

Floyd County Board of Supervisors Meeting
May 10, 2016, 9:00 AM

UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Board Room of the Floyd County Courthouse with the following in attendance: Supv Kuhn, Supv Kamm and Supv Schwickerath.

Schwickerath/Kamm moved to approve the agenda as presented. Motion carried 3-0.

Public comments: none.

Kamm/Schwickerath moved to approve the April 25 and 26, 2016 minutes. Motion carried 3-0.

Kamm /Schwickerath moved to approve the following claims as presented: County #3325-3477, and Secondary Roads #17532-17570 and direct the Auditor to write a memo to department heads reminding them of the credit card policy and cardholder obligations to provide supporting documentation or be responsible for covering insufficient documentation. Motion carried 3-0.

Schwickerath/Kamm moved to abate all accrued penalty and interest of \$34 on parcel #410-111230201200 described as Bonners Second Addition to Charles City Lot 1 Block 2 due to an irregularity occurred in the documentation of the parcel after its sale to Rachel S. Colsch, recorded in August 2014. Motion carried 3-0.

Kamm/Schwickerath moved to abate unpaid FY16 2nd half tax, interest and penalty on parcel 062410000800, a mobile home taxed as a Building on Land Owned By Another in the amount of \$6. Motion carried 3-0.

At 9:16 a.m. a public hearing opened regarding a Construction Permit Application from Brandon & Casey Wood for a 2,500 head deep swine pit finisher confinement building at an existing swine confinement facility in Rudd Township, known as Candon Finisher Farm Site. Jeff Sherman, Environmental Specialist, and a DNR rep have visited the site and reviewed the master matrix score. No representatives for Wood's were present. Jeff and Gail Schwartzkopf, residents residing 1,875 feet north from the proposed site, commented on the odor from the existing confinement, concerns about their 120 ft deep well being depleted by the Wood's 125 ft well, contractors trespassing on the Frost property when the first confinement was built and school buses having to wait because of semis parked on the road or backing from the road onto Wood property. A map and scoring comments for master matrix #19 reference the truck turnaround of more than the required 120 ft. In response to Marilyn Jorgensen's inquiry if the proposed facility was contained on Brandon and Casey Wood's property, the maps indicate that it is. Schwartzkopf's expressed concerns of the property having a Karst topography based on high levels of radon on their property, sink holes in the area, and a Terracon report that did not reflect any bedrock but there were no recent borings available to confirm. Kamm commented that the report indicates no evidence of Karst topography. Kuhn reviewed the soil boring reports and commented that if Karst topography was evident, it would not stop the confinement from being built but additional engineering standards to build, such as thicker concrete, would be required. Harold Jorgensen expressed concern of how work would be monitored for new construction because of information he heard about cement poured for the original facility. Kuhn commented that he was not aware who would oversee the process but construction certification is required. Gail Schwartzkopf made reference to a website that indicated a well located west of the Schwartzkopf property. After reviewing the approximate location, the distance appeared to be outside of the requirements mentioned in master matrix #7. The Supervisors requested Sherman leave the meeting to locate the well on the Frost property and measure its distance to the proposed facility and return with his findings. Schwartzkopf's provided a photo of the distance between their residence and the existing facility and their plans to erect a wind break and addition to their home. They applied for a county building permit through the county website on April 10 and submitted it on April 13. The Wood's application was submitted April 8. The Schwartzkopf addition adds 16 ft to the property bringing the 1,888 ft separation distance to the confinement to 1,872, below the minimum required distance of 1,875. Had the Schwartzkopf application been submitted prior to Wood's, the separation distance would not be met. Jerry Miller commented that the legislators in Des Moines need to consider changes to the confinement processes. Kuhn commented that Woods are contracting with two different integrators for the ownership of the hogs; had their only been one, there would have needed to be a minimum separation distance for the two barns. In regard to Miller's inquiry about the size of rock required, Dusten Rolando, County Engineer, stated that Class A road rock is required in the driveway right of way. Kuhn stated the well head on the property has three large rocks around it but there are no state requirements

for protecting well heads. Kamm stated that the plastic well head is right next to the drive where the ground is soft and could easily be pushed over with traffic. The hearing was put on hold at 10:25 a.m.

At 10:25 a.m. a public hearing opened regarding a revised Construction Permit Application from Knapp Finishers, LLC for a confinement feeding operation in Cedar Township, known as the Meyer Site. Kuhn reviewed the reason the original permit was denied due to the truck turn around/driveway and concerns of an unprotected well head. Since that time, a conference call with Brian Ritland, Pinnacle representative, Cindy Garza and Paul Petitti, DNR representatives, and Carl and Chuck Knapp ensued regarding resolution to county concerns and the Knapp's submitting a revised application. At the original hearing, there was no evidence presented to support that the well head was already being protected; documentation showing what had been done was provided following the conference call. The revised application shows the Knapp's removed scoring for master matrix #7, added a compost structure, moved the proposed driveway away from the well head, and moved the proposed building closer to the existing facility. The hearing closed hearing at 10:51 a.m. Kuhn/Kamm moved to recommend the DNR approve the revised Construction Permit Application for Knapp Finishers, LLC for the proposed construction of a confinement feeding operation in section 22 of Cedar East Township, known as the Meyer Site. Motion carried 3-0.

At 10:52 the Board continued with the public hearing regarding the Brandon & Casey Wood confinement application. Sherman reported that he was not able to locate the well head on the Frost property but was able to determine that the property line is more than the 200 feet distance requirement. Chris Peterson would like various county supervisors to approach the legislators regarding reforming the master matrix to address separation distances. Clifford Kelly suggested that the board consider allowing the intent of a separation distance to be compromised with the Schwartzkopf's possibly having first activity dates rather than dates on applications. Schwickerath commented that the board cannot come up with any questionable scoring of the matrix but the separation distance to the nearest residence is of concern to him. Kamm commented that he could deny the application based on having two integrators to get around separation distances. The hearing closed at 11:20 a.m. Schwickerath/Kamm moved to recommend to the DNR that they deny the Brandon and Casey Wood application for a proposed construction of one new 2,500 head deep pit swine finisher confinement building on an existing swine confinement facility in Section 21 of Rudd Township, known as the Candon Finisher Farm Site, based on the question of the distance between the Swartzkopf's property and the proposed confinement. Motion carried 3-0.

The Board discussed siting concentrated animal feeding operations (CAFOs) in the Washington School Watershed. Kuhn received several calls about a new CAFO at 3030 180th St, Charles City, built by Stan Mehmen, located in the Washington School Watershed area and in a drainage district overseen by the board acting as trustees for the district. The site is proposed for under 1,000 animal units, was approved by the DNR on May 2 and construction could start after 30 days. Adam Schafer, DNR representative, met at the site with Kuhn and Sherman last week. Also present at the onsite meeting were Stan Mehmen and Gary and Sandy Quade. Kuhn commented that legislature has preempted any local control regarding siting of CAFOs and does not believe that the legislature is addressing confinements in watersheds with respect to separation distances. Discussion included a surface intake that drains to Heyer Creek, concerns if there would be a catastrophic release of manure near the intake, whether or not the intake would be considered an extension of the creek, before the terraces were built head waters of the creek started in the areas of the intake, and separation distance requirements from a water source. Former WSW secretary, Gary Quade commented when WSW was established confinement facilities were nonexistent. Dan Bratrude, DNR representative, was called during the meeting to address who could appeal an application during the 30 day period before construction could start and clarification on surface intakes. Bratrude was unsure about the appeal question but will follow up with a response after consulting with legal counsel. Bratrude clarified that separation distances on surface intakes is relevant to ag drainage wells not tiles and that a tile leading to a water source is not considered a part of the water source. The Board heard comments from Larry Freiberg, Gary and Sandy Quade, Tammy Quade, Clifford Kelly, and Chuck Knecht regarding concern that the DNR understands the Washington School Watershed area, dispute the definition of a water source, interest in pursuing change to define an intake as being considered the start of a water source and dialog to address factory farms.

Kuhn excused himself from the meeting at 12:35 p.m. Schwickerath continued the meeting as vice chair.

Engineer's Report: Dusten Rolando, County Engineer, provided foreman's minutes and his timesheet. Contract rock will start soon. The Floyd shop is coming along and hopes to have it finished by the end of the fiscal year. Design work for bridges continues. PCC overlay on Dancer Ave is in the preliminary stages. Working on culvert, pipe and other day labor projects. Drainage district #1 issues will be discussed at a future meeting.

Kuhn returned to the meeting at 12:43 p.m. and continued as chair.

Kamm/Schwickerath moved to approve six 28E law enforcement agreements between Floyd County and each of the cities of Colwell, Floyd, Rudd, Rockford, Nora Springs and Marble Rock. Motion carried 3-0.

Schwickerath/Kamm moved to approve Res #14-16: Resolution to fix a date for a public hearing on a general obligation refunding loan agreement and to approve Preliminary Official Statement: WHEREAS, the Board of Supervisors of Floyd County, Iowa (the "County"), has previously issued \$7,690,000 General Obligation Taxable Urban Renewal County Road Improvement Bonds, Series 2010A, (the "2010A Bonds"); and WHEREAS, in the resolution authorizing the issuance of the 2010A Bonds, the County reserved the right to call for payment prior to maturity any or all of the 2010A Bonds maturing after June 1, 2018 (the "Callable Bonds"); and WHEREAS, it is necessary to fix a date of meeting of the Board at which it is proposed to take action to enter into a loan agreement (the "Loan Agreement") in an amount not to exceed \$6,500,000 for the purpose of refunding the Callable Bonds and to give notice thereof as required by law; WHEREAS, a Preliminary Official Statement (the "Preliminary Official Statement") has been prepared to facilitate the sale of General Obligation County Refunding Bonds, Series 2016A (the "2016A Bonds"), and it is now necessary to make provision for the approval of the Preliminary Official Statement and to authorize its use by Northland Securities; NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Floyd County, Iowa, as follows: Section 1. This Board shall meet on the 24th day of May, 2016, at the Floyd County Courthouse Board Room, Charles City, Iowa, at 9:15 a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement. Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once and not less than 4 nor more than 20 days before the meeting, in a legal newspaper of general circulation in the County. Section 3. The use by Northland Securities of the Preliminary Official Statement relating to the 2016A Bonds, in substantially the form as has been presented to and considered by the Board of Supervisors, is hereby approved, and Northland Securities is hereby authorized to prepare and use a final Official Statement for the 2016A Bonds substantially in the form of the Preliminary Official Statement, but with such changes therein as are required to conform the same to the terms of the 2016A Bonds and the resolution, when adopted, providing for the issuance of the 2016A Bonds, and the County Auditor is hereby authorized and directed to execute a final Official Statement for the 2016A Bonds, if requested. The Preliminary Official Statement as of its date is deemed final by the County within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission. Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. Motion carried 3-0.

Kamm/Schwickerath moved to approve Floyd County Employee Handbook changes, section 4.2 Vacation and 5.1 Sick Time. Motion carried 3-0.

Schwickerath/Kamm moved to approve the Fiscal Agent Agreement FY17 for Floyd-Mitchell-Chickasaw Early Childhood Iowa Area and Floyd County. Motion carried 3-0.

Kamm/Schwickerath moved to approve the Adopt-A-Highway extension for Boy Scout Troop 1034, Rockford, IA. Motion carried 3-0.

Schwickerath/Kamm moved to approve hiring Michael Bonwell as summer help for the Secondary Road department, effective May 9, 2016. Motion carried 3-0.

Kamm/Schwickerath moved to approve the Contract for PCC overlay project with Croell, a subsidiary of New Hampton, IA for \$1,914,907.42 and authorize the chair to sign the contract when it is ready. Motion carried 3-0.

Kamm/Schwickerath motioned to adjourn. Motion carried 3-0.

ATTEST: _____
Gloria A. Carr
Floyd County Auditor

Mark A. Kuhn, Chair
Floyd County Board of Supervisors