

**DRAFT MINUTES**

**DELAWARE COUNTY BOARD OF ADJUSTMENT**

1:00 p.m.

Thursday, July 3, 2025

Court Room, 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 Attorney John Bernau, and ECIA Senior Planner Laura Carstens (via Zoom).

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by Chair Beswick at 1:04 p.m. and roll call taken. Others in attendance are listed on the attached sign-in sheet and as recorded below.

**MINUTES:** Motion by Davidson, seconded by Heims, to approve the minutes of the June 17, 2025 Board of Adjustment (BOA) meeting as presented. Motion carried by the following vote: Aye -- Eibey, Rattenborg, Heims, Dawson, and Beswick; Nay -- None.

**ACTION ITEMS:**

**RECONSIDERATION DOCKET # 4-24: Special Exception 272<sup>nd</sup> St Worthington, IA 52078 in North Fork Township, Section 36, Township 88, Range 3 W,**

**PIN 210360003240, 210360003250, 210250000700, 210250000710**

**Applicant:** BARD Materials.

**Owner:** TRUMM BROS

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

Chair Beswick reviewed the role of the BOA. She read the County Attorney's directions for the public hearing, noting these are parameters for the public hearing. She noted the BOA voted to reconsider the case because new evidence -- the appraisal for the Goebels property -- was not able to be submitted in time for the initial meeting in November 2024. She noted that the appraisal indicates negative impacts on property values.

Breanna Goebel, 3353 272<sup>nd</sup> St, Worthington, IA, spoke in opposition to the request as representative for Goebels, summarizing their concerns about the proposal. She shared their concerns about the BOA's ability to make BARD comply with their conditions and conflicting comments about the proposal. She shared a letter about a court case.

Chair Beswick asked County Attorney Bernau for his legal opinion. He said the court case is not new evidence for this case. Chair Beswick reviewed the court case findings with the BOA.

Breanna Goebel referenced a letter. Chair Beswick noted it had been received by email this morning; she read it to the BOA noting aspects that apply to a BOA in considering a special exception.

Breanna Goebel referenced p. 37 of the appraisal, and discussed the negative impacts of sand pits. She said there are not a lot of recent cases to consider for comparison. She said property owners at other sand pits have opposed them and sold their homes for a loss. She discussed the impacts on values in the appraisal. She referenced other studies.

Board Member Rattenborg said the BOA does not have the studies at this meeting, so they can't consider this information. Discussion followed regarding the need for substantial new evidence that could not have been provided previously has to be provided for the BOA to consider at this meeting.

Chair Beswick asked how many sand pits have been located near residential uses. Ben Schroeder, representing the applicant BARD Materials, responded to Chair Beswick's question and discussed examples. Chair Beswick asked for number. He stated most of the sand extraction pits have residential properties nearby.

Breanna Goebel referenced they had submitted letters from individuals who have BARD sand pits near their homes and have experienced all the impacts that the Goebels have identified as concerns.

Chantell Goebel, 3357 272<sup>nd</sup> St, Worthington, IA, approached the BOA, showed them photos of her property, and discussed her experiences at Bard's Dyersville sand pit with noise for trucks and equipment and the wet sand at and in her home.

Discussion followed with Ben Schroeder stated that the quarry was started by another company and did not acquire the sand pit until after the neighbor had moved, and have had no complaints.

Chantell Goebel clarified the \$114,000 was appraised value if sand pit was located as proposed. She said that everything that they feared would happen, did happen in Dyersville.

Discussion followed with Chantell Goebel and Ben Schroeder responding that

Chair Beswick reviewed how the appraisal was conducted and what analysis was used to determine values. Chair Beswick asked Chantell Goebel for clarification.

Joyce Tobin said she had lived in her house for 50 years, and experienced lot of flooding impacts at property. Chair Beswick said this flooding is not considered new evidence.

Board Member Rattenborg said he has looked at the floodplain and flood profile for this area for the past 7 years. He said there is nothing in the flood studies that says the Maquoketa River backs up to the point that it floods this area.

Al Digmann, said we need to use common sense and life experience, not just what experts say. He said he discussed the proposal with the Iowa Department of Natural Resources (Iowa DNR). He approached the BOA and reviewed the floodway line drawn by the experts, and pictures from that residents of 50+ years are experiencing versus 7 years of studies. Discussion followed about the road and bridge, and differences between floodway and floodplain. Board Member Rattenborg discussed official documents. Al Digmann explained his solution was to do something on the north. Board Member Rattenborg said the BOA needs evidence. Discussion followed on the need for evidence versus speculation.

Jeff Tobin approached the BOA, stating he wanted Bard to move the sand pit and showed the BOA a site diagram. Dave Jessenovac approached BOA, talked about fences. Bard rep provided a similar diagram that has been discussed at other meetings, and he felt it was not new evidence. County Attorney Bernau asked Al Digmann to stop being argumentative, to sit or be removed from the meeting. Arguing continued, then he sat down.

Joyce Tobin asked about the comments from the Mayor of Worthington, and then discussed the minutes of the city council do not support the Mayor's comments. She questioned validity of verbal statements given by the Mayor with Zoning Administrator Linderwell, who explained that he had written down the Mayor's comments as requested.

Ben Schroeder, stated this has all been discussed previously.

Brady Digmann asked about truck traffic impact on roads and road maintenance. Chair Beswick said that is up to County Engineer.

Zeke McCartney spoke about people locating near sand pits at other BARD pits and that these people had a choice in living near sand pits. Chair Beswick said this was speculation.

Karen Nurre of Dyersville, IA, referenced the statement/letter from Dennis and Karen Nurre to the BOA. She reviewed their negative experiences in Dyersville, noting that they sold their property to BARD as part of mediation. Chair Beswick asked if she had tried to sell on the open market, Ms. Nurre said no. BOA discussed timeframe was late 1990s and home sold to BARD in approximately 2008. Ms. Nane said they filed this statement and appeared at the meeting to share their experiences.

Ben Schroeder stated that they did not acquire the pit until after the Nurre family left. It was operated by another company.

Dave Jessenovac, asked question about his well if this would affect the water table. Chair Beswick said BOA can't answer his question. She asked Zoning Administrator Linderwell to steer him to the person who can answer his question. Zoning Administrator Linderwell responded that the DNR regulates

Ben Schroeder, BARD Materials, approached the BOA with information from prior meetings. He reviewed that at their past meetings the BOA has taken time to hear from all the neighbors. He asked BOA not to use wind energy systems and cell towers to evaluate sand excavation pits. He noted the county, state, and federal requirements for mining and excavation. He reviewed BARD's due diligence to consider this site, develop a plan, submit a zoning application, send a letter to neighbors, get input from neighbors and the BOA, revise the application with input from Iowa DNR and the County Engineer. He shared his notes from the public meeting in Worthington as new evidence with the BOA. He reviewed the BOA meetings in November, January, May, and June. He asked the BOA to reaffirm their decision to approve the application.

Chad Their, BARD Materials, discussed the process, the neighbors' comments, the uses of sand, and BARD's Dyersville operation. Chair Beswick asked about property in floodplain. All properties they operate are within a floodplain for sand extraction pits.

Brian Kane, attorney for BARD Materials, said the BOA has a balancing act. He asked the BOA to reaffirm their decision based on considering the criteria in the zoning ordinance.

Rod Meyer, 3346 272<sup>nd</sup> St, Worthington, IA, asked who makes decision for meeting times. Zoning Administrator Linderwell responded that the times and dates are based on when the BOA members and the meeting space are available.

Rita Goebel stated that this will destroy her home and not to let this happen.

Chair Beswick announced the BOA needs a 5-minute break from discussion. A 5-minute break was taken.

Chair Beswick discussed when and why Delaware County adopted a zoning ordinance. She read the role and duties of the BOA. She reviewed the Comprehensive Plan's goals include protecting viable farmland. Board Member Heims said the BOA will review what evidence they have been given. Board Member Davidson said the BOA does the best they can to consider and mitigate impacts on the neighbors. Davidson Eibey said the BOA has made consider effort to gather additional information.

Motion by Rattenborg, seconded by Heims, to reaffirm the BOA's decision to approve the request. Motion carried by the following vote: Aye – Davidson, Heims, and Rattenborg; Nay – Eibey and Beswick.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:** Other Business. Chair Beswick asked about Zoning Administrator Linderwell about finalizing a recommendation to the Zoning Commission in regards to cell tower decommissioning. Zoning Administrator Linderwell responded we will put it on the agenda for the next meeting.

**ITEMS FROM STAFF:** Next Meeting. Chair Beswick said we don't need to meet in August unless we have a case. Zoning Administrator Linderwell said there are no applications to date, but there is still some time before the deadline.

**ADJOURNMENT:** Motion by Davidson, seconded by Eibey, to adjourn the meeting. Motion carried by the following vote: Aye -- Eibey, Rattenborg, Heims, Dawson, and Beswick; Nay – None. The meeting adjourned at 3:13 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

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