

**THE MINUTES OF THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS  
MONDAY, OCTOBER 26, 2009**

Board met as preadjourned. Board members present Kuhse, Campbell, and Burke. All members voting "AYE" unless noted.

09.315-Motion by Campbell and second by Kuhse to approve agenda and minutes of October 19, 2009. Motion carried.

Mary Jane White and Brian Ridenour present.

White informed the Board she had new information on pending litigation and asked the Board to go into closed session.

09.316-Motion by Campbell and second by Kuhse to go into closed session at 8:05 a.m. per Iowa Code 21.5(c), pending litigation. Campbell-AYE, Kuhse-AYE, Burke-AYE. Motion carried.

09.317-Motion by Campbell and second by Kuhse to go out of closed session at 8:50 a.m. Campbell-AYE, Kuhse-AYE, Burke-AYE. Motion carried.

09.318-Motion by Campbell and second by Kuhse to authorize County Attorney White and EMC Insurance legal rep, Natalie Burriss, to answer the papers received in the Nelson Brothers case with denial due to lack of information and go into discovery mode to research this more. Motion carried.

Ridenour updated the Board on the Great River Rd project and also on the MRT bike trail.

09.319-Motion by Kuhse and second by Campbell to approve Resolution for Temporary Road Closure on Hickory Creek Road retroactive to October 19, 2009. Motion carried.

**RESOLUTION**

WHEREAS, the Code of Iowa, Chapter 306, Section 41, authorized the temporary closure of sections of highway for construction and, WHEREAS, it is desirable to perform construction and/or maintenance on the below listed road in Allamakee County: 1. Project #L-FEMA(1)-73-03: A portion Hickory Creek Road beginning at the intersection of Volney Road (X26) and running westerly through NW1/4 NW1/4 Section 24 and the NE1/4 NE1/4 Section 23-T96N-R5W. The above described road will be temporarily closed during the period of construction and/or maintenance effective October 19, 2009 and barricades will be placed at each end of the section of roadway with signs stating "ROAD CLOSED". This resolution does not prohibit or deny any person from gaining lawful access to his or her property or residence along said county right-of-way. Dated this 26<sup>th</sup> day of October, 2009. Lennie Burke, Chairperson; Kathy Campbell, Member; Cloy Kuhse, Member; ATTEST: Pam Benjegerdes, Auditor

Kim Waters present.

Waters presented the Case Management Annual Assessment report and also informed the Board on upcoming procedures/projects.

09.320-Motion by Campbell and second by Kuhse to accept & place on file the Case Management Annual Assessment. Motion carried.

09.321-Motion by Campbell and second by Kuhse to appoint Nancy Walleser to the Board of Adjustment to finish out Jim Kruse's term. Motion carried.

09.322-Motion by Campbell and second by Kuhse to accept and place on file the Manure Management Plan Annual Update for Link I & Link II. Motion carried.

09.323-Motion by Campbell and second by Kuhse to approve the Resolution of the Final Subdivision Plat of Erma Jean Swenson. Motion carried.

Discussion took place on the new IRS regulations in effect January 2010 for the Employee Retirement Plan. Burke wonders if we can have two administrators for this. Campbell says maybe we should let the employees decide who to go with. Burke asked Auditor to send the questions from Jason Knox on to Arne Beneke for his reply.

Board will reconvene at 6:00 p.m. for the Zoning Ordinance & Subdivision Regulations Public Hearing.

Attest: Pam Benjegerdes, Allamakee County Auditor

Board reconvened at 6:00 p.m. Board members present Kuhse, Campbell, and Burke.

Many members of the public and courthouse employees present.

Burke asked the public if anyone had not heard the changes read at the Planning and Zoning meeting held at 4:30 P.M. There were some that had not.

09.324-Motion by Campbell and second by Kuhse to open the public hearing on the Zoning Ordinance and Subdivision Regulations. Motion carried.

Burke read the changes to the Zoning Ordinance and Subdivision Regulations stating what had changed in them.

Errors were pointed out in Section 702.2 that minor subdivisions should be changed to major subdivisions and minor agricultural subdivisions should be stricken and in Section 401.2(10) fee should be changed to feet.

Comments were heard from the public

09.325-Motion by Campbell and second by Kuhse to close the public hearing on the Zoning Ordinance and Subdivision Regulations. Motion carried.

09.326-Motion by Campbell and second by Kuhse to set the first reading of the amendments to the Zoning Ordinance and Subdivision Regulations for November 2<sup>nd</sup>, 2009 at 10:00 A.M., the second reading of the amendments to the Zoning Ordinance and Subdivision Regulations for November 9<sup>th</sup>, 2009 at 10:00 A.M, and the third reading of the amendments to the Zoning Ordinance and Subdivision Regulations for November 16<sup>th</sup>, 2009 at 10:00 A.M. Motion carried.

Board adjourned to meet on Monday, November 2<sup>nd</sup>, 2009 at 8:45 a.m. Allamakee County Board of Supervisors. Lennie Burke, Chairperson ATTEST: Christine M. Gavin, Allamakee County Deputy Auditor