

**MINUTES**  
**DELAWARE COUNTY BOARD OF ADJUSTMENT**

1:00 p.m.

Tuesday, January 21, 2025

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 and Marv Heims.

**Board Members Excused:** Lamont Davidson (via Zoom).

**Board Members Absent:** none.

**Staff Member Present:** Zoning Administrator Alex Linderwell, County Engineer Rafe Koopman, and ECIA Senior Planner Laura Carstens (via Zoom).

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by Chair Eibey at 1:03 p.m. and roll call taken. Others in attendance are listed on the attached sign-in sheet and as recorded below.

**MINUTES:** Motion by Rattenborg, seconded by Heims, to approve the minutes of the November 19, 2024 Board of Adjustment (BOA) meeting as presented. Motion carried by the following vote: Aye -- Beswick, Rattenborg, Heims, and Eibey, Nay -- None.

**WORK SESSION:**

**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, PO Box 220, 2021 325th Ave. Dyersville, IA 52040

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

**Property owner:** Trumm Bros. LLC, 22487 Skahill Rd, Cascade, IA 52033

Chair Eibey opened the work session after explaining the BOA's work session process: The BOA will consider a presentation on sand extraction pits and floodplains from the applicant; however, no formal action may be taken at this time because of the requirements of the Iowa Open Meetings Law. The BOA will not deliberate on the case. All interested persons are welcome to attend the work session; however, the BOA will not take oral or written questions or comments from the public.

Ben Schroeder, Land & Mine Development Manager, representing the applicant BARD Materials, discussed that the big questions at the prior meeting were about traffic, plant location, and floodplain impact. He explained that BARD Materials has worked to be sure there were no impacts on the floodplain. He noted that the input is inconsistent from the neighbors Schroeder has contacted regarding the project and the plant location.

BOA members asked how many neighbors Schroeder had contacted. He noted the four properties where he has made contact. He said that some people don't want to talk with him, saying they are in opposition regardless of where the plant is located. He noted that the neighbors on the south side want the plant on the north side, and the neighbors on the north side want the plant on the south side.

Schroeder noted some neighbors are concerned with traffic. County Engineer Rafe Koopman explained about typical traffic patterns and road conditions throughout the year.

Schroeder reviewed the location of the floodplain and floodway, noting that the area will continue to flood with or without the project. Braedon Burleson, Environmental Management, representing the applicant BARD Materials, asked about flooding conditions. Koopman said the flooding can overtop the road, and clarified that one of the barns is in the floodplain. Burleson provided mapping information regarding the analysis of the floodplain in the project area. BOA members reviewed the location of the floodplain and the project.

Schroeder shared an aerial map of option 2 for the plant location, noting he had asked about a driveway easement. Discussion followed with Koopman, Schroeder, and BOA members about the topography, the road alignment, proposed driveway, and sight distances. Schroeder noted the 90-degree road intersection of paved during gravel is difficult for trucks. Koopman explained that IDOT guidance would recommend a T intersection, and he discussed relocation of the intersection. Koopman and Schroeder noted that a lot of fill material would be required.

Koopman said he would not recommend option 2 because of the safety regulations and the County's driveway policy of 500 feet. He said the policy would not allow a new driveway where proposed because it's too close to another driveway. Discussion followed with Koopman about possible alternatives versus the 500-foot separation and sight distance requirements.

Schroeder shared an aerial map of option 3. Schroeder and Burleson discussed an alternative access with culverts that would eliminate the amount of fill proposed for the plant site in option 1. BOA members noted this alternative would have just elevated driveways, which would have less impact on the floodplain.

Discussion followed on how frequently the waterway has water in it, noting some neighbors said the flow has dropped with increased tiling in the area. BOA members asked about realignments of the present water course. Schroeder and Burleson discussed the various regulations they have to follow for floodplain development.

Schroeder and Koopman discussed a hybrid with possible driveway options with less fill. Burleson explained this alternative could be submitted and approved within the parameters of the approved floodplain permit because it would be less fill. In response to a question from the BOA, Schroeder explained that construction roads in floodplains are typical for their plants. In response to a question from the BOA, Schroeder indicated the proposed road would be built up about a foot, and would include a culvert. Koopman said this one-foot height would not impact the floodplain. Schroeder explained when their plant sites are flooded, they either turn off the equipment or move it out until the flood subsidizes.

Discussion followed on the possible locations and design of the new culvert. Schroeder recommended that he and Koopman meet on site to look at what would be possible and appropriate. Koopman explained several County regulations, noting the culvert might be 200 feet in length. BOA members discussed that this hybrid alternative may have the least impact on the neighbors.

In response to a question from the BOA, Burleson discussed that the plants operate under the maximum allowed noise levels (90 Decibels in accordance with MSHA). In response to a question from the BOA, Schroeder said most of the trucks will be BARD Materials, about half going through Worthington. In response to a question from the BOA, Schroeder said if there is a job in the area, the truck traffic may increase. Schroeder noted that this is a seasonal business. Schroeder did not anticipate this pit would be

as active as other BARD plants. In response to a question from the BOA, Schroeder confirmed that their site in Dyersville has been closed, and there now lots platted for new houses to be built.

In response to a question from the BOA, Schroeder explained the typical reclamation process for sand extraction pits.

Schroeder asked for direction from the BOA on how to conduct a meeting with neighbors, and if BARD should limit it to owners within 500 feet. Zoning Administrator Alex Linderwell said he could provide the list of the property owners within 500 feet, and asked BOA members to direct all questions for BARD through him. BOA members asked if they could attend the BARD Materials neighborhood meeting. Linderwell cautioned that if three BOA members are together, that is a quorum and requires meeting notices, etc.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM BOARD:**

Election of Officers. Motion by Eibey, second by Rattenborg, to nominate Beswick as Chair. Motion carried by the following vote: Aye -- Beswick, Rattenborg, Heims, and Eibey, Nay – None. Motion by Beswick, second by Heims, to nominate Eibey as Vice Chair. Motion carried by the following vote: Aye -- Beswick, Rattenborg, Heims, and Eibey, Nay – None.

Other Business. BOA members discussed the next step for the decommissioning language for cell towers. Linderwell explained this request will have to be reviewed and approved by the Zoning Commission. He asked if any of the BOA members would like to meet with the Commission about the BOA's recommendation. BOA members requested the final version of what they had approved to review before the Commission considers their request.

**ITEMS FROM STAFF:** Next Meeting. Next meeting is February 18, 2025. In response to a question from the BOA, Linderwell explained the timing of publications and the meeting notification process.

**ADJOURNMENT:** Motion by Rattenborg, seconded by Heims, to adjourn the meeting. Motion carried by the following vote: Aye -- Beswick, Rattenborg, Heims, and Eibey, Nay – None. The meeting adjourned at 2:34 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

Adopted: 5-20-2025