

**THE MINUTES OF THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS
MONDAY, OCTOBER 12, 2009**

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

09.294-Motion by Campbell and second by Kuhse to approve agenda with correction of minutes dates to read October 5th & 6th instead of 6th & 7th and to approve the minutes of October 5th and approve minutes of October 6th, with the correction of Zoning Administrator starting salary to \$34,500 instead of \$34,000. Motion carried.

Board audited claims on file, disallowing claim #90921, #90914, and #90934.

Dale Reiser, Jeannie Carroll, Karen Pratte, John Smola, Mary Jane White, Tom Blake, and Chris Gavin present.

09.295-Motion by Campbell and second by Kuhse to hire Thomas Blake as Zoning Administrator starting today, October 12, 2009 and salary of \$34,500. Motion carried.

09.296-Motion by Campbell and second by Kuhse to appoint Jim Pladsen to serve remainder of Dale Reiser's term and Nancy Everman to serve the remainder of Shirley Schneeberger's term to the Planning & Zoning Commission. Motion carried.

09.297-Motion by Kuhse and second by Campbell to accept and place on file the Annual Updated Manure Management Plans for Glenn Griffith #2 and Mike Klinge. Motion carried.

09.298-Motion by Campbell and second by Kuhse to accept & place on file the First Judicial District Department of Corrections Services Statement of Revenues, Expenditures and Changes in Fund Balances. Motion carried.

09.299-Motion by Kuhse and second by Campbell to accept & place on file the Veterans Affairs Quarterly Report. Motion carried.

09.300-Motion by Kuhse and second by Campbell to accept & place on file the Recorder's Quarterly Report. Motion carried.

Discussion was held on the Governor's orders last Friday to cut 10% of the State budget and maybe we should be sending a memo out to the department heads as a warning that we are coming up to budget time and need to be thinking about these too.

During public comment time Dale Reiser had questions about the one acre lots throughout the county, that were in compliance with the old ordinance at the time. If something happened to the house would they be able to rebuild on that lot? White said that would fall under the "grandfather" clause and yes they would be able to rebuild a home of comparable size. Reiser would like to see the three acre lot size reconsidered. White explained a procedure and form to present to the Planning & Zoning Commission, along with the verbiage you would like included in the amendment. Burke talked about reverse setbacks and what happens to the neighboring landowners.

John Smola presented the Planning & Zoning Commission Annual Report. White & Smola suggested putting the report on the website, hard copies to the public libraries in the county, all board members, and department heads.

09.301-Motion by Campbell and second by Kuhse to accept and place on file the Planning & Zoning Commission Annual Report. Motion carried.

09.302-Motion by Campbell and second by Kuhse to approve transfers from General Basic Fund to Secondary Roads Fund of \$39,752.97 and from Rural Services Fund to Secondary Roads Fund of \$561,786.77. Motion carried.

Tim Heiderscheit and Bev Larson-Needham present.

09.304-Motion by Campbell and second by Kuhse to accept Mary Serverson's letter of resignation, effective December 31, 2009. Motion carried.

09.305-Motion by Campbell and second by Kuhse, per Sheriff Heiderscheit's recommendation, to hire Natasha Teff as part-time dispatcher per union contract and start date will be as soon as possible. Motion carried.

Campbell left at 9:20 a.m.

Arne Beneke and Melissa Beneke present.

Arne Beneke of Beneke & Associates presented a plan for the Allamakee County Employees Retirement Plan into compliance with the new IRS regulations.

Chris Dahlstrom present.

Dahlstrom had update from the Board of Health on the H1N1 in Allamakee Co. Offices in the courthouse have expressed concerns and Dahlstrom would like to put hand washing stations on the 1st & 2nd floors for public use.

Brian Ridenour present.

Ridenour gave update on Great River Rd, English Bench Watershed, and MRT trail projects.

Board broke for lunch and reconvened at 1:00 pm. Board members present Kuhse and Burke, Campbell absent. All Board members voting "AYE" unless noted.

Mary Jane White, Deb Winke, Jeanie Carroll, Karen Pratte, Chris Gavin, Tom Blake, John Smola, and Brian Ridenour present.

White presented the Amendments new text that is in place for the Zoning Ordinance. There were a couple changes after talking with Ridenour & Blake since she originally sent it out to the Board. She will make these corrections and email the final version out to everyone again. Was decided to put hard copies in the Auditor's office, Public Libraries, and to put on the County website in PDF format.

09.306-Motion by Kuhse and second by Burke to approve and sign the Resolution for Proposed Amended Text of the Allamakee County Zoning Ordinance and Subdivision Regulations.

Resolution 09.306

Proposed Amended Text of the Allamakee County Zoning Ordinance and Subdivision Regulations
BE IT RESOLVED by the Board of Supervisors of Allamakee County, Iowa: WHEREAS, the Allamakee County Attorney's office and the Interim Zoning Administrator have re-reported to this Board that it would be advantageous to the County and to the public: 1. That a proposed amended text of the Allamakee County Zoning Ordinance and Subdivision Regulations be finalized for Public Hearing on October 19, 2009, and WHEREAS, the Allamakee County Planning and Zoning Commission, the County Attorney's Office and the Interim Zoning Administrator have also recommended to this Board that it would be advantageous to the County and a convenience to the public, in addition to the legally required official notice, 2. That a proposed amended text of the Allamakee County Zoning Ordinance and Subdivision Regulations be posted on the County's existing website before Public Hearing on October 19, 2009, WHEREAS, this Board held further joint work session with the Allamakee County Planning and Zoning Commission and the E-911 Board on the 22 day of September, 2009, to receive the recommendations of those bodies with regard to a proposed amended text of the Allamakee County Zoning Ordinance and Subdivision Regulations to be presented for Public Hearing on October 19, 2009, NOW, THEREFORE, BE IT RESOLVED BY THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS: 1. That this Board adopts Attachment D hereto, which incorporated Attachments A, B and that part of Attachment C regarding new Section 116. AGRICULTURAL EXEMPTION LEGEND, and incorporates decisions made in joint the joint work session referenced above, following the County Attorney's September 5, 2009 letter regarding Access Drives and Access. 2. That, now that the matter of Access Drives and Access has been addressed the Interim Zoning Administrator, Mr. Bill Ziegler, and the newly appointed Zoning Administrator, Mr. Thomas Blake are directed to post the entire proposed amended text of the Allamakee County Zoning Ordinance and Subdivision Regulations, as specified above, on the County's existing website, and the Agenda of any meetings or public hearings regarding these amendments from time to time as the Agendas are set, and before scheduled meetings on the County's existing website. 3. It is further understood that the entire proposed amended text of the Allamakee County Zoning Ordinance and Subdivision Regulations may well be changed following the Public Hearing, in which case a further Public Hearing on such changed text will be held, unless the changes amount only to mere errata. On roll call 2 voted aye, 0 voted nay, -abstained, 1 absent. PASSED AND ADOPTED this 12th day of October, 2009. ALLAMAKEE COUNTY BOARD OF SUPERVISORS, Lennie Burke, Chairman Attest: Pam Benjegerdes, Allamakee County Auditor

Winke asked if we are going to address the three acre issue as that is one of the public's main topics when the Zoning Ordinance is discussed. Kuhse felt we can get these amendment issues taken care of then, will be able to concentrate on the other issues. Smola stated that no one has formally brought the three acre issue to the Planning & Zoning Commission in writing. White will have all the applications and forms updated so the public will know what is needed in all zoning procedures.

Ridenour asked about the Wind Generator Ordinance and where that is in the P & Z Commission. Smola says it is in their old business and waiting on some pending legislation and more research.

White had information about pending litigation and suggested the Board go into closed session per Code of Iowa, Section 21.5 (c).

09.307-Motion by Kuhse and second by Burke to go into closed session per Code of Iowa Section 21.5(c), pending litigation at 1:50 pm. Kuhse-Aye, Burke-Aye. Motion carried.

09.308-Motion by Kuhse and second by Burke to go out of closed session at 2:16 pm. Kuhse-aye, Burke-Aye. Motion carried.

09.309-Motion by Kuhse and second by Burke to accept service of papers in the Thorstenson vs Nelson Brothers suit. Motion carried.

Board adjourned to meet on Monday, October 19, 2009 at 8:45 a.m. Allamakee County Board of Supervisors. Lennie Burke, Chairperson ATTEST: Pam Benjegerdes, Auditor

