

PLANNING & ZONING COMMISSION MEETING

CITY OF DYERSVILLE

Lower Level Council Chambers

June 10, 2019

Meeting called to order by Chairman Dan Olberding at 6:30 P.M.

Roll Call: Present: Commission Members: Ryan Cahill, Roger Gibbs,
Dan Olberding, Mike Schlichte, Wayne Stelken, Bec Willenborg
Absent: Tim Nefzger, Matt Tauke

1st Item: Approve Minutes of the May 13, 2019 Meeting

Chairman Olberding asked for questions or comments and there were none.

Roger Gibbs made a motion to approve the May 13, 2019 Minutes. Motion seconded by Bec Willenborg.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Dan Olberding, Mike Schlichte,
Wayne Stelken, Bec Willenborg

Nays:

Motion Carried

2nd Item: Approve Plat of Survey of Lots 1 & 2 of Coohy Addition, Dubuque County, Iowa.

Terry Koelker with Buesing & Associates was present. He advised Cal Coohy had asked him for a redivision of his subdivision. Coohy lives on Lot 1 of the plat and currently the lane for the timber is part of his property. The actual lane was not put in the area designated for the easement. Koelker advised he moved the line for the lane off of Coohy's property and moved the south lot line to make the lot one acre. Coohy's lot is the only one moving the south lot line.

City Administrator Mick Michel advised the city had no issues with the plat.

After no further discussion or questions, Bec Willenborg made a motion to approve the Plat of Survey of Lots 1 & 2 of Coohy Addition. Motion seconded by Wayne Stelken.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Dan Olberding, Mike Schlichte,
Wayne Stelken, Bec Willenborg

Nays:

Motion Carried

3rd Item: Approve Plat of Survey of Parcel 2019-37 Part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Twelve (12), Township Eighty-Eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa

Andrew & Jessica Breiner were present and advised they plan to build a new home and for the bank to approve the loan they need to separate the land from the farm.

City Administrator Mick Michel advised according to code; they need a minimum of an acre lot for construction. Michel understands they are on a time constraint to get this approved, so he is asking if the commission approves this to make it contingent on having a minimum of an acre lot. The city will need to have a revised plat no later than Thursday noon for it to be on the agenda for the council meeting on Monday. Michel said the plan is to move the west lot line further west to achieve the one acre. The city had no other issues.

After no further discussion or questions, Roger Gibbs made a motion approve the Plat of Survey of Parcel 2019-37, Delaware County, Iowa contingent on the lot being a minimum of one acre. Motion seconded by Mike Schlichte.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Dan Olberding, Mike Schlichte,
Wayne Stelken, Bec Willenborg

Nays:

Motion Carried

4th Item: Approve Final Plat of Westridge Estates 12th Addition in the City of Dyersville, Delaware County, Iowa. Lot 2 in Westridge Estates 10th Addition in the City of Dyersville, Delaware County, Iowa.

Nathan Runde, 919 18th Street SE, was present and advised they are splitting the lot for a new commercial building.

City Administrator Mick Michel advised the city has a development agreement in place for this so there are no problems with the plat.

After no further discussion or questions, Ryan Cahill made a motion to approve the Final Plat of Westridge Estates 12th Addition in the City of Dyersville, Delaware County, Iowa. Motion seconded by Bec Willenborg.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Dan Olberding, Mike Schlichte,
Wayne Stelken, Bec Willenborg

Nays:

Motion Carried

5th Item: Approve Retracement Plat of Survey of the West and South Line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and a Driveway Easement in the SE $\frac{1}{4}$ – SE $\frac{1}{4}$ of Section 24 - T89N - R3W Delaware County, Iowa.

Duane Thole was present and advised he is looking for approval or clarification for the easement through his property to the farmland. Driveway Easement A is a private driveway easement and he is the owner of that property. He is just clarifying the 11' easement that runs from Stone Briar Lane to the farm.

City Administrator Mick Michel was unsure of the purpose of the plat and what it was trying to show. He asked Thole to approach the commission and show them on the plat what he was

doing. After being shown what Thole was doing, Michel advised that since this is a clarification of an easement it should be part of an Easement Agreement instead of a Retracement Plat. This plat does not really follow the criteria or purpose of a Retracement Plat but should be an attachment to an Easement Agreement. Michel did not feel this was under the jurisdiction of the Planning & Zoning Commission.

Randy White was present and advised that 20 years ago he purchased property next to Thole and was given a 11' easement through Thole's property and onto his. This was never recorded but is part of his abstract. A couple years ago, White wanted to build on his property and Thole would not allow access through this easement. They have been in litigation regarding this. White stated that Thole took it upon himself to have this survey done for the easement. White stated he is not in agreement with this because it is only a foot from a hydrant and a well. White went on to explain further issues they were having with Thole and the easement.

City Administrator Mick Michel stated he suggested the commission table this item until he has a chance to get a legal opinion from the city attorney on how to proceed.

Chairman Olberding asked Thole if he had any further discussion and Thole advised he did not with the pending litigation.

After no further discussion or questions, Bec Willenborg made a motion to table the Retracement Plat of Survey of the West and South Line of the SE ¼ of the SE ¼ and a Driveway Easement in the SE ¼ – SE ¼ of Section 24 - T89N - R3W Delaware County, Iowa. Motion seconded by Wayne Stelken.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Dan Olberding, Mike Schlichte,
Wayne Stelken, Bec Willenborg

Nays:

Motion Carried

Meeting adjourned at 6:50 PM on a motion by Roger Gibbs, seconded by Ryan Cahill.

Lori A. Panton

Lori A. Panton – Recording Secretary

6/10/19
Date