

Scott County Board of Supervisors
March 5, 2020 5:00 p.m.

The Board of Supervisors met pursuant to adjournment with Beck, Knobbe, Croken, Kinzer and Maxwell present. The Board recited the Pledge of Allegiance.

Moved by Beck, seconded by Maxwell a motion approving the minutes of the February 18, 2020 Committee of the Whole Meeting and the minutes of the February 20, 2020 Regular Board Meeting. All Ayes.

Moved by Beck, seconded by Maxwell to open a public hearing relative to a construction permit application of Terry and Zach Ralfs, Hickory Grove Township, for the expansion of a confined animal feeding operation. All Ayes.

Tim Huey, Planning and Development Director, explained the Scott County procedure for consideration of construction permit applications, and said while the public hearing is being held at the Board's option, the Board is required to publish notice of receiving the application and that it is available to the public, to vote that the State siting requirements are met, but that the Board does not have the authority to set different limits than those set by the State. He said the law allowed County staff, in this case Tammy Loussaert, Environmental Health Specialist, to accompany the Iowa Department of Natural Resources (DNR) inspector during a site visit.

He displayed a site map which showed the location of the proposed confinement barn. He said the barn would double the size of one of two existing barns. He reviewed the various distance siting requirements set by the DNR, including, at least 1,000 feet from a major water source, 500 feet from a surface water source, 200 feet from a well, 100 feet from a public right-of-way, 1,000 feet from a residence, school, church or business in an unincorporated area and 1,250 feet from a residence, school, church or business in an incorporated area. He said the site was two miles from a major water source, 680 feet from a surface water source, 445 feet from a well, 340 feet from a public right-of-way, 3,200 feet from a residence, school, church or business in an unincorporated area and 1,500 feet from a residence, school, church or business in an incorporated area.

Supervisor Croken asked if the Board was only allowed to decide if the site meets the DNR criteria.

Huey said the Board makes a recommendation to the State, and as elected officials Board members have discretion to make any recommendation they see fit to make. He said the DNR will make its decision based on the actual measurements.

Croken asked does this mean that the Board's decision will have no impact on the DNR if the Supervisors say they disagree with the standards and vote to not recommend.

Huey said his understanding is that the DNR does not pay any mind to Boards which recommend denial of permits without citing a failure to meet the DNR standards. He said since 2003 all the applications made in Scott County have met the minimum

standards and the Board has recommended approval based on meeting those standards.

Supervisor Kinzer asked if a public hearing is required for this permit.

Huey said it was not, but the DNR notice states that hearings are allowed, and that Scott County has always conducted public hearings on these type of applications.

Supervisor Beck asked if the Board voted to recommend denial would the State approve the application since it meets all State requirements.

Huey said that based on past history the DNR would approve the permit.

Terry Ralfs, 23415 92nd Avenue, Maysville, and one of the applicants, said that this site has been a diversified family farm for 150 years. He said that he built the first barn in 2001 and a second in 2015. He said that for those barns he did not receive any complaints about odors or water. He said he took two calls from neighbors complaining about odor and about property values. He said he talked with other neighbors in the area about the odor issue, two Maysville city council members and one fire department member, and none of them complained. He said that the second closest home to the farm was sold three times since 1998. He said the sale in 2012 was for \$50,000 more than the previous sales price despite the hog barn being added in 2001. He said the same home sold for \$70,000 more than the 2012 price despite the addition of the second hog barn in 2015. He said the manure is custom applied and injected into the soil. He said that as a curtesy to the neighbors he chooses to apply the manure in November because it is cooler and the wind blows from the northwest. He said that the wind comes from the southeast when the weather changes and that the odor can be there every day. He asked the Board to approve the application.

Zach Ralfs, 9080 New Liberty Road, Maysville, the other applicant, said that they use a product in the pit to keep odor down and reduce nitrogen. He said that he is trying to diversify his own operation by adding this barn.

Croken asked what diversification means in this instance or if this is an expansion.

Zach Ralfs said that he has trucking, crop farming, and seed sales and he wants to add hog confinement to diversify sources of income so if one source fails he has others to rely on. He said that the existing barns are his dad's and this one would be his.

Darin Storjohann, 23455 Maysville Road, Maysville, said that he has known the Ralfs for years and he lives the third house away from the site. He said he did not object to the first barn as he thought that was part of rural life. He said that Terry Ralfs told him that the second barn would be the last one. He said the second barn was a game changer. He said that the stench has disrupted his family life so that his family cannot enjoy outdoor life and cannot have open windows in the summer due to the odor. He said that he has not objected because he wanted to be a good neighbor. He said that

he is concerned that the third barn will cause more flies, odor, decreased property value and reduced enjoyment of his property. He said it is wrong because he cannot enjoy his property.

Mike Meinert, 1084 New Liberty Road, Walcott, said that he has rented hog facilities to Terry Ralfs and that he had a good experience with Terry caring for the property.

Jim LaFrenz, 23355 Maysville Road, Maysville, asked if there is a limit on the number of hogs that can be put into an operation. He said that he lives 1,479 feet away from the site. He said that he thought this operation would have 2,400 head of hogs.

Huey said that there is a limit to the size based on his residence proximity to the site.

LaFrenz said his concern is that adding hogs in increments will allow for exceeding the total number of hogs that can be added at any one time.

Huey said that the regulations would not allow unlimited expansion.

Croken asked if this was the maximum capacity of hogs for this site.

Huey said that he would have to defer this question to the DNR.

LaFrenz said that if a 4,800 head operation wanted to go in all at once it would be illegal, but if it was done over a period of time the regulations would allow it to be done.

Kay Pence, 20642 270th Street, Eldridge, asked if there was a long term lease on the land where some of the manure would be spread.

Michelle Lowry, 21706 300th Street, Long Grove, said that she has two confinements on each side of her property and sympathizes with the people of Maysville who have the largest CAFOs in the County. She said that the prevailing wind in Iowa is from the southeast to the northwest. She said that she cannot have her windows open in the summer. She said she is concerned about the plan for the manure. She said the land to be rented is karst topography and not good for manure application because it drains very quickly. She said there are 750 impaired waterways in Iowa, most with no plan to remedy the situation. She said there are many wells contaminated with nitrates and bacteria, and that there is no requirement for wells to be tested unless the well serves 12 or more homes, or serves a city. She said if the water in a city tests for more than ten parts per million for nitrates consumers must be notified that it is not safe for babies or pregnant women. She said there is research which ties five parts per million to bladder and ovarian cancers and other health factors. She said that she is trying to get wells tested to identify which wells are health concerns. She said this is a bad environmental issue and asked the Board to recommend denial.

Mark Hittenmiller, 23533 97th Avenue, Maysville, said it was good to diversify farming and confinement can create jobs for people. He said that the Ralfs' operations are clean and well cared for, and that they attempt to deal with the odor as best they can.

Michelle Jovarnick, 2614 Tremont Avenue, Davenport, said in December 2019 the American Public Health Association called for a ban on new or expanded large scale animal farms also known as CAFOs. She said the reason was due to the manure causing health concerns. She said in 2007 North Carolina banned CAFOs and its population grew nine percent in the last ten years, but that the population of Iowa, which does not have a ban, grew by three percent in the same time span. She that North Carolina has the most or second most hogs of any state, but felt it was reasonable to look at who was moving into the state, where people's income came from and how to protect all of the citizens of the state.

Rod Dietz, 5876 200th Street, Walcott, said that he is a hog farmer and he has confinement barns. He said that he has known the Ralfs for a long time and that their husbandry is excellent. He said that the Ralf's do an excellent job in applying manure and there is no reason the Board should not approve the application.

Danny Winkleman, 10437 160th Street, Davenport, said that he has known the Ralfs for a long time and that he has raised a lot of hogs. He said that the care of the hogs is much better than in the old days. He said he has never heard of any water quality problems in Scott County. He said the Ralfs' operation is very good. He said that we need more young people in agriculture such as Zach Ralfs. He said manure management plans are required. He said that there are things to be put in manure to reduce the odor and the Ralfs do a good job in controlling odor.

Terry Ralfs said he and Zach have plenty of ground for the manure. He said he owns 302 acres at the site, he rents 314 acres which surrounds it and he rents 218 acres on the east side of Maysville Road for 27 years from four different landlords. He said he rents an additional 146 acres about two miles away and Zach rents 240 acres.

Croken asked if there was demand for manure.

Ralfs said that there is a market for selling the manure.

Joan Maxwell, 10600 275th Street, Donahue, said the master matrix does a good job of matching up soil types. She said 96 percent of farms are family farms which may be incorporated for tax or estate planning. She said there is more need for manure in this country than we have hogs and livestock. She said there is plenty of land for the manure and that modern farming practices help keep the manure on the land and out of the streams.

Moved by Maxwell, seconded by Beck to close the public hearing. All Ayes.

Huey said the County has 30 days to review and make a recommendation on the application. He said notice must be published within 15 days of the application, and that all public comments and a staff report as well as the votes recommendation must then be sent to the DNR. He said if the County does not meet the deadline the applicant can waive the deadline, and generally any extension has been for a few days. He said the deadline is March 16th for this application.

Knobbe suggested that the Board consider the application at the next meeting to study the various issues raised during the public hearing, and asked if there was any objection.

No Supervisor objected.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) That the contract for pavement markings be awarded to Vogel Traffic Services contingent on the unit prices listed in the contract. 2) That the Chairperson be authorized to sign the contract documents on behalf of the Board. 3) That this resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) That the bid for six 2020 Ford Explorer, Police Interceptors for the Sheriff's Office are approved and hereby awarded to Charles Gabus Ford, Des Moines, IA, in the amount of \$ 193,576.00. 2) This resolution shall take effect immediately.

Croken said that the lack of a local preference policy means that the Board is sending \$200,000 of Scott County money to Polk County and he thought this was unfortunate.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) That the bid for one 2020 Western Pro Plus Snow Plow with options are approved and hereby awarded to Drive Line, Dubuque, IA, in the amount of \$ 12,683.00. 2) This resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) That the bid for two 2020 Ford F-350 4X4 Flatbed Trucks is approved and hereby awarded to Courtesy Ford, Davenport, IA, in the amount of \$73,283.10. 2) This resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) That the bid for one 2020 Ford Fusion is approved and hereby awarded to Lindquist Ford, Bettendorf, IA, in the amount of \$19,143.00. 2) This resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 5TH day of March 2020 considered the final plat of BRUS COMMERCIAL PARK 2ND ADDITION, a 2-lot subdivision in the part of the NE ¼ of Section 1, Township 77 North, Range 2 East of the 5th Principal Meridian (Buffalo Township), Scott County, Iowa, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the final plat of said subdivision. 2) The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature. 3) This Resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 5TH day of March 2020 considered the final plat of MicVic ACRES, a 6-lot residential subdivision in the part of the SE¼SW¼ of Section 27 in Township 80 North, Range 3 East of the 5th Principal Meridian (Winfield Township), Scott County, Iowa, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the final plat of said subdivision. 2) The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature. 3) This Resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell to table until the next scheduled business meeting of the Board a resolution adopting a recommendation to the Iowa Department of Natural Resources on the construction permit application of Terry and Zach Ralfs for the expansion of an existing confined animal feeding operation in Section 4 of Hickory Grove Township. All Ayes.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
All Ayes.

1) WHEREAS, Iowa Homeland Security and Emergency Management Division (HSEMD) through the Federal Emergency Management Agency (FEMA) has approved

funding from the Hazard Mitigation Grant Program, in the amount of \$118,000 for the acquisition of the property located at 31379 Scott Park Road. 2) WHEREAS, the offer to purchase said property has been accepted by the property owners, Samuel E. and Mary J. Yarham on January 21, 2020. 3) WHEREAS; Scott County has received payment of said grant funds for this property. 4) THEREFORE BE IT RESOLVED BY THE Scott County Board of Supervisors that the purchase of said property in the amount of \$118,000 is hereby approved. 5) This resolution shall take effect immediately.

Moved by Beck, seconded by Maxwell that the following resolution be approved.
Roll Call: Four Ayes with Kinzer voting Nay.

Kinzer said that he believed the Sheriff's Office should provide security for the County Administrative Center and that the Board should appropriate funds to the Sheriff's Office sufficient to provide security for the Center. He said that the Sheriff's Office is not sufficiently funded and that the Sheriff is being micromanaged. He said he will not support the resolution because the Sheriff is being unfairly and unjustly criticized for not providing security because the Board does not provide sufficient funds for the security. He added that he has reservations about a private security firm being capable of providing sufficient security.

Croken said that he would reluctantly vote yes because some security is needed. He said that the issue will come back to the Board because he believes a private security firm will not be able to provide sufficient security, and that the deterrent factor a sheriff deputy or bailiff is much great than that of a private guard.

Beck said that the contract gives some protection right away and that if the firm does not perform to expectations then the contract can be not renewed.

Maxwell said that he will support the resolution because the Board owes it to County staff to provide fulltime security which unfortunately the Sheriff's Office cannot.

Knobbe asked for a roll call vote.

BE IT RESOLVED: 1) That the contract for armed security services at the Administrative Center in the estimated annual amount of \$69,566.00 or actual cost of hours worked is accepted and the contract is awarded to Global Security Services. 2) That the Director of Facility & Support Services is hereby authorized to execute contract documents on behalf of the Scott County Board of Supervisors. 3) This resolution shall take effect immediately.

Moved by Maxwell, seconded by Beck that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) That the Board hereby approves application for Byrne Justice Assistance Grant funding to the State of Iowa Office of Drug Control Policy through the

Governor's Office of Drug Control Policy for the Scott County Special Operations Task Force. 2) This resolution shall take effect immediately.

Moved by Maxwell, seconded by Beck that the following resolution be approved.
All Ayes.

BE IT RESOLVED: 1) The authority of the IT Director to sign a service agreement for the purchase of three (3) years of Numara Footprints software maintenance and support in the amount of \$29,970.89 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Maxwell, seconded by Beck to approve filing of second quarter financial reports from various county offices. All Ayes.

Moved by Maxwell, seconded by Beck that the following resolution be approved.
Roll Call: All Ayes.

BE IT RESOLVED: 1) The Scott County Board of Supervisors approves for payment all warrants numbered 303854 through 303981 and 304115 through 304198 as submitted and prepared for payment by the County Auditor, in the total amount of \$1,167,252.42. 2) This resolution shall take effect immediately.

Moved by Kinzer, seconded by Maxwell at 6:07 p.m. a motion to adjourn. All Ayes.

Tony Knobbe, Chair of the Board
Scott County Board of Supervisors

ATTEST: Roxanna Moritz
Scott County Auditor