

**THE JOHNSON COUNTY BOARD OF SUPERVISORS  
FORMAL MEETING MINUTES  
MARCH 8, 2018**

Chairperson Carberry called the Johnson County Board of Supervisors to order in the Johnson County Administration Building at 5:30 p.m. Members present: Mike Carberry, Kurt Friese, Lisa Green-Douglass, Janelle Rettig, and Rod Sullivan.

Unless otherwise noted, all actions were taken unanimously.

Residents Caroline Dieterle and Peter Yohe spoke about the proposed FY19 County Budget. Auditor Travis Weipert spoke about pending legislation and staffing needs.

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

**Motion** by Friese, second by Sullivan, to approve the minutes of the formal meeting of March 1, 2018.

**Motion** by Friese, second by Green-Douglass, to correct a scrivener's error in the minutes of the February 1, 2018 Formal Meeting by changing the meeting date from February 2 to February 1.

**Motion** by Green-Douglass, second by Friese, to approve the payroll authorizations submitted by department heads, as approved by a majority of the Supervisors.

**Motion** by Sullivan, second by Green-Douglass, to approve the renewal application for a Special Class C Liquor License for Morse Community Club, 2542 Putnam Street, Northeast, Iowa City, as submitted by David Smith.

**Motion** by Sullivan, second by Green-Douglass, to receive and place on file the Clerk's Report of Fees Collected for the month of February, 2018, in the amount of \$38,176.30, as submitted by Clerk of District Court Kim Montover.

Convened a **Public Hearing on Rezoning Application PZC-18-27597** of Steven Branin, requesting rezoning of 20.63 acres from A-Agricultural and R-Residential to R20-Residential for a certain property described as Lot 2 of Twin Ponds Hollow Addition, and is located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 2, Township 79 North, Range 7 West of the 5th P.M. in Johnson County, Iowa. The property is located on the north side of 355th Street SW approximately 2,500 feet west of its intersection with Kansas Ave SW, in Clear Creek Township at 5:41 p.m.

Assistant Planning, Development, and Sustainability Director Nate Mueller said the applicant requests to defer the application to April 12, 2018. No one from the public spoke.

**Motion** by Rettig, second by Friese, to continue the Public Hearing and defer consideration of Rezoning Application PZC-18-27597 to April 12, 2018, at 5:30 p.m. Roll Call: aye: Carberry, Friese, Green-Douglass, Rettig, Sullivan.

Convened a **Public Hearing on Subdivision Application PZC-17-27460** of Dave and Heidi Hodge, requesting preliminary and final plat approval of Hazelwood Three Subdivision, a farmstead split described as being located in the W 1/2 of the SE 1/4 of Section 31, Township 79 North, Range 7 West of the 5th P.M. in Johnson County, Iowa. The property is located on the east side of Hazelwood Ave SW approximately 2,800 feet southeast of the intersection with Black Diamond Rd SW, in Union Township at 5:43 p.m.

Mueller presented the staff report. No one from the public spoke. **Public Hearing** closed at 5:47 p.m.

**RESOLUTION NO. 03-08-18-01**  
**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND**  
**SUBDIVIDER'S AGREEMENT OF HAZELWOOD THREE SUBDIVISION**  
**JOHNSON COUNTY, IOWA**

Whereas, the owner has filed application PZC-17-27460 for approval of the preliminary and final plat of Hazelwood Three 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, Opinion of Attorney, Certificate of County Auditor, Certificate of the Treasurer, Subdivider's Agreement, Fence Agreement, Declaration of Covenant for Access Easement, Resolution Affirming the Stability of the Current Road System; **B. Subdivision Plat (5).**

**Motion** by Sullivan, second by Green-Douglass, to approve Resolution 03-08-18-01.

Convened **Public Hearing on Subdivision Application PZC-18-27598** of Lower Deer Creek Mennonite Church, signed by James Miller, requesting preliminary and final plat approval of Lower Deer Creek Cemetery a subdivision described as being located in the NW 1/4 of the NE 1/4 of Section 29, Township 78 North, Range 8 West of the 5th P.M. in Johnson County, Iowa. The property is located on the south side of 540th Street SW approximately 2,300 feet west of the Calkins Ave SW, in Washington Township at 5:48 p.m.

Mueller presented the staff report. No one from the public spoke. **Public Hearing** closed at 5:50 p.m.

**RESOLUTION NO. 03-08-18-02**  
**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND**  
**SUBDIVIDER'S AGREEMENT OF LOWER DEER CREEK CEMETERY**  
**JOHNSON COUNTY, IOWA**

Whereas, the owner has filed application PZC-18-27598 for approval of the preliminary and final plat of Lower Deer Creek Cemetery 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, Opinion of Attorney, Certificate of County Auditor, Certificate of the Treasurer, Subdivider's Agreement, Covenant for Fences, Grant of Easement for Highway Purposes, Resolution Affirming the Stability of the Current Road System; **B. Subdivision Plat (5).**

**Motion** by Rettig, second by Friese, to approve Resolution 03-08-18-02.

Convened **Public Hearing on Subdivision Application PZC-18-27599** of Edward Harney, requesting preliminary and final plat approval of Harneys Knoll Subdivision, a farmstead split located in the SW 1/4 of the SW 1/4 of Section 5, township 79 North, Range 8 West of the 5th P.M. in Johnson County, Iowa. The property is located on the north side of 360th Street SW approximately 1,400 feet west of its intersection with Blackhawk Ave SW, in Hardin Township at 5:51 p.m.

Mueller presented the staff report. No one from the public spoke. **Public Hearing** closed at 5:53 p.m.

**RESOLUTION NO. 03-08-18-03**  
**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND**  
**SUBDIVIDER'S AGREEMENT OF HARNEYS KNOLL SUBDIVISION**  
**JOHNSON COUNTY, IOWA**

Whereas, the owner has filed application PZC-18-27599 for approval of the preliminary and final plat of Harneys Knoll 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, Opinion of Attorney, Certificate of County Auditor, Certificate of the Treasurer, Subdivider's Agreement, Covenant for Fences, Resolution Affirming the Stability of the Current Road System; **B. Subdivision Plat (5).**

**Motion** by Friese, second by Sullivan, to approve Resolution 03-08-18-03.

Continued **Public Hearing of February 8, 2018 on Subdivision Application PZC-17-27455** of Oakes Construction, requesting preliminary plat approval of Whitetail Hills, a subdivision described as being a resubdivision of Lot 2 of Sugar Bottom Hills – Part II, which is located in the NW 1/4 of the NW 1/4 of Section 3, Township 80 North, Range 6 West of the 5th P.M. in Johnson County, Iowa. The property is located on the east side of Sugar Bottom Road NE approximately 800 feet north of its intersection with Broganville Lane NE, in Big Grove Township at 5:54 p.m.

Mueller presented the staff report. Board members and Mueller discussed access to Lot 6 and wetland mitigation. Residents Caroline Dieterle and Erin Melloy spoke about the application. Ron Amelon of MMS Consultants, Inc. answered questions about the application. **Public Hearing** closed at 6:13 p.m.

**RESOLUTION NO. 03-08-18-04**  
**RESOLUTION APPROVING THE PRELIMINARY PLAT OF WHITETAIL**  
**HILLS, JOHNSON COUNTY, IOWA**

Whereas, the owner has filed application PZC-17-27455 for approval of a preliminary plat Whitetail Hills, 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.

**Motion** by Rettig, second by Friese, to approve Resolution 03-08-18-04.

**Motion** by Green-Douglass, second by Sullivan, to approve the change order to the Contract with Eagle Point Solar adding a solar array to the Ambulance and Medical Examiner Facility.

**RESOLUTION NO. 03-08-18-05**  
**APPROVING AND AUTHORIZING ENTRY INTO AN AGREEMENT OF LEASE WITH MIDWESTONE BANK FOR PHYSICAL SPACE AND FACILITIES FOR OPERATION OF THE JOHNSON COUNTY ATTORNEY'S OFFICE AT 500 SOUTH CLINTON STREET, IOWA CITY, IOWA**

Whereas, the Board of Supervisors of Johnson County, Iowa (the "County") has heretofore proposed to enter into an Agreement of Lease (the "Lease") with MidwestOne Bank in the principal amount not to exceed \$1,797,617.64, pursuant to the provisions of Chapter 331 of the Code of Iowa, for the purpose of providing physical space and facilities for operation of the Johnson County Attorney's Office at property locally known as 500 South Clinton Street, Iowa City, Iowa; and

Whereas, inquiry has been made to the Iowa City Community School District ("ICCSA") pursuant to Iowa Code Section 331.361(7) as to whether there are any facilities and buildings owned by said District that are vacant and available to be leased or purchased, and the County been advised that no such buildings are available; and

Whereas, the Lease shall be payable from the General Fund; and

Whereas, no petition has been filed with the Johnson County Auditor pursuant to Section 331.301(10)(e) of the Iowa Code asking that the question of entering into the Lease be submitted to the registered voters of the county;

Whereas, the County has published notice of the proposed action and has held a hearing and meeting thereon, as required by Section 331.301 of the Iowa Code, and the Board may now authorize the Lease in the amount as published; and

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

Section 1. The Board of Supervisors hereby determines that a true and real need exists for the facilities described in the Lease, that no facilities owned by ICCSD are vacant and available to be leased or purchased, and that entry into the Lease with MidwestOne Bank as Landlord, in substantially the form that has been placed on file with the County Auditor, providing for a lease to the County in the principal amount of \$1,797,617.64 for the purpose of providing physical space and facilities for operation of the Johnson County Attorney's Office at 500 South Clinton Street, Iowa City, Iowa is in the best interests of the County. The Board of Supervisors also determines that the term of the Lease does not exceed the economic life of the property that is being obtained and that the Lease does not cause the total of lease and lease- purchase payments due from the

County's general fund to exceed the limit set forth in Section 331.301(10)(e) of the Iowa Code.

Section 2. The Lease is hereby approved, and the Chairperson and County Auditor are hereby authorized to execute the Lease on behalf of the County and also to execute any other related documents necessary to the consummation of the transactions contemplated by the Lease.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Motion** by Green-Douglass, second by Friese, to approve Resolution 03-08-18-05.

**RESOLUTION NO. 03-08-18-06  
FY19 BIWEEKLY SALARIES FOR ELECTED OFFICIALS**

Whereas, the Johnson County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907, and

Whereas, the Johnson County Compensation Board met on January 4, 2018, and made the following salary recommendations for the following elected officials for the fiscal year beginning July 1, 2018:

<u>Elected Official</u>	<u>Current Biweekly Salary</u>	<u>Proposed Increase</u>	<u>Recommended Biweekly Salary</u>
Auditor	\$3,727.64	3.68 % plus \$2,500 annually	\$3,960.97
Attorney*	\$5,672.84	3.68 % plus \$2,500 annually	\$5,977.75*
Recorder	\$3,727.64	3.68 % plus \$2,500 annually	\$3,960.97
Sheriff	\$5,208.71	3.68 % plus \$2,500 annually	\$5,496.54
Supervisor	\$2,740.00	3.68 % plus \$2,500 annually plus an additional 1.15%	\$2,970.73
Treasurer	\$3,727.64	3.68 % plus \$2,500 annually	\$3,960.97

\*The Attorney's FY19 biweekly salary may be limited by the cap imposed in *Iowa Code* Section 331.752(5); the recommended salary noted above establishes the maximum compensation allowed for the FY19 fiscal year before imposing the cap.

Therefore, be it resolved that the Johnson County Board of Supervisors adopt the biweekly salary recommendations for elected officials for the fiscal year beginning July 1, 2018 as recommended by the Johnson County Compensation Board.

**Motion** by Sullivan, second by Green-Douglass, to approve Resolution 03-08-18-06.

**RESOLUTION NO. 03-08-18-07**  
**ADOPTING THE FISCAL YEAR 2018-2019 COUNTY BUDGET AND**  
**CERTIFICATE OF TAXES**

Whereas, the Board of Supervisors conducted a public hearing on February 21, 2018 whereupon the proposed fiscal year 2018-2019 county budget was presented to the citizens of Johnson County; and

Whereas, the citizens of Johnson County were invited to comment on the proposed fiscal year 2018-2019 county budget, as duly published in the official publications of Johnson County; and

Whereas, the Board of Supervisors appreciates the attendance at the public hearing and the comments from citizens who spoke at the public hearing, and encourages all citizens to be informed and participate in county government; and

Whereas, the Board of Supervisors has carefully taken into consideration the opinions expressed at the public hearing.

Therefore, be it resolved that the fiscal year 2018-2019 county budget and certificate of taxes is adopted as per the Proposed Johnson County Budget for fiscal year 2018-2019.

**Motion** by Green-Douglass, second by Friese, to approve Resolution 03-08-18-07. Roll call: aye: Carberry, Friese, Green-Douglass, Sullivan; nay: Rettig.

**RESOLUTION NO. 03-08-18-08**  
**RESOLUTION EXPRESSING INTENT TO AUTHORIZE A LOAN**  
**AGREEMENT AND ISSUE BONDS IN AN AMOUNT NOT TO EXCEED**  
**\$16,869,500**

Whereas, Sections 331.402 and 331.441 of the Code of Iowa authorize counties to enter into loan agreements and borrow money for the purpose of acquiring equipment and making improvements to county buildings and leased facilities; paying the cost of various county insurance programs; paying the cost of capital projects for the construction, reconstruction, improvement, repair or equipping of bridges, roads and culverts if such capital projects assist in economic development which creates jobs and wealth or if such projects relate to damage caused by a disaster or are designed to prevent or mitigate disasters; and funding programs to assist in providing affordable housing (the "Essential County Purposes"); and

Whereas, Sections 331.402 and 331.442 also authorize counties to enter into loan agreements and borrow money for the purpose of acquiring vehicles and equipment for various County departments, including the county sheriff and ambulance departments; and

Whereas, the Board of Supervisors (the “Board”) of Johnson County, Iowa (the “County”), has proposed to enter into a loan agreement (the “Essential County Purposes Loan Agreement”) in a principal amount not to exceed \$13,386,500, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purposes of paying the cost, to that extent, of certain Essential County Purposes, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018; and

Whereas, the Board has also proposed to enter into a loan agreement (the “HHS Facilities Loan Agreement”) in a principal amount not to exceed \$705,000, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purposes of paying the cost, to that extent, of making improvements to HHS Facilities, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018; and

Whereas, the Board has also proposed to enter into a loan agreement (the “Conservation Department Loan Agreement”) in a principal amount not to exceed \$700,000, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purposes of paying the cost, to that extent, of constructing a new building for the County Conservation Department, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018; and

Whereas, the Board has also proposed to enter into a loan agreement (the “Courthouse Renovation Loan Agreement”) in a principal amount not to exceed \$1,100,000, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purposes of paying the cost, to that extent, of renovating the ground floor of the Courthouse, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018; and

Whereas, the Board has also proposed to enter into a loan agreement (the “Courthouse HVAC Loan Agreement”) in a principal amount not to exceed \$350,000, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purposes of paying the cost, to that extent, of replacing the chiller/AC unit for the Courthouse, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018; and

Whereas, the Board has also proposed to enter into a loan agreement (the “County Sheriff Loan Agreement”) in a principal amount not to exceed \$248,000, pursuant to the provisions of Sections 331.402 and 331.442 of the Code of Iowa, for the purposes of paying the cost, to that extent, of acquiring equipment and vehicles for the County Sheriff, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018, and no petition has been filed asking that the question of entering into the County Sheriff Loan Agreement be submitted to the registered voters of the County; and

Whereas, the Board has also proposed to enter into a loan agreement (the “Ambulance Department Loan Agreement”) in a principal amount not to exceed



\$199,000, pursuant to the provisions of Sections 331.402 and 331.442 of the Code of Iowa, for the purposes of paying the cost, to that extent, of acquiring a vehicle and equipment for the Ambulance Department, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018, and no petition has been filed asking that the question of entering into the Ambulance Department Loan Agreement be submitted to the registered voters of the County; and

Whereas, the Board has also proposed to enter into a loan agreement (the “Vehicles and Equipment Loan Agreement”) in a principal amount not to exceed \$181,000, pursuant to the provisions of Sections 331.402 and 331.442 of the Code of Iowa, for the purposes of paying the cost, to that extent, of acquiring vehicles and equipment for County departments, and has published notice of the proposed action and has held a hearing thereon on February 21, 2018, and no petition has been filed asking that the question of entering into the Vehicles and Equipment Loan Agreement be submitted to the registered voters of the County; and

Whereas, the Essential County Purposes Loan Agreement, the HHS Facilities Loan Agreement, the Conservation Department Loan Agreement, the Courthouse Renovation Loan Agreement, the Courthouse HVAC Loan Agreement, the County Sheriff Loan Agreement, the Ambulance Department Loan Agreement and the Vehicles and Equipment Loan Agreement are hereinafter referred to as the “2018 Loan Agreement”; and

Whereas, it is necessary at this time for the Board to express its intent to authorize the 2018 Loan Agreement for the purposes set out above and to express its intent to issue General Obligation County Purpose Bonds in a principal amount not to exceed \$16,869,500 (the “Bonds”) to be issued in the future in evidence of the obligation of the County under the 2018 Loan Agreement; and

Whereas, in order to preserve the County’s eligibility to issue federally tax exempt bonds for the various projects, it is necessary for the Board to declare the County’s intent to spend cash for the projects and later reimburse those expenses from the proceeds of the 2018 Loan Agreement;

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

Section 1. The Board hereby expresses its intention to enter into the 2018 Loan Agreement and to issue the Bonds in the future, in a principal amount not to exceed \$16,869,500, and the Board hereby declares that this resolution constitutes the additional action required by Section 331.402 of the Code of Iowa.

Section 2. Pursuant to Section 1.150-2 of the Income Tax Regulations (the “Regulations”) of the Internal Revenue Service, the Board declares (a) that it intends to undertake the projects described in this Resolution, the total cost of which is reasonably estimated to be approximately \$16,869,500, (b) that other than (i) expenditures to be paid

or reimbursed from sources other than the issuance of the Bonds, or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the Board, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the projects described in this Resolution have heretofore been made by the County and no expenditures will be made by the County until after the date of this Resolution or a prior intent resolution of the County, and (c) that the Board reasonably expects to reimburse the expenditures made for costs of the projects described in this Resolution out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Motion** by Sullivan, second by Friese, to approve Resolution 03-08-18-08. Roll call: aye: Carberry, Friese, Green-Douglass, Sullivan; nay: Rettig.

Adjourned to Informal Meeting at 6:42 p.m.  
/s/Mike Carberry, Chair, Board of Supervisors

Attest: Travis Weipert, Auditor

Recorded by Nancy Tomkovicz

These minutes were sent for formal approval and publication on March 13, 2018.

Sent to the Board of Supervisors on March 11, 2018 at 8:00 a.m.