

MINUTES OF THE CLAYTON COUNTY ZONING BOARD OF ADJUSTMENT

September 19, 2023

Members Present: Gale Severson, Ron Sass, Kay Kluesner, and Linzy Martin

Others Present: Patti Ruff, Jacob Krieg, Elijah Demmer, Ben Schroeder, Marc MacTaggart, Bill Knight, Brandon, Echo, Henry, and Jamison Willis, John & Linda Millard, Christine & Gene Kauffman, Cliff & Linda Kauffman, Larry & Carol Kuebly, Joel & Nancy Klemish, Jason Thole, Amy & Rob Roach, Terry Knickerbocker, Joseph Goedken, Rick Goedken, John & Lily Smith, Nathan West, Darren West, Dean Lincoln, Justin Cummer, Alan & Marie Kauffman

Call to order . Meeting was called to order at 6:00p.m.

Approval of the Minutes : Minutes from July 2023 stand approved.

Appeal #2023- 8: Dyersville Ready Mix Inc., d/b/a BARD Materials to construct an enclosed portable ready-mix plant at Part of the E 1/4 of the SE 1/4 of the SE 1/4, Section 17 and Part of the SW 1/4 of the SW 1/4, Section 16 both in Cass Township, Clayton County, Iowa. BARD material representatives, Jacob Krieg, Elijah Demmer and Ben Schroeder gave a presentation on why BARD wants to move from within the city limits of Strawberry Point to the proposed location west of Strawberry Point on Highway 3.

The current plant sits within 500 feet of 20 homes. They settled on this new location after looking at a few other sites including lots within the city industrial park, but nothing would meet their needs. Because of concrete use in the area, they want to stay close to Strawberry Point.

The BARD representatives discussed effects on assessed values of home to dispel the thought of a ready-mix plant devaluing the surrounding properties. The other factor is having a current plant that was custom built many years ago. Currently, you cannot get parts for the plant and the current plant is at the end of its lifespan. The new plant would be modular making it easier to swap out parts and pieces over its lifespan.

The plant itself would be enclosed in a building with an attached office and material bins located to the north of the plant. The lot would be concrete except around the material bins. There will be a large green space left surrounding the plant area and a runoff catch pond.

Ben Schroeder described the new plant as being quieter and it has bag houses to collect the dust. They must meet Iowa DNR air quality standards and water runoff testing to make sure runoff is also meeting Iowa DNR standards. He also listed all other governmental agencies they must answer to.

BARD contacted Shawver to discuss concerns over water use and the effects of a new well being drilled. Shawver supplied a letter describing how the well for the plant would be from a deeper aquifer and cased completely down to prohibit drawing water from the upper aquifers thus not affecting the neighbor wells.

Public questions and comments:

Christine Kauffman raised concerns for 850 dairy goat herd. She asked questions about dust and noise coming from the new plant. Christine stated goats are very easily effected by changes in

their environment. She stated how their farm, which lies directly to the north of the proposed site supports two families and the goat dairy operation is their livelihood. During the meeting Christine supplied the board with a letter voicing her concerns. She also gave the board an emailed letter from an Erin Miller who lives next to the current plant and a letter from their animal nutritionist, Jessica Lansing,

The Willis Family voiced their concerns as the property owners/house to the west of the proposed location. They have dogs and children and are worried for their welfare and safety with the potential added noise, dust, and overall activity.

BARD representatives stated they water their piles to keep them from being too dry and to eliminate as much dust as possible. Much of where the truck traffic goes, they will be driving on concrete, not gravel, which will keep dust down as well.

Concerns were raised over the entrance and exit onto highway 3. BARD reps explained that the Iowa DOT will need to approve their driveways and possibly require a traffic study of the area before approving their permits. Even if the Board of Adjustment approved their special use request, there are other agencies that could still prohibit the ability for the plant to be located at this location.

Brandon Willis also voiced worries over runoff and potential chemicals in that runoff which could affect their health. BARD reiterated that they must do runoff testing and submit those samples to the DNR to make sure certain toxicity levels are within a safe range.

Other folks spoke up against the proposed plant and felt that there would be more suitable locations for the plant other than the McTaggart property.

BARD asked if certain conditions could be added to help buffer and create a less burden on the neighbors such as, tree rows along the west and north sides, putting calcium chloride on the gravel around the bins to keep dust down, no jake breaking, and putting residential beepers on their trucks to lessen the annoyance of those.

Gale Severson asked to clarify the proposed lot dimensions. BARD explained out of the 13 acres, the plant would take up around 8.5 acres leaving a buffer of row crop along the west and north sides.

Gale was wondering if Lot 2 would work better across from Silveredge. BARD commented on how the geography has a few more water ways in it and would require more dirt work. Coming out on the gravel road would create more dust and would not be ideal.

Gale asked both the Willis family and the Kauffman's if they would prefer BARD to look at Lot 2 versus building on Lot 1. Brandon Willis said no but would like that better than building to the east of their home. Kauffman's said they would not like it built on either lot.

Gale expressed he could not vote in favor of this proposal being it could adversely affect the two families, especially the Kauffman's dairy operation.

Ben Schroeder indicated he went through the County's Zoning Ordinance to make sure he met all our criteria for the Special Exception Use for a concrete mixing plant.

Discussion continued between those present, BARD representatives, and the Board members over different scenarios.

Ben asked if there are conditions put on the permit, if any other agency has an issue with it, could revisit those conditions. Ron Sass agreed.

Larry Kubley asked for the Board to contact ISU and do more research on goats and how they can be affected by external elements. Gale stated he felt the Board needed to vote because if the request failed there would be no need to continue doing any sort of fact finding.

Ron Sass informed the audience that the Board's job was to either say BARD could continue with their request or no, call it off as there are several other groups that could put a stop to them building, i.e., the DNR, EPA, etc.

Ben said BARD is willing to conduct meetings with neighbors, add conditions, and ultimately work with locals to create a good working relationship.

Kay made the motion to approve the special exception use dependent on conditions to be determined by the Board of Adjustments later. Gale second the motion.

Roll call vote
Linzy Martin - nay
Kay Kluesner - aye
Ron Sass - aye
Gale Severson - nay

Motion failed at a 2-2 tie.

Adjourned at 8:20 pm.