

HARDIN COUNTY BOARD OF SUPERVISORS  
MINUTES – JANUARY 22, 2020  
WEDNESDAY - 9:00 A.M.  
COURTHOUSE LARGE CONFERENCE ROOM

Chair Lance Granzow called the regular Board meeting to order. Also present were Supervisors BJ Hoffman and Reneé McClellan; and Jerry Kramer, Taylor Roll, Jessica Sheridan, Matt Jones, Curt Groen, Jessica Lara, Thomas Craighton, Machel Eichmeier, Lori Kadner, Julie Duhn, Dave McDaniel, Darrell Meyer, Angela De La Riva, Linn Adams, Dave Dunn, Justin Ites, and Angela Silvey.

The Pledge of Allegiance was recited.

McClellan moved, Hoffman seconded to approve the agenda as posted. Motion carried.

Hoffman moved, McClellan seconded to approve the minutes of January 15, 2020. Motion carried.

McClellan moved, Hoffman seconded to approve the January 22, 2020 claims for payment. Motion carried.

Utility Permits: None.

Secondary Roads Department:

County Engineer Taylor Roll provided a departmental update. No action necessary; informational only.

Hoffman moved, McClellan seconded to set the time and date for the public hearing on FY 2020/2021 proposed County maximum property tax dollars for February 12, 2020, at 9:02 a.m. in the Courthouse Large Conference Room. Motion carried.

Hoffman moved, McClellan seconded that Resolution No. 2020-04, Construction Evaluation Resolution, be adopted. Roll Call Vote: “Ayes” Hoffman, McClellan, and Granzow. “Nays” None. Resolution No. 2020-04 is hereby adopted as follows:

Where upon Board Member Hoffman moved that the following resolution be adopted:

**RESOLUTION #2020-04**

**CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt or re-adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted or re-adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted or re-adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting or re-adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2020 and January 31, 2021 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix as provided by law;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARDIN COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3). The Hardin County Auditor shall before January 31, 2020, provide a copy of this resolution to the Iowa Department of Natural Resources, Wallace State Office Bldg, 502 East 9th Street, 4th Floor, Des Moines, Iowa 50319-0034.

/s/ Lance Granzow

Chair, Board of Supervisors

Date: 1/22/2020

ATTEST:

/s/ Jessica Lara

County Auditor

Date: 1/22/2020

McClellan moved, Hoffman seconded that Resolution No. 2020-05, Policy for Chapter 459 Public Comment and Public Hearing, be adopted. Roll Call Vote: "Ayes" McClellan, Hoffman, and Granzow. "Nays" None. Resolution No. 2020-05 is hereby adopted as follows:

Where upon Board Member McClellan moved that the following resolution be adopted:

#### **RESOLUTION #2020-05**

#### **POLICY FOR CHAPTER 459 PUBLIC COMMENT AND PUBLIC HEARING**

**WHEREAS**, the Hardin County Board of Supervisors has re-adopted a construction evaluation resolution relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, counties that have adopted or re-adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, Iowa Code 459.304(2)(a) provides that "the board *shall* provide for comment" on a construction application, and Iowa Code 459.304(2)(b) provides that "the board *may* hold a public hearing", and Iowa Code 459.304(2)(a)(2)(f) provides that the board has authority to set "the procedures for providing public comments to the board"; and

**WHEREAS**, Iowa Code 459.304(3)(b) provides that if the board has adopted a construction evaluation resolution, the board must conduct an evaluation using the master matrix; and "The board's recommendation *may* be based on the master matrix or *may* be based on comments under this section regardless of the results of the master matrix"; and

**WHEREAS**, Iowa Code 459.304(5)(b) provided that if the board's disapproval of an application is based on the matrix, the Iowa DNR's review based on the matrix shall prevail, and Iowa Code 459.304(5)(b) provides that if the board's disapproval of an application is based on something other than the matrix, the Iowa DNR will consider any timely comments that relate to requirements of Iowa Code 459; and

**WHEREAS**, the Board desires to establish procedures for efficiently receiving and effectively utilizing public comments;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARDIN COUNTY** that the Board of Supervisors hereby adopts the attached policy and procedures for public comment and public hearing, which are incorporated herein by this reference, relative to applications under Iowa Code Chapter 459.

/s/ Lance Granzow  
Chair, Board of Supervisors  
Date: 1/22/2020

ATTEST:  
/s/ Jessica Lara  
County Auditor  
Date: 1/22/2020

HARDIN COUNTY BOARD OF SUPERVISORS  
POLICY FOR CHAPTER 459 PUBLIC COMMENT AND PUBLIC HEARING

**POLICY STATEMENT**

**The Board has adopted a construction evaluation resolution. By law the Board has the right to submit comment to the Iowa DNR on construction applications. By law the people have the right to submit comment to the Board under procedures adopted by the Board. While the Board is not obliged to do so, by law the Board can extend to the public the privilege of public hearing. The Board supports local involvement in government and elects to hold public hearings, but also encourages the public to contact Board members on this and any issue. The following procedures for public comment and public hearing are intended to afford the public an opportunity to bring to the attention of the Board, in an orderly and civil manner, information appropriate for consideration under the law. Ultimately, all construction applications are approved or denied by the Iowa DNR under the master matrix and only factors set forth under Iowa Code Section 459.**

**PROCEDURES FOR PUBLIC HEARING**

The public hearing is the public's opportunity to address the Board with pertinent information and argument for or against a construction application. The public should not expect the Board to engage in debate. The public hearing is the chance for local officials to hear directly from their constituents. The manner of receiving public comment at a public hearing shall be at the discretion of the Board Chair. Failure to comply with these procedures will result in sanctions.

**PROCEDURES FOR PUBLIC COMMENT**

Any member of the public can submit written comment to the Board under the following procedures. Any written comment that does not conform to these procedures will not be considered by the Board and will not be part of the record submitted to the Iowa Department of Natural Resources.

1. Written comment shall be received by the Board Chair at or before the time of holding a public hearing held under Chapter 459.304.
2. All written comments shall clearly and expressly state whether the comment is for or against approval of the construction application.
3. Written comments shall be limited to one per person and include the person's name and address.
4. All written comments shall clearly and expressly identify the statutory provision(s) of Iowa Code Section 459 that form(s) the basis for or against the application. The lawful grounds that can be considered by the Iowa DNR in denying an application are set forth in Attachment A.

**ATTACHMENT A**

County comments to the Iowa DNR regarding a construction application under Chapter 459 must relate to compliance with the legal requirements for construction of the

confinement operation. Only comments related to such grounds will be considered by the Iowa DNR. For this reason the public comment is likewise limited.

Issues upon which a county and public may comment include:

1. Non-compliance with the matrix.
2. The existence of an object or location not included in the construction permit application that is subject to a separation distance as provided in Iowa Code SS 459.202, 459.203 & 459.310.
3. The suitability of soils and the hydrology of the site where construction or expansion of a confinement feeding operation or related animal feeding operation structure is proposed.
4. The availability of land for the application of manure originating from the confinement feeding operation.
5. Whether the construction or expansion of a proposed animal feeding operation structure will impede drainages through established tile lines, laterals, or other improvements which are constructed to facilitate the drainage of land not owned by the person applying for the construction permit.

Grounds that will NOT support denial of an application:

Loss of property value  
Odor  
Dust  
Traffic  
Noise  
Loss of enjoyment of life

Linn Adams, Community Services Director, reviewed details of the ISAC Wellness Program. Hoffman moved, McClellan seconded to approve the ISAC Wellness Program Agreement. Motion carried.

Hoffman moved, McClellan seconded to approve the ISAC Business Associate Agreement. Motion carried.

Jerry Kramer, President, Faith in Action Advisory Board, which assists the Friendship Club Board, advised his board voted to pursue making the Friendship Club a 501(c)(3) organization. Hoffman moved, McClellan seconded to accept the recommendation of the FIA Advisory Board for organizational structure. Motion carried.

McClellan moved, Hoffman seconded to approve the pay increase of Luke Davison, Roadside Vegetation Management Specialist, to a rate of \$18.78/hour, effective 1/18/2020. Motion carried.

Hoffman moved, McClellan seconded to approve the hiring of Travis Prochaska, Secondary Roads Heavy Equipment Operator, at a rate of \$21.39/hour, effective 01/22/2020. A 25 cent/hour raise is available after a 6-month probationary period. Motion carried.

Public Comments:

Duhn asked about case developments in a bridge accident. Further, Duhn commented on the CAFO debate in the Statehouse being stifled by outside interests.

County Auditor Jessica Lara reminded voters the February 3 caucuses are administered by the political parties and the parties have already pulled their participant lists. She encouraged voters wishing to change their political affiliation to arrive early at their caucus location to register.

Other Business: None.

Hoffman moved, McClellan seconded to adjourn. Motion carried.

At 10:00 a.m. the Board met for an IRVM RFP pre-proposal meeting. Present: Supervisors Granzow, Hoffman, and McClellan; and Luke Davison, Brent Perry, Taylor Roll, Don Reffer, Wes Faris, and Angela Silvey.

Roll and the Supervisors responded to questions about the County's 2020 roadside herbicide application program. Don Reffer, B&W Control Specialists, provided insights into his company's practices as well as spraying programs in other counties.

At 10:42 a.m. Hoffman exited the meeting.

McClellan moved, Granzow seconded to adjourn at 10:51 a.m. Motion carried.

At 3:00 p.m. the Board met with Tom Schuetz, Group Services, regarding Wellmark health insurance. Also present: Supervisors Granzow, Hoffman, and McClellan; and Machel Eichmeier, Becca Junker, Lori Kadner, Darrell Meyer, and Angela Silvey.

Schuetz presented the Board with preliminary health insurance renewal rates for FY 2020/2021. Schuetz cautioned final rates will be higher due to special circumstances.

Schuetz also presented financial analyses from FY 2019/2020 and FY 2018/2019, along with plan projections should the County raise its stop loss deductible.

Discussion was held on feasibility of offering health savings accounts in the Hardin County Plan. Schuetz will ask Blue Cross for figures on HSA plans with \$3,500 and \$5,000 deductibles.

Hoffman moved, McClellan seconded to adjourn at 4:26 p.m. Motion carried.

/s/ Lance Granzow  
Lance Granzow, Chair  
Board of Supervisors

/s/ Jessica Lara  
Jessica Lara  
Hardin County Auditor