

**JEFFERSON COUNTY BOARD OF SUPERVISORS’
PROCEEDINGS
May 4, 2009**

At 9:00 A.M., Chair Burgmeier called the regular meeting of the Board of Supervisors to order.

Board members present were: Stephen Burgmeier, Chair; Richard C. Reed, Vice-Chair; Lee Dimmitt, Supervisor.

It was moved by Reed that the minutes for the April 27, 2009 meeting be acknowledged. All “Aye”. Motion carried.

The Board met with the County Engineer.

The Board discussed the proposed courthouse parking lot renovations.

Motion was made by Reed to set the public budget amendment hearing for May 26, 2009 at 9:30 A.M. All “Aye”. Motion carried.

Reed reported on the Maasdam Barns, Courtroom restoration and Veteran’s Affairs office projects. Dimmitt reported on his Area 15 and SIRG meetings. Burgmeier reported on his Decategorization meeting.

Supervisors met with the Assistant County Attorney.

At 9:30 A.M., Chair Burgmeier opened the public hearing on the proposed subdivision ordinance and called for public comments. Comments received were as follows:

Jack Ritz asked about the change from 50 to 55 average corn suitability rating (CSR). Burgmeier stated that CSRs are going up due to the new soil survey. Fairfield Councilwoman Martha Norbeck stated that one acre might include many different CSRs, that the ordinance is oversimplified and doesn’t address the complexity. Pat Doyle stated that FEDA wants the option to grow Fairfield within two miles and urges delaying the ordinance. John Brown stated that the Fairfield Planning and Zoning would like to see the ordinance tabled. John Morrissey stated that he had concerns about the title opinions, that he would not look for CSR type regulations in a subdivision ordinance and would like to see the Board take more time to work through the ordinance. Glasgow Road area

developer who owns 650 acres believes that the current ordinance is working and wants to know why it is being changed. Joe Millane has observed good ground that can never be farmed again once covered with buildings. Brandon Nelson asked about the process for rebutting the presumption that a tract should be preserved for agricultural use. Fairfield Mayor Ed Malloy stated that extraterritorial issues impact Fairfield's growth and expansion and asked for a 60-day extension on the conversation to process a response. John Morrissey stated that in 1999 the city of Fairfield respected ag zones in creating an extraterritorial map. Steve Ulicny stated that CSR is too arbitrary as it only applies to corn. Joe Ledger stated that the Supervisors began this process 6-7 months ago and that it is time to make a decision. Tom Makeig reviewed case law and doesn't believe it is legal for the Board of Supervisors to zone within a subdivision ordinance. He stated that the Iowa Legislation permits the Board to zone, but they need a zoning commission and Board of Adjustment and the Iowa courts have been liberal in allowing the Supervisors to zone, but it needs to be within a zoning ordinance. Makeig believes this to be zoning without checks and balances and requests more time to determine the legality through an attorney general's opinion. Bob Palm stated that the CSR was changed from 50 to 55 in the revised ordinance. Amy Greenfield stated that the Abundance Ecovillage development has ag and housing and has kept contractors busy fulltime for three years. Ordinance should encourage this type of subdivision as well. John Morrissey stated that his comments were not intended as a last-minute snub, but as a part of the process as the Board worked toward ultimately developing their subdivision law. Bob Palm stated that the zoning proposal of the past went "over board", but this ordinance is to protect ag land. Palm also stated that CSR is how land is valued and that the city needs to protect its 2-mile radius. David Thompson stated that you are talking ag land and the decision needs to be made with discretion. A 27-year soil employee stated that if land is protected, then there is no progress so farmers must accept it. Brandon Nelson said that property owner's fundamental right to sell land should be protected. Kaska stated that we should save the best land in the world for farming. Steve Ulicny stated that CSR above 55 would restrict subdivisions. Dave Thompson said that it was time to make a decision.

It was moved by Reed to close the public hearing. All "Aye". Motion carried.

Pat McAvan stated that those with feedback and legal analysis presented fair questions. He stated that notice of the public hearing was in one or more official newspapers, so the Board can move forward. He believes that the minor subdivision change is positive. McAvan also stated that including CSR in the ordinance is breaking new ground, but that the Attorney General says there isn't anything to disallow it. McAvan stated that his preference is that CSR not be included and that tabling action on the ordinance is a legal option. Lee Dimmitt stated that he favors zoning. He stated that cities sprawl and the two-mile extraterritorial area changes as a result. Dimmitt also stated that the State Legislature is on record as wanting to preserve farmland so this is a step in that same direction. Dick Reed wants to move forward with parts of the subdivision changes, but he's leaning toward CSR at 55. Reed stated that property rights are important, but owners need to think in terms of protecting farm ground. Stephen Burgmeier is comfortable with 55 CSR outside the two-mile area. Joe McLarney stated that he is

concerned about Fairfield City expanding and telling farmers what they can do with their land.

Motion was made by Burgmeier to approve the third and final reading of Jefferson County Home Rule Ordinance No. 5-10, Subdivisions, an ordinance providing minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that agricultural land and all other existing land uses will be protected, and so that growth occurs in an orderly manner, and to promote the public health, safety and general welfare of the citizens of Jefferson County, Iowa. All "Aye". Motion carried.

It was moved by Reed to allow the claims against the county and to direct the county auditor to issue checks against the various funds of the county in payment of the claims allowed. All "Aye". Motion carried.

Supervisors toured County roads.

There being no further business, the Board adjourned.

ATTEST:
Scott D. Reneker
County Auditor

Stephen Burgmeier, Chairman
Board of Supervisors