

Minutes
DELAWARE COUNTY BOARD OF ADJUSTMENT

1:00 p.m.

Tuesday, May 20, 2025

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

Board Members Present: Chair Therese Beswick, Vice Chair Tammy Eibey, Board Members Randy Rattenborg, Marv Heims, Lamont Davidson.

Board Members Excused: none.

Board Members Absent: none.

Staff Members 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 Beswick at 1:01 p.m. and roll call taken. Others in attendance are listed below and on the attached sign-in sheet.

- Ben Schroeder, Land & Mine Development Manager, BARD Materials
- Braedon Burleson, Environmental Management, BARD Materials
- Brian Kane, attorney representing BARD Materials

Present via Zoom: Breanna Goebel, 3353 272nd St, Worthington, IA; Chad Thier, BARD Materials.

MINUTES: Motion by Davidson, seconded by Heims, to approve the minutes of the January 21, 2025 Board of Adjustment (BOA) meeting as presented with the changes discussed below. Motion carried by the following vote: Aye -- Eibey, Rattenborg, Heims, Dawson, and Beswick; Nay -- None.

Chair Beswick noted that she asked if BOA members could attend BARD's neighborhood meeting, but the BOA was never notified of that meeting, and she asked to have this noted as part of the record.

Chair Beswick noted that the minutes referred to the maximum decibel level for the operation, but no limit was mentioned. Schroeder said the limit was 90 decibels. Linderwell agreed to add 90 decibels to the minutes.

PUBLIC HEARINGS:

Tabled Docket: 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 Beswick asked for a motion to remove the case from tabling. Motion by Eibey, second by Rattenborg, to remove the docket for Case 5-24 from tabling carried by the following vote: Aye -- Eibey, Rattenborg, Heims, Dawson, and Beswick; Nay -- None.

Chair Beswick opened the public hearing.

Ben Schroeder, representing the applicant BARD Materials, discussed the process of collecting and responding to neighbors' input. He said Option 1-- original plan is preferred, but submitted site map of the revised option 2 can be done.

Schroeder discussed the parameters for the driveway entrance, reduced speed limit, construction and location of access road with BOA. In response to BOA questions, he explained plant site is where the equipment will be located but does not include any blasting; loaders and a dredge are used, mining is done for 4-6 weeks, the sand sits for a few days, and then trucks come and go at rate of 12-20 truck per day, except no trucks in winter. He said the life span is 20-30 years, registered maintenance bond for reclamation based on amount of acres starting at estimated \$20,000, and then increasing as excavation expands. He noted the bond covers reclamation at the plant site, which takes typically 1-2 years.

In response to BOA question, County Engineer Koopman explained the selected entrance location has the best line of sight with the crest of the hill and the culvert. When questioned by BOA about sight distance, he was not certain, but estimated 300 feet for line of sight.

Schroeder asked for no Jake brakes and dust control to be added to the conditions.

In response to BOA questions, discussion followed with Zoning Administrator Linderwell regarding the public review process, when notice was published in local papers, when notices were mailed to neighboring property owners, and the list of property owners within 500 feet.

Chair Beswick reviewed the list of impacts that state agencies do and don't monitor. Schroeder noted what impacts are regulated by the federal Mine Safety office.

Chair Beswick asked about a statement they received from Mayor Larry Smock representing the City of Worthington. Zoning Administrator Linderwell indicated he had transcribed the statement on the Mayor's behalf. Schroeder reviewed his conversation with Mayor Smock. Chair Beswick read third paragraph of the mayor's statement. She noted this statement is not a legal document. Discussion followed on who maintains the road into Worthington. Zoning Administrator Linderwell noted that Mayor Smock had stated that the City plans to improve the road at some point in the future. Schroeder reviewed how BARD works with cities on cost-share for road improvements.

County Engineer Koopman noted the bridge and road conditions are fine, and both are able to handle the anticipated traffic from the proposal. When questioned by BOA about sight distance, he was not certain, but estimated 300 feet for line of sight.

Chair Beswick referred to the responses to the Standards for Approval addressed in the staff report. ECIA Staff Carstens noted the staff report is not intended to make the case, that is the applicant's responsibility. She noted that the applicant provided a detailed letter that is referenced but not repeated verbatim in the staff report. She asked the BOA to direct their questions to the applicant for their response to these standards.

Chair Beswick referred to the Standards for Approval under Compatibility. Discussion followed with Schroeder, who felt these standards are subjective. He described typical conditions for sand extraction pits. Schroeder then responded to BOA questions about trespass and liability for injuries or damage.

Chair Beswick referred to the Standards for Approval under Traffic. She asked County Engineer Koopman to respond. He explained that similar requests would be approved for farmers and other industries, and certain adjustments may be needed depending on the particular industrial use. Schroeder explained the road construction would include paving the first 10-20 feet of the entrance drive to improve truck access and reduce tracking sand onto the public road.

Chair Beswick referred to the Standards for Approval under Environmental Protection. Schroeder explained what impacts are regulated by different agencies. Schroeder explained the types of impacts that can be generated by the sand extraction, and noted its comparability to farming operations will be similar but not excessive with respect to noise, dust, fumes, and odor. He noted they do not use blasting or spray chemicals.

Chair Beswick asked Schroeder about whose trucks will be using the site. He said 90% of loads will be handled by BARD trucks.

Chair Beswick asked Board Member Rattenborg about floodway impacts. He felt that the proposal would not significantly impact the flow of water and the periodic flooding in the area. He discussed the current conveyance of water. County Engineer Koopman explained the computer model showed the existing culvert is under sized. He said the new culvert proposed by BARD under their driveway will create a second outlet and help with conveyance. Discussion followed. County Engineer Koopman felt that there would not be any flooding impacts to surrounding properties.

Board Member Rattenborg asked Schroeder and Josh Trumm, property owner, about a short diagonal road to start with to keep the trucks as far away from Goebels property for as long as possible, and then finally having a long road later. Discussion followed on how BARD typically would approach the mining extraction in relationship to the plant site, and how this may impact farming on the site.

Board Member Rattenborg asked Schroeder about planting trees in place of the berm as screening. Schroeder said they would be open to planting trees, although deer may destroy them within a few years.

Board Member Rattenborg discussed with Schroeder and Trumm how the water generally flows during flooding periods, and how the road location would affect the waterway. Discussion followed on how this would force water toward the waterway.

Chair Beswick asked if the BOA can hold a public hearing. ECIA Staff Carstens said the BOA could hold another public hearing with proper public notification. Attorney Brian Kane noted that the BOA also can establish conditions at this meeting, and then act on the request now, and asked them to do so.

Discussion followed. Schroeder said BARD would agree to conditions that the entrance road initially go from the southeast corner to the entrance, dust control on roadway, trees along the adjoining property, paved entrance, having gates and signs.

In response to question from the BOA about written comments, Zoning Administrator Linderwell reported that one letter was received from Goebels and was placed in a file at direction of the County Attorney because it was received after the public comment period.

BOA discussion followed regarding getting more comments from adjacent residents who are directly impacted, prior objections that have been addressed with the revised option, and possible conditions to mitigate impacts.

Motion by Rattenborg, second by Davidson, to approve the request based on revised option 2 with the following conditions:

- BARD shall move the road diagonally and directly from southeast corner of the plant site to the road entrance until such time as BARD has mined up to it, and then move road along 272nd Street and 3357 272nd Street property line.
- The entrance road shall have swales or culverts to allow conveyance of water.
- BARD shall apply dust control as needed to entrance road.
- BARD shall plant trees along 3357 272nd Street adjoining property to provide vegetative screening.
- BARD shall provide gates and signs.
- BARD shall pave first 20 feet or more of entrance coming off 272nd Street.
- BARD shall approach the BOS about a Jake Brake ordinance.

Motion carried by the following vote: Aye -- Rattenborg, Heims, and Dawson; Nay – Eibey and Beswick.

ITEMS FROM PUBLIC:

Jeff Tobin, 3394 272nd St, Worthington, IA, questioned about Items for Public on the meeting notice. Zoning Administrator Linderwell explained notice states that for Items for Public, anyone may address the Board of Adjustment on matters which are not an agenda item. Tobin discussed using the road going to the west, width of the concrete and gravel roads and shoulders, and flooding towards Worthington.

Rita Goebel, 3357 272nd St, Worthington, IA, expressed concerns about truck traffic. Board Member Eibey noted dust from nearby farming can be worse than nearby industry in her experience.

Breanna Goebel, 3353 272nd St, Worthington, IA via zoom mentioned large sand piles. She discussed the BARD neighborhood meeting, and said all people were in objection except Randy Cook, people were discouraged from contacting BOA members, BARD told them that they would not discuss options brought out up by people at the meeting. She felt they were not listening to neighbors. She questioned the process when all neighbors were in opposition, and were shut out from submitting more comments.

? discussed visibility, hills, and S curve, 55 mph, less traffic on gravel road vs 272nd St. BOA members said County Engineer Koopman shut down the gravel road option.

Rod Meyer, said that his request for a recreation entrance was set at 500 feet but BARD has only 300 feet. Zoning Administrator Linderwell explained the recreation entrance distance is 500 feet from a secondary entrance, and have to maintain line of sight. He reviewed exemptions, grandfathered entrances, how entrances are evaluated.

Zoning Administrator Linderwell reviewed the two methods for reconsideration in the BOA bylaws. He also noted that the case can be appealed in district court.

ITEMS FROM BOARD: Other Business. Status of Cell Tower Amendment for Decommissioning Language. Chair Beswick asked Zoning Administrator Linderwell to email final version ASAP for BOA review at next

meeting. He said once comments are received at the next BOA meeting, which can be held as a work session, then the amendment will be placed on the next agenda of the Zoning Commission. He noted that the Commission has only 2 members, but the Board of Supervisors is working to fill the 3 vacancies.

ITEMS FROM STAFF: Next Meeting: June 17, 2025.

ADJOURNMENT: Motion by Davidson, seconded by Heims, to adjourn the meeting. Motion carried by the following vote: Aye -- Eibey, Rattenborg, Heims, Dawson, and Beswick; Nay – None. The meeting adjourned at 3:20 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

Adopted: _____