability of the Current Road System; B. Subdivision Plat (5); C. Acquisition Plat (5).

Motion by Stutsman, second by Neuzil, to approve Resolution 10-13-11-Z1. Roll call: aye: Harney, Neuzil, Rettig, Stutsman; nay: Sullivan.

Convened **Public Hearing on Subdivision Application 16852** at 6:02 p.m.

Subdivision Application 16852 of Ron Prokop, requesting preliminary and final plat approval of Prokop Addition, a subdivision described as being located in the NW 1/4 of the NE 1/4 of Section 12, Township 81 North, Range 7 West of the 5th p.m. in Johnson County, Iowa. This is a 3 Lot Residential and Public Subdivision with 2 buildable lots and 1 outlot consisting of 21.55 located on the south side of 120th Street NE approximately 2300 feet east of its intersection with Hickory Hollow Road NE in Jefferson Township.

Busard said Planning and Zoning recommends deferring this application until Zoning Application 16848 has been approved.

No one from the public spoke.

Motion by Sullivan, second by Rettig, to continue the public hearing and defer consideration on Subdivision Application 16852 to October 20, 2011 at 9:00 a.m.

RESOLUTION 10-13-11-Z2

Whereas the Johnson County Planning and Zoning Commission, following a public hearing on October 10, 2011 filed its report and recommendations for certain actions;

Now, Therefore, be it Resolved as follows:

1. A public hearing in accordance with Section 335.6 of the Iowa Code is set for November 10, 2011, at 5:30 p.m. in the Board Room, Johnson County Administration Building, 913 South Dubuque Street, Iowa City, Iowa, on the following platting application: DeKalb Feeds (16850).

2. That the Johnson County Auditor be authorized to publish the official notice of above public hearing.

Motion by Neuzil, second by Rettig, to approve Resolution 10-13-11-Z2.

Motion by Rettig, second by Sullivan, to submit an Iowa ARRA State Energy Program grant application for LED lights.

ORDINANCE 10-13-11-01

AN ORDINANCE ESTABLISHING VOTING PRECINCTS IN JOHNSON COUNTY

Section I. Purpose. The purpose of this ordinance is to establish the voting precincts in Johnson County.

Section II. Precinct and description.

Big Grove	Big Grove Township, excluding the City of Solon.
Cedar	Cedar Township.
Clear Creek (includes Tiffin)	Clear Creek Township, including the City of Tiffin.
East Lucas Southeast	That portion of East Lucas Township lying southerly and easterly of the Iowa City corporate boundary, said portion lying easterly of Soccer Park Road, and including census block identified by GEOID 191030018012031.
East Lucas Southwest	That portion of East Lucas Township lying southerly and westerly of the Iowa City corporate boundary, said portion lying westerly of Soccer Park Road, and excluding census block identified by GEOID 191030018012031.
Fremont-Lincoln (includes	Fremont Township and Lincoln Township, including

Lone Tree)	the City of Lone Tree.
Graham	Graham Township.
Hardin	Hardin Township.
Hills	City of Hills, not including the portion of West Lucas Township and the portion of Liberty Township de-annexed by the City of Hills as filed with the Iowa Secretary of State's office on May 20, 2010.
Jefferson East (includes Shueyville)	That portion of Jefferson Township that is east of Interstate 380, including the City of Shueyville, and including that portion of Shueyville lying westerly of Interstate 380.
Jefferson West-Monroe (includes Swisher)	Monroe Township and that portion of Jefferson Township that is west of Interstate 380, except that portion of Shueyville lying westerly of Interstate 380, and including the City of Swisher.
Liberty-Pleasant Valley	Pleasant Valley Township and Liberty Township, including the portion of Liberty Township de-annexed by the City of Hills as filed with the Iowa Secretary of State's office on May 20, 2010 and excluding the City of Hills.
Madison (includes Clear Creek North)	Madison Township and that portion of Clear Creek Township bounded on the east, south, and west by the City of North Liberty and bounded on the north by Madison Township.
Newport	Newport Township.
Oxford (includes City and Township)	Oxford Township, including the City of Oxford.
Penn (includes East Lucas North)	Penn Township, except that portion bounded on all sides by the City of North Liberty, and that portion of East Lucas Township lying north of the Iowa City corporate boundary.
Penn West	That portion of Penn Township bounded on all sides by the City of North Liberty.
Scott (includes portion of West Branch)	Scott Township, including that portion of the City of West Branch lying within Johnson County.
Sharon	Sharon Township.
Solon	City of Solon.
Union	Union Township.
University Heights	City of University Heights.
Washington	Washington Township.
West Lucas	West Lucas Township, including the portion of said township de-annexed by the City of Hills as filed with the Iowa Secretary of State's office on May 20, 2010.

Section III. Repealer. This ordinance repeals Ordinance 09-15-11-01. Additionally, all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid, illegal or unconstitutional.

Section V. Effective Date. This ordinance shall be in effect January 15, 2012, after its passage and publication as part of the proceedings of the Board of Supervisors.

On October 6, 2011, **motion** by Neuzil, second by Rettig, to waive the requirement of three considerations before amending An Ordinance Establishing Voting Precincts in Johnson County, Iowa, on first and second consideration. Roll call: aye: Harney, Neuzil, Stutsman, Sullivan, Rettig.

Motion by Neuzil, second by Stutsman, to approve An Ordinance Establishing Voting Precincts in Johnson County, Iowa, on final consideration and to approve Ordinance 10-13-11-01. Roll call: aye: Harney, Neuzil, Stutsman, Sullivan, Rettig.

Motion by Sullivan, second by Stutsman, to approve the Iowa Department of Economic Development Community Development Block Grant Program Contract Amendment.

Adjourned to Informal Meeting at 6:20 p.m.
/s/Pat Harney, Chair, Board of Supervisors

Attest: Tom Slockett, Auditor
By Nancy Tomkovicz, Recording Secretary