

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Chairman Chris Watts, Vice Chairman Tim Latham, Supervisor Casey Callanan and various members of the public.

Chairman Watts convened the meeting at 10:00 a.m.

Latham moved with Callanan seconding, to approve today's agenda and the minutes from the November 25, 2019 regular session. Motion passed unanimously.

Public comment session was held.

Latham moved with Callanan seconding, to approve claims. Motion passed unanimously.

Callanan moved with Latham seconding, to approve payroll warrant register for the week ending November 23, 2019. Motion passed unanimously.

Chairman Watts opened the public hearing regarding Amendments to Zoning Ordinance No. 15.

Latham moved with Callanan seconding, to close the public hearing. Motion passed unanimously.

Callanan moved with Latham seconding, to approve **Resolution 2019-83** WHEREAS, the Zoning Ordinance of Cerro Gordo County authorizes certain fees to be assessed for applications, requests, and processes made through the Planning and Zoning Department; and WHEREAS, there are specific costs that Cerro Gordo County accrues for the time, materials, and statutory requirements required of it for said processes in order to properly review said requests; and WHEREAS, the Zoning Ordinance intends to cover the approximate costs by charging said fees to specific property owners and applicants that such requests wholly benefit instead of passing such costs onto the general taxpayer; and WHEREAS, the Cerro Gordo County Planning & Zoning Commission, after study and public hearing, has recommended amendments to the Zoning Ordinance be made, upon the application of the Zoning Administrator; and WHEREAS, the final public hearing has been held with notice as required by law. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa, that the following amendments are hereby made to the Cerro Gordo County Zoning Ordinance:

1. **Article 4, Definitions**, shall be amended as follows:

- A. Add the definition of ONLINE PORTAL as follows:  
ONLINE PORTAL  
A website or online hub designed for the electronic submission and processing of zoning applications, requests, and associated or incidental processes authorized under this Ordinance.
- B. Add the definition of SERVICER as follows:  
SERVICER  
A firm, company, or corporation providing services for a specific purpose.

2. **Article 6, General Regulations**, shall be amended as follows:

- A. **Repeal** the provisions of **Section 6.33(A), Site Plan Fees**, and replace with the following:

For any use which requires a site plan that affects an area of one (1) acre or less, the fee shall be \$100.00. For any use which requires a site plan that affects an area of two (2) acres or more, the fee shall be \$200.00. For any use which requires a site plan and is located on more than one (1) non-contiguous lot, an additional \$100 fee shall be assessed for each additional site. The fees as

described in this section are for site plan review only.

- A. Add new **Section 6.35, Fees for Payments and Online Applications** as follows:

Where a credit card, debit card, or any other form of payment is accepted for any fees authorized under this Ordinance and a convenience charge, service fee, or any other such type of fee are assessed by the servicer of said form of payment, all such fees shall be assessed to the applicant or person or persons making request in addition to all other such fees assessed and authorized under this Ordinance. Where a fee or convenience charge is assessed by a servicer for the use of submitting application or request through an online portal, all such fees shall be assessed to the applicant or person or persons making request in addition to all other such fees assessed and authorized under this Ordinance.

3. **Article 22, Application for Zoning Permits** shall be amended as follows:

- A. **Repeal** the provisions of **Section 22(H)** and replace with the following:

**Fees.** The following fees shall be charged for Zoning Permits and are based on the proposed cost of the erection, construction, or structural alteration of the building or structure:

| <u>Construction Costs</u>                        | <u>Fees</u> |
|--------------------------------------------------|-------------|
| \$0 to \$4,999                                   | \$25.00     |
| \$5,000 to \$14,999                              | \$50.00     |
| \$15,000 to \$29,999                             | \$75.00     |
| \$30,000 to \$49,999                             | \$100.00    |
| \$50,000 to \$74,999                             | \$150.00    |
| \$75,000 to \$99,999                             | \$200.00    |
| \$100,000 to \$249,999                           | \$250.00    |
| \$250,000 to \$499,999                           | \$500.00    |
| \$500,000 to \$750,000                           | \$750.00    |
| Each \$50,000 of additional cost above \$750,000 | \$50.00     |

A Zoning Permit that has been issued may be renewed by submitting a fee equal to the permit fee assessed for the permit. Said renewal shall expire after twelve (12) months from the date of issue. No Zoning Permit issued shall be renewed more than once.

- B. **Repeal** the provisions of **Section 22(I)** and replace with the following:  
**Administrative Fee.** Any person, firm, or corporation not conforming to Section 22(A) above will be assessed a \$400.00 fee or a fee equal to the Zoning Permit fee, whichever is greater, in addition to the Zoning Permit fee.

4. **Article 24, Board of Adjustment**, shall be amended as follows:

- A. **Repeal** the provisions of **Section 24.3(C), Hearings**, and replace with the following:

Upon the filing with the Board of Adjustment of an appeal, an application for a Special Exception or a request for variance, the Board shall hold a public hearing as provided in this Article and the Board of Adjustment's Rules of Procedure. The Board may require the appellant or applicant to provide such

information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Iowa Department of Natural Resources.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time after it is submitted.

Each application for variance from a requirement of the Zoning Ordinance or appeal of an order, requirement, decision, or determination by the Zoning Administrator shall be accompanied by a payment of \$200.00 to cover the cost of the procedure. Each application requesting a special exception shall be accompanied by a payment of \$300.00 to cover the cost of the procedure. At the hearing, any party may appeal in person or by attorney. Any taxpayer or any officer, department, board or bureau of Cerro Gordo County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto shall be made which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application and upon notice to the Board of Adjustment and on due cause shown, grant a restraining order.

The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If upon the hearing, which shall be tried de novo, it shall appeal to the court that testimony is necessary for the proper disposition of the matter, it may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the court

that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

5. **Article 26, District Changes and Amendments,** shall be amended as follows:

A. **Repeal** provisions of **Section 26.1, General**, and replace with the following:

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries, or classifications of property now or hereafter established by this Ordinance or amendments thereof.

B. **Repeal** the provisions of **Section 26.2(G), Procedure for Change**, and replace with the following:

Each application for an amendment or change to the District Zoning Map, except those initiated by the Zoning Commission, shall be accompanied by a payment of \$200.00. This is to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment or change to be enacted into law.

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*Chairman Chris D. Watts*  
*Board of Supervisors*

ATTEST:

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*Adam V. Wedmore, Auditor*  
*Cerro Gordo County*

NOW, THEREFOR, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended and that this Resolution shall be in full force and effect from and after its passage. Motion passed unanimously.

Latham moved with Callanan seconding, to approve the Sheriff's Monthly Report of Fees. Motion passed unanimously.

Latham moved with Callanan seconding, to authorize the Chair to sign Voucher 5F and approve the final numbers for culvert replacement on 225<sup>th</sup> Street, south of Clear Lake. Motion passed unanimously.

Callanan moved with Latham seconding, to approve reports from the Planning and Zoning Administrator and Environmental Health Service Manager concerning the Manure Management Plans for Christiansen Family Farms (site F43 #59539) and for Dave Barrick (site #61482) and forward them to the DNR. Motion passed unanimously.

Callanan moved with Latham seconding, to approve the Judicial District Department of Correctional Services Annual Report for FY2019. Motion passed unanimously.

Latham moved with Callanan seconding, to approve the Cerro Gordo County Travel/Meal Policy. Motion passed unanimously.

Latham moved with Callanan seconding, to adjourn at 10:24am. Motion passed unanimously.