



Board of Supervisors Cerro Gordo County Courthouse

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Casey M. Callanan
Chris Watts
Tim Latham

CERRO GORDO COUNTY BOARD OF SUPERVISORS REGULAR SESSION

TUESDAY, FEBRUARY 5, 2019
10:00 A.M. – BOARDROOM

- I. APPROVAL OF AGENDA
- II. APPROVAL OF MINUTES
 - A. January 29, 2019 Regular Session
 - B. February 4, 2019 Board Staff Discussion
- III. OLD BUSINESS
- IV. NEW BUSINESS
 - A. County Engineer
 - 1. Report on Secondary Roads Construction and Plans
 - B. County Auditor
 - 1. Claims
 - 2. Payroll
 - 3. Drainage
 - 4. Motion to Approve Sheriff's Monthly Report of Fees
 - C. Public Hearing on Proposed Ordinance 64 – An Ordinance Authorizing the Operation of All-Terrain Vehicles & Off-Road Utility Vehicles in the unincorporated areas of Cerro Gordo County
 - 1. First Consideration of Proposed Ordinance 64
 - D. Manure Management Plans
 - 1. Consider reports from the Planning & Zoning Administrator and Environmental Health Service Manager concerning the Manure Management Plan Update for Capstone Finisher #3 #62046 and order that the reports be forwarded to the Department of Natural Resources
 - 2. Consider reports from the Planning & Zoning Administrator and Environmental Health Service Manager concerning the Manure Management Plan Update for Wharam Creek Poultry #69219 and order that the reports be forwarded to the Department of Natural Resources

Next Resolution 2019-22

Posted: 02/04/19 at 9:50 a.m.

All times listed on the agenda, except the starting time, are tentative.

Cerro Gordo County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age, or disability. Persons requiring assistance, auxiliary aids or services, or accommodation because of a disability may contact the county's ADA coordinator at (641) 421-3075. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

3. Consider reports from the Planning & Zoning Administrator and Environmental Health Service Manager concerning the Manure Management Plan Update for Tom Weaver Farms #59511 and order that the reports be forwarded to the Department of Natural Resources

E. Agreements & Contracts

F. Appointments

G. Correspondence & Communication

VI. ADJOURNMENT

Next Resolution 2019-22

Posted: 02/04/19 at 09:50 a.m.

All times listed on the agenda, except the starting time, are tentative.

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Agenda Item # C

Prepared by: Tom Meyer, Cerro Gordo County, 220 N. Washington Avenue, Mason City, Iowa
Return to: Tom Meyer, Cerro Gordo County, 220 N. Washington Avenue, Mason City, Iowa

CERRO GORDO COUNTY ORDINANCE NO. 64

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN THE UNINCORPORATED AREAS OF CERRO GORDO COUNTY, IOWA.

WHEREAS, this ordinance designates the streets and portion of roadways where All-terrain Vehicles and Off-road Utility Vehicles may operate; and

WHEREAS, Iowa Code Chapter 321I authorizes Cerro Gordo County to evaluate and designate roadways for operation which does not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic; and

Whereas, registered All-terrain Vehicles and Off-road Utility Vehicles when operated with lights and by insured and licensed drivers do not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Cerro Gordo, Iowa

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Cerro Gordo, Iowa

SECTION 1. DEFINITIONS. The definitions of terms used in this ordinance are:

- 1) All-terrain Vehicle (ATV) means as defined by Iowa Code §321I.1
- 2) Off-road Utility Vehicle (UTV) means as defined by Iowa Code §321I.1
- 3) Roadway means that portion of a public street, right of way or highway improved, designed, or ordinarily used for vehicular travel.

SECTION 2. **LAWFUL OPERATION.** An All-terrain Vehicle or Off-road Utility Vehicle may be operated on Roadways (except State highways) in the unincorporated areas of Cerro Gordo County except in violation of the restrictions in this ordinance and those imposed by the Iowa Code.

SECTION 3. **UNLAWFUL OPERATION.** A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle under any of the following conditions:

- 1) In violation of any provision of Iowa Code §321I.4.
- 2) In a careless manner such that it creates or causes unnecessary tire squealing, skidding or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
- 3) In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.
- 4) Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle.
- 5) Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Ch. 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of

insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

- 6) On any Grade level C Roadway or dirt road.
- 7) On any Grade level B Roadway, except the portion thereof designed, or ordinarily used for vehicular travel is permitted.
- 8) On any street where, official signs are placed in accordance with the Uniform Sign Manual restricting operation.
- 9) On any land under the control of the Cerro Gordo County Conservation Board.
- 10) Shall not operate any ATV or UTV at a speed above thirty-five (35) miles per hour.
- 11) Shall not operate any ATV or UTV on any hard surface Roadway with a speed limit of fifty-five (55) miles per hour.

SECTION 4. REGISTRATION REQUIREMENTS. An All-terrain Vehicle or Off-road Utility Vehicle operated on a roadway shall be registered pursuant to the Iowa Code.

- 1) Those registered in Iowa shall display the current registration decal and shall carry the certificate on board.
- 2) Those registered in another state shall display the current indicia of registration and shall carry the certificate on board in compliance with the other state law.

- 3) All operators under this ordinance shall be sixteen years of age or older and have a valid driver's license.
- 4) All operators born after the year 1995 shall have successfully completed the ATV/UTV course through the Iowa DNR and carry proof of completion while operating the ATV or UTV.

SECTION 5. EXEMPT VEHICLES & OPERATORS. This Ordinance does not apply to any exemption under the Iowa Code for All-terrain Vehicles and Off-road Utility Vehicles operated pursuant to Iowa Code §321I.9 (government and farm implements) or Iowa Code §321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code §§352.2, 321I.14(3)(b)(farm operations).

SECTION 6. PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine only as provided by the Iowa Code plus the applicable court surcharge and costs.

SECTION 7. JURISDICTION. The provisions of this Ordinance shall apply throughout the unincorporated areas of Cerro Gordo County, Iowa.

SECTION 8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 10. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First Consideration: February 5, 2019

Second Consideration:

Third Consideration:

PASSED AND APPROVED this ____ day of _____, 2019

AYES:

NAYS: None

ABSENT-NOT VOTING: None

Chris Watts, Chairman
Cerro Gordo County Board of Supervisors

ATTEST:

Becky Kirchgatter
Deputy Auditor

Agenda Item # 0-1



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

(641) 421-3075

John Robbins, Planning and Zoning Administrator

plz@cgcounty.org

Michelle Rush, Executive Assistant

cgcounty.org/planning

January 31, 2019

TO: Board of Supervisors

CC: Daniel Ries, Senior Environmental Health Specialist

FROM: John Robbins

SUBJECT: Manure Management Plan Update for Capstone Finisher #3

Gentlemen:

This office has completed review of a manure management plan update filed for Capstone Finisher #3. This is an existing two-building facility located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Bath Township. The short form states acres have been added and crop rotation or optimum yields have changed.

Manure will be applied on 6 field, totaling 658.3 fields. The fields on which manure will be applied is unchanged from the previous year. The fields are located in Sections 20, 21, 28, and 34 of Bath Township. Manure will be applied on these fields at varying rates in crop years 2018-2021. Manure will be knifed in or injected directly into the soil. There is no highly erodible land in any of the fields.

The floodplain of the East Brach of Beaverdam Creek and its tributaries cuts through the fields the field in Section 27 and the fields in Section 34. It appears that manure will be applied in the floodplain of the creek. There is, however, less risk of runoff since manure will be injected directly into the soil.

The field in Section 27, Bath Township is $\frac{1}{4}$ -mile west of Blazing Star Prairie. The southernmost field in Section 34 almost abuts the northern city limits of Rockwell and is 1 mile from Linn Grove Golf Course, Linn Grove County Park and Campground, and Rockwell Cemetary and about 1 mile northwest of Zeidler Park. Odor impacts on these areas are likely on days on which manure is applied.

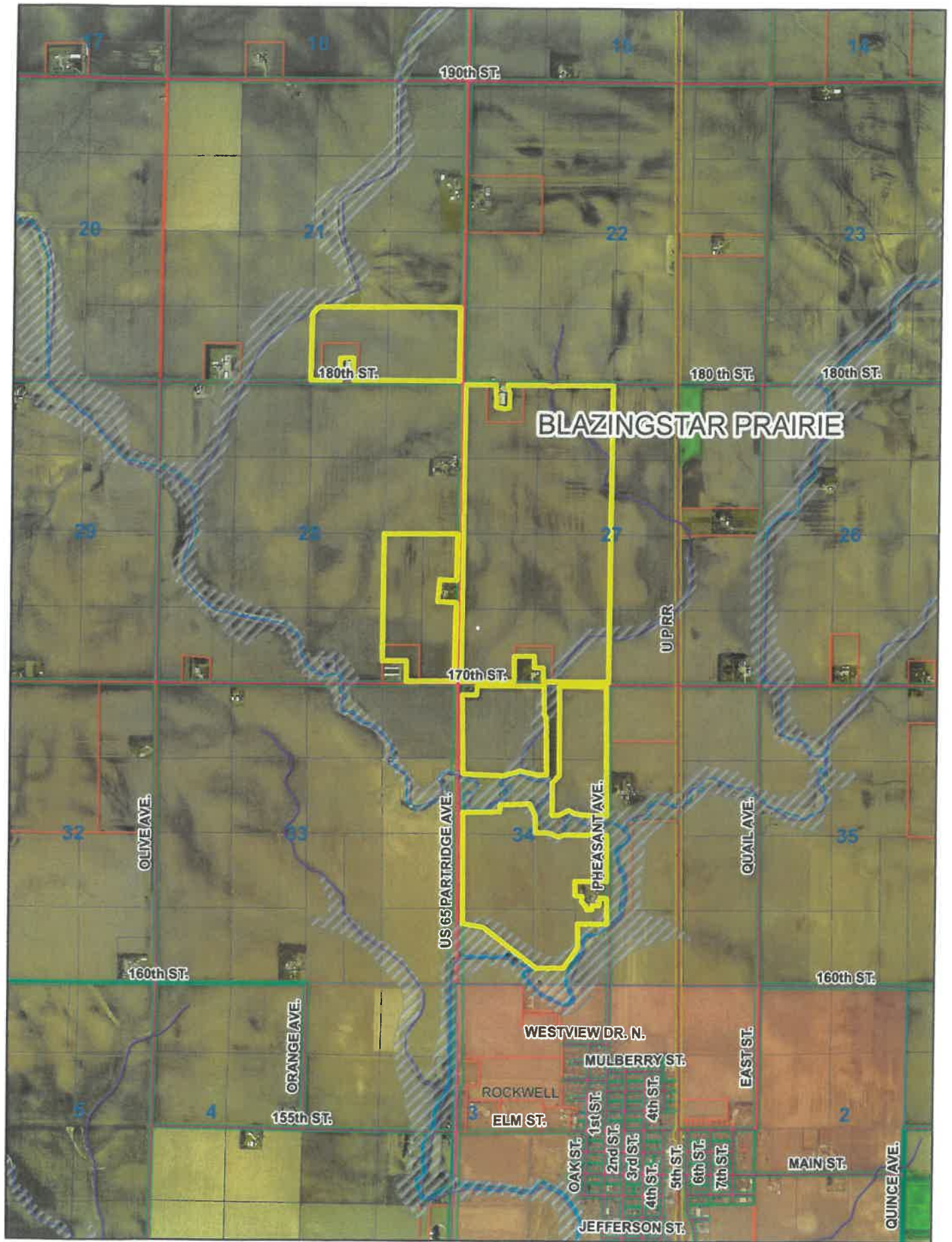
There are about 14 rural dwellings within $\frac{1}{2}$ -mile of the fields on which manure will be applied. Odor impacts on these dwellings are also possible on days that manure is applied.

All of the fields can be accessed from a paved road except for the field in Section 21 can only be accessed by gravel road. Rutting can result if manure is hauled over gravel roads following periods of wet weather or when frost boils are emerging.

In summary, my concerns with the manure management plan update are (1) possible odor impacts on nearby public areas and residential properties in proximity to the fields, (2) the proximity of three of the fields to floodplains, and (3) possible damage to gravel roads.

Please contact me if you have questions concerning this report.

Attachments



BLAZINGSTAR PRAIRIE

190th ST.

180th ST.

180th ST.

180th ST.

170th ST.

160th ST.

160th ST.

155th ST.

WESTVIEW DR. N.

MULBERRY ST.

ROCKWELL

ELM ST.

OAK ST.

1st ST.

2nd ST.

3rd ST.

4th ST.

5th ST.

6th ST.

7th ST.

JEFFERSON ST.

MAIN ST.

QUINCE AVE.

U/P RR

OLIVE AVE.

ORANGE AVE.

US 65 PARTRIDGE AVE.

PHEASANT AVE.

QUAIL AVE.

Agenda Item # ~~D-2~~ D-2



PLANNING AND ZONING

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John Robbins, Planning and Zoning Administrator

Michelle Rush, Executive Assistant

(641) 421-3075

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January 28, 2019

TO: Board of Supervisors

FROM: John Robbins

CC: Daniel Ries, Senior Environmental Health Specialist

SUBJECT: Manure Management Plan update filed for Wharam Creek Poultry

Gentlemen:

This office is in receipt of a Manure Management Plan update for Wharam Creek Poultry located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Lime Creek Township. This report is being made pursuant to Resolution No. 2003-123. Manure from this facility will be spread on one field totaling 303.8 acres. The update states that crop rotation or optimum yields have changed.

The field is located in total in the NE $\frac{1}{4}$ of Section 17, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 16, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 16. Manure will be spread at a rate of 6.8 tons per acre in crop years 2019-2021. The number of acres on which manure will be applied is unchanged from the previous year. Manure will be surface applied with no incorporation.

The floodplain of Spring Creek is adjacent to and crosses into the eastern edges of the field in Section 16. Runoff is a larger concern after application if there are periods of wet weather since manure will not be incorporated into the soil within 24 hours.

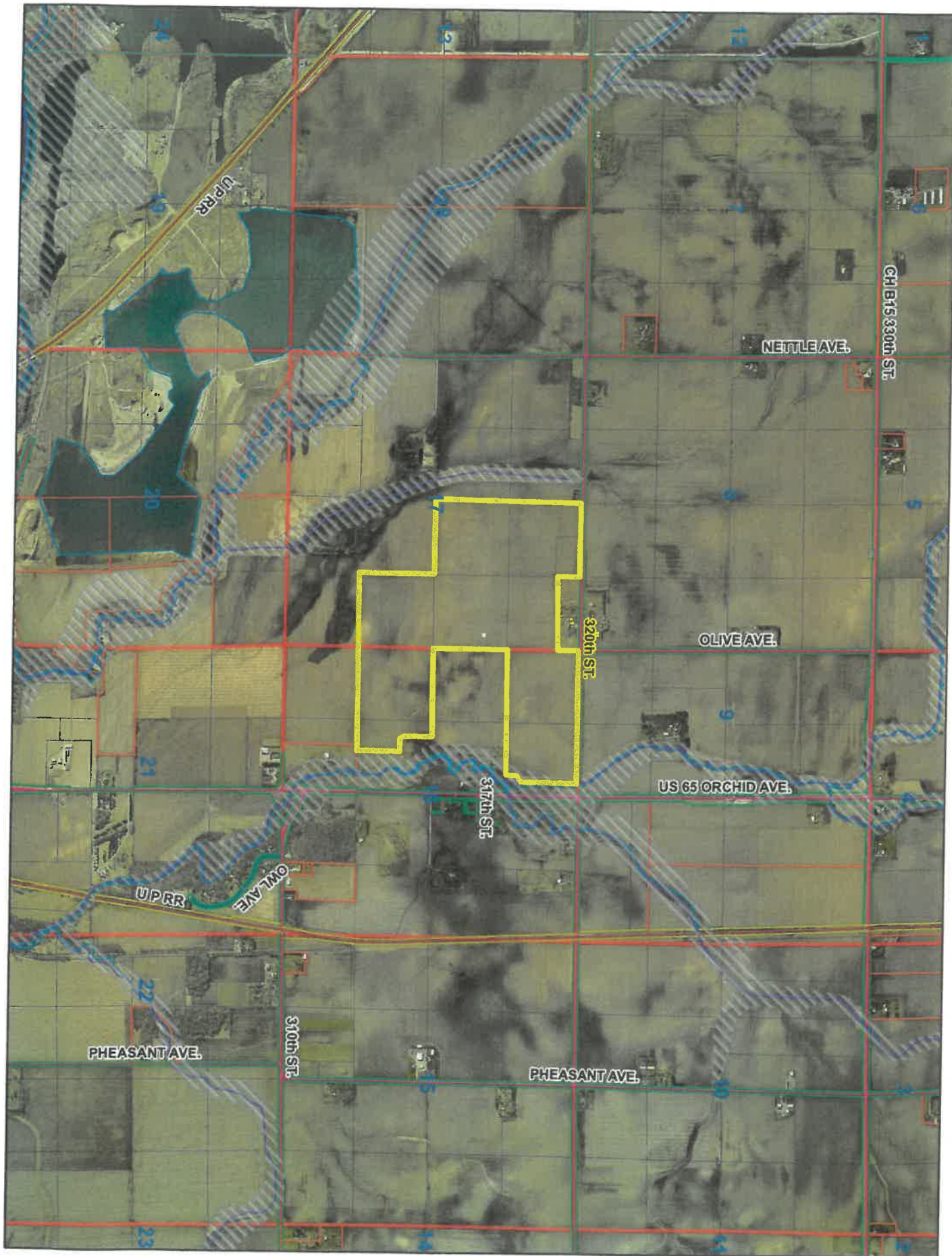
The field is 1 $\frac{1}{2}$ miles north-northwest of Spring Creek Preserve and Lime Creek Conservation Area and Nature Center. The Country Estates Subdivision is just to the east of the field. The Freeman Preserve subdivision is $\frac{1}{4}$ -mile southeast of the field on which manure will be applied. The Winnebago Heights subdivision and cluster of residences along County Road B-20 are 1 $\frac{1}{4}$ miles south of the field on which manure will be applied. The field is 2 $\frac{1}{4}$ miles north of the city limits of Mason City. Additionally, there are 8 other dwellings within $\frac{1}{2}$ -mile of the field on which manure will be spread. Odors are likely to impact these dwellings and public use areas on days manure is applied.

The field and confinement site are accessed off 320th Street, which is a gravel road. If the field is accessed after periods of wet weather or when frost boils are emerging, rutting or other damage could result.

To summarize, my primary concerns with this proposed confinement facility and the manure management plan are the potential odor impacts on nearby dwellings, subdivisions, and the city of Mason City and the potential damage to gravel roads from the hauling of manure as well as traffic in and out of the confinement site.

Please contact me if you have any questions.

Attachments



Agenda Item # D-3



PLANNING AND ZONING

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(641) 421-3075

John Robbins, Planning and Zoning Administrator

plz@cgcounty.org

Michelle Rush, Executive Assistant

cgcounty.org/planning

January 28, 2019

TO: Board of Supervisors

FROM: John Robbins

CC: Daniel Ries, Senior Environmental Health Specialist

SUBJECT: Updated Manure Management Plan for Tom Weaver Farms

Gentlemen:

Tom Weaver has filed a Manure Management Plan update for his operation located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, in Dougherty Township (21692 – 140th Street). *The update states there are no changes.*

Manure from the facility will be applied on three fields totaling 610.6 acres. There is no increase in acres on the fields in which manure will be applied. Manure will be applied on all three fields in crop years 2019 and 2020. The fields are located in Sections 9 and 16 of Dougherty Township and Section 13 of Geneseo Township. None of the three fields contain highly erodible land. Manure will be knifed in or injected into the soil.

All three fields have small waterways in them, but no floodplains. Runoff into these waterways should not be a major concern since manure will be knifed in or injected into the soil.

The closest public area is Ziedler Park, east of Rockwell. The park is located 2 miles northwest of the field in Section 13, Geneseo Township. This field is also about 1 mile southeast of Rockwell city limits. The field in Section 9, Dougherty Township, is roughly 1 $\frac{1}{4}$ miles southwest of Cartersville. There are 14 dwellings, including Weavers, within $\frac{1}{2}$ -mile of the fields on which manure will be applied. These dwellings are likely to be impacted by odors on days that manure is applied.

All of the fields are accessed by gravel roads. Rutting may result on gravel roads if manure is hauled over them following periods of wet weather or when frost boils are emerging.

My major concerns about the manure management plan are the proximity of the fields to dwellings, public areas, Rockwell, the unincorporated village of Cartersville, and the possible damage to gravel roads.

Please feel free to contact me if you have any questions.

ZEIDLER PARK

