

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 9th day of April, 2013, in the Courthouse in Glenwood with Ron Kohn, Richard Crouch and Lonnie Mayberry present.

Motion by Crouch, seconded by Mayberry to approve the April 9th agenda and April 2, 2013 minutes as presented.

Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Mayberry, seconded by Crouch to approve the accounts payable as presented.

Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Crouch seconded by Mayberry to authorize Chair to sign the contract to TEK Builders of Mt. Ayr, Iowa in the amount of \$121,662 for project #L-08-2, Farm Creek Weir Modification. Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Crouch seconded by Mayberry to authorize the Chair to sign the 5 proposal letters for a Railport Study. Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Mayberry seconded by Crouch to approve Resolution 13-09, authorizing the County Engineer to administer, execute and sign documentation related to the railroad revolving loan and grant program agreement with the Iowa D.O.T.

**A RESOLUTION OF THE MILLS COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE MILLS COUNTY ENGINEER TO FULLY EXECUTE AND
ADMINISTER THE RAILROAD REVOLVING LOAN AND GRANT AGREEMENT
WITH THE IOWA DOT TO DETERMINE THE SUITABILITY OF A RAIL PORT
FACILITY**

WHEREAS, Mills County proposes to enter into an agreement with the Iowa DOT for a developmental study to determine the suitability of a Rail Port Facility, and

WHEREAS, the study will be conducted by a consultant to be procured under a Request for Proposal evaluation process, and

WHEREAS, the study tasks will involve numerous items of a technical and engineering judgment nature with which the Mills County Engineer has the necessary knowledge, skills and abilities to review and approve, and

WHEREAS, the Mills County Engineer has been involved with the preliminary tasks necessary to develop the application for the Railroad Revolving Loan and Grant Agreement.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Mills County, Iowa That the Board of Supervisors hereby authorize the Mills County Engineer to execute the terms of the grant agreement for the Rail Port Study.

BE IT FURTHER RESOLVED that the Mills County Engineer will submit regular updates of the study progress to both the Board of Supervisors and the Economic Development Foundation

Motion carried on a roll call vote: Crouch – Aye, Mayberry – Aye, Kohn – Aye.

The public hearing for the 190th Street paving project will be August 6, 2013. The D.O.T. requests a hearing date in order to approve the Secondary Roads 5-year plan.

There were no utility permits to report this week.

Christine Govig, Mills County Assessor, and Mills County Fair Board Building Committee representatives Woody Wright, Chad McCollester and Nathan Mass were present to update the Board of Supervisors on the proposed Mills County Community Building. They have approximately \$140,000 from fundraising and will be applying for grants when there is a larger balance. McCollester stated they had questions regarding what the tax status will be if they rent out this facility. The Assessor said presently they are tax exempt but will check with other Counties to see how they are taxing these types of entities and will report back to the Fair Board with her findings.

The Building Committee asked for a commitment from the County on this project from local option tax dollars. The Board of Supervisors stated they will commit to supporting this project and discussed what had been given in previous years to other projects. They will notify the committee after they review the fund balances and determine the amount of support they will be contributing.

The Board of Supervisors met as the Board of Trustees for the Chantry Drainage District to discuss a levy for the district. Kristine Schoening, Real Estate Deputy was also present. The annual meeting was opened at 10:00 a.m.

There was discussion on the fund balance and what monies will be needed for any future maintenance.

Motion by Trustee Crouch seconded by Trustee Mayberry to certify a levy to the County Auditor in the matter of the Chantry Drainage District in the amount of \$2000 to be collected September, 2013. Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Crouch seconded by Mayberry to approve the 2nd reading of Zoning Ordinance Amendment 13-01 with the language and matrix use changes and by the same motion waive the 3rd reading. Motion carried on a vote: ayes: 3 Nays: 0

Motion by Crouch seconded by Mayberry to approve Zoning Ordinance 13-01.

ORDINANCE # 13-01

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY AMENDING CHAPTER 27 – ZONING ORDINANCE SETTING FORTH THE REVISED REGULATIONS GOVERNING THE ORDERLY LAND DEVELOPMENT FOR ALL THE UNINCORPORATED AREA OF MILLS COUNTY, IOWA.

BE IT THEREFORE ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

SECTION 1. **AMENDMENT** :. An amendment to Chapter 27 – Zoning Ordinance Table 4.01 – Use Matrix to insert the new use “Educational Retreat Center”. Page 4 of Table 4.01 would therefore appear as follows after the amendment with all other portions of the table remaining the same:

Table 4.01: Use Matrix

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
CIVIC										
Administration	L	P	P	P	P	P		P	S	
Cemetery	L	P	P	P	P	P		P	S	
Clubs (Recreational)	L	S	P	P	P	P		P	S	
Clubs (Social)	M	S	P	P	P	P		P	S	
College/University	H		P	S	S	S		P	S	
Convalescent Services	L		P	P	P	P		P	S	
Cultural Services	M	S	P	P	P	P		P	S	
Day Care (Limited)	L		P	P	P	P	S	P	S	
Day Care (General)	M		P	P	P	P	S	P	S	
Detention Facilities	I		S	S				S	P	
Educational Retreat Center	<u>L</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>					
Emergency Residential	L		P	P	P	P		P	S	
Group Care Facility	M		P	P	P	P		P	S	
Group Home	L		P	P	P	P		P	S	
Guidance Services	L		P	P	P	P		P	S	
Health Care	M		P	P	P	P		P	S	
Hospital	I		S	S				S	S	
Maintenance Facility	H		P	S	S	S		P	P	
Park and Recreation	L	P	P	P	P	P		P	S	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit

Blank Not Permitted

OS – Open Space District

AG – Agriculture District

AR – Agriculture/Residential District

LH – Loess Hills Conservation Development

V – Village District

I - Industrial

C-1 – Convenience Commercial

C-2 – Highway-Oriented Commercial

SECTION 2: **AMENDMENT** :. An amendment to Chapter 27 – 27.3.5 by adding a new section and re-lettering the remaining sections with the following language:

j. Educational Retreat Center

A facility for educational activities, training activities, conferences, meetings, seminars, contemplative activities, and other similar functions that strives to preserve the natural features and the open space character of its setting.

Specific Standards for Retreat Center:

Ownership and Management - At least the owner or one full-time staff member must reside in a residence on the retreat facility premises. The residence may include family quarters and up to eight guest room units. The retreat facility premise may also include housing amenities for additional staff members.

Minimum Property Parcel Size:

The retreat facility shall be situated upon a parcel or group of contiguous parcels containing no less than 40-acres owned by the same entity or individual. For each additional acre over 40 in the parcel or group of contiguous parcels owned by the same entity or individual, one (1) additional guest unit is allowed. The total number of overnight guest units and permanent residences shall not exceed the allowable residential density of the zoning district. (Intensity Rating: L.)

SECTION 3. **AMENDMENT**: An amendment to Chapter 27 – 27.3.5 where each subsection is re-lettered to reflect the addition of the “Educational Retreat Center.” The subsection for “Emergency Residential Services” shall be “k.” and each subsection’s letter shall increase by one thereafter.

SECTION 4. **RENUMBERING AND TYPOGRAPHICAL ERRORS**. The Mills County Board of Supervisors corrected any and all typographical errors in Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances as well as renumbered the Zoning Ordinance to incorporate new Sections and Subparagraphs adopted by the Mills County Board of Supervisors in pursuant to this Ordinance. The Mills County Board of Supervisors hereby summarily adopts any and all corrections of typographical errors in the Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances as well as the renumbering of said Ordinance comprising the newly amended Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances.

SECTION 5. **REPEALER**. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

SECTION 6. **SEVERABILITY**. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.

SECTION 7. **EFFECTIVE DATE**: This ordinance shall become effective after its passage and publication by law.

Motion carried on a roll call vote: Crouch – Aye, Mayberry – Aye, Kohn – Aye.

Mark Friehe is the AFLAC representative for Mills County employees holding AFLAC policies. He would like to contact other Mills County employees to discuss AFLAC insurance benefits and options.

The Board explained the procedure to meet with Mills County employees is to be on their own time, either before or after work hours. He was also informed that he may do payroll stuffers for open enrollment.

The liquor license renewal for Ricardo Rodriguez will be re-scheduled. The required information was not available at this time.

There being no further business to come before the Board at this time, they adjourned to meet on Tuesday, April 16, 2013.

Mills County Board of Supervisors

Ron Kohn – Chairperson

Attest: _____
Carol Robertson, Auditor