

Floyd County Board of Supervisors Meeting
May 14, 2019, 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 Roy Schwickerath, and Supv Linda Tjaden.

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

Public comment: none.

Schwickerath/Tjaden moved to approve April 22, 23, and 29, 2019 meeting minutes. Motion carried 3-0.

Tjaden/Schwickerath moved to approve the claims presented: County #2924-3109, Secondary Roads #19963-20005, and Drains 7-9. Motion carried 3-0.

Tjaden/Schwickerath moved to approve the Application for Use of Floyd County Courthouse Grounds from the Patriotic Committee or a Memorial Day event. Motion carried 3-0.

Schwickerath/Tjaden moved to approve Res #19-19* Resolution consenting to assignment of Trustee Agent Agreements; Escrow Agent Agreements; and/or Paying Agent and Registrar and Transfer Agent Agreements: Be it resolved by the Board as follows: Section 1. The County hereby consents to the assignment of the Agreements from Bankers Trust to UMB. The Chairperson and the County Auditor are hereby authorized to execute such documents as may be necessary to carry out the assignment of the Agreements, including the "Acknowledgment to Assignment" that has been prepared by Bankers Trust and presented to the County. Section 2. The effective date of the assignment of the Agreements shall be as set forth in the Acknowledgment to Assignment. Section 3. To the extent that the County has continuing disclosure requirements pursuant to Rule 15c2-12 of the Securities Exchange Act relative to the Outstanding Obligations, the County will cause a notice of the assignment of the Agreements to be posted on the MSRB Electronic Municipal Market Access (EMMA). Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. Motion carried 3-0.

Tjaden/Schwickerath moved to approve an Adoption Highway Extension Request from Charles City Elks Lodge #418. Motion carried 3-0.

Schwickerath/Tjaden moved to authorize the transfer of \$1,339.41 funds from Farm to Market account to the Iowa Dept of Transportation for Project STP-S-CO34(96)--5E-34. Motion carried 3-0.

Tjaden/Schwickerath moved to assess \$2,000 for Drainage District #3, offering a waiver to spread payments over 10 years at 5% interest for assessments over \$500. Motion carried 3-0.

Schwickerath/Tjaden moved to assess \$3,500 for Drainage District #4, offering a waiver to spread payments over 10 years at 5% interest for assessments over \$500. Motion carried 3-0.

Tjaden/Schwickerath moved to assess \$2,000 for Washington Watershed Priority #1, offering a waiver to spread payments over 10 years at 5% interest for assessments over \$500. Motion carried 3-0.

At 9:17 a.m. the public hearing opened regarding a construction permit application for a confinement feeding operation, Honeywood LLC, located in section 28 of Ulster Township for two new 2,500 head deep pit swine finisher confinement buildings for a new swine confinement facility. Letters received and read in opposition to the application were: Roberta Russell, Kelly Koehler, Barb Ohden, and Adrienne Russell. Letters received and read in support of the application were: Jess Demaray, Jason Demaray, Jamie Bushbaum and Becky Sexton, Twin Lakes LLC representative. Oral comments made in opposition to the application were made by: Jeff Schwartzkopf whose property is surrounded by confinement facilities, has smells all the time, questioned why something isn't put in the manure to reduce the order, his property value has dropped 50%, and would like dust control in front of his property; Sharon Koehler is concerned of the neighbor's and grandchildren's health and does not like the scoring requirements for the matrix; Roberta Russell believes the applicant should have contacted the neighbors and is concerned of the master matrix and amendments filed after the application was filed should require the process to start over; Mark Kuhn commented about 20,000 hogs in the neighborhood, the legislature should address the "broken" Master Matrix scoring process, and suggests it is not appropriate for the applicant to make changes to the application without the public being made aware of the changes and this supports the board holding off on recommending the application until verifying the changes with the Department of Natural Resources

are acceptable. Sexton reviewed the three amendments and commented that one part of the amendment filed May 13 was at the request of the Dan Bratrud, DNR rep, following the onsite review, reduced 25 points for Master Matrix #9 due to separation distance between the two sites, but no points were added because the score remained above the minimum requirement. Several comments were made regarding the legislature needing to revise the Master Matrix scoring process. Supv Schwickerath commented about the negative impact of confinements on neighbors who should have rights as well. Supv Kamm expressed concern of concentration of confinement buildings that he believes should be scattered rather than concentrated, two sinkholes near the area, and the applicant could practice being a good neighbor by providing dust control for certain properties. Sexton said there is Karst topography but the property meets the criteria, the operator has no plans to expand with additional buildings in the future and as the consultant for the applicant, anyone can call her at any time with concerns of the facility. The hearing closed at 10:25 a.m.

At 10:25 a.m. the public hearing opened regarding a construction permit application for a confinement feeding operation, Spicewood LLC, located in section 28 of Ulster Township for two new 2,500 head deep pit swine finisher confinement buildings for a new swine confinement facility. Letters received and comments heard at the hearing for the Honeywood LLC application also apply to the Spicewood application. In addition to a letter received from Craig Schweizer, supporter and manager of the Spicewood facility, was read. In response to Dennis Dight's question regarding the owner of the facility, Jason Demaray responded that he owns 100% of both LLCs. In regard to the Master Matrix, 25 points were removed for item #9 in regard to distance to the nearest confinement facility and 10 points were added for item #29 with respect to manure application not occurring on highly erodible land, in effort to maintain the minimum required passing points. The hearing closed at 10:28 a.m.

Schwickerath/Tjaden moved to approve the revised Master Matrix score by reducing 25 points for item #9 and send a letter to the Iowa Dept of Natural Resources to recommend the Honeywood application. Motion carried 3-0.

Schwickerath moved to deny the Spicewood application because of the removal and addition of points to the Master Matrix. Jason Demaray commented that Bratrud, DNR rep, asked that the points be taken out and other points be added; Demaray had enough room to move the location of the building but it would move it closer to neighbors. Auditor Carr mentioned how scoring issues were resolved with a prior application through a mediated call with the DNR rep and between the county and applicant. Supv Tjaden spoke with Bratrud and understood the change. Supv Kamm said he is not happy with the scoring process and changes made which should be included with the county's letter to the DNR. The motion died for lack of second. Kamm/Tjaden moved to approve the revised Master Matrix score by reducing 25 point for item #9 and adding points for item #29 and include in the recommendation letter to the DNR for the Spicewood application that the county is not happy with the allowable amendments to the scoring process. Motion carried 2-1 with Supv Schwickerath objecting.

Engineer Report: Rolando provided his timesheet and foreman's notes. Gravel roads are improving; crews are hauling rock. The 170th St bridge work has been delayed due to road conditions but plan to pour the deck next week. T38 shoulder work plans are being tweaked; Rolando is working with Mitchell County's contractor to extend some work in Floyd County. Supv Kamm commented about a water drainage complaint near the Beaver Creek Watershed structure where a property owner requested the county install a 15" tile to the crick; Rolando commented that the structure didn't change the water flow that caused additional problems and the tile will not remedy the property owner's water concerns. Culvert and day labor work is starting. Quotes for patch work on Underwood are due Friday and other patch work is being planned.

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

**This is a summary of the resolution; full text of resolutions may be inspected during normal business hours in the Floyd County Auditor's office.*

ATTEST: _____
Gloria A. Carr
Floyd County Auditor

Douglas A. Kamm, Chair
Floyd County Board of Supervisors