

Floyd County Board of Supervisors Meeting
February 28, 2017, 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 Doug Kamm, Supv Linda Tjaden, and Supv Mark Kuhn.

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

Public comments: None.

Tjaden/Kuhn moved to approve February 13, 14 and 20, 2017 minutes. Motion carried 3-0.

Tjaden/Kuhn moved to approve the following claims as presented: County #6608-6739 and Secondary Roads #18196-18215. Motion carried 3-0.

Kuhn/Kamm moved to approve Resolution #14-17: A RESOLUTION REQUIRING NOTIFICATIONS OF PUBLIC HEARINGS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs) AND REQUIRING THE APPLICANT AND ANY PERSON LISTED ON THE APPLICANT'S CONSTRUCTION PERMIT AS A PERSON TO CONTACT WITH QUESTIONS ABOUT THE APPLICATION TO ATTEND THE PUBLIC HEARING. Whereas, the Floyd County Board of Supervisors (Board) has adopted and filed with the Iowa Department of Natural Resources (IDNR) a construction evaluation resolution as provided in the Iowa Administrative Code (IAC) 567 – 65.10(3)a relating to the construction of a confinement feeding operation; AND, Whereas, exercising the authority given to the Board in the IAC 567 – 65.10(2)a.(6) Procedures for providing public comments to the Board as provided by the Board; and, Whereas, the Board believes it is essential prior to making a recommendation to the IDNR to approve or disapprove an application for a CAFO that both the applicant and the person listed on the applicant's construction permit as a person to contact with questions about the application attend the public hearing called by the Board. Now, therefore be it resolved by the Floyd County Board of Supervisors: 1. Floyd County shall send a letter by certified mail and an email to the applicant for a construction permit of a proposed CAFO and any person listed on the applicant's Construction Permit Application Form Item 1 – C) notifying them of the time and place of the public hearing on the proposed CAFO. The letter shall include the Public Notice published in official county newspapers that a public hearing on the proposed CAFO will be held. The letter shall also notify the applicant and any person listed on the applicant's Construction Permit Application Form Item 1 – C) that they are both required to be present at the public hearing. If they do not appear at the public hearing the Floyd County Board of Supervisors shall request a 30 day continuance from the Iowa Department of Natural Resources for the purpose of scheduling another public hearing on the proposed CAFO. 2. Floyd County shall send a letter by regular mail to all residents within a one mile radius of the proposed CAFO notifying them of the time and place of the public hearing on the proposed CAFO. The letter shall include the Public Notice published in official county newspapers that a public hearing on a proposed CAFO located within one mile of their residence will be held. 3. If either the applicant for the construction permit of the proposed CAFO or the person listed on the applicant's Construction Permit Application Form Item 1 – C) does not attend the second public hearing, the Floyd County Board of Supervisors shall recommend disapproval of the proposed CAFO to the IDNR. Motion carried 3-0. Discussion prior to taking action on the above resolution included changes Auditor Carr made to Supv Kuhn's proposed resolution referencing the Iowa Administrative Code, clarification in "either/and or both" wording in regard to two applicants and their agents who failed to appear at hearings last year and subsequently removing that paragraph, and some formatting changes to the resolution. Supv Kuhn requested it be noted that he did not receive an e-mail that Auditor Carr said she notified him about her proposed changes to his resolution.

The Auditor reported that seven businesses were provided specifications on the courthouse sewer tile and water line replacement project. Two bids were received, one from Kamm Excavating for \$22,800 and one from Popp Excavating for \$34,000. Kuhn/Tjaden moved to accept the bid from Kamm Excavating for \$22,800 for the courthouse sewer tile and water line replacement project. Motion carried 2-0, with Supv Kamm abstaining.

Tjaden/Kuhn moved to approve a liquor license renewal application for Freeze Frame Bowl. Motion carried 3-0.

Tjaden/Kuhn moved to approve Resolution #15-17 Appropriation Changes: Whereas, The Floyd County Board of Supervisors has reviewed departmental budgets; and Whereas, the following departmental budgets are in need of adjustment; and Therefore be it resolved by the Floyd County Board of Supervisor that county

departmental budgets appropriations for FY17 be adjusted with the following increases and decreases: Dept 32 Public Defender decrease \$2,000 and Dept 28 Medical Examiner increase \$2,000, both service area #1. Motion carried 3-0.

Kuhn/Tjaden moved to approve the Floyd County Dust Control Policy. Motion carried 3-0.

Tjaden/Kuhn moved to approve Resolution #16-17 Road Embargo: WHEREAS, it has been called to the attention of the Board of Supervisors of Floyd County, Iowa, the necessity of imposing restrictions as to the weight of vehicles to be operated upon certain highways in Floyd County to prevent serious damage due to climatic conditions. WHEREAS, the Board of Supervisors believes it to be in the best interest of the public to erect and maintain load limit signs on designated highways. NOW, THEREFORE, BE IT RESOLVED, by the Floyd County, Iowa, Board of Supervisors, that pursuant to Section 321.471 of the Iowa Code, that it is hereby determined that the following highway shall be designated as having a load limit of five (5) ton each axle (gross) on all vehicles and that the County Engineer is hereby directed to erect and maintain 5 ton per axle gross limit signs on the following highway and that this embargo will take effect when appropriate signs are erected and will remain in effect until said signs are removed by the County Engineer: 1. Starting at the south edge of the right of way line of the Avenue of the Saints (Quarry Rd./T44) near the center of Sec. 21, T96N, R16W south approximately 8,048 feet south to a point 3,225 feet north of the center of Sec. 33, T96N, R16W. 2. River Rd. starting at the intersection of Quarry Rd. and 150th St. northwest to River Rd. and 130th St. Motion carried 3-0.

Two bids for bridge letting project at 220th St W/Kirkwood Ave L-C034(95)—83-34 were received, one from Minnowa Construction for \$733,314.55 and one from Christiansen Bros for \$800,705.10. Dusten Rolando, County Engineer, requested that the Board table action due to his preliminary estimate coming in at significantly lower. Tjaden/Kuhn moved to table bids for the 220th St W/Kirkwood Ave bridge letting project and review it again on March 14. Motion carried 3-0.

Engineer's Report: Rolando provided his timesheet and foreman's notes. Crews were out clearing ice/snow on roads on Friday and Saturday. Crews are minimally blading potholes and holding off putting on rock until there is some good drying weather. Staff is working on specifications for a single axle dump truck. When not blading, crews are building 3x5 concrete box culverts and inventorying them for future use. Plans for STP funding need to be submitted in March and determinations will be made at the March 24 NIACOG meeting. Rolando will also submit a project for 2021 Federal Aid dollars. FEMA paperwork continues; Flood #1 is pretty much wrapped up and Flood #2 is in the works. The pavement marking project letting will be let in March, the T26 project letting is in April and the 170th St bridge letting should be in January with construction the following summer. Rolando is working on the 5-year construction program.

Supv Kuhn presented a draft Master Matrix Resolution setting standards to protect the wellhead and any groundwater monitoring wells located at the site of a proposed confinement feeding operation. According to an e-mail from Gene Tinker, Iowa Dept of Natural Resources representative, the county has the right to set the standard that must be met for applicants to score points for many of the Master Matrix items. In order for points to be awarded for question #7 of the matrix, any private or public water wells located on the site of the proposed confinement feeding operation must meet Floyd County's wellhead protection standards contained in the attachment to the resolution and this requirement shall also be included in the proposed confinement feeding operation's construction design statement and made a condition in the approved construction permit. In order for points to be awarded in question #19 of the matrix, any private or public water wells or groundwater monitoring wells located in or within 20 feet of the 120 foot diameter truck turnaround of the proposed site must meet Floyd County's wellhead protection standards, must be in the construction design statement and made a condition in the approved construction permit. In order for points to be awarded for question #44 of the matrix, any groundwater monitoring wells installed near the manure storage structure must meet Floyd County's wellhead protection standards, must be included in the construction design statement and made a condition in the approved construction permit. These standards are what was agreed with the Wood site last year. Randy Heitz asked what additional costs Wood's incurred with these standards; Kuhn commented that they have not built their facility yet. Kamm commented that this still does address the failings of the matrix and applicants could meet the matrix scoring requirements with other questions. Kuhn intends to ask Tinker to address the legality of this proposal at the ISAC conference next week. Tjaden will send a link to Tinker's Master Matrix PowerPoint presentation on the DNR website. Chris Baldes asked if there are other questions on the matrix that the county can set standards for; Kuhn commented that he thinks there are and mentioned one that Tinker references is filters on exhaust fans. Heitz asked if the Board had considered doing something like Mitchell County has proposed to have a committee

meeting to review the matrix before the hearing with restricted attendees who live within a certain radius; Kamm and Tjaden commented that they would not advocate a restricted access meeting and Kuhn thought the Mitchell County process was convoluted. Baldes inquired on the benefits of having CAFOs in the county; Tjaden mentioned some benefits include that a CAFO provides jobs, property taxes revenue to the county, income to family farms, and the value that manure provides to our crop ground versus buying commercial fertilizer. Kuhn and Kamm commented about the eligibility for pollution control exemptions. The resolution will be acted on at the March 14 meeting.

The Board wrapped up FY18 budget plans.

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

ATTEST: _____

Gloria A. Carr
Floyd County Auditor

Doug A. Kamm, Chair
Floyd County Board of Supervisors