

The Cedar County Board of Supervisors met in regular session at 8:30 a.m. September 21, 2021, with the following members present: Smith, Bell, Gaul, Sup. Kaufmann and Chairperson Agne participated via phone call. Members of the public were also present.

The Board viewed correspondence from various agencies.

The Board acknowledged receipt of the following correspondence from:

Veterans Affairs Service Officer Hamann submitted approved September reports and August 11, 2021 minutes.

Cedar County Clerk submitted fees collected in the Clerk's Office for the month of August 2021. Harris Local Government acquired Solution, Inc.

Sheriff Deputy Koranda submitted a six-month completion for Kendal Kray, Correctional Officer effective September 8, 2021 and is eligible for benefits and pay increase.

Manure Management Annual Updates submitted by:

JT Center Pork 1 LLC #68689 and JT Center Pork 2+ LLC #68688

It was noted the following Handwritten Disbursement was issued on September 17, 2021, to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #428594 for \$1815.94-self funded medical claims.

Moved by Sup. Smith seconded by Sup. Gaul to approve the agenda.

Ayes: All

Pro-Tem Chairperson Bell addressed the public for comments. Sheriff Wethington informed the Board that in the monthly ISAC magazine there was an article regarding the ISAC recommendation for the golden eagle award to an individual does not reflect value and opinions of Cedar County residents.

Moved by Sup. Gaul seconded by Sup. Smith to approve the Board Minutes of September 14, 2021.

Ayes: All

Moved by Sup. Smith seconded by Sup. Gaul to approve Claim Disbursements #428447 - #428493 paid on September 16, 2021.

Ayes: All

Moved by Sup. Gaul seconded by Sup. Kaufmann to approve a handwritten warrant #428595 to Visa in the amount of \$75.58 for fuel.

Ayes: All

Moved by Sup. Gaul seconded by Sup. Smith to approve a handwritten warrant #428596 to Visa in the amount of \$12.70 for postage.

Ayes: All

The Board reported on Outreach/Committee Meetings they attended.

At 8:45 Pro-Tem Chairman Bell addressed DVIP Executive Director, Kristie Fortmann-Doser, via phone. Doser informed the Board they have been focusing on Cedar County for the past 5 years and seen a significant increase in services. Doser explained they made emergency shelter adjustments due to COVID last year and the mobile advocacy became virtual which they saw a small decrease in person and a huge increase in hours of services. Moved by Sup. Smith seconded by Sup. Gaul to proclaim October as Domestic Violence Awareness Month. He read the following proclamation.

Domestic Violence Awareness Month Proclamation  
October 2021

**Whereas,** domestic violence, dating violence, and stalking affects women, children, and men of all racial, cultural, and economic backgrounds, causing long-term physical, psychological, and emotional harm; and

**Whereas,** one in three Americans has witnessed an incident of domestic violence; and

**Whereas,** children who experience domestic violence are at a higher risk for failure in school, mental illness, substance abuse, suicide, and may choose violence as a way to solve problems later in life; and

**Whereas,** domestic violence in rural communities exists as a hidden, silent, and often unrecognized crime that is often underreported; and

**Whereas,** through the inspiration, courage, and persistence of victims of domestic violence, their children, and advocates, our communities are learning to recognize the impact of violence in the home and within intimate relationships; and

**Whereas,** the Domestic Violence Intervention Program has worked to end violence in intimate relationships for more than 40 years through the collaborative partnerships of advocates, volunteers, local municipalities, criminal justice, health and human services, faith communities, business leaders, and private citizens; and

**Whereas,** our community's achievements should be commended and we must continue our commitment to respect and support victims of domestic violence and to prevent future violence in our community.

**Now, therefore,** be it resolved that we, the CEDAR COUNTY BOARD OF SUPERVISORS do hereby proclaim the month of October 2021 to be:

#### **Domestic Violence Awareness Month**

In CEDAR COUNTY and urge all people to work together to eliminate domestic violence, dating violence, and stalking from our community.

Signed this 21<sup>st</sup> day of September 2021, in Tipton, Iowa.

Ayes: All

At 9:00 a public hearing was held for River Valley Cooperative, 2225 290<sup>th</sup> St., Wilton, IA (Owner) - Requesting changes in zoning from R-2 Urban Residential District and C-1 Local Commercial District to M-1 Light Industrial District for the purpose of constructing an office building and truck scale on property described as Lots 1-3, Block 4, and Lots 4-20, Block 4, in the unincorporated Town of Sunbury, located in the SE ¼, SW ¼, Section 2, T-79N, R-1W, in Farmington Township, consisting of 1.99 acres m/l. E&Z Director LaRue, Engineer Fangmann, Mark Dewell, River Valley Regional Operations Manager, Brad Geiger, River Valley Manager, Mark S. Meier, Martha McCallister, Barbara Budelier, Irene Wood, Heather Jones, and Sheriff Wethington were in attendance. Pro-Tem Chairman Bell read the notice. LaRue stated there are written and verbal objections and the Planning & Zoning Board denied this request. Pro-Tem Chairman Bell requested the representative for River Valley to summarize the plans. Brad Geiger informed the Board their goal is to construct an office and truck scale on the north side of the alley and on the western side of the property. Geiger further explained this would separate the feed traffic from the grain traffic and it would be more efficient and safer. Dewell explained there will be an inbound entrance and outbound for the trucks. Geiger is proposing a 40x60 or 60x80 office. The existing office would be utilized as an employee breakroom. Mark Meier presented a file folder which contained pictures and a letter to the board members. Meier requested the board to deny the zoning due to complaints of the dust, chemical fumes, noise limits, speeding violations and excess traffic have not been addressed and there are unresolved F.A.A., DNR and OSHA violations. Meier further asked the board members to suspend River Valleys operation in Sunbury due to lack of control of the operation and until the health issues for the residents of Sunbury are resolved. Sup. Smith asked Meier if he has addressed his complaints to the appropriate authorities. Meier stated yes, he has, and they are looking into it. Bell asked LaRue what authority the board has. LaRue stated under the land use plan of Cedar County the board has the authority to approve or deny the zoning change, in regards to the environmental and health concerns we have to let the appropriate authorities in the jurisdiction do their job. Smith questioned the fish kill in 2008 and who was responsible. Geiger explained it was a nitrogen spill due to a sump pump in a tank and somehow it sucked out the nitrogen and drained to the creek. Dewell stated they no longer keep sump pumps in the tanks full time. Geiger explained the tank that is on its side was due to the DERECHO and it has been removed. Sup. Kaufmann stated regardless of whether we approve or deny this request; regarding the health safety the state and federal agencies are quite aggressive, and they will take care of the

complaints and they have the ability to stop all operations. Sup. Kaufmann asked LaRue if the board grants this request and then we find out there are serious situations does the F.A.A., DNR and EPA have the authority to trump the Board of Supervisors? LaRue stated the other agencies do in regard to the health and environmental but not the land use. Kaufmann then asked LaRue if there are any written documentation or any order from these agencies regarding any of these issues that have been mentioned by Meier. LaRue replied, no there are no written documents. Martha McAllister submitted a letter to the board members. McAllister objects to this rezoning due to the dust, noise, and red residue in the lawn and she was told they were building an office and parking lot, and there was nothing mentioned of a scale. McAllister fears once it is rezoned what will stop them from doing more. She explained the health concerns of cancer and the dust nuisance. LaRue stated the board could continue to the second hearing and request consideration of a conditional zoning agreement pertaining to restrictions on future expansions and require green planting with a timeline. Agne requested to continue to a second hearing before deciding. Barb Budelier is in a favor of the zoning because River Valley has made positive changes and is a great improvement to the community and appreciates River Valley for being proactive. Budelier stated Geiger has agreed to plant a line of trees after the construction has been completed. Sup. Bell questioned Budelier on any concerns with the traffic due to both scales and Budelier does not see a problem. Sup. Smith stated if this moves forward what type of trees are you planting? Dewell will plant two rows of mature trees and they currently spray tree sap every couple weeks on the road for the dust control. Sup. Gaul stated if we would approve this that could be in the conditional agreement. McAllister stated Barb Budelier does not live in Sunbury. Meier stated the trees will not solve the problem. McAllister stated they vacuum out the bins without any filters so she can see the dust into the air. Geiger stated they have three bins that need vacuumed out once a year. Geiger said they try to vac when the wind is out of the south due to how dirty it is. He also stated out of twelve million bushels in a year, 95% are in a closed conveyor. Geiger stated on the DNR, and OSHA complaints those are clerical errors, and a bin stack was listed as horizontal rather than vertical. He further informed the board members that OSHA has called and asked questions to the River Valley Safety Officer. Geiger stated he has not heard anything from the F.A.A. and EPA. Dewell informed the board they have installed flaps on the motors to reduce the noise and place mineral oil on the grain to reduce the dust. LaRue relayed the current zoning regulation is a minimum of 300' away from any residential and they are well over that. Sup. Bell asked the River Valley representatives that if the board was to deny this request would they still build the scale the same side? Geiger replied they would move the scale more north. Sup. Bell asked about what plans do they have from Miller Street? Geiger stated there is no plans to access from Miller Street. Sup. Smith questioned why River Valley did not build the scale to the north to avoid this rezoning? Geiger replied it is less convenient and more expensive. Sup. Gaul asked Meier if that is acceptable. Meier stated he will not accept anything. Sup. Smith addressed to Meier; River Valley stated they will proceed with the constructions even without the zoning approval. Meier said if this is approved, he will seek further action. Sup. Bell reiterated a conditional agreement is in writing and will be effective in the future, the board does not have the control or authority as OSHA and DNR do and if action needs to be taken it will be a civil matter.

Moved by Sup. Gaul seconded by Sup. Smith to continue the public hearing to September 28<sup>th</sup> at 9:00 a.m. The public hearing was closed at 9:50 a.m.

Ayes: All

At 9:51 a.m. the Board adjourned from regular session to meet as a Canvass Board to canvass votes cast for the Tipton Community School Special Election held on September 23, 2021. Stephanie Wiese, Deputy of Elections was in attendance.

Public Measure B --- Shall the Board of Directors of the Tipton Community School District in the County of Cedar, State of Iowa, be authorized to contract indebtedness and issue General Obligation Bonds in an amount not to exceed \$18,900,000 to provide funds to remodel, repair, improve, furnish, equip, and construct additions to the High School building and improve the site?

For the question----- Four hundred twenty-seven (427) votes

Against the question----- Four hundred sixty-four (464) votes

Proposition B did not pass.

Proposition C --- Shall the Board of Directors of the Tipton Community School District in the County of Cedar, State of Iowa, be authorized to levy annually a tax exceeding Two Dollars and

Seventy Cents (\$2.70) per Thousand Dollars (\$1,000), but not exceeding Four Dollars and Five Cents (\$4.05) per Thousand Dollars (\$1,000) of the assessed value of the taxable property within said school corporation to pay the principal of and interest on bonded indebtedness of said school corporation, it being understood that the approval of this proposition shall not limit the source of payment of the bonds and interest, but shall only operate to restrict the amount of bonds which may be issued?

For the question-----Four hundred nine (409) votes

Against the question -----Four hundred eighty (480) votes

Proposition C did not pass.

Auditor Dauber presented a resolution for the board to approve that would change the accrual period from 90 days to 60 days and to implement for FY2021, June 30, 2021, accrual period. Dauber explained due to the organization of the mental health region she no longer receives invoices in the month of September for services prior to June 30<sup>th</sup>. Dauber stated it makes sense economically to implement this change. Pro-Tem Chairman Bell read the resolution.

#### RESOLUTION TO MODIFY ACCOUNTING ACCRUAL PERIOD

WHEREAS, the County of Cedar desires to modify the accrual period for County financial affairs; and

WHEREAS, the County desires that said accrual period be shortened to a sixty (60) day period; and

WHEREAS, the present accrual period is ninety (90) days; and

WHEREAS, the modification of the accrual period to a shorter cycle would create a more efficient system.

NOW, THEREFORE, THE COUNTY OF CEDAR AGREES AS FOLLOW:

The Cedar County Board of Supervisors resolves to shorten the present accrual period from ninety (90) days to sixty (60) days and shall enact said modification of the accrual period.

Moved by Supervisor Smith seconded by Supervisor Gaul the foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Cedar, State of Iowa, this 21st day of September 2021.

Ayes: Smith, Gaul, Bell, Kaufmann, Agne

This resolution and vote are done in accordance with Iowa Code.  
Whereupon the Chairman declared the resolution duly adopted.

Moved by Sup. Kaufmann seconded by Sup. Agne to adjourn at 10:04 a.m., to September 28, 2021.

Ayes: All

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Cari A. Dauber, Auditor

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Steve Agne, Chairperson