

Waterloo, Iowa April 16, 2019

The Board of Supervisors of the County of Black Hawk, in the State of Iowa, met in regular adjourned meeting at the Courthouse in Waterloo, County Seat of said County, at nine o'clock (9:00) a.m., pursuant to law, to the rules of said Board, and to adjournment. The meeting was called to order and on roll call there were present: Linda Laylin, Chris Schwartz, Dan Trelka, Craig White and Tom Little, Chair.

Absent: None.

Unless otherwise noted, all actions were approved unanimously.

Moved by Laylin, seconded by Schwartz that the AGENDA be received and place on file with the County Auditor as approved. Motion carried.

Congratulations to Cedar Falls High School for winning state championship - lot of kids were on football team that went to finals - all losses in overtime -

White moved the following resolution seconded by Trelka.

BE IT HEREBY RESOLVED by the Board of Supervisors of Black Hawk County, that the Board of Supervisors APPROVE EXPENDITURES, and that the County Auditor be authorized and directed to ISSUE CHECKS, against the various settlement of such claims as allowed:

GENERAL BASIC

18220	COLLECTION SVC CTR	oth pay	1,114.02
18221	IRS	fed pay	55,789.05
18222	SSA	fica	94,188.26
18224	CEDAR VALLEY UNITED WAY	oth pay	135.96
18228	AHLERS & COONEY	svc	4,342.76
18233	CBM MANAGED SERVICES	food	9,871.12
18234	CDW GOVERNMENT INC	prts	538.44
18235	CITY OF CEDAR FALLS	fuel	22.01
18236	COTT SYSTEMS	svc	3,300.00
18237	COURIER	publ	772.47
18238	DAN DEERY MOTOR CO INC	prts/lbr	1,585.66
18239	FAR REACH TECHNOLOGIES	svc	42.63
18240	GBM PROPERTY MGMT	rent	250.00
18241	HAUGEBAK, DOROTHY	rent	225.00
18244	KRUSE DAVID	rent	200.00
18246	MARCO INC	maint	505.65
18247	MARTIN BROS DIST CO	supl	225.58
18248	MATT PARROTT/STOREY KENWORTHY	supl	545.13
18251	MENARDS WLOO	misc	458.67
18252	PER MAR SECURITY SVCS	svc	3,848.81
18253	PLUNKETTS PEST CONTROL INC	svc	36.00
18254	RACOM CORP	svc	805.00
18255	RAY MOUNT WRECKER SVC	svc	35.00
18256	RED CEDAR PROPERTIES	rent	200.00
18257	RITE PRICE OFFICE SUPL INC	supl	927.64
18258	SANDEES LTD	supl	74.75
18259	SCHROCK PROPERTIES	rent	450.00
18260	SMITH, TRACI	mil	170.03
18261	VISITING NURSING ASSOC	svc	3,037.35
18262	WBC MECHANICAL INC	rent	721.19
18263	WEBER PAPER CO	supl	3,265.30
18264	DEWITT GABRIELLE	mil	58.38
18265	KURTENBACH, MARIANNE S	reimb	108.56
313558	AFSCME IOWA COUNCIL 61	oth pay	657.87
313559	BHC LAW ENFORCEMENT ASSOC	oth pay	482.50
313560	COMMUNITY HEALTH CHARITIES IA	oth pay	8.00
313561	IUPAT DISTRICT COUNCIL 81	oth pay	662.01
313562	LEGALSHIELD	oth pay	200.35
313564	MADISON NATL LIFE INS	ins	99.89
313565	NATIONWIDE RETIREMENT SOLUTIONS	def com	5,320.00
313566	NATIONWIDE RETIREMENT SOLUTIONS	def com	1,597.50
313568	PECU	oth pay	24,043.67
313569	RADIUS GLOBAL SOLUTIONS	oth pay	225.83

313570	TRANSWORLD SYSTEMS INC	oth pay	165.74
313571	ADVANCE AUTO PARTS	prts	4.89
313572	ADVANCED SYSTEMS INC	misc	577.55
313574	AMAZON CAPITAL SVCS INC	prts	192.99
313576	BLACK HAWK WASTE DISPOSAL	eq rent	62.72
313578	CANON FINANCIAL SVCS INC	svc	455.58
313579	CF UTILITIES	util	337.50
313580	CF UTILITIES	util	580.00
313582	CF UTILITIES	data	85.00
313584	CENTURYLINK	tel	55.05
313587	CIVICPLUS	svc	23,796.37
313588	CLAYTON CO SHERIFF	svc	700.00
313589	DEN HERDER VETERINARY HOSPITAL	svc	77.47
313590	DIGITAL OFFICE SOLUTIONS	svc	202.38
313592	EASTGATE ESTATES	rent	250.00
313593	ECOLAB CENTER	supl	872.52
313594	ELECTRICAL ENG & EQUIP CO	prts	342.44
313595	ENCORE ENERGY SVCS INC	fuel	4,435.52
313596	EVANSDALE WATER WORKS	wtr	44.52
313597	FERGUSON ENTERPRISES INC	supl	333.91
313598	FIRESTONE PAYMENT CTR	svc	580.00
313599	GALLS INC	supl	40.90
313600	GLAXOSMITHKLINE	supl	421.50
313601	GREENWAY	svc	2,831.33
313602	GREENWOOD DRUG INC	meds	32.51
313603	IOWA COUNTIES INFO TECH	educ	250.00
313604	IA DEPT OF PUBLIC HLTH	educ	200.00
313609	JOHNS AUTO BODY	svc	1,082.03
313610	KEARNS FUNERAL SVC	svc	1,000.00
313611	KEYSTONE AUTO INDUSTRIES	supl	35.08
313614	MEDIACOM	svc	137.11
313615	MID AMERICAN ENERGY	util	7,058.37
313616	MID AMERICAN ENERGY	util	60.81
313617	MID AMERICAN ENERGY	util	7,250.53
313618	MID AMERICAN ENERGY	util	6,540.02
313620	MID AMERICAN ENERGY	util	11.48
313621	MID AMERICAN ENERGY	util	115.78
313622	MID AMERICAN ENERGY	util	622.72
313623	MOTEL 6	room	90.00
313627	NICHOLS RONALD L	rent	250.00
313628	N IA JUV DETENTION SVCS	svc	3,550.00
313630	OREILLY AUTO STORES	prts	13.98
313631	OSTBY, LISA	rent	225.00
313632	PEOPLES COMMUNITY HEALTH	meds	46.45
313633	PITNEY BOWES	eq rent	777.36
313634	PROACTIVE SOLUTIONS INC	svc	1,776.84
313635	RICOH USA INC	maint	722.12
313637	SACRED HEART CHURCH	rent	150.00
313640	SHRED MASTER INC	svc	218.26
313641	SHRED-IT USA	svc	307.00
313642	SILVER EAGLE HARLEY DAVIDSON	eq lses	4,000.00
313643	SPAHN AND ROSE LUMBER CO	supl	687.39
313644	SPEE DEE DELIVERY SVC INC	svc	119.70
313645	STAPLES CREDIT PLAN	svc	279.96
313647	TEDS HOME AND HARDWARE	prts	121.39
313648	TREASURER STATE OF IA	tax	2,026.00
313649	US CELLULAR	svc	1,156.00
313651	VETERANS ADMINISTRATION	eq lse	2,180.00
313652	WASTE MGMT OF WI-MN	svc	393.08
313653	WATERFALLS CAR WASH	lbr	75.75
313654	WLOO WATER WORKS	util	122.79
313655	WLOO WATER WORKS	wtr	100.00
313657	WITHAM AUTO CTR	svc	354.43
313658	DOLAN HEATHER	food	313.00

313659	HEINEN ERIC	misc	108.15
313660	HOSTETLER, BRENDA	svc	26.00
313661	AUKES, WILLIAM	food	140.00

GENERAL SUPPLEMENTAL FUND

18221	IRS	fed pay	366.87
18222	SSA	fica	838.82
18248	MATT PARROTT/STOREY KENWORTHY	supl	6,881.30
18266	SHOWALTER, KAREN	educ	738.00
313566	NATIONWIDE RETIREMENT SOLUTIONS	def com	330.00
313583	CENTRAL IA JUVENILE DET CTR	svc	2,090.00
313607	ISAC	eq	990.00
313608	ISAC	educ	100.00
313628	N IA JUVENILE DETENTION SVCS	svc	35,643.50
313636	RYDER TRANSPORTATION SVCS	svc	506.48

COUNTY SERVICES FUND

18221	IRS	fed pay	1,607.93
18222	SSA	fica	3,062.00
18224	CEDAR VALLEY UNITED WAY	oth pay	11.54
313561	IUPAT DISTRICT COUNCIL 81	oth pay	16.28
313565	NATIONWIDE RETIREMENT SOLUTIONS	def com	152.50
313568	PECU	oth pay	12.83

RURAL BASIC FUND

18221	IRS	fed pay	4,430.46
18222	SSA	fica	7,242.46
313559	BHC LAW ENFORCEMENT ASSOC	oth pay	97.50
313565	NATIONWIDE RETIREMENT SOLUTIONS	def com	125.00
313568	PECU	oth pay	4,379.00

SECONDARY ROADS FUND

18221	IRS	fed pay	7,071.43
18222	SSA	fica	12,622.52
18224	CEDAR VALLEY UNITED WAY	oth pay	25.00
18227	ACCESS SYSTEMS	eq rpr	376.25
18229	BHC TREASURER	svc	2,790.75
18230	BLACKSTRAP INC	supl	2,701.35
18231	BMC AGGREGATES	supl	60,161.72
18235	CITY OF CEDAR FALLS	fuel	753.83
18245	KWIK TRIP INC	fuel	497.27
18248	MATT PARROTT/STOREY KENWORTHY	supl	84.66
18250	MENARDS CF	prts	277.39
18255	RAY MOUNT WRECKER SVC	svc	300.00
313564	MADISON NATL LIFE INS	ins	29.00
313565	NATIONWIDE RETIREMENT SOLUTIONS	def com	230.00
313566	NATIONWIDE RETIREMENT SOLUTIONS	def com	25.00
313567	POLK CO SHERIFF	oth pay	373.53
313568	PECU	oth pay	2,213.50
313573	AIRGAS NORTH CENTRAL	supl	33.39
313575	BENTONS READY MIXED CONCRETE INC	supl	2,558.50
313577	BROWN SUPL CO	supl	21,400.00
313581	CF UTILITIES	svc	75.00
313585	CENTURYLINK	tel	64.87
313586	CINTAS CORP	svc	28.70
313591	DONS TRUCK SALES INC	supl	610.05

313605	IA DEPT OF TRANSPORTATION	educ	480.00
313613	LA PORTE MOTOR SUPL INC	supl	110.00
313619	MID AMERICAN ENERGY	util	1,929.80
313624	MURPHY TRACTOR & EQUIP CO	prts	799.82
313625	NAPA AUTO PARTS	prts	733.86
313626	NEW CENTURY COMMUNICATIONS	eq rpr	95.00
313629	NORTHERN IOWA CONSTRUCTION	svc	2,435.00
313638	SADLER POWER TRAIN INC	prts	590.32
313646	STOKES WELDING	prts	32.00
313650	VERIZON CONNECT NWF INC	svc	755.50
313656	WAVERLY TIRE CO	eq	127.00

RECORDER'S RECORD MGT FUND

18236	COTT SYSTEMS	supl	880.62
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JAIL COMMISSARY FUND

18221	IRS	fed pay	119.28
18222	SSA	fica	230.38
18232	BOB BARKER CO INC	supl	17.20
18242	KEEFE SUPL CO	food	2,593.11
18249	MCKEE FOODS	food	57.62
313639	SAMS WHOLESALE CLUB	supl	663.66

CAPITAL IMPROVEMENT PLAN

313612	KOCH CONSTRUCTION	svc	21,528.62
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RURAL SEWER FUND

18243	KEYSTONE LABS INC	svc	90.00
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INSURANCE TRUST FUND

18223	NAVITUS HEALTH SOLUTIONS	ins	23,339.06
18226	PREFERRED ONE INS CO	ins	132,993.66
313563	MADISON NATL LIFE INS	ins	859.19

FLEXIBLE SPENDING FUND

18225	EMPLOYEE BENEFITS CORP	flx sp	547.85
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SOLID WASTE ADMIN FUND

18221	IRS	fed pay	427.73
18222	SSA	fica	651.42
313564	MADISON NATL LIFE INS	ins	26.75

EMERGENCY MANAGEMENT FUND

18221	IRS	fed pay	343.27
18222	SSA	fica	576.84
18224	CEDAR VALLEY UNITED WAY	oth pay	3.00
313565	NATIONWIDE RETIREMENT SOLUTIONS	def com	50.00
313606	IA EMERGENCY MGMT ASSOC	educ	150.00

COUNTY ASSESSOR FUND

18221	IRS	fed pay	2,154.97
18222	SSA	fica	4,270.88
18224	CEDAR VALLEY UNITED WAY	oth pay	1.00
313562	LEGALSHIELD	oth pay	57.20
313564	MADISON NATL LIFE INS	ins	25.84
313565	NATIONWIDE RETIREMENT SOLUTIONS	def com	1,445.00
313566	NATIONWIDE RETIREMENT SOLUTIONS	def com	145.00
313568	PECU	oth pay	2,364.50

AYES: Laylin, Schwartz, Trelka, White, Little.  
 NAYS: None. Resolution adopted.

Laylin moved the following resolution seconded by Schwartz.  
 BE IT HEREBY RESOLVED by the Board of Supervisors of Black Hawk County, that the Board of Supervisors APPROVE EXPENDITURES, and that Country View Care Facility be authorized and directed to ISSUE CHECKS, against the various settlements of such claims as allowed:

COUNTRY VIEW ENTERPRISE FUND

23367	CLIFTONLARSONALLEN	svc	950.00
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AYES: Laylin, Schwartz, Trelka, White, Little.  
 NAYS: None. Resolution adopted.

Schwartz presented on the March 2-5 NACo Legislative Conference. He reviewed his top issue takeaways, which were 2020 census preparation, bail reform, opportunity zones, counties against discrimination, and broadband speeds.

RECEIVE PROJECT UPDATES FROM DEPARTMENT HEADS/ELECTED OFFICIALS. County Engineer Cathy Nicholas said that gravel roads are finally starting to dry out, and soon trucks will be able to lay rock on them, but seal-coated roads are not faring well, and she may change their seal coat contractor this summer.

Superintendent of Buildings Rory Geving wished to recognize the Sing Me to Heaven Foundation for its eighth annual spring cleanup of the county cemetery on May 5. Flowers will be placed on the gravestones of children on the day before Mother's Day and removed on June 1.

Moved by White, seconded by Laylin that the MINUTES of the Board Meeting held April 9, 2019 be and are hereby approved as submitted. Motion carried.

**CONSENT AGENDA**

White moved the following RESOLUTION seconded by Laylin.

A. TO APPROVE, RECEIVE, PLACE ON FILE WITH THE COUNTY AUDITOR

1. The Board of Supervisors APPROVE INTERGOVERNMENTAL JOURNAL ENTRIES, and that the County Auditor be authorized and directed to TRANSFER monies within the various funds as submitted.

Transfer from Fund	Amount	Transfer to Fund	Amount
GENERAL - SHERIFF	54,630.00	GENERAL - CONSOLIDATED	54,630.00
GENERAL - SHERIFF	3,274.35	E911	3,274.35
GENERAL - CONSOLIDATED	2,376.96	GENERAL - MAINTENANCE	2,376.96
GENERAL - CONSERVATION	221.24	E911	221.24
SOCIAL SERVICES	1,104.77	GENERAL - MAINTENANCE	1,104.77
HEALTH INSURANCE TRUST	2,752.20	GENERAL - HEALTH	2,752.20
ASSESSOR	99.00	GENERAL - HEALTH	99.00
SOCIAL SERVICES	106.30	GENERAL - DHS	106.30
SOCIAL SERVICES	9.25	GENERAL - DHS	9.25
GENERAL - DHS	11,962.35	GENERAL - MAINTENANCE	11,962.35

2. The CERTIFICATE OF INSURANCE for B-Line Enterprises, Blacktop Service Company, and Storey Kenworthy.

B. TO RECEIVE AND PLACE ON FILE WITH THE COUNTY AUDITOR

1. The MANURE MANAGEMENT PLAN (MMP) update submitted by Irv Weber located in Barclay Township, Section Twenty-Eight (28), in Black Hawk County pursuant to 567 Iowa Administrative Code §455B.
2. The Auditor's QUARTERLY REPORT of fees collected from January 1, 2019 through March 31, 2019.

C. TO APPROVE AND DIRECT THE CHAIR TO SIGN

1. The allowable/disallowable HOMESTEAD CREDIT LIST as submitted by the County Assessor's Office, in accordance with §425.3 of the *Code of Iowa*.
2. The allowable/disallowable MILITARY SERVICE TAX EXEMPTION LIST as submitted by the County Assessor's Officer, in accordance with §426.A.14 of the *Code of Iowa*.
3. The allowable/disallowable FAMILY FARM CREDIT LIST as submitted by the County Assessor's Officer, in accordance with §426.A.14 of the *Code of Iowa*.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

**CONSENT AGENDA ENDS**

White moved the following resolution seconded by Schwartz.

BE IT HEREBY RESOLVED that the CONTRACT FOR LIBRARY SERVICES between Black Hawk County and the Board of Trustees of the public libraries in the cities of Cedar Falls, Dunkerton, Evansdale, Hudson, Janesville, LaPorte City and Waterloo at a total amount of \$150,000 for FY20 be approved and direct the Chair to sign for same.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

Laylin moved the following resolution seconded by Schwartz.

BE IT HEREBY RESOLVED that the CONTRACT between Black Hawk County and Kluesner Construction, Inc., Farley, IA for Project L7720 FY20 Crack Sealing at various locations in Black Hawk County in the total amount of \$39,613.80 (Engineers estimate: \$34,812.00) with an approximate start date: 7/1/2019, working days: 30, and liquidated damages: \$800 per day be approved and direct the Chair to sign for same and to receive and place on file the Contractor's Bond and Certificate of Insurance as recommended by Catherine Nicholas, County Engineer.

Laylin asked if this included all of the Pinecrest employee parking lot. Superintendent of Buildings Rory Geving said just the upper deck.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

White moved the following resolution seconded by Laylin.

BE IT HEREBY RESOLVED that the LOWEST REASONABLE BID received from Aspro, Inc. Waterloo, Iowa (letting held March 19, 2019 10:00 a.m.) for Contract ID 07-C007-136 (Project STBG-SWAP-C007 (136)--FG-07 and FM-C007 (152)--55-07) Cedar Wapsi Rd HMA Pavement widening and resurfacing and Marquis Rd HMA resurfacing project with a bid of \$2,871,298.95 be approved and awarded as recommended by Catherine Nicholas, County Engineer.

Nicholas said that the Iowa Department of Transportation did the bid opening, that there were three bids, which was unusual, but the other two bids were over \$3 million each.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

White moved the following resolution seconded by Schwartz.

BE IT HEREBY RESOLVED that the LOWEST REASONABLE BID received from The Shredder, Des Moines, IA, for document destruction services for the term of May 1, 2019 through June 30, 2022 with a base bid of \$2,160.00 be approved and for the chair to sign the contract, conditional to the receipt of the certificate of insurance as recommended by Rory Geving, Maintenance Superintendent.

Geving said that there would be a cost above the base bid when a department does a document purge, which happens about once a year. He said it was a three-year contract with no increase in the second and third years. He said the price is based on frequency of pickup rather than by the pound, as with the prior contract.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

White moved the following resolution seconded by Trelka.

BE IT HEREBY RESOLVED that the LOWEST REASONABLE BID received for a filter separator for the cooling tower at the Jail be approved and for the chair to sign as recommended by Rory Geving, Maintenance Superintendent.

Geving said he originally was asking the Board to approve the bid of Sys-Kool, LLC for \$8,510, but since then he found that a unit was available on E-Bay for \$4,800, including shipping, from J&J Industrial Supply. He said he researched the company and found it to be reputable.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

Schwartz moved the following resolution seconded by Laylin.

BE IT HEREBY RESOLVED that the LOWEST REASONABLE BID received from Don Gardner Construction Co., Inc., Waterloo, IA, for the Attorney's collection area expansion project in the amount of \$37,010.00 be approved and for the chair to sign the contract, conditional to the receipt of the certificate of insurance as recommended by Rory Geving, Maintenance Superintendent.

Geving said that he received three bids for the 280 square foot expansion and this was the lowest.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

Moved by Schwartz, seconded by Laylin that the PERSONNEL REQUISITION for the GIS Asset Technician effective July 1, 2019 be approved as recommended by Catherine Nicholas, County Engineer.

Nicholas said that when her department's former land surveyor resigned, they advertised for a replacement for five to six weeks and got no applications. She and her staff decided that since much of the survey work can be done in-house, they would create a new position to better address the needs of the department. She said the GIS Asset Technician position was created with

the assistance of Human Resources, that it is in the budget and that it is covered in the labor contract effective July 1, 2019. Laylin asked if it was not a cost savings for some years. Nicholas said it is hard to determine, because they will occasionally have to hire a licensed land surveyor to do monument preservation, which could cost \$10-20,000 a year. Schwartz expressed his appreciation that the Engineer's Office did a needs analysis when the opportunity presented itself. Motion carried.

Moved by White, seconded by Schwartz that the TRAVEL REQUEST submitted by Debi Bunger, Human Resources Director, be approved and direct the Chair to sign for same: \$50.00 to attend the Iowa Public Employer Labor Relations Association conference in Cedar Rapids, IA scheduled for May 3, 2019. Motion carried.

Moved by White, seconded by Laylin to direct the County Auditor to advertise for a PUBLIC HEARING/BID OPENING to be held at 9:05 a.m. on May 7, 2019 in Board Room 201 of the Black Hawk County Courthouse, 316 E. 5<sup>th</sup> Street, Waterloo, Iowa on the proposed bids to furnish and install the Gilbertville Maintenance Building in Black Hawk County. Motion carried.

At Nine-forty-two o'clock (9:42) a.m., a public hearing was held as provided by law in the Board Room 201 of the Black Hawk County Courthouse, Waterloo, Iowa at which time all interested persons could appear to file objections on the request submitted by James Bosier at 6410 N Butler Road to rezone 4.5 acres from "A" Agriculture District to "A-R" Agricultural-Residential District to allow for the construction of three new single family homes. The property is legally described as:  
*DESCRIPTION FOR REZONE #1 ("A" TO "A-R") THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER (SW FRL 1/4) OF SECTION NO.18, TOWNSHIP NO. 90 NORTH, RANGE NO. 14 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BLACK HAWK COUNTY IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER SOUTH 88°39¼' WEST A DISTANCE OF 617.6± FEET TO THE SOUTHWEST CORNER OF "HOY MINOR PLAT" DATED 09/19/2017 RECORDED IN FILE # 2018-5431 IN THE OFFICE OF THE BLACK HAWK COUNTY RECORDER; THENCE ALONG THE EASTERLY LINE OF SAID "HOY MINOR PLAT" NORTH 01°20½' WEST A DISTANCE OF 749.9± FEET TO THE NORTHEAST CORNER OF SAID "HOY MINOR PLAT", ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF SAID "HOY MINOR PLAT" SOUTH 88°37½' WEST A DISTANCE OF 270.0 FEET; THENCE NORTH 01°22½' WEST A DISTANCE OF 242.0 FEET; THENCE NORTH 88°37½' EAST A DISTANCE OF 270.0 FEET; THENCE SOUTH 01°22½' EAST A DISTANCE OF 242.0 FEET TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES. SUBJECT TO RESTRICTIONS, EASEMENTS, COVENANTS, ORDINANCES, AND LIMITED ACCESS PROVISIONS OF RECORD AND NOT OF RECORD. NOTE: THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER IS ASSUMED TO BEAR SOUTH 88°39¼' WEST FOR THIS DESCRIPTION. DESCRIPTION FOR REZONE #2 ("A" TO "AR") THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER (SW FRL 1/4) OF SECTION NO.18, TOWNSHIP NO. 90 NORTH, RANGE NO. 14 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BLACK HAWK COUNTY IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER SOUTH 88°39¼' WEST A DISTANCE OF 617.6± FEET TO THE SOUTHEAST CORNER OF "HOY MINOR PLAT" DATED 09/19/2017 RECORDED IN FILE # 2018-5431 IN THE OFFICE OF THE BLACK HAWK COUNTY RECORDER; THENCE ALONG THE EASTERLY LINE OF SAID "HOY MINOR PLAT" NORTH 01°20½' WEST A DISTANCE OF 749.9± FEET TO THE NORTHEAST CORNER OF SAID "HOY MINOR PLAT"; THENCE NORTH 01°22½' WEST A DISTANCE OF 242.0 FEET, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 88°37½' WEST A DISTANCE OF 270.0 FEET; THENCE NORTH 06°51½' WEST A DISTANCE OF 242.0 FEET; THENCE NORTH 74°42½' EAST A DISTANCE OF 168.0 FEET; THENCE SOUTH 38°54½' EAST A DISTANCE OF 213.5 FEET; THENCE SOUTH 01°22½' EAST A DISTANCE OF 112.0 FEET TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES.*

The Board of Supervisors examined proof of publication of notice and determined that the notice had been published on April 12, 2019 in the Courier in accordance with the requirements of the *Code of Iowa*.

Moved by White, seconded by Trelka to receive and place on file proof of publication of notice of public hearing. Motion carried.

Moved by White, seconded by Schwartz to waive the first reading. Motion carried.

Seth Hyberger of Planning and Zoning said the Planning and Zoning Commission voted 3-2 to deny the request, citing their concern about maintaining good farm ground and having three additional homes in the area. He said that the land adjacent to the rezone area at 10626 Mark Road was approved on September 26, 2017 for a rezoning of 4.31 acres from Agricultural to Agricultural-Residential for the construction of two new homes. He said the current applicant previously requested to rezone 8.65 acres from A to A-R to construct three new homes in the same area, and the request was denied. This request is different because the three proposed rezone sites are wooded as opposed to vacant land.

Applicant James Bosier said that he is a nature lover who wants to share the beauty of the area with others, noting that the soil is sandy, giving it a moderate Land Evaluation and Site Assessment rating of 203, so it is not great farmland, and there are already about twenty homes in the area. He said that he learned from his previous application that he should seek to rezone forested land rather than cropland. White asked about rural water. Bosier said a six-inch line comes down Butler Road, and a hydrant could be installed on it for \$4500.

Neighbor Jeane Rabune said that her father gave her enough land to build on without requiring a rezoning, and she moved to the country to live in the country, not to be part of a subdivision. She said there is already too much traffic on Mark Road, and her sister-in-law was killed walking on the road by a distracted driver.

Neighbor Jerry Roling said he enjoys country living, and that two of the three lots would impact the beauty of the view from his home, and he didn't want a precedent established.

Neighbor Christopher Tott said that he is setting up a small scale farm, which would be difficult if the property is surrounded by housing. Among other things he would be prevented from conducting controlled burns to improve the soil.

Bosier said that the property improvements would mean more tax revenue for the county, that his other options are to build a hog confinement on his property or to build houses on two 35+ acre parcels and rent them, which would be lower-value houses than would otherwise be built; and that a precedent for approving rezonings in the area has already been set, and if his request is denied he would feel discriminated against.

Laylin said all the land is considered agricultural, and Bosier's prior request was denied, and there are neighbors in opposition, so not everyone thinks that this is the best option, and she thought he could go the route of building houses on 35+ acre parcels. Schwartz said that he wants to support small scale farming as described by Tott, and wanted to know if the neighbors would prefer homes built in the open areas of the 35+ acre parcels to the wooded areas contemplated in the rezone. White said the neighbors had already expressed their views, and he didn't care about precedent, because each case is different.

Moved by White, seconded by Schwartz to close the hearing and oral and written comments were received and placed on file. Motion carried.

White moved the following resolution seconded by Laylin.

WHEREAS, a public hearing was held on April 16, 2019 at Nine-forty-two o'clock (9:42) a.m., on the request submitted by James Bosier at 6410 N Butler Road to rezone 4.5 acres from "A" Agriculture District to "A-R" Agricultural-Residential District to allow for the construction of three new single family homes, and

WHEREAS, "An Ordinance Amending Ordinance No. 36, as Amended, the Black Hawk County, Iowa, Agricultural Preservation Zoning Ordinance Adopted February 2, 1999, by adding Subsection No. 225 to Section VI (B), Rezoning Certain Property" as described on the above request submitted by James Bosier and to consider same for adoption and if adopted would be known as Ordinance no. 77-225, and

WHEREAS, §331.302(5) of the Code of Iowa allows the Board of Supervisors to suspend by majority vote the requirement to consider and vote on a proposed ordinance at two meetings of the board prior to the meeting at which it is to be fully passed, and

WHEREAS, there were no corrections to the ordinance,

NOW THEREFORE BE IT HEREBY RESOLVED that the rules requiring the Board of Supervisors to consider and vote on a proposed ordinance at two prior meetings be suspended.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

Schwartz moved the following ordinance seconded by Trelka.

WHEREAS, "An Ordinance Amending Ordinance No. 36, as Amended, the Black Hawk County, Iowa, Agricultural Preservation Zoning Ordinance Adopted February 2, 1999, by adding Subsection No. 225 To Section VI (B), Rezoning Certain Property" as described on the above request submitted by James Bosier and to consider same for adoption and if adopted would be known as Ordinance No. 77-225, and

WHEREAS, pursuant to §331.302(5) of the Code of Iowa, the Board of Supervisors has suspended by majority vote the requirement to consider and vote on a proposed ordinance at two meetings of the board prior to the meeting at which it is to be finally passed, and

NOW THEREFORE BE IT HEREBY RESOLVED that the same is hereby zoned acres from "A" Agriculture District to "A-R" Agricultural-Residential District, and the ordinance is hereby adopted and known as Ordinance No. 77-225.

Because the Planning and Zoning Commission voted against the rezoning, a supermajority of four votes was needed for the Board of Supervisors to approve the ordinance.

AYES: Schwartz.

NAYS: Laylin, Trelka, White, Little. Ordinance failed.

At ten-twenty-five o'clock (10:25) a.m., a public hearing was held as provided by law in the Board Room 201 of the Black Hawk County Courthouse, Waterloo, Iowa at which time all interested persons could appear to file objections on the request submitted by Shawn and Melissa Koenen at 6114 Ford Road to rezone 4.95 acres from "A" Agriculture District to "A-R" Agricultural-Residential District to allow for the construction of three new single family homes. The property is legally described as: *BEGINNING AT THE SOUTHWEST CORNER OF AFORESAID SOUTHWEST QUARTER (SW 1/4); THENCE N00°44'59"W THREE HUNDRED EIGHTY AND EIGHTY-NINE HUNDREDTHS (380.89) FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4); THENCE N89°16'14"E TWO HUNDRED THIRTY-NINE AND NINETY-NINE HUNDREDTHS (239.99) FEET; THENCE S00°44'59"E THREE HUNDRED EIGHTY AND EIGHTY-NINE HUNDREDTHS (380.89) FEET TO THE SOUTH LINE OF AFORESAID SOUTHWEST QUARTER (SW 1/4); THENCE S89°16'14"W TWO HUNDRED THIRTY-NINE AND NINETY-NINE HUNDREDTHS (239.99) FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING CONTAINING 2.10 ACRES. THAT PART OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP NINETY NORTH (T90N), RANGE FOURTEEN WEST (R14W) OF THE FIFTH PRINCIPALMERIDIAN, BLACK HAWK COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID SOUTHWEST QUARTER (SW 1/4); THENCE N00°44'59"W THREE HUNDRED EIGHTY AND EIGHTY-NINE HUNDREDTHS (380.89) FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4); THENCE N89°16'14"E TWO HUNDRED THIRTY-NINE AND NINETY-NINE HUNDREDTHS (239.99) FEET TO THE POINT OF BEGINNING; THENCE CONTINUEN89°16'14"E TWO HUNDRED SIX AND NINETY-NINE HUNDREDTHS (206.99) FEET; THENCE S00°44'59"E THREE HUNDRED EIGHTY AND EIGHTY-NINE HUNDREDTHS (380.89) FEET TO THE SOUTH LINE OF AFORESAID SOUTHWEST QUARTER (SW 1/4); THENCE S89°16'14"W E TWO HUNDRED SIX AND NINETY-NINE HUNDREDTHS (206.99) FEET ALONG SAID SOUTH LINE; THENCE N00°44'59"W THREE HUNDRED*

The Board of Supervisors examined proof of publication of notice and determined that the notice had been published on April 12, 2019 in the Courier in accordance with the requirements of the *Code of Iowa*.

Moved by White, seconded by Trelka to receive and place on file proof of publication of notice of public hearing. Motion carried.

Moved by White, seconded by Trelka to waive the first reading. Motion carried.

Seth Hyberger of Planning and Zoning said the Planning and Zoning Commission voted 3-2 to deny the request, citing their concern about maintaining good farm ground, having three additional homes in the area, and removing 20-year-old trees from a wooded area. Hyberger read an email from Dixie Anderson and Donna Hoffman that opposed the request based on the impact that residential building would have on farming and the environment.

Applicants Shawn and Melissa Koenen said the property is covered with trees and has not been farmed for 30-40 years. They want to raise grass-fed beef, which is hard to do on their forested property, and this would help them to rent or purchase ground better suited to that purpose. They know there is a large market for people wishing to move to the rural area, and they would only allow single family dwellings. They cited a precedent with the Hoy rezoning of tree-covered land.

An area resident said that she thought that an agreement existed where the prior owner got the property for free because they planted trees there, and she thought that should be checked into. Hyberger said there was nothing about that in his records, but that if the agreement was with the Natural Resources Conservation Service, Planning and Zoning wouldn't have it.

Moved by White, seconded by Trelka to close the hearing and oral and written comments were received and placed on file. Motion carried.

White moved the following resolution seconded by Laylin.

WHEREAS, a public hearing was held on April 16, 2019 at ten-twenty-five o'clock (10:25) a.m., on the request submitted by Shawn and Melissa Koenen at 6114 Ford Road to rezone 4.95 acres from "A" Agriculture District to "A-R" Agricultural-Residential District to allow for the construction of three new single family homes, and

WHEREAS, "An Ordinance Amending Ordinance No. 36, as Amended, the Black Hawk County, Iowa, Agricultural Preservation Zoning Ordinance Adopted February 2, 1999, by adding Subsection No. 226 to Section VI (B), Rezoning Certain Property" as described on the above request submitted by Shawn and Melissa Koenen and to consider same for adoption and if adopted would be known as Ordinance no. 77-226, and

WHEREAS, §331.302(5) of the Code of Iowa allows the Board of Supervisors to suspend by majority vote the requirement to consider and vote on a proposed ordinance at two meetings of the board prior to the meeting at which it is to be fully passed, and

WHEREAS, there were no corrections to the ordinance,

NOW THEREFORE BE IT HEREBY RESOLVED that the rules requiring the Board of Supervisors to consider and vote on a proposed ordinance at two prior meetings be suspended.

AYES: Laylin, Schwartz, Trelka, White, Little.

NAYS: None. Resolution adopted.

White moved the following ordinance seconded by Laylin.

WHEREAS, "An Ordinance Amending Ordinance No. 36, as Amended, the Black Hawk County, Iowa, Agricultural Preservation Zoning Ordinance Adopted February 2, 1999, by adding Subsection No. 226 To Section VI (B), Rezoning Certain Property" as described on the above request submitted by Shawn and Melissa Koenen and to consider same for adoption and if adopted would be known as Ordinance No. 77-226, and

WHEREAS, pursuant to §331.302(5) of the Code of Iowa, the Board of Supervisors has suspended by majority vote the requirement to consider and vote on a proposed ordinance at two meetings of the board prior to the meeting at which it is to be finally passed, and

NOW THEREFORE BE IT HEREBY RESOLVED that the same is hereby zoned acres from "A" Agriculture District to "A-R" Agricultural-Residential District, and the ordinance is hereby adopted and known as Ordinance No. 77-226.

Because the Planning and Zoning Commission voted against the rezoning, a supermajority of four votes was needed for the Board of Supervisors to approve the ordinance.

AYES: Schwartz, Trelka, Little.

NAYS: Laylin, White. Ordinance failed.

On motion and vote the meeting adjourned.

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Tom Little, Chair, Board of Supervisors

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Grant Veeder, County Auditor