

Floyd County Board of Supervisors Meeting  
February 14, 2017, 9:00 AM

UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Assembly Room of the Floyd County Courthouse with the following in attendance: Supv Doug Kamm, Supv Linda Tjaden, and Supv Mark Kuhn. Approximately 30 people attended the meeting.

Tjaden/Kuhn moved to approve the agenda as presented. Motion carried 3-0.

Public comments: None.

Tjaden/Kuhn moved to approve January 23, 24, 30, and February 2, 2017 minutes. Motion carried 3-0.

Kuhn/Tjaden moved to approve the following claims as presented: County #6400-6607 and Secondary Roads #18147-18195. Motion carried 3-0.

Kuhn/Tjaden moved to accept two Sunnyside Memory Gardens Certificate of Interment Rights received as a gift from Ron James to be used for indigent burial needs through County General Assistance. Motion carried 3-0.

Kuhn/Tjaden moved to set the public hearing for the Floyd County FY18 County Budget for March 14 at 9:15 a.m. in the Board Room. Motion carried 3-0.

Supv Kuhn presented a packet with the following information supporting the proposed resolution petitioning the Governor and state legislature to address the failings of the Master Matrix: Floyd County's annual resolution to participate in the matrix process, sample letters and resolutions from Winneshiek County, Pocahontas County, and Webster County, Appendix C of the Master Matrix, Floyd County Board of Supervisor minutes dated April 13 and 14, 2015 regarding Dickinson County's request and Floyd County's action in favor of having the existing matrix repaired for more local control of confinement operations, Floyd County Board of Supervisor minutes dated June 8, 2016 regarding Prairie's Best Farms representatives meeting with the Board to discuss Simply Essentials production process needs, an Iowa DNR brochure titled Understanding Iowa's Impaired Waters, and a photo of stock piled chicken manure stored improperly. In addition to petitioning the Governor and state legislature, Floyd County's proposed resolution formally requests that the Iowa DNR be directed to suspend any issuance of any additional Concentrated Animal Feeding Operation (CAFO) construction permits until such time as corrective new legislative action regarding the Master Matrix can be adopted. Kuhn provided history back to the 1990s on the regulation of confinement operations, his participation as one of 12 state legislators who authored Senate File 2294 signed in 2002, the subsequent Master Matrix requiring scoring points in three categories including air quality, water quality, and quality of life, and the county's role in reviewing applications and providing input to the IDNR.

Kuhn commented that the 22.4 million hogs produced in Iowa in 2016 is projected to be 30 million hogs in Iowa by the year 2020. Those hogs produce roughly 10 times the amount of fecal waste than a human; hog waste in Iowa contributes to two-thirds of the fecal waste in the United States. If the waste is applied properly to farm fields it is good for the economy and good for farmers used a nutrient; if applied improperly it can leach into our ground water supplies. Kuhn commented that there are no words in the matrix regarding Karst topography, which he believes is unique and relevant to this area, and poses environmental concerns. The previous two matrixes reviewed by the county had well heads that were not protected should a spill occur.

Public comments included: 1) *When would legislatures act on redoing the matrix process, how long would a moratorium on permitting confinements applications take and was there much debate when the matrix went into effect years ago?* The Board does not believe the legislators would issue a moratorium and have no idea how long it would take to rewrite the matrix process. Kuhn has spoken to State Representative Todd Prichard and Senator Waylon Brown, both who have mentioned they are receptive to changes to the Master Matrix scoring. This process will take time and it could be years before the legislature may decide to take this up. In 2002, once the legislature made the decision to develop the matrix, a Federal mediator was brought in and it was done in 90 days. 2) *Maps show probable Karst areas and applicants are required to conduct test wells on corners of the proposed facility site location so why does the county think there needs to be more requirements related to Karst?* Kuhn responded that the applicant is responsible to drill a well to prove to the DNR that it is not in Karst area; the DNR used to produce this information but no longer does this. The master matrix scoring does not reference Karst and

manure management plans do not prevent applicators from spreading manure on alluvial soils, or for that matter, areas where there are sinkholes. 3) *What would the county recommend doing differently?* Several counties have provided legislators with reasons specific to their areas regarding the failings of the matrix. The county only has the opportunity to review master matrix scores for applicants exceeding certain animal units, pending the type of animal. Floyd County would like more than 30 days to review the score, publish notice, hold a hearing, and provide input back to the DNR. Floyd County would also like to mandate that the applicant and/or the firm scoring the matrix attend the hearing. 4) *Concerns over family farms in the hog business and how changes would affect future operations and to take into account those who follow the law and support their family.* 5) *Is the county's goal to do away with the matrix or have a uniform process across the state?* Kuhn supports getting the stakeholders who originally created the matrix back together to make changes. The matrix has a 44 questions, a value of 880 points but once 440 points are reached, the applicant does not need to score any farther; the county would like the opportunity to detract points, for example, if the facility is located near a waterway. Of the matrix questions, four have never been scored: #11 Air quality modeling results demonstrating an annoyance level less than 2% of the time for residences within two times the minimum separation distance; #21 Construction permit applicant waives the right to claim a Pollution Control Tax Exemption for the life of the proposed confinement feeding operation structure; #38 Applicant signs a waiver of confidentiality allowing public to view confidential manure management plan land application records; #44 Groundwater monitoring wells installed near manure storage structure, and applicant agrees to provide data to the department. 6) *What is the biggest obstacle to trying to get some of these issues fixed?* People at today's meeting and getting the governor and legislators to make changes are obstacles. Board representatives do not believe the legislature will address the issue at this time. Supv Kamm commented that 90% of feeding operators follow the rules; it's the 10% who cause the problems which is why the county needs to send a message that this issue needs to be fixed. 7) *Concerns of radon coming through in Karst areas.* 8) *Concerns of operators building facilities "under the radar" for the number of animal units.* Kamm mentioned that if facilities are built in a different name you can move the facilities closer together; that wouldn't have been achieved if they were in the same name which is another reason why the issue needs to be addressed. 9) *There should be some form of local control that facilities be acceptable to the county.* 10) *How many documented problems have there been?* The Board received a letter from Farm Bureau stating that there was one incident that affected the water quality in Floyd County since 2001. Kuhn provided a report from the DNR reflecting eight incidents with a total of 73,459 gallons of manure spilled, with spills as small as 300 gallons and as high as 35,000 gallons. 11) *How many gallons have discharged from city lagoons?* Kuhn commented that he does not have that information but city lagoons are regulated by state and federal emissions; the manure spills are unregulated. City representatives would need to be contacted to learn of discharge from the September 2016 floods. 12) *Should manure management plans address Karst rather than the matrix?* Kuhn commented that both should be addressed and that manure can be applied on areas defined with Karst topography; there are setback distances for sinkholes, ag drainage wells, and private wells. 13) *How many complaints has the county received on manure application?* Kamm applauds applicators who follow the rules; not everyone plays by the rules and every manure spill is an addition to nitrates in the soil. Tjaden and Kamm commented that they each received a complaint a week ago. Kamm has probably had about 15 in the last year. Kuhn commented that he had a complaint in early November about manure being spread at night, manure on the roadway, and not being incorporated until the next day which was within the 24 hours allowed; Kuhn has probably had four calls in the last year. A Rudd resident notified the Board after the fact that an applicator didn't incorporate until two days later; the applicator stated it was incorporated within 24 hours. Kamm commented that we take our drinking water for granted. 14) *Is this an attempt to limit the growth of the pork industry in Iowa, in effect reduce the ability of young producers to get started in the industry?* Kuhn commented that this is totally without merit; the County wants to tweak the matrix to bring to the table the concerns of air and water quality and quality of life. By no means is it an intent to slow or restrict the industry but rather protect the environment with the huge growth of the livestock industry. 15) George Peichel, Prairie's Best Farms CEO, provided information on their role as the live production unit partnering with Simply Essentials locating 80+ chicken barns in the area and agreed that it is important to protect the environment and supports the review of the matrix process. Peichel gave examples of sites they have worked with to accommodate DNR requirements and recognize that every site isn't appropriate nor will every site make everyone happy. Peichel also explained the process for dry chicken manure composting/pasteurizing, keeping on site and spreading manure, typically once per year in the fall, but can also be spread in the spring. 16) *It's hard to know there is a hearing when notices are not provided to the applicant.* Kuhn provided the process the county is required to follow to publish notice in the paper of a public hearing and suggested the responsibility falls on the applicant or company who was hired to score the matrix to check with the county to see if the county intends to hold a hearing. 17) *Due to land prices being so high, many farmers cannot afford rent and livestock has*

provided other income. *Many young farmers want to come back to the area to farm and are concerned about opening this issue up to state legislators.* 18) *As a taxpayer, how are they going to clean up the contaminated, impaired waters and mentioned cases where manure was allowed to be stored on frozen ground because they do not have storage capacity and were given five years to do so and that dates was extended. There was talk about the Iowa Water and Land Legacy Trust Fund revenues, if the tax were enacted, to use to clean up the water which was not the original intent of the ballot issue.* Kuhn explained that impaired waterways are designated as such through an EPA assessment if the water quality in a stream, river, lake or water source does not meet Iowa's water quality standards to be used as its full intended use as a recreational water source; if designated as impaired, a water quality plan has to be put in place to improve or reduce the pollutants in the water source. Floyd County has three impaired waterways, a portion of the Shell Rock River, the Winnebago River, and the Cedar River. 19) *Never heard of Karst topography.* Kamm commented that this is nothing new and that sink holes, ag drainage wells, and Karst topography have been studied for years. Kuhn referenced an author who wrote about whatever we put in our porous soil has an impact on Karst topography, fractured bedrock, and is unique to our environment. 20) *What impact does posing the proposed resolution have on the producers of Floyd County?* Kamm commented that if the operator completes the matrix and scoring is sufficient, there is nothing the county can do. Kuhn commented that unless the legislature takes up the issue, the county has no impact on new constructions, however, the county has been successful in working with the Wood and Knapp sites. Tjaden commented if this goes to the legislature and if they do something, it is unknown what the impact could be. 21) *Are Floyd County and the other counties trying to leverage more?* Kuhn responded that if we don't stand up and say something, the legislatures will never change anything. 22) *Could there be a flood of applications to get ahead of legislative action?* Kuhn responded that only if the legislature impose changes but it's not likely it will happen. The legislatures could impose changes without suspending applications. 23) *Why couldn't the Board propose a resolution that takes out the language regarding suspending permits?* Kuhn commented that the county has done that already. Tjaden commented that she has no issue with re-evaluating the matrix, making sure facilities are properly sited and manure management plans are properly implemented. Tjaden has not been through a Master Matrix process but does have issues with the second bullet on the proposed resolution requesting that the DNR suspend the issuance of CAFO construction permits until new legislation regarding the Master Matrix can be adopted. 24) *When certain entities, confinements, or factory farms start impacting neighbor's health, quality of life, property values, and water quality, it's not ok to keep going down the same road; the matrix needs to be revised, scores need to be raised and there should be an opportunity to subtract points.* Kuhn addressed another process where the Iowa Department of Agriculture and Land Stewardship regulates soil amendment 200A; dry chicken manure for fertilizer can be stock piled for an unlimited time as long as it doesn't pollute the ground waters of the state and is restricted from being piled within so many feet from a water source. IDALS was contacted by the county about dry chicken manure stock piled too close to Flood Creek near Roseville Church; IDALS sent out inspectors and required the manure to be moved 100 feet. Kuhn shared another incident where manure was stock piled in the middle of a bean field on the ground two miles west of his residence that was subject to 13 inches of rain in September and a neighbor two miles south received the manure on his property. Kamm commented about the impact of Karst topography and for this latter example, manure went over six sink holes before getting to the property owner two miles south of the pile.

Kuhn moved to approve Resolution #12-17 Petitioning the Governor of Iowa and the State Legislature to Address the Failings of the Master Matrix. Motion dies for a lack of a second. Tjaden/Kamm moved to approve Resolution #12-17 with amending the resolution by removing language to suspend construction permits: Whereas, the Floyd County Board of Supervisors (Board) has been presented with several applications for permits to construct concentrated animal feeding operations (CAFOs) in Floyd County, Iowa; and Whereas, CAFOs in Iowa have proliferated at a rate higher than anticipated by the authors of Senate File 2294 signed into law in 2002, which created the Master Matrix; and Whereas, the Board has attempted to provide pertinent information regarding the siting of CAFOs in Floyd County, Iowa; and Whereas, information offered by the Board has often directed the Iowa Department of Natural Resources to the hazards posed by the location of the proposed CAFOs due to the Karst topography in Northeast Iowa, and the hazards posed by unprotected water well heads at CAFO sites; and Whereas, the Master Matrix has failed to adequately differentiate between the geography, water sources and other critical considerations throughout different regions within the State; and Whereas, the failure to properly take into consideration information within the knowledge of local sources, has highlighted the failings of the Master Matrix to protect the air, water, health, quality of life and economic interests of the citizens we were elected to represent; and Whereas, the inadequacies of the Master Matrix in its present form have been documented and legislative remedies are needed. Now, therefore be it resolved by the Floyd County Board of Supervisors do hereby petition the Governor of Iowa and the State Legislature to address the failings of the Master Matrix to protect the air, water,

health, quality of life and economic interests of the citizens we were elected to represent. Motion carried 2-1 with Supv Kuhn voting against. Discussion included getting hung up on the moratorium language. Kuhn commented that in the Farm Bureau letter they state that our rich heritage in Floyd County is based on our agricultural heritage, citing White Farm, Hart Parr, Zoetis, and Simply Essentials and that this resolution does not support that heritage. Kuhn continued that pollution is pollution no matter the source and all commercial and industrial manufacturing facilities are under regulations to contain their emissions of toxic substances into the water and soils of the county, yet the Iowa legislature has over time nearly eliminated all state provisions for confined animal feeding operations. Kuhn stated that to use our heritage of Hart Parr and Zoetis as an example that we are somehow imposing on agriculture is false, misleading, ironic and does a disservice to this discussion.

Tjaden/Kuhn moved to approve Resolution #11-17 A Resolution Endorsing Memorandum of Agreement between the Floyd County Housing Trust Fund and the North Iowa Area Council of Governments Housing Trust Fund, Inc. and Recognizing NIACOG Housing Trust Fund, Inc. as Certified Local Housing Trust Fund Serving Floyd County, Iowa: WHEREAS, the Floyd County Board of Supervisors formed the Floyd County Housing Trust Fund via Resolution #07-05 on 8 February 2005; and, WHEREAS, the Floyd County Housing Trust Fund has operated successfully and independently since that date; and, WHEREAS, Floyd County is continually seeking means to improve socioeconomic conditions for its citizens; and, WHEREAS, an opportunity arose for the Floyd County Housing Trust Fund to partner with the North Iowa Area Council of Governments [NIACOG] Housing Trust Fund, Inc. with anticipated benefits being increase of allocation from State Housing Trust Fund and expertise sharing while operating with distinct goals, Boards of Directors and management targeting the needs of the respective counties; and, WHEREAS, NIACOG Housing Trust Fund, Inc. is to serve as lead agency as pertains to State Housing Trust Fund, and Floyd County Housing Trust Fund recognizes NIACOG Housing Trust Fund, Inc. as the certified Local Housing Trust Fund serving Floyd County; and, WHEREAS, on 16 February 2016 the Floyd County Housing Trust Fund Board of Directors ratified MEMORANDUM OF AGREEMENT BETWEEN THE NIACOG HOUSING TRUST FUND, INC. AND THE FLOYD COUNTY HOUSING TRUST FUND [M/S Hassman, Nielsen] and decertified the Floyd County Housing Trust Fund [M/S Sisson, Staudt]. NOW, THEREFORE, BE IT RESOLVED that the Floyd County Board of Supervisors endorses action by the Floyd County Housing Trust Fund entering into Memorandum of Agreement with the NIACOG Housing Trust Fund, Inc. with the realization that decision-making upon funding apportioned the Floyd County Housing Trust Fund will be retained by the Floyd County Housing Trust Fund Board of Directors; and, BE IT RESOLVED that Floyd County acknowledges the NIACOG Housing Trust Fund, Inc. as the certified Local Housing Trust Fund serving Floyd County, Iowa; and, BE IT FURTHER RESOLVED that the Floyd County Housing Trust Fund shall submit an Annual Report to the Floyd County Board of Supervisors each year prior 30 June. Motion carried 3-0.

Tjaden/Kuhn moved to approve Resolution #13-17 for a Bridge Load Posting on the Local Secondary Road System. WHEREAS, Floyd County completes an inspection of all bridges and structures on the Secondary Road System of Floyd County, and WHEREAS, part of this inspection involves the recalculation of the safe load capacity of any structure showing remarkable deterioration of the structural components of that structure, and WHEREAS, that structural evaluation has resulted in the recommendation to reduce the safe load capacity that can be supported by certain structures. NOW, THEREFORE, BE IT RESOLVED by the Floyd County Board of Supervisors on this 14th day of February, 2017 as provided in Sections 321.471, 321.472, and 321.473, Code of Iowa to erect and/or maintain weight limit signs in advance of the following bridge(s) located on the Local Secondary Road System as follows: Bridge No 089150, located at S36-T94-R15, with multiple posting of 8T, 14T and 15T. Motion carried 3-0.

Kamm/Tjaden moved to approve the Adopt-A-Highway extension request from Rockford FFA for approximately 1.5 miles of roadway along 210<sup>th</sup> St. Motion carried 3-0. Dusten Rolando, County Engineer, explained the county's process on the Adopt-A-Highway program.

Engineer's Report: Rolando provided his timesheet and foreman's notes. Notice to Bidders for Project M2017-1-R for furnishing and hauling 94,600 ton of Class D Crushed Stone was provided with letting on March 14. The 200<sup>th</sup> St bridge will be let two weeks from today. Pavement markings will be let on March 14 for work in the summer. T26 plans are finished. Sander trucks did go out this morning. Gravel roads will get worse before they get better. Farm to Market account will be in the hole if he proceeds with Quarry Road this year. Embargos will be on the agenda for March 14. Plans for the bridge on 180<sup>th</sup> (Franke's) bridge are proceeding with the Corp of Engineer and DNR; this will be funded with BR funds. Staff is working on FHWA reports; this identifies where bridge piles are in relation to the crick bottom. Rolando's budget will need to be amended for flood work. All FEMA paperwork has been submitted; received one check so far for Flood #1 and a check for Flood #2 should be

coming soon. At a NIACOG meeting last week, preliminary work for 2021 STP funds was discussed. Federal dollars for T38 is scheduled for 2019. In 2020 the road north of Nora Springs to the Cerro Gordo Co line is being planned.

At 11:48 a.m., the Board recessed and reconvened at 1 p.m. in the Board Room.

The Board conducted FY18 budget reviews.

Tjaden/Kuhn motioned to adjourn. Motion carried 3-0.

ATTEST: \_\_\_\_\_

Gloria A. Carr  
Floyd County Auditor

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Doug A. Kamm, Chair  
Floyd County Board of Supervisors