

Floyd County Board of Supervisors Meeting
August 10, 2020, 9:00 AM

UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the District Court Room of the Floyd County Courthouse with the following in attendance: Supv Roy Schwickerath, Supv Linda Tjaden and Supv Doug Kamm.

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

Public comment: none.

Updates on various boards/commissions/activities: Supv Tjaden attended a Risk Management, Core Team and two Workforce Development meetings. Supv Kamm attended a NIACOG meeting. Supv Schwickerath attended a Department Head and Conservation Board meetings and met with an AMR Ambulance representative at the fire station regarding space needs, a group about the Statewide 911 system, and representatives of the Lancer LLC hog confinement application at the proposed site.

The Board will review claims individually following the meeting.

Updates on law enforcement center/courthouse project: Auditor Carr provided an update from Brian Shindelar, Samuels Group Site Superintendent, including crews will be pouring the kitchen area tomorrow and a portion of the jail cell area on Wednesday, roofers hope to get a large area of the roof completed today, masons are putting up brick on the south side of the tower, electricians are getting wiring ready for the generator and transformer slabs, framers are waiting on door frames for the Sheriff's office area, subbase will be going on in the garage area, and there were a few minor things to tend to from the OSHA visit on Friday. Pay Ap #9 and a MidAmerican Energy proposal require action at tomorrow's board meeting.

Discussion regarding COVID-19 included: 1) Through the County CARES Act, Governor Reynolds has allocated Floyd County \$198,309.39 in funds eligible for reimbursement through the Iowa COVID-19 Local Government Relief Fund. Counties must first pass a resolution accepting responsibility for the fund and that they are spent according to state and federal guidelines. Gail Arjes, Public Health Director, is hopeful that the county will apply for the funds to cover items such as tents, portable vaccine coolers, personal protective equipment, media campaign, and most urgently a public health payroll temporary or part-time staff to work as a liaison with the schools. Discussion included getting department heads together to discuss how to use the funds such as for Emergency Management needs, Fossil and Prairie Park facility cleaning follow-up after visitors, electronic meetings, and waiting on a callback from NIACOG representative regarding administration and clarification. 2) There are 155 total cases with 57 of those active. Arjes mentioned many cases can be traced back large gatherings.

At 9:25 a.m. the public hearing for the Lancer LLC construction permit application for a confinement feeding operation located in Section 26, Ulster Township for one new 2,501 head deep pit swine finisher confinement building as an expansion to an existing swine confinement facility; animal unit capacity of the confinement operation after construction: 2,000 animal units (5,000 head of swine finishers). Auditor Carr reported that there were three e-mails or letters with written comments which were read: 1) Roberta Russell, Witzell Truck Line, owner of SE ¼ of Section 28, letter opposing the expansion; 2) Brian Schmidtke's email from Russell regarding her review of the application noting specific differences between the 2019 application and this new application for Matrix #3, 4, 7, 16, 23, 31 and 32; and 3) letter from Brady Reicks, owner of Lancer LLC, that he read regarding his history in the family confinement business.

Becky Sexton, Twin Lakes Environmental Services LLC consultant, Reicks, and Jason Demaray, Reicks employee, reviewed and explained all scored matrix questions. Sexton commented that the location is a very good site, the owners will be good neighbors and use odor reducing technologies. Demaray commented that the site has pit fans that will help reduce odors. Sexton mentioned they have no changes due to COVID regarding compost and explained processes for confinements should they have a mass mortality including contacting the DNR, taking animals to the landfill, burying them or hiring a service to run them through a chipper. Demaray and Sexton explained requirements for upgraded concrete standards for confinements where there is Karst topography and if there are limestone formations found within a set distance that a clay layer and additional construction is needed; included in the application are test borings from the engineering firm showing no concerns for the structure.

Public comments include: 1) Doug Johnson expressed concerns about additional confinement facilities in the Charles City watershed, including Stewart Creek, Wildwood Creek and Heyer's Creek, which is a project area

where there is more than a \$1 million commitment for best management practices to reduce the potential loss of nitrates from the cropland to streams. Johnson provided estimates of nitrate and phosphorus concerns in the Drainage District #3 area and reported that nitrate levels in Wildwood and Stewart Creek have been running as low as 6.1 up to 17.6 ppm and in the last two months exceeded 11 ppm; drinking water standard is 10 ppm. Johnson proposes the board not recommend the expansion of the confinement facility due to the livestock in the watershed area exasperating the potential water quality concerns, working against objectives of the watershed project based on an estimate of the additional 2,500 head will require another 750-1,500 acres of land to apply manure that will likely add a higher rate of nitrogen. 2) George Cummings, retired Iowa Extension Service employee covering 11 counties and working with water quality issues, expressed concerns of manure application on the surface of no-till or reduced tillage land causing odor problems and manure being subject to run off and inquired if Reicks has needed to euthanize hogs due to the impact of COVID-19 shutting down meat packing plants. Reicks commented that there have been able to change feeding practices to stop pigs from growing until the packing plants were able to accept pigs again; most of their pigs go to Tyson's in Waterloo. Demaray commented that although they are seeing more no-till farming practices, they inject the nitrogen into the soil rather than spreading it on top so the nutrients will hold more stable in the ground to be utilized by the plant. Demaray reported that with farmers running a continuous corn crop program, they are not seeing soils get built up to very high levels of P & K, plants are fertilized up to a medium to high level and then spread over more acres and supplement additional acres if needed. Demaray had an overwhelming response from farmers to use the manure from this site as they recognize the value of the manure and its byproduct of micronutrients. 3) Jim Erb, landowner, commented about the confinement saturation in this area, how the existing matrix works, and the policies regarding the conservation issue where the Charles City Watershed project is proposing to put more cover crop and no-till in this particular area which pushes against the policy to expand the hog operations. Erb suggested there is more to address than this site and would like the state legislators to become more active in exploring the consequences of the confinement saturation and use this area as a pilot project area to solve issues. 4) Dean Tjaden, farmer and 25-years of experience in the nutrition business, answered questions regarding phosphorus loading regarding it being a standard practice for the last 5-10 years to use a product called phytate which lowers the phosphorus significantly in the manure, making it a very moot point on manure application in relationship to the nitrogen. Tjaden explained that manure application is based on the amount of manure per acre that the corn plant takes up, not on how many acres and gallons of manure you have. Contrary to some who believe that full-tillage practices are required, Tjaden explained they use many minimum-till and strip-till practices and still are able to inject the manure into the ground and improve soil health.

The hearing closed at 10:15 a.m.

Jeff Sherman, Floyd County Sanitarian, reported that reviewed the application and his original questions regarding the matrix and setbacks were addressed with the onsite visit.

Supv Tjaden expressed appreciation for a young farmer, like Reicks, getting involved in the family farm operation but does have concerns with the owner not living in Floyd County. Tjaden was disappointed that Sexton didn't fill out more points on the matrix to support that the property is a good site; Sexton commented that she prefers not to overshadow other applications. Tjaden would like confinement owners to come up with more options like electrified panels that help absorb the odor and dust coming from buildings and would like the board to address more requirements for future applications. As a farmer and confinement operator, Tjaden loves farming and expects operators to be responsible for their facilities, including odor, manure application and manure management plans.

Supv Tjaden requested Johnson speak on the notion that the healthier the soil is, the less runoff. Johnson explained that the less tillage done, the more months of the year you have a living crop, and the more diverse crop rotation is, the healthier the soil microbiology will be resulting in better soil health; healthier soil typically has the capability of holding much greater amounts of moisture in it and the infiltration rate on healthy soils is significantly greater so there is a reduction in potential loss of surface water runoff with healthy soil and with the increased organic matter that healthy soils accumulate over time, the soil is more resilient to shortages of moisture during the growing season of the crop. Johnson also followed up on a comment about the general farming operations in the watershed and livestock producers that he works with are very economically focused and don't want to apply any more manure, nitrogen or phosphorus than what they believe and understand by best science to be the most economical. His original comments were based on concerns over the nitrate levels.

The hearing closed at 10:15 a.m.

Supv Kamm commented that there is nothing the Board can do to stop the application, questions the need for all of the confinements, applicants needs to be careful of our environment, hears of manure spill every week, being proud of our county and not wanting the applicant to ruin that.

Supv Schwickerath visited the site and learned from the DNR representative that the distance measurements that were in question were done appropriately. Schwickerath still has issues with the flooding and air and water quality and nothing has changed since last year's application.

Tjaden also commented that she has contacted legislators several times about changing the matrix and we need to continue to push them to do something about the matrix.

The flooding near the compost pile structure was also discussed; Demaray commented that it is not in the floodway, the structure is up higher on the hill where the barns are located and unless the DNR would require it being moved, they have no plans to relocate it.

Schwickerath/Kamm moved to recommend the denial of the application based on the same flooding, air and water quality issues that were identified in last as #3 and #4 of year's application and the commitment of the initiatives for watershed improvement area, even though the scoring of the matrix appears to be accurate. Motion carried 2-1 with Supv Tjaden voting against.

Supv Tjaden presented the Northeast Iowa Workforce Area Chief Elected Officials Liability 28E Agreement which combines three regions, District 1, 2 and 7, into one region in effort to save money. Assistant County Attorney Randy Tilton has reviewed the agreement. Tjaden mentioned the agency is looking for a fiscal agent.

The Board reviewed applications for the Board of Adjustments and will still have a position to fill on the Zoning Commission.

The Board discussed the American Wind Energy Association County Seal Program which recognizes counties for engagement in wind energy. The County is potentially eligible for a bronze seal. Auditor Carr will research the criteria and apply for the seal.

Future agenda items: potential items from the upcoming Communications and E11 Service Board meetings and possibly future ambulance needs.

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

ATTEST: _____

Gloria A. Carr
Floyd County Auditor

Roy Schwickerath, Chair
Floyd County Board of Supervisors