



## PLANNING & ZONING MEETING

Lower Level Council Chambers  
Monday, April 08, 2024  
6:30 PM

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### MINUTES

#### ROLL CALL

PRESENT: Chairperson Roger Gibbs, Vice-Chairperson Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg (arrived at 6:40 pm)

ABSENT: Ryan Cahill

#### AGENDA ITEMS

1. Approve Minutes of the December 11, 2023 Meeting

There were no comments or questions.

Motion to approve Minutes of the December 11, 2023 Meeting made by Tim Nefzger, Seconded by Matt Tauke.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke

Voting Nay:

Motion carried.

2. Approve Plat of Survey of Lot 1 in the Southeast Quarter of the Southeast Quarter in Section 14, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa. Plat submitted by Dave Demmer, Jr.

Dave Schneider with Schneider Land Surveying was present and stated the plat is for Dave Demmer Jr and Dave Demmer Sr. This is within the 2-mile jurisdiction and is a farm transaction from parent to son. One of the land parcels needed to be split so Dave Sr. can stay in the house and the land which is to the south of the road can be transferred to Dave Jr. There will be approximately 220 acres total that will be transferred to the son.

City Administrator Mick Michel stated the city has no issues since this is a simple farm split.

There were no further comments or questions.

Motion to Approve Plat of Survey of Lot 1 in Southeast Quarter of the Southeast Quarter in Section 14, Township 89 North, Range 2 West of the 5<sup>th</sup> P.M., Dubuque County, Iowa made by Matt Tauke, Seconded by Joe Petsche.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke

Voting Nay:

Motion carried.

3. Approve Plat of Survey of Lot 1 in the Northeast Quarter of the Northwest Quarter of Section 21, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa. Plat submitted by David Recker

Dave Schneider with Schneider Land Surveying was present and stated he worked with Dave Recker to create a parcel to separate the farm buildings from the house. Recker plans to build a new home and for financing purposes wants the home separate for county rezoning.

City Administrator Mick Michel questioned the access and utility easement. Schneider stated that was future planning if either the house or farm ground would be sold. It is an existing driveway that would continue to grant access in case either of the properties were sold. Chairman Gibbs asked if this was a typical way to handle the issue. Schneider said it was. Michel stated the city had no issues with the plat of survey.

There were no further comments or questions.

Motion to Approve Plat of Survey of Lot 1 in the Northeast Quarter of the Northwest Quarter of Section 21, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa made by Tim Nefzger, Seconded by Matt Tauke.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke

Voting Nay:

Motion carried.

4. Petition to Rezone Property from A-1 Agricultural to R-1 Residential. Request from Lake View Estates LLC

Bill Hermesen, land developer, was present and stated he purchased property from Bard Materials and plans to develop and build on the property. Commission member Tauke asked if there was a better development plan and City Administrator Mick Michel stated a plat of survey would be coming later to the commission. Michel said the commission was just considering the rezoning of the property from A1 to R1.

Chairman Gibbs asked for comments or questions from the audience. Dave Buchheit, representing C & G Partnership / Farm Tek wanted to make sure the rezoning of this property would not jeopardize Farm Tek current and future zoning. He doesn't want the new property owners to complain or have issues with the noise or daily activities at Farm Tek.

City Administrator Mick Michel stated he will meet with both Buchheit and Hermesen to make sure the future property owners understand and won't protest possible rezoning of his property from C2 to I2. Michel stated the request is to rezone property from A-1 Agricultural to R-1 Residential. The current use of mining has been abandoned and the developer is wanting to create a residential development. The rezoning fits within the land use policy and the development will include water, sewer, and storm sewer. There is a development agreement in place that is consistent with other agreements. Michel stated the city is in favor of this request and the commission is asked to make either a positive or negative report back to the city council.

There were no further comments or questions.

Motion for a positive report regarding the Petition to Rezone Property from A-1 Agricultural to R-1 Residential made by Tim Nefzger, Seconded by Bec Willenborg.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voting Nay:

Motion carried.

5. Approve Preliminary Plat of Castle Hill Plat 4, Dyersville, Dubuque County, Iowa. Plat submitted by Hageman Homes LLC.

Tom Hageman, land developer, stated he has done 3 development phases consisting of 92 lots. He wants to expand with the 4<sup>th</sup> phase and create 66 more lots. This phase was part of his original plan in 2010.

Chairman Gibbs asked for comments/questions from the audience.

Roger Westemeier, 31707 Olde Castle Road, stated he and several neighbors have gentleman's agreement to have their septic systems run back on to the property and wondered what would happen with that. Hageman stated there are no current easements or agreements in place for the septic systems. Hageman stated he has checked this area and has found fecal matter flowing out of the system which means there are faulty systems running into the property. City Administrator Mick Michel stated the septic issues may need to be replaced and are a county issue since none of the property owners are within the city limits. Michel also stated there are easements in place that will allow any of the property owners along Olde Castle Road to voluntarily annex into the city and connect to sewer and/or water. No one will be forced to annex into the city, it will be up to the property owner. The neighbors asked what the cost impact would be, Michel stated it may cost thousands of dollars, but he would work with each property owner. Hageman was asked which part of the development would be started first. Hageman stated he plans to work on the northern part of the development first.

Jeff Digman, 31121 Olde Castle Road, asked if individual properties could be annexed or if all of them had to be annexed in. Michel stated it was up to each individual property owner and individual properties could be annexed. There is a sewer main that runs along Pine Ridge Avenue SE that the residents along Olde Castle Road could connect to.

Deanne Lammers, 31639 Olde Castle Road, had concerns regarding dynamite blasting and what happens to the homes if they are damaged. Hageman stated he does not plan on doing any blasting, but if he does, he will hire a contractor and there are state regulations and procedures that need to be followed. The blasting contractor would hold all the liability. Roger Westemeier stated there is rock behind his property and if there is any blasting he is afraid it will damage his home.

Roger Westemeier also had concerns about the extra traffic on Olde Castle Road with the new development. He already waits for traffic if he wants to get out of his driveway. City Administrator Mick Michel stated there will probably be some extra traffic, but a traffic study was done, and it showed that Olde Castle Road could handle the extra traffic and the city shares Olde Castle Road with the county. Michel stated when the city first looked at this development, it considered the utilities and land use. The land use is rural urban and can handle additional traffic. Kitty Stephan, 31671 Olde Castle Road asked if there was a road right behind their lot or if another lot would be behind theirs. She was told their lot would be next to another lot and then a street. It was asked if there were considerations for other outlets.

Jim Digman said he owns the property to the west and there is a road the ends right up to his property line but there is a cul-de-sac in the northern part of the subdivision. He nor his son have any plans of selling off or developing their property. Michel stated the street that ends next to his property is not a cul-de-sac because the city needs to reserve that as a possible street extension whether he or someone else would want to develop it or not. The cul-de-sac to the north was required by the city because neither the city nor the state want another outlet onto highway 20. The state's 25-year plan does not have another overpass or interchange along highway 20. Also interchanges/overpasses need to be one mile apart which would put it much further to the east. Digman would like the city to consider the traffic complaints. Michel again stated that Olde Castle Road could handle the extra traffic and sees no issues. If there are issues regarding the road, they could be brought to the county supervisors and engineers.

Bud Feldman, representing the Oak Ridge Development, questioned if there were easements in place to annex Oak Ridge properties. Michel stated those are already in place and ready for connection. The connection for Oak Ridge will not come from this development. Feldman was also concerned about UTV use and foot traffic through Oak Ridge. Michel said the rural urban design does not require sidewalks. There are no plans to get traffic into the town through Oak Ridge.

City Administrator Mick Michel stated the city has infrastructure and pumps in place to handle the additional properties. The city, in the past, invested a lot into the infrastructure and wants to capitalize on the investment. There will be no problems with water and sewer. There is a development agreement in place. The city is in favor of this development and likes the rural urban layout. It is in the best interest of the city to move ahead with the plans.

Jan Goedken, 31597 Olde Castle Road, stated when the blasting occurred in the past, they were never notified. She wanted to know how much notification was required. Hageman said he did not know what the guidelines were, that is the responsibility of the contractor. Hageman said he does not plan on blasting for the last phase and said he would go on record and state that he would not do any blasting. Hageman was asked how he plans to get through the rock; Hageman said with excavators and hammering. Michel said blasting can be on any property through a licensed contractor. The contractor needs to obtain a permit, provide liability insurance, and follow state procedures. Any issues would fall between the contractor and the homeowner.

Michel stated that the main infrastructure is already in place and working for water and sewer. Phase 4 will connect to that infrastructure. There is a development agreement in place. He did want to mention that the width of Wildwood Avenue SE is only 50' wide but there are 8' utility easements on both sides for utilities which is acceptable.

Chairperson Gibbs asked about the street style. Michel stated it would be the same as the other 3 phases. It will have engineered ditches that will be certified, and pre/post tested for drainage. Michel said this is consistent with the development plans. Regarding the traffic, there are 2 outlets and people can go either east or west. Olde Castle Road can handle the extra traffic. There won't be 100 new cars coming out all at the same time.

Jan Goedken asked if Klauer Manufacturing was contacted about extending the street. Michel said they haven't been but may be contacted in the future.

There were no further comments or questions.

Motion to approve Preliminary Plat of Castle Hill Plat 4, Dyersville, Dubuque County, Iowa made by Bec Willenborg, Seconded by Tim Nefzger.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voting Nay:

Motion carried.

6. Approve Final Plat of Castle Hill Plat 4, City of Dyersville, Dubuque County, Iowa. Plat submitted by Hageman Homes.

City Administrator Mick Michel stated this is the Final Plat which is the same as the Preliminary but without the utility layout. This completes the design standards that were proposed in 2010. The infrastructure is in place, but the connections will need further approval. Michel recommends approval of the final plat.

There were comments or questions regarding the final plat.

Motion to approve Final Plat of Castle Hill Plat 4, City of Dyersville, Dubuque County, Iowa made by Matt Tauke, Seconded by Bec Willenborg.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voting Nay:

Motion carried.

## **ADJOURNMENT**

Meeting adjourned at 7:23 pm on a motion made by Bec Willenborg, Seconded by Joe Petsche.

Voice Call Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voice Call Nay: None

Motion carried.



Lori A. Pantan, recording Secretary