

**DRAFT MINUTES**

**DELAWARE COUNTY BOARD OF ADJUSTMENT**

1:00 p.m.

Tuesday, November 19, 2024

Conference Room (basement), Delaware County Courthouse  
301 E Main Street, Manchester, Iowa

**Board Members Present:** Chair Tammy Eibey, Vice Chair Therese Beswick, Board Members Randy Rattenborg, Marv Heims, and Lamont Davidson (via Teams).  
**Board Members Excused:** none.  
**Board Members Absent:** none.  
**Staff Member Present:** Zoning Administrator Alex Linderwell, ECIA Senior Planner Laura Carstens (via Teams).

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by Chair Tammy Eibey at 1:05 p.m. and roll call taken. Others in attendance are listed on the attached sign-in sheet.

**MINUTES:** Motion by Rattenborg, seconded by Heims, to approve the minutes of the August 20, 2024 Board of Adjustment (BOA) meeting as presented. Motion carried by the following vote: Aye -- Beswick, Rattenborg, Heims, Davidson, and Eibey, Nay – None.

**PUBLIC HEARING:**

**CASE: 5-24 Special Exception - 272nd St Worthington, IA 52078 in North Fork Township, Section 36, Township 88, Range 3 W, PIN 210360003240, 210360003250, 210250000700, 210250000710**

**Applicant:** BARD Materials

**Proposal:** Constructing a sand extraction pit on the property

Chair Tammy Eibey opened the public hearing after explaining the BOA's public hearing process.

Ben Schroeder, representing the applicant BARD Materials, introduced others from the BARD Materials team members. He reviewed the application to construct sand extraction pit on the property. He noted there were 5 homes with 13 residents with 500 feet and six homes with 18 residents within 1,000 feet from the sand pit. He provided a spreadsheet of property assessed values. He reviewed the company's record with the mining operation in Dyersville, and noted the number of mining operations in Delaware County on Farm-to-Market roads. Referring to the BARD neighbor Letter, he explained "noise levels would be 100 decibels at the source, this is comparable to an air powered hand dryer, diesel tractor or a motorcycle. At 350' away this noise is reduced to about 40 decibels which is about the same noise level as office chatter or a refrigerator running. The remaining noise on site would be the front-end loader and dump trucks. This noise would be similar to a coop or farm operation." In response to a question from BOA Member Beswick, Ben Schroeder said the plant would typically operate on site for 4-6 weeks, typically April-September.

Ben Schroeder reviewed conditions that BARD Materials was offering were to pay for signs for truck traffic, no engine breaking, sign with contact information, open communication with neighbors, and mowed vegetation berm on left side. Discussion followed regarding the construction of the elevated plant site relative to the flood plain. He explained the types of sand that the company wants and how it is collected. Discussion followed on how sites are identified, and the sequence of approval. He would install the entrance in accordance with the County Engineer's requirements. He asked that BOA not to impose any conditions that would contradict local, state, or federal regulations. He said he understood

the concerns of the neighbors, that change is going to happen, that sand deposits are sometimes near homes.

Braedon Burlison, Environmental Management, representing the applicant BARD Materials, explained about the project site development, using a diagram that he shared with the BOA. He explained the difference between floodway and floodplain. He noted the floodplain engineer advised the plant site to be located outside the floodway. Discussion followed on what would happen with flood waters once the pit is in place. Ben Schroeder further explained what would occur during flooding. Braedon Burlison and Ben Schroeder explained how and where materials would be stockpiled.

Discussion followed on flood elevation. Braedon Burlison explained there is no Base Flood Elevation in this type of flood zone A. Board member Rattenborg said that the State will calculate the floodplain elevation for you for free. Board member Rattenborg said the State uses LiDAR and a computer model to calculate rise and fall and flood elevations that are fairly accurate. BOA member Rattenborg said removal of materials creates more storage, so floodplain may go down a little, but it won't go up. Braedon Burlison discussed process in other states.

Bill Hermsen, Delaware County resident, said BARD Materials are good neighbors near his property in his experience. He said the mining will not harm the aquifer. He also felt that property values would not be affected.

Brian Kane, attorney representing BARD Materials, discussed the review criteria that BOA must use in the Zoning Ordinance for this request, and noted the staff report has reviewed these criteria. He noted that the BOA can require additional conditions at time of approval, and later on if needed. He noted the conditions indicated in the BARD Materials Neighbor Letter. He said the BOA is limited to the criteria in the ordinance, and the information presented.

BOA Member Beswick read aloud the section in the BARD Materials Neighbor Letter regarding truck traffic, and asked if other entities will be able to enter. Ben Schroeder said that this will be a smaller sand pit than the Tegeler operation, and that there won't be anyone on site to handle outside traffic like at Tegeler site.

BOA Member Beswick asked about reclamation bond with IDALS and lifetime of mining operation. Ben Schroeder reviewed what conditions are typically required, what reports are made, when inspections will be made, and how reclamation process works. He anticipated the site would operate for at least 20-25 years to be considered viable.

BOA Member Beswick asked why this operation is allowed as a special exception in Agricultural, and not required to be in Industrial. Zoning Administrator Linderwell explained the Zoning ordinance regulations. Ben Schroeder said many counties allow these operations as special uses in Agricultural because sites can be returned to agricultural or recreational uses.

BOA Member Davidson asked about the what the County Engineer will require for the ingress and egress to maintain appropriate setbacks for sight visibility and traffic flow.

Rafe Koopman, County Engineer, said he has reviewed the site, and that the County can make the site work with the driveway policy of 500-foot setback. He explained that two driveways might be better to avoid having. BOA Member Davidson asked about setbacks from property line. County Engineer

Koopman said the policy does not use that for separation. BOA Member Davidson asked if this could be addressed. Ben Schroeder said it could be addressed as a BOA condition. BOA Member Davidson said this condition would be important for him to support the request. County Engineer Koopman said that neither the use of two driveways or having a setback from a property line meet policy, but his office can work with the BOA on this condition.

Jeff Tobin, neighbor at 3394 272<sup>nd</sup> St Worthington, IA, addressed the level of water he has experienced on his property. He noted that have to consider impacts of an elevated site or driveways may have on changing the flooding levels experienced in this section of the river. Mr. Tobin asked why the plant couldn't be moved to the gravel road on 265<sup>th</sup> St. He also noted that the road width is narrow at the bridge. Ben Schroeder said he spoke with the County Engineer about road width. Mr. Tobin asked about a dredge line. Ben Schroeder said they had looked at that initially, but often have problems with these types of dredge lines.

Mr. Tobin approached the BOA to review his experience of flooding using the BARD Materials diagram. Ben Schroeder discussed topography in this location and water flow.

Al Digmann, neighbor at 3360 272<sup>nd</sup> St Worthington, IA, for 27 years, approached the BOA and reviewed the flooding he's seen in the area of the culvert and ditches using the BARD Materials diagram. He asked about why the plant couldn't be located on the gravel road. Ben Schroeder said that road is not big enough. Mr. Digmann said BARD Materials should build up the road.

Mr. Digmann asked why plant site couldn't be build further into the site so it wouldn't bother anyone. Mr. Digmann asked about the elevated site, the water flow, the berm location, the box culvert. BOA Member Rattenborg identified an area out of the flood plain that was further north and would not require elevation. Ben Schroeder said they would look at this suggestion.

Rod Meyer, who served on the Worthington Fire Dept., discussed road flooding. He said anything to raise the level near the road will impact flooding. He said plant should be on the other road out of the floodplain.

Breanna Goebel, 3353 272<sup>nd</sup> St Worthington, IA, approached the BOA, identified her house and mother's house. She reviewed their experience with flooding. She shared her concerns with changing the character of the area, the truck traffic, and the proximity of her mother's house and her house next to the plant site. She was concerned about the potential impacts to the road. She reviewed the Comprehensive Plan indicates 272<sup>nd</sup> St is a local street and has goals to preserve residential neighborhoods. She felt that 2 weeks was not enough time to receive notice of a project.

BOA Member Beswick asked what are the County and applicant's requirements for sending out notices to neighbors. Zoning Administrator Linderwell explained the applicant has no requirements, but BARD Materials sent out a neighbor letter. He noted that the BOA notices must be sent out at least 7 days and no more than 20 days prior to the public hearing.

BOA Member Beswick asked when BARD Materials began planning this project. Ben Schroeder said they began doing soil coring in spring on 2023 and had plans to do the project starting in the spring of 2024.

Randy Cook, 32733 Rockville Rd Worthington, IA, spoke to his family farm's use of BARD Materials for their needs, and that Ben Schroeder addressed his questions. He was in favor of the request, as long as it did not impact neighbors.

Ben Schroeder asked for the request to be tabled so that BARD Materials could have time to address the concerns of the BOA and the neighbors.

Dennis Thier, with BARD, said they would look into the proposals in regards to moving the plant site.

Kelly Otting, 3387 272<sup>nd</sup> St Worthington, IA, made statements about flooding, said recreational benefits of a pond aren't applicable because there are no houses in the area, impacts of truck traffic, appearance.

Tom Engler, Worthington, IA, spoke about moving the plant site, up north, everyone should have one last say, and get the parameters set.

Jim McDermott, 2780 332<sup>nd</sup> Ave Worthington, IA, Asked if County can upgrade the road. Concerns about noise, traffic, dust. Asked BARD Materials to look harder at the north end.

Rita Goebel, 3357 272<sup>nd</sup> St, Worthington, IA, built home in 1990, spoke about flooding concerns, how it would negatively impact her property. Asked the Board to reject the proposal.

Mike Jesenovec and Ron Leachs expressed concerns about potential flooding impacts. BOA Member Rattenborg explained about Zone A flood hazard area have no base flood elevation.

Rita Goebel posed a question about DNR approval. BOA Member Rattenborg explained DNR conducted their review and approved the floodplain development permit.

Rita Goebel asked how does the mining impact ground water? Braedon Burleson explained the mining process and how water is handled.

Gary Langel, expressed concerns with truck traffic impacts on County roads and costs to tax payers, flooding potential.

Chantell Goebel, 3357 272<sup>nd</sup> St Wothington, IA had concerns with impacts on property values. She showed images to the Board about previous flooding. She had concerns in regards to traffic as well.

Breanna Goebel asked a Question about what happens if used for other type of mining or bring in a concrete plant. Chairperson Eibey asked Zoning Administrator Linderwell. Administrator Linderwell said a new Special Exception request would have to be filed for a new public hearing by the BOA for their review and decision.

Discussion followed between the Board and Ben Schroeder about site development issues and options presented by neighbors.

County Engineer Koopman said there are a number of quarries on gravel roads, and they get a lot of complaints, so they prefer to have these operations use paved roads.

Josh Trumm, property owner, spoke on the inconsistencies of the ground for farming and approached BARD about a sand extraction pit. Trumm Brothers would like to make a consistent profit from the ground and have the resources used in the community.

Ben Schroeder again asked for the request to be tabled so that BARD Materials hold a neighborhood meeting, have time to address the concerns of the BOA and the neighbors. He asked if this could be tabled to December or January BOA meeting. Discussion followed as to when to table the request; consensus was to leave the date open.

Motion by Rattenborg, seconded by Beswick, to table the public hearing as requested by the applicant. Motion carried by the following vote: Aye – Beswick, Rattenborg, Heims, Davidson, and Eibey, Nay – None.

**ITEMS FROM PUBLIC:** none

**ITEMS FROM BOARD:** Other Business. None.

**ITEMS FROM STAFF:** Next Meeting. To be determined.

**ADJOURNMENT:** Motion by Beswick, seconded by Rattenborg, to adjourn the Board of Adjustment meeting. Motion carried by the following vote: Aye -- Beswick, Rattenborg, Heims, Davidson, and Eibey, Nay – None. The meeting adjourned at 3:17 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

Adopted: \_\_\_\_\_

Board of Adjustment Sign In Sheet: PLEASE PRINT

Meeting Date: 11-19-2024

	First and Last Name	Street Address	City	Zip
1.	Michael Jesenovec			52037
2.	Allan L Digmann			52078
3.	Jim McKernott			52078
4.	Ben Schroeder			52001
5.	CHAD THIER			52003
6.	Joan Meyer			52078
7.	Rob Meyer			52078
8.	Tom Egan			52078
9.	Debbie Trezza			52040
10.	Ralph Trumm			52037
11.	Jim Trumm			52033
12.	John Trumm			52033
13.	Randy Cook			52078
14.	BRIAN KANE			52001
15.	Elijah Demmer			52045
16.	Ben Busch	104-1st Ave E.	Worthington	52078
17.	Johanna Moccia		Dubuque	52001
18.	Jeff Tdr	3394 22nd ST	WORthington	52078
19.	Byron Burleson			
20.	Gary Langel			52075
21.	Rita Isobel	3357 27th St	Worthington	
22.	Breanna Gabriel	3353 27th St	Worthington	
23.	Charrell Gabriel	3357 27th St	Worthington	
24.	Kelly Gitting	3309 27th St	Worthington	52078
25.	Bill Mendenhall	2104 22nd Av	Dubuque	52001

**Board of Adjustment Sign In Sheet: PLEASE PRINT**

**Meeting Date: 11-19-2024**

First and Last Name	Street Address	City	Zip
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1.	<i>Jeff Nelson</i>		<i>Manchester</i>	
2.	<i>Shirley G. Helmreich</i>		<i>Manchester</i>	
3.	<i>Mike Carlson</i>		<i>Manchester</i>	
4.	JEFF ZALAZNIK		DYERSVILLE	52040
5.	<i>Rafa Kypur</i>			
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