

RESOLUTION NO. 01-02-25-01

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a Board of Supervisors wishes to adopt a construction evaluation resolution relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2025 and January 31, 2026 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code Section 459.305, but the Board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

It was moved by Fixmer-Oraiz and seconded by Green the Resolution be adopted this 2nd day of January, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/ Jon Green, Chairperson
Board of Supervisors
Date: December 19, 2024

ATTEST:
/s/ Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-09-25-01

**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF HIDDEN RIDGE SUBDIVISION PART TWO,
JOHNSON COUNTY, IOWA**

WHEREAS, the owner has filed application PZC-24-28563 for approval of the preliminary and final plat of Hidden Ridge Subdivision Part Two, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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

Sensitive Areas Exhibit
Resolution No. 62-2024 – Swisher City Council Approval
Owner's Certificate
Certificate of Attorney
Certificate of County Auditor
Treasurer's Certificate
Subdivider's Agreement
Amendment to Conservation Easement Agreement
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Green-Douglass and seconded by Remington the Resolution be adopted this 9th day of January, 2025.

Roll Call: Fixmer-Oraiz Absent; Green Absent; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/ Jon Green, Chairperson
Board of Supervisors
Date: January 9, 2025

/s/ Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-09-25-02

**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF SHAGBARK ACRES SECOND SUBDIVISION,
JOHNSON COUNTY, IOWA**

WHEREAS, the owner has filed application PZC-24-28586 for approval of the preliminary and final plat of Shagbark Acres Second Subdivision, Johnson County, Iowa; and

WHEREAS the proposed Lot 1 of Shagbark Acres Second Subdivision is only accessible via a private drive constructed and maintained by the Shagbark Acres Homeowners' Association; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA:

1. That said plat be approved subject to the following condition:

Prior to any building permit being issued for Lot 1 of Shagbark Acres Second Subdivision, the owner of Lot 1 of Shagbark Acres Second Subdivision shall join the Shagbark Acres Homeowners Association and provide written proof of membership in the Shagbark Acres Homeowners Association from the executive committee of the Shagbark Acres Homeowners Association to the Zoning Administrator.

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

Sensitive Areas Exhibit
Resolution No. 24-31 – Solon City Council Approval
Owner's Certification and Consent to Platting
Opinion of Attorney
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Covenant for Fences
Individual Trustee's Affidavit
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Green-Douglass and seconded by Remington the Resolution be adopted this 9th day of January, 2025.

Roll Call: Fixmer-Oraiz Absent; Green Absent; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/ Jon Green, Chairperson
Board of Supervisors
Date: January 9, 2025

ATTEST:

/s/ Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-09-25-03

**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF SHROCK ESTATE, JOHNSON COUNTY, IOWA**

WHEREAS, the owner has filed application PZC-24-28605 for approval of the preliminary and final plat of Shrock Estate, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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

Sensitive Areas Exhibit
Owner's Acknowledgement of Consent and Dedication
Attorney's Title Opinion
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Fence Agreement
Lienholder's Consent to Plat
Access Easement Agreement
Conservation Easement Agreement
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Green-Douglass and seconded by Remington the Resolution be adopted this 9th day of January, 2025.

Roll Call: Fixmer-Oraiz Absent; Green Absent; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/ Jon Green, Chairperson
Board of Supervisors
Date: January 9, 2025

ATTEST:

/s/ Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-09-25-04

**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF TRUMAN SECOND SUBDIVISION,
JOHNSON COUNTY, IOWA**

WHEREAS, the owner has filed application PZC-24-28606 for approval of the preliminary and final plat of Truman Second Subdivision, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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 Certification and Consent to Platting
Opinion of Attorney
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Covenant for Fences
Mortgagee's Consent to Platting
Grant of Septic Easement
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Green-Douglass and seconded by Remington the Resolution be adopted this 9th day of January, 2025.

Roll Call: Fixmer-Oraiz Absent; Green Absent; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/ Jon Green, Chairperson
Board of Supervisors
Date: January 9, 2025

ATTEST:

/s/ Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-09-25-05

**RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF OLSON PLACE SUBDIVISION,
JOHNSON COUNTY, IOWA**

WHEREAS, the owner has filed application PZC-24-28604 for approval of the preliminary and final plat of Olson Place Subdivision, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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

Sensitive Areas Exhibit
Owner's Certificate
Opinion of Attorney
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Fence Agreement
Consent of Mortgagee to Subdivision
Conservation Easement Agreement – Subdivision Olson Place
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Remington and seconded by Green-Douglass the Resolution be adopted this 9th day of January, 2025.

Roll Call: Fixmer-Oraiz Absent; Green Absent; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/ Jon Green, Chairperson
Board of Supervisors
Date: January 9, 2025

ATTEST:

/s/ Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-16-25-01

**RESOLUTION APPROVING THE SITE PLAN SUBMITTED BY NJN ENTERPRISES, LLC
FOR THE PROPERTY LOCATED AT 2365 HWY 6 NW**

WHEREAS, the owner has filed application PZC-24-28634 seeking Site Plan approval to construct a building for a landscaping business on the parcel addressed as 2365 HWY 6 NW, Tiffin; and

WHEREAS, the Johnson County Engineer, Johnson County Public Health, and Johnson County Planning, Development, and Sustainability Departments have reviewed the proposed site plan and have no objections to approval of this Site Plan; and

WHEREAS, the Site Plan conforms with the Johnson County Unified Development Ordinance, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA:

1. That said Site Plan be approved.
2. The Zoning Administrator is authorized to issue permits for this site in accordance with the standards set forth in the Johnson County Unified Development Ordinance.

It was moved by Sullivan and seconded by Fixmer-Oraiz the Resolution be adopted this 16th day of January, 2025.

Roll Call: Fixmer-Oraiz Aye Green Aye Green-Douglass Aye Remington Absent Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Eric Van Lancker on behalf of
Julie Persons, Auditor
Johnson County, Iowa

Date: January 16, 2025

RESOLUTION NO. 01-23-25-01

**RESOLUTION SETTING A PUBLIC HEARING ON VARIOUS
DEVELOPMENT APPLICATIONS**

WHEREAS the Johnson County Planning and Zoning Commission, following a public hearing on January 13, 2025, has filed its report and recommendations for certain actions.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A public hearing in accordance with Section 335.6 of the Iowa Code is set for **February 13, 2025, at 5:30 p.m. CT** in Room 203 B/C, Johnson County Health & Human Services Building, 855 South Dubuque Street, Iowa City, Iowa, on the following applications:
 - a. Zoning applications filed by Raymond Slach (PZC-24-28584); David Brown (PZC-24-28624); Nicklas Hlavacek (PZC-24-28637).
 - b. Platting applications filed by Raymond Slach (PZC-24-28585); Tony Serbousek, signed by Jerry Serbousek (PZC-24-28623); Herbet Farms, Inc. (PZC-24-28626); David Brown (PZC-24-28627).
2. That the Johnson County Auditor be authorized to publish the official notice of the above public hearing.

It was moved by Remington and seconded by Fixmer-Oraiz the Resolution be adopted this 23rd day of January, 2025.

Roll Call: Fixmer-Oraiz Aye Green Aye Green-Douglass Aye Remington Aye Sullivan Aye

/s/Jon Green, Chairperson
Board of Supervisors
January 23, 2025

ATTEST:
/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 01-23-25-02

**A RESOLUTION TO INVESTIGATE THE FEASIBILITY OF A JOINT SHERIFF'S OFFICE,
COUNTY JAIL AND IOWA CITY POLICE DEPARTMENT FACILITY**

WHEREAS, the Johnson County Board of Supervisors is responsible for the budget, bonding, and real property of Johnson County; and,

WHEREAS, the Sheriff's Office and County Jail are such property, but given unto the Sheriff for his command and daily oversight; and,

WHEREAS, it is the determination of the Board of Supervisors that the current Sheriff's Office and County Jail is in need of repair or replacement; and,

WHEREAS, the Board of Supervisors understands the City of Iowa City is considering a new municipal facility that may include its Police Department; and,

WHEREAS, the Board of Supervisors acknowledges certain cost and operational efficiencies may be realized in working with the City of Iowa City toward a joint facility; and,

WHEREAS, additional investigations and preparations must be made to prove these assumptions and provide a potential plan of action.

NOW, THEREFORE, BE IT RESOLVED by the Johnson County Board of Supervisors that such investigations and preparations are necessary; and,

BE IT FURTHER RESOLVED that a formal request be made of the City of Iowa City with the substantial question being if its Council favors discussion of a joint facility.

It was moved by Remington and seconded by Sullivan the Resolution be adopted this 23rd day of January, 2025.

Roll Call: Fixmer-Oraiz Aye Green Aye Green-Douglass Aye Remington Aye Sullivan Aye

/s/Jon Green, Chairperson
Board of Supervisors
January 23, 2025

ATTEST:
/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-06-25-01

**RESOLUTION APPROVING APPLICATION UR-24-32546 FOR URBAN REVITALIZATION
TAX EXEMPTION FOR PROPERTY WITHIN THE NAPLES AVENUE
URBAN REVITALIZATION DISTRICT**

WHEREAS, Chapter 404, Code of Iowa provides for partial exemption from property tax for the actual value added by improvements to property located in a designated Urban Revitalization Area which are consistent with the Urban Revitalization Plan for such area; and

WHEREAS, the Board of Supervisors of Johnson County, Iowa adopted the Naples Avenue Area Urban Revitalization Plan via Resolution 12-21-21-02 and established the Naples Avenue Area Urban Revitalization District via Ordinance 12-22-21-02; and

WHEREAS, Application UR-24-32546 has been filed for Urban Revitalization Tax Exemption for improvements made at property legally described as Lot 2 of Scott's Second Addition ("Application UR-24-32546"), which is wholly within the Naples Avenue Area Urban Revitalization District; and

WHEREAS, the application and all improvements are consistent with Chapter 404, Code of Iowa, the Naples Avenue Urban Revitalization Plan and all applicable county codes and ordinances; and

WHEREAS, Application UR-24-32546 has been received, reviewed and recommended for approval by the Planning, Development, and Sustainability Department and the County Assessor's Office.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of Johnson County, Iowa that Application UR-24-32546 is found to be in compliance with the purpose and intent of Chapter 404 of the Code of Iowa and the Naples Avenue Urban Revitalization Plan; and

BE IT FURTHER RESOLVED that the tax exemption of one hundred percent (100%) of that portion of actual value added by the improvements described in Application UR-24-32546, as determined by the County Assessor, is hereby approved for a period of three (3) years, provided such improvements actually made increase the assessed valuation of the qualified real estate by at least fifteen percent (15%).

It was moved by Green-Douglass and seconded by Fixmer-Oraiz the Resolution be adopted this 6th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/Jon Green, Chairperson
Board of Supervisors
Date: February 6, 2025

ATTEST:

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-06-25-02

**RESOLUTION APPROVING THE SITE PLAN SUBMITTED BY DOUG YANSKY FOR
THE PROPERTY LOCATED AT 4224 YVETTE ST SW.**

WHEREAS, the owner has filed application PZC-24-28612 seeking Site Plan approval to construct commercial condominiums on the parcel addressed as 4224 Yvette St SW, Iowa City; and

WHEREAS, the Johnson County Engineer, Johnson County Public Health, and Johnson County Planning, Development, and Sustainability Departments have reviewed the proposed Site Plan and have no objections to approval of this Site Plan; and

WHEREAS, the Site Plan conforms with the Johnson County Unified Development Ordinance, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA:

1. That said Site Plan be approved.
2. That the Chairperson be directed to sign the associated Conservation Easement Agreement.
3. The Zoning Administrator is authorized to issue permits for this site in accordance with the standards set forth in the Johnson County Unified Development Ordinance.

It was moved by Sullivan and seconded by Green-Douglas the Resolution be adopted this 6th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/Jon Green, Chairperson
Board of Supervisors
Date: February 6, 2025

ATTEST:
/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-06-25-03

RESOLUTION AMENDING THE JOHNSON COUNTY POST BID GENERAL CONTRACTOR QUALITY ASSURANCE QUESTIONNAIRE POLICY

WHEREAS, pursuant to Iowa Code §26.9 which requires that contracts for public improvements be awarded to the “lowest responsive, responsible bidder”; and,

WHEREAS, Iowa law recognizes that a governmental entity may obtain information from the lowest responsive bidder to determine bidder’s responsibility relating to the bidder’s experience, number of employees, and ability to finance the cost of the public improvement; and,

WHEREAS, the Board of Supervisors, in recognition of same, on 24 March 2022 adopted Resolution No. 03-24-22-03, “Resolution Approving a Post Bid General Contractor Quality Assurance Questionnaire Policy”; and,

WHEREAS, the Board of Supervisors adopted the “Policy Development and Review of County-Wide Policy” on 11 January 2024; and

WHEREAS, the Board of Supervisors wishes to update the Post Bid General Contractor Quality Assurance Questionnaire Policy to incorporate improvements and bring the Policy into conformance with the Policy Development and Review of County-Wide Policy.

NOW, THEREFORE, BE IT RESOLVED by the Johnson County Board of Supervisors that Resolution 03-24-22-03 is hereby repealed; and,

BE IT FURTHER RESOLVED that the Johnson County Board of Supervisors hereby approves the attached Johnson County Post Bid General Contractor Quality Assurance Policy, number _____.

It was moved by Fixmer-Oraiz and seconded by Sullivan the Resolution be adopted this 6th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/Jon Green, Chairperson
Board of Supervisors
February 6, 2025

ATTEST:
/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-01
RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF SLACH VIKEL SUBDIVISION, JOHNSON COUNTY, IOWA

WHEREAS, the owner has filed application PZC-24-28585 for approval of the preliminary and final plat of Slach Vikel Subdivision, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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 all associated documents requiring the Chairperson's signature.
3. This Resolution requires the recording of the following documents:

A. Resolution & Documents

Resolution 2024-132 of the City of West Branch, Iowa
Owner's Certificate
Opinion of Attorney
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Fence Agreement
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Green-Douglass, and seconded by Fixmer-Oraiz, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-02
RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF SENECA ACRES, JOHNSON COUNTY, IOWA

WHEREAS, the owner has filed application PZC-24-28627 for approval of the preliminary and final plat of Seneca Acres, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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 all associated documents requiring the Chairperson's signature.
3. This Resolution requires the recording of the following documents:

A. Resolution & Documents

Sensitive Areas Exhibit
Owner's Certificate
Attorney's Title Opinion
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Fence Agreement
Private Access and Utility Easement - Lot 1
Private Access Easement - Outlot B
Private Access Easement - NE NW Section 20-81-7
Conservation Easement Agreement - Subdivision
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Fixmer-Oraiz, and seconded by Green-Douglass, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-03
RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF WHITE OAK CORNER ADDITION,
JOHNSON COUNTY, IOWA

WHEREAS, the owner has filed application PZC-24-28623 for approval of the preliminary and final plat of White Oak Corner Addition, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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 all associated documents requiring the Chairperson's signature.
3. This Resolution requires the recording of the following documents:

A. Resolution & Documents

Owner's Certificate
Attorney's Title Opinion
Certificate of County Auditor
Certificate of County Treasurer
County-Subdivider Agreement
Covenant Concerning Fences
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

It was moved by Sullivan, and seconded by Remington, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-04
RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF LEAH MEADOWS ADDITION,
JOHNSON COUNTY, IOWA

WHEREAS, the owner has filed application PZC-24-28626 for approval of the preliminary and final plat of Leah Meadows Addition, Johnson County, Iowa; and

WHEREAS, the County Zoning Commission having studied said application, and following a public hearing, recommends that the plat be approved; and

WHEREAS, the Board of Supervisors having studied said application, and following a public hearing, finds that the plat generally conforms to the development regulations in the Unified Development Ordinance, as amended.

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 all associated documents requiring the Chairperson's signature.
3. This Resolution requires the recording of the following documents:

A. Resolution & Documents

Owner's Certificate and Consent
Attorney's Title Opinion
Certificate of County Auditor
Certificate of County Treasurer
Subdivider's Agreement
Fence Agreement
Right-of-Way Dedication
Agreement for Improvements in the Right Of Way
Demolition Agreement
Resolution Affirming the Stability of the Road System

B. Subdivision Plat (5)

C. Right-of-Way Acquisition Plat (5)

It was moved by Sullivan, and seconded by Fixmer-Oraiz, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-05
RESOLUTION APPROVING THE FINAL PLAT AND
SUBDIVIDER'S AGREEMENT OF ROHRET WEST SUBDIVISION, JOHNSON COUNTY, IOWA

WHEREAS, the owner has filed application PZC-24-28628 for approval of the final plat of Rohret West Subdivision, Johnson County, Iowa; and

WHEREAS Planning, Development, and Sustainability staff have reviewed the application for conformance with the Unified Development Ordinance, and finds the application appears to be in substantial conformance with said ordinance as well as the preliminary plat associated with this subdivision;

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 all associated documents requiring the Chairperson's signature.
3. This Resolution requires the recording of the following documents:

A. Resolution & Documents

Sensitive Areas Exhibit
Owner's Certificate
Certificate of Attorney
Certificate of County Auditor
Certificate of Treasurer
Subdivider's Agreement
Contract Vendor's Consent
Fence Agreement
Grant of Easement for Highway Purposes
Grant of Easements
Conservation Easement Agreement-Subdivision
Conservation Easement Agreement-Special Flood Hazard Area
Agreement for Private Stormwater Maintenance
Preservation Covenant and Restrictions
Resolution Affirming the Stability of the Road System
Consent of Deed of Trust Holder to Subdivision
Articles of Incorporation
Bylaws

B. Subdivision Plat (5)

It was moved by Green-Douglass, and seconded by Fixmer-Oraiz, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-06
RESOLUTION TO PROVIDE A DEFENSE AND PAY CERTAIN CIVIL PENALTIES AND FINES
FOR THE COUNTY AUDITOR AND THEIR PERSONNEL ARISING
UNDER IOWA CODE CHAPTER 39A

WHEREAS, the Iowa Legislature has passed and Governor Kim Reynolds has signed, on March 8, 2021, an Act entitled the “Election Misconduct and Penalties Act”, which is now found in Iowa Code Chapter 39A, Sections 39A.1 through 39A.7, addressed to “election officials”, in Section 39A.1, which include the “county commissioner” of elections and those in the county auditor's office, under Iowa Code Section 331.505, “who are responsible for carrying out functions or duties under chapters 39 through 53” relating to elections; and

WHEREAS, Iowa Code Section 39A.2 through 39A.5, define Election Misconduct in four degrees of criminal offense for acts and omissions of county auditors and the designated deputies and employees acting in the scope of their official duties for claimed election related misconduct; and

WHEREAS, Iowa Code Section 39A.1(2) declares that “(t)he general assembly also recognizes that instances may arise in which technical infractions of chapters 39 through 53 may occur which do not merit any level of criminal sanction” but Iowa Code Section 39A.6(3)(a) empowers the Iowa Secretary of State to issue a “technical infraction” notice to the county auditor, for which “the state commissioner shall also impose a fine not to exceed ten thousand dollars to be deposited in the general fund” with a removal from office if such amount is not challenged or paid after unsuccessful challenge; and

WHEREAS, this risk is exceptional and specific to the County Auditor, given the general exclusion of liability and loss coverage for county officers set forth in Iowa Code Sections 670.12 and 331.324(4) respectively; and

WHEREAS, Iowa Code Section 670.8(1) requires that the Board of Supervisors “shall defend its officers and employees, whether elected or appointed and shall save harmless and indemnify the officers and employees against any tort claim or demand whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their employment or duties” for “any breach of duty, whether statutory or other duty” under Section 670.1(4); and

WHEREAS, Iowa Code Section 331.324(4) requires that “the board [of supervisors] shall pay a loss for which the officer or employee is found liable beyond the amount of insurance... (i)f the liability of a county officer or employee in the performance of official duties is not fully indemnified by insurance” and empowers the Board “to compromise and settle any such claim”; and

WHEREAS, county auditors and their deputies serving within the scope of their employment and duties in connection with the responsibilities they are assigned under the election laws of Iowa are threatened by the increasing animosity, partisanship, and vehemence and vitriol of persons involved in political party politics who can easily make or cause to be made criminal complaint under Sections 39A.2 through 39A.5, or cause action to be brought under Section 39A.6, whether criminal or civil, thus exposing such elected officers and their appointed deputies and employees to criminal proceedings, criminal penalties, attorneys expenses and costs, criminal or civil fines for administrative proceedings, attorneys fees and costs, and removal from office of the Auditor resulting in loss of income for two years, all for so-called “technical infractions”;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA:

1. That the Johnson County Auditor and any deputy auditor or employee who performs election related responsibilities within the scope of criminal offenses and civil infractions, defined by the Election

Misconduct and Penalties Act, Iowa Code Sections 39A.1 through 39A.7 (altogether, “Election Work”), in the case of criminal charges made under Iowa Code Sections 39A.2 through 39A.4, and any charges brought under Iowa Code Chapter 721, as referred to in Section 39A.7, shall be provided a defense at county expense up to the limit described below, meaning a lawyer to represent the auditor, deputy auditor, and any employees of the auditor’s office so charged criminally, including any appeals to the Iowa Supreme Court; however,

- (a) If a conviction results under any of the charges referred to in subparagraph (a), above, the person convicted shall not be indemnified for any fine so levied in the criminal judgment; and
- (b) Any person so charged as defined above shall immediately notify the Board of Supervisors of the pendency of such charges to invoke this Section.

2. That the Johnson County Auditor and any deputy auditor or employee who performs Election Work, in the case of technical violations and infractions under Section 39A.6 defined as civil violations under Section 39A.1, shall be provided a defense at county expense up to the limit described below, meaning an attorney to represent the auditor, deputy auditor and any employees of the auditor’s office cited for any such technical violation or infraction to file an appeal of such allegations or findings pursuant to Chapter 17A as specified by Section 39A.6(3)(b), in lieu of paying the civil fine of not to exceed ten thousand dollars specified by Section 39A.6(3)(a). Such representation shall continue for any of the successive appeals thereafter provided from the findings and conclusions of the Administrative Law Judge with appeals therefrom to the Secretary of State, the Iowa District Court and the Iowa Supreme Court. Any person so cited as described above shall immediately notify the Board of Supervisors of the pendency of such citations to invoke this Section.

3. That, in the event penalties or fines are imposed upon the Johnson County Auditor and/or any deputy auditor or employee who performs Election Work (any one of them an “Election Worker”) as a consequence of civil technical infractions under Iowa Code Section 39A.6, Johnson County will pay, only for such civil technical infractions and not for criminal fines imposed upon conviction under Iowa Code Sections 39A.2 through 39A.5, such penalties or fines, along with reasonable expenses incurred by an Election Worker, including but not limited to attorney’s fees, investigator fees, and expert fees, up to a limit of \$_____,000 for civil fines or penalties and \$_____,000 for cumulative defense expenses not otherwise covered by ICAP, per occurrence or circumstance that is the basis of the Secretary of State’s or Attorney General’s investigation of the Election Worker. Any person subject to liability for penalties or fines as described above shall immediately notify the Board of Supervisors of the pendency of such citations to invoke this Section.

It was moved by Green-Douglass, and seconded by Fixmer-Oraiz, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-07
AUTHORIZING WEIGHT EMBARGOES ON SECONDARY ROADS

WHEREAS, the recent weather conditions have caused soft subgrade and surface conditions to develop on some Secondary Roads; and

WHEREAS, it is deemed to be in the best public interest and welfare to preserve the road system in the best possible condition; and

WHEREAS, Sections 321.471, 321.472, and 321.473 of the *Code of Iowa* provide local authorities the right to restrict the weight of vehicles;

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA, that an embargo be authorized where necessary on the Secondary Roads System for Johnson County. The County Engineer is authorized beginning on February 13, 2025, to restrict gross loads on certain sections of the road system showing extreme distress at this time. He shall be authorized to restrict all traffic to an 8-ton gross load if necessary and to place temporary signs to comply with Section 321.472.

It was moved by Fixmer-Oraiz, and seconded by Green-Douglass, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-13-25-08
FY25 APPROPRIATION CHANGES TO CENTRAL SERVICES (DEPT. 18)
AND INSURANCE (DEPT. 22)

WHEREAS, the appropriations for the Insurance Department are not sufficient to meet payments for impending expenditure obligations; and

WHEREAS, the Central Services Department has available funds in its budget; and

WHEREAS, pursuant to section 331.434(6) of the Code of Iowa, a department appropriation may be decreased without a public hearing if the decrease is not more than the greater of \$5,000 or ten percent of the department's total budget;

NOW THEREFORE, BE IT RESOLVED BY THE JOHNSON COUNTY BOARD OF SUPERVISORS, that Insurance (Dept. 22), Administration Service Area, is herewith appropriated an additional \$200,000 and a total appropriation of \$1,847,100 for fiscal year 2024-2025 and the appropriation for Central Services (Dept. 18), Administration Service Area, is decreased \$200,000 for a total appropriation of \$1,916,326 for fiscal year 2024-2025. The relevant county service area is Administration, which remains unchanged.

It was moved by Sullivan, and seconded by Fixmer-Oraiz, the Resolution be adopted this 13th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

ATTEST:

/s/Jon Green, Chairperson
Board of Supervisors

/s/Julie Persons, Auditor
Johnson County, Iowa

RESOLUTION NO. 02-20-25-01
RESOLUTION SETTING A PUBLIC HEARING ON
VARIOUS DEVELOPMENT APPLICATIONS

WHEREAS the Johnson County Planning and Zoning Commission, following a public hearing on February 10, 2025, has filed its report and recommendations for certain actions.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A public hearing in accordance with Section 335.6 of the Iowa Code is set for March 13, 2025, at 5:30 p.m. CT in Room 203 B/C, Johnson County Health & Human Services Building, 855 South Dubuque Street, Iowa City, Iowa, on the following applications:
 - a. Platting applications filed by David Brown (PZC-24-28639); Marcus A. Divoky (PZC-25-28647).
2. That the Johnson County Auditor be authorized to publish the official notice of the above public hearing.

It was moved by Sullivan, and seconded by Green-Douglass, the Resolution be adopted this 20th day of February, 2025.

Roll Call: Fixmer-Oraiz Aye; Green Aye; Green-Douglass Aye; Remington Aye; Sullivan Aye

/s/ Jon Green, Chairperson
Board of Supervisors

ATTEST:
/s/ Julie Persons, Auditor
Johnson County, Iowa