

Muscatine County Board of Supervisors
Monday, July 24, 2023

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Chick, Kirchner, Sauer, Mather and Sorensen present. Chairperson Sauer presiding.

On a motion by Sorensen, second by Mather, the agenda was approved as presented. Ayes: All.

Steven Frantz, Partner Relations Coordinator for the Iowa Donor Network presented the Iowa Donor Network's 2023 Excellence in Partnership Medical Examiner Award to Chief Medical Investigator Tom Summitt. Frantz stated of the 30,000 deaths in Iowa each year, the Iowa Donor Network receives information from the families of about 12,000 of them. Frantz stated the procedure Summitt follows is to provide the referral number for the Iowa Donor Network to each family prior to closing the file. Frantz stated while Muscatine doesn't have the most death cases, Muscatine is the leader for getting families in contact with the Iowa Donor Network which saves many lives through donations. Frantz would like to implement Summitt's procedures state wide. Summitt stated it was a group effort from his office to ensure each death could potentially save the lives of others. Summitt thanked the Iowa Donor Network on behalf of his team.

On a motion by Sorensen, second by Mather claims dated July 24, 2023 were approved in the amount of \$811,275.14. Ayes: All.

County Engineer Brian Horesowsky presented bids for a bridge project L-(MW-5)—73-70, a 100'-0 x 26'4 continuous concrete slab bridge over Mosquito Creek on North Isett Avenue as follows: Jim Schroeder Construction of Bellevue, IA. - \$666,282.10; Cunningham-Reis LLC of Van Meter, IA - \$774,790.00; and Iowa Bridge & Culvert LLC of Washington, IA. - \$658,675.00. Horesowsky stated the bids will be fully reviewed for accuracy.

A Public Hearing was called to order by Chairperson Sauer at 9:12 A.M. on a confinement feeding operation construction permit application from JDSD Farms, LLC in Section 6 of Pike Township. Planning and Zoning Administrator Eric Furnas explained the State of Iowa codes regarding the permit application process. Furnas stated the state adopted a Master Matrix process on confinement operations above a certain size, which awards points based on the application to the Department of Natural Resources (DNR). The County verifies the qualifying points and makes a recommendation to the Board based on the score from the Master Matrix. A public hearing is then scheduled to allow the Board to hear from those who are in favor of and those who oppose the application. Furnas stated once the minimum passing score of 440 out of 880 is reached, he stops counting points due to the time and man power it takes to calculate the score. He noted it's quite possible the score could have been higher if they would have continued counting. The score of this Master Matrix is 450. Furnas stated it was his recommendation to approve the DNR application.

Rhonda Meredith, 1174 Bay Circle, stated she submitted a letter to the Board in opposition to the hog farm. Meredith states on May 5, 2023 the Muscatine Board of Adjustment denied a special use permit submitted by JDSD Farms, LLC to request to split off three acres from the current parcel to build a house. Their decision was due to the high 85 average from the Corn Suitability Rating 2 (CSR2) rating stating the soil should not be taken out of farm production.

Meredith stated two months later, JDSD Farms, LLC requested to build two 2,499 head confinement buildings on that same land. Meredith stated the Board should deny the application for the same reason the Board of Adjustment denied the special use permit because it could be used as prime farm land. Meredith states she also opposes this operation because there are 14 residences within 2,000 ft to 1.5 miles from the site. Three residences will be within 400 ft of the Forbes's crop land - who had signed intent stating it could be used by JDSD Farms, LLC for release of liquid manure. Meredith stated on page 13, of the Animal Agriculture Compliance Act, Section 459.204 it states a person should not apply liquid manure from a confinement feeding operation on land located within 750 ft to a residence not owned by the title holder of the land. Mather stated Section 459.205 provides for exceptions to this, of which, is a written waiver. Furnas stated there is no separation needed if the manure application is injected directly into the soil or if it is incorporated into the soil the same day it is applied, which is how it will be handled according to the application. Furnas stated the DNR does follow up and monitor the practice of liquid manure application. Meredith stated there is one employee for the DNR who monitors 14 counties of hog confinements. Meredith stated she also opposes this operation because there is a current 1,800 head operation located on Bay Circle 1.5 miles east of the proposed operation. She stated as a land owner, a quarter of a mile from that operation, she and her neighbors experience the nuisance of habitual foul order, heavy trucks and semis on their gravel road, have concerns about delinquent carcass pick up and have to monitor their well water frequently. Meredith asked the Board to deny the application until the questions she presented can be clarified.

Rachel Rinner, owner of Knee Deep Solutions, LLC in Washington, IA, stated Knee Deep Solutions, LLC works for JDSD Farms, LLC. She stated she was there to answer questions that have been asked. She said in regards to the liquid manure, per the application, the farm is intending to inject or incorporate the liquid manure within 24 hours after application. She encouraged the neighbors to call the DNR if there was ever a time when those rules weren't followed because the farmers hold themselves to a high standard and they want to be held accountable for following the state rules. Rinner states they work with the DNR often. There is one senior officer and four specialist and they are spread out over 16 counties. She stated if there is an issue they come to the site quite quickly. Rinner states the volume of manure that is actually produced is lower than the State measured volume due to new technology and the excellent care of the animals; the water is not wasted as much.

Dane Meredith, 1174 Bay Circle, stated he is Rhonda's husband and has the same concerns she has. In addition, Meredith stated there are no "stink meters" because the smell is subjective. He asked what odor mitigation strategies JDSD Farms, LLC intends to deploy, as well as, what strategy are they not going to use that they have available to them. Meredith stated he spoke to the owner of the property next to the proposed build site, who stated concerns that his land value will diminish if he chooses to sell and his quality of life will diminish if he chooses to stay. Meredith stated he opposes this application, but if the Board were to pass it, he urges the owner to use everything possible to avoid odor.

Lynne Liles, 1047 Hwy 22, stated she also opposes the application but does not have anything

to add to that hadn't already been stated.

Furnas addressed the Board to clarify the discussion of the special use permit. He stated it is correct that JDSD Farms, LLC applied for a special use permit and was denied due to factors such as the CSR2 rating of prime farm ground. He stated one of the reasons why code discourages non-agricultural related housing is because of the potential for conflict between residential dwelling and ag related activities. He stated the county can apply zoning laws for non-agriculture related housing to try to preserve prime farm ground for agricultural enterprises. A hog farm is an agricultural enterprise.

Discussion was held regarding how public notices work. Rhonda Meredith stated the county needed to reevaluate using the newspapers for publication due to lack of subscribers. She stated a letter should have been sent to the neighbors directly regarding the public notice. Administrative Director Nancy Schreiber stated it is state law to use the three public newspapers based on our county size, as well as, publish notices on the County's website. Furnas stated it was subjective on who is considered a neighbor. If they were to send a letter, how far out should they go to deliver notices and what should they do if the land owner owned or resides on property in another part of the county. He asked if they would be required to notify the neighbors of those additional owned parcels and if so, how far would they have to go. Sorensen stated the publication and notices issued in the local media has entirely changed in the last five to seven years and it needs to be re-evaluated, not just on this issue but other issues as well, because it is a challenge. Sorensen stated he was unsure what the answer was to fix it. Specifically, to this issue of manure management, Sorensen agreed with Furnas that the possibility of spreading the manure on other parcels of land and notification to those neighbors would be challenging with sending letters.

On a motion by Sorensen, second by Chick, the public hearing was closed at 9:42 A.M. Roll Call Vote. Ayes: All.

Danny Chick stated he has some concerns and questions regarding this application. He stated he wanted all of the county's growers to be responsible land owners and at least consider their neighbors on these actions. Chick stated it concerns him that as soon as the house was denied to be built, the land owner decided to request to build these hog confinements. Chick stated he felt it was done in spite due to the denial, and the state law was going to supersede the Board's decision, so this vote was just a symbolic gesture. Sorensen stated he supported land owners having rights to make a living off their land.

On a motion by Sorensen, second by Mather, the Board approved the letter to the IDNR regarding the JDSD Farms, LLC construction permit application. Ayes: All.

County Engineer Brian Horesowsky reported the bids for a bridge project L-(MW-5)—73-70, a 100'-0 x 26'4 continuous concrete slab bridge over Mosquito Creek on North Isett Avenue had been reviewed and Iowa Bridge & Culvert, LLC was the low bid. On Horesowsky's recommendation, on a motion by Sorensen, second by Kirchner, the Board approved the bid from

Iowa Bridge & Culvert, LLC in the amount of \$658,675.00 for Project L-(MW-5)—73-70, a 100'-0 x 26'4 continuous concrete slab bridge over Mosquito Creek on North Isett Avenue. Ayes: All.

County Engineer Brian Horesowsky reported an update on the Manatts project located on F58 between Durant and Walcott. He stated they are done widening of the road and paving is about to begin. Horesowsky stated Scott County is the lead on this project but wanted to provide an update for the Board.

On a motion by Sorensen, second by Chick, the Board approved an ordinance assuming jurisdiction and control of certain pioneer cemeteries and/or private burial sites located in Muscatine County, Iowa on the second of three readings. Sorensen stated he had spoken to Jeff Kaufmann in Cedar County regarding the pioneer cemeteries. Kaufmann commented to Sorensen that Cedar County had discovered 35 pioneer cemeteries in their county. Kaufmann said he would not be surprised if Muscatine County discovered additional pioneer cemeteries or private burial sites. Sorensen stated this may become a larger issue than they were anticipating but Kaufmann had offered to get people from their commission to come and speak to the Board if there was interest in the information about what Cedar County is doing. Roll Call Vote. Ayes: All.

Planning and Zoning Administrator Eric Furnas presented an agreement for services between Bi-State Regional Commission and Muscatine County to assist with developing a comprehensive plan update in the amount of \$25,222.00. Chick asked if this was the first time we have used Bi-State and if so, had County Attorney Jim Barry reviewed the contract. Furnas stated this was not the first time using Bi-State as we have utilized them for the past ten years. Sorensen explained the Bi-State Regional Commission are federal paperwork experts utilized to help keep smaller counties and cities compliant. Muscatine County has used their expertise on projects such as the levy project and hazard mitigation projects. Sauer stated there were many projects Bi-State was involved in and they do amazing work for the county. Chick asked were the dues come from to pay Bi-State. Schreiber stated they are paid quarterly from the budget.

On a motion by Sorensen, second by Mather, the Board approved an agreement for services between Bi-State Regional Commission and Muscatine County to assist with developing a comprehensive plan update in the amount of \$25,222.00. Ayes: All.

Planning and Zoning Administrator Eric Furnas reviewed a request from the City of Fruitland to create a formal proposal and agreement with his department to provide plan reviews, permitting and inspections for the City of Fruitland, that mirror the County's standards. Furnas stated using the existing fee schedule and staffing in his office, he believes this would be something they can provide. However, if the scope was to include the City of Wilton and West Liberty, they would need to relook at that level of commitment by having further discussions. Sorensen stated he believes this would be positive for the City of Fruitland.

Community Services Director Felicia Toppert updated the Board on the Muscatine Center for Social Action (MCSA) contract, Project Rise Above and Peer Support.

On a motion by Sorensen, second by Kirchner, the minutes of the July 17, 2023 regular meeting were approved as written. Ayes: All.

Correspondence:

Sorensen was contacted by Vickie Bishop regarding railroad crossings on Pettibone. Sorensen had discussions with Jeff Kaufmann regarding Pioneer Cemeteries in Cedar County.

Committee & Meeting Reports:

Sauer attended the Muscatine County Conservation Board meeting on July 17, 2023.
Sauer attended the Muscatine County Board of Health meeting on July 18, 2023.
Sauer attended the River Bend Transit Board of Directors meeting on July 19, 2023.
Mather attended the Muscatine County Veterans Affairs Commission meeting on July 19, 2023.
Mather attended the Wilton Chamber and Development Alliance meeting on July 18, 2023.
Sorensen attended the Eastern Iowa Mental Health Region meeting on July 17, 2023.
Sorensen attended the Muscatine County/Muscatine City Joint Administration Board Emergency Management meeting on July 19, 2023.

Kirchner thanked Muscatine County Sheriff Quinn Reiss for the department's presence at the Muscatine County Fair held in West Liberty.

The meeting was adjourned at 10:18 A.M.

ATTEST:

Tibe Vander Linden
Muscatine County Auditor

Scott Sauer, Chairperson
Board of Supervisors