

Story County
Board of Supervisors Meeting
Special Agenda
7/10/20

1. Originating From Administration Building, Story County Public Access Provided Via "Zoom" Meeting

SPECIAL NOTE TO THE PUBLIC: Due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus, public access to the meeting will be provided via Zoom. **Members of the public can participate by using the information at the end of this agenda:**

2. CALL TO ORDER: 10:00 A.M.

3. STATEMENT EXPLAINING WHY A MEETING IN PERSON IS IMPOSSIBLE OR IMPRACTICAL, PER CODE SECTION 21.8.1

4. ADOPTION OF AGENDA:

5. PUBLIC COMMENT #1:

This comment period is for the public to address topics on today's agenda

6. CONSENT AGENDA:

(All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Board votes on the motion.)

- I. Consideration Of Professional Consulting Agreement For With Linda Hanson For The Pre/Post Arrest Diversion Grant Program

Department Submitting Attorney

Documents:

[AGREEMENT.PDF](#)

7. ADDITIONAL ITEMS:

- I. Discussion And Consideration Of Proposed Resolution # 21-05, A Resolution Imploring The Governor And The Iowa Department Of Public Health To Establish A Test Iowa Site In Story County, Iowa By August 1, 2020 – Linda Murken

Department Submitting Board of Supervisors

Documents:

[TEST IOWA.PDF](#)

- II. Discussion And Consideration Of Appeal In IDNR Construction Permit For Facility ID #71506 - Linda Murken

Department Submitting Board of Supervisors

Documents:

[IDNR.PDF](#)

III. Update On Inquiries Regarding Chapter 21 Compliance On Maxwell Farms CAFO Application - Ethan Anderson

Department Submitting Board of Supervisors

8. PUBLIC FORUM #2:

Comments from the Public on Items not on this Agenda. The Board may not take any Action on the Comments due to the Requirements of the Open Meetings Law, but May Do So In the Future.

9. Closed Session Pursuant To Iowa Code Section 21.5(1)(C) - Ethan Anderson, Story County Assistant Attorney

Per Iowa Code Section 21.5(1)(c) - to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation

Department Submitting Attorney

10. ADJOURNMENT:

11. Instructions For Participation In Meeting Discussions (Friday)

[Join Zoom Meeting](#)

[HTTPS://ZOOM.US/J/94215441051?
PWD=VXVGAK9LCZNFADLQNJMXMEHWYLDNQT09](https://zoom.us/j/94215441051?pwd=VXVGAK9LCZNFADLQNJMXMEHWYLDNQT09)

Meeting ID: 942 1544 1051

Password: 938212

One tap mobile

+13017158592,,94215441051#,,,,0#,,938212# US (Germantown)

+13126266799,,94215441051#,,,,0#,,938212# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 942 1544 1051

Password: 938212

Find your local number: [HTTPS://ZOOM.US/U/ARYKAER18](https://zoom.us/j/94215441051)

****We ask that you mute your phone if possible. To request to speak when allowed on the agenda, participants must click "Raise Hand" if connected by smartphone or computer, or press *9 if connected by telephone. All participants will be muted by the meeting host when not actually speaking. For additional information regarding How to Participate in Meeting Discussions, please visit Story County's website at: <https://www.storycountyiowa.gov/92/Board-of-Supervisors>**

Audio recordings of all Board meetings will be posted on our website www.storycountyiowa.gov shortly after the meeting is concluded. You may access these recordings at any time by clicking on the Meetings and Agendas button on the home page.

How to Participate in Meeting Discussions

If you would like to watch a meeting as it happens and participate in the discussion, you can do so via Zoom (www.zoom.us). Zoom is a videoconferencing platform that works across different internet-enabled devices and standard telephones. Meetings that are being held via Zoom will have information at the top of the agenda regarding how to find the meeting in Zoom. Each meeting is assigned a meeting ID (sometimes called a "webinar ID") that you will need to use to access the meeting.

Zoom video conferencing – You can access the meeting by either clicking the link in the agenda, or by opening the Zoom application and entering the meeting ID number found on the agenda.

- Meeting participants will be able to watch and hear the meeting as it takes place. For portions of the meeting where public input is accepted, participants interested in speaking can press the button called "Raise Hand." This will notify the staff that you wish to speak. When it is your turn, staff will announce your name and notify you it is your turn to speak.
- You will need to press the "unmute" button and provide your comments. Once you are complete, you will be muted again by the staff.

Zoom phone conferencing – As an alternative to video conferencing, participants may call in to a phone conference using their touch-tone phone. Call-in telephone numbers are provided at the top of each meeting agenda (you can select from any of the phone numbers.) Unless otherwise indicated, the number is a long-distance phone number; charges may apply depending on your telephone provider. Once you have dialed the telephone number provided, you will be prompted to enter the Meeting ID number (found on the agenda).

- During the meeting, you will be able to hear the discussion live, but will not be able to see any content (e.g., maps, text, or other visual materials) that may be displayed for video conference users. For portions of the meeting where public input is accepted, participants interested in speaking can press *9 on their phone." This will notify the staff that you wish to speak.

When it is your turn, staff will announce the last four digits of your phone number and notify you it is your turn to speak. You will hear an automated announcement that your line has been unmuted, then you can begin your comments. Once you are complete, you will be muted again by the staff.

Story 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 (515) 382-7204.

Resolution # 21-05

Resolution Imploring the Governor and the Iowa Department of Public Health
To Establish a Test Iowa Site in Story County, Iowa
By August 1, 2020

WHEREAS Story County has seen more than a fivefold increase in COVID-19 cases in the last month, from 152 on June 8 to 807 on July 8, and

WHEREAS, with Iowa State University opening for classes this fall, the population of Story County will increase dramatically on or about August 1, 2020, with thousands of young adults from other states, as well as other locations in Iowa, moving here to attend classes and likely to live in congregate-like conditions off-campus, and

WHEREAS the spike in new positive cases we have already experienced has been in the young adult age range, and

WHEREAS many individuals in this segment of the population have shown that they are more likely to continue socializing and less likely to observe social distancing and other precautions when doing so, and

WHEREAS we are still probably months away from having a vaccine for COVID-19 and, in the meantime, testing and isolation of those who test positive is essential to slowing the spread of the virus, and

WHEREAS Iowa State University is currently planning to test all students who will be housed in its dormitories, but will not have the resources to test students who live off campus unless they are symptomatic, and

WHEREAS individuals who have contracted COVID-19 have been shown to be contagious at least 48 hours before they have symptoms, and

WHEREAS the State of Iowa has established Test Iowa sites in other Iowa counties when they experienced a sudden surge in cases but has not yet done so in Story County,

BE IT THEREFORE RESOLVED that the Story County Board of Supervisors implores the Governor of Iowa and the Iowa Department of Public Health to establish a Test Iowa site in Ames by August 1, 2020, to help make it possible that all Iowa State University students can be tested upon returning to Ames, and to also make testing readily available to all Iowa State University faculty and staff as well as Story County residents, whose risk of contracting COVID-19 will increase with the sudden increase in the population of Ames, and

BE IT FURTHER RESOLVED that the names of all those who test positive through the Test Iowa site in Ames be shared with the Thielen Student Health Center at Iowa State University and Story County Public Health as appropriate to assist them in coordinating contact tracing and isolation.

Approved this 10th day of July 2020

Chairperson, Board of Directors

Attest _____
County Auditor

| | | | | | | | |
|---------------|--------------|-----|------|-----|------|--------|------|
| ROLL CALL | Lauris Olson | Yea | ____ | Nay | ____ | Absent | ____ |
| FOR ALLOWANCE | Lisa Heddens | Yea | ____ | Nay | ____ | Absent | ____ |
| | Linda Murken | Yea | ____ | Nay | ____ | Absent | ____ |

ALLOWED BY VOTE
OF BOARD Yea ____ Nay ____ Absent ____

Above tabulation made by _____
Chairperson, Board of Directors



July 6, 2020

Brian Ritland
Pinnacle Group
620 Country Club Road
Iowa Falls, IA 50126

RE: Notice of Intent to Issue a Permit for Maxwell North Site
Story County
Facility ID #71506

Dear Mr. Ritland:

The Iowa Department of Natural Resources (IDNR) has made a preliminary determination that your application for a construction permit to build two new swine finishing confinement buildings with beneath the floor deep concrete pits, as a new facility, satisfies the legal requirements for issuance of a permit. A draft construction permit for the facility is enclosed.

Iowa Code Section 459.304 allows the Story County Board of Supervisors to contest this decision, as explained in the attached letter. Therefore, the IDNR's intent to issue this permit is not a final decision and you are not authorized to begin construction under the terms of the permit at this time. A final permit will be issued on the 15th day following receipt of this notice by Story County unless the County timely submits a facsimile (FAX) notice of intent to file a demand for hearing. If the County submits a notice of intent to file a demand for hearing, you will be notified, and the permit will not be issued until it is affirmed by the Environmental Protection Commission (EPC).

You may contest the conditions of the proposed permit as provided in 567 Iowa Administrative Code 65.10(8). A copy of this subrule is enclosed.

If you have any questions regarding this draft permit, please contact Cindy Garza at (641) 424-4073, cindy.garza@dnr.iowa.gov or our field office directly.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

CINDY M. GARZA
ENVIRONMENTAL ENGINEER

c: Story County Board of Supervisors
Attn: Lucy Martin, Auditor, 900 6th St, Nevada, IA 50201
Iowa DNR - Field Office #5 Attn: Dennis Thielen

567 Iowa Administrative Code 65.10(8)

65.10(8) Applicant's demand for hearing. The applicant may contest the department's preliminary decision to approve or disapprove an application for permit by filing a written demand for a hearing. The applicant may elect, as part of the written demand for hearing, to have the hearing conducted before the commission pursuant to paragraph 65.10(8) "a" or before an administrative law judge pursuant to paragraph 65.10(8) "b." If no such election is made, the demand for hearing shall be considered to be a request for hearing before the commission. If both the applicant and the county board of supervisors are contesting the department's preliminary decision, the applicant may request that the commission conduct the hearing on a consolidated basis.

a. Applicant demand for hearing before the commission. Due to the need for expedited scheduling, the applicant shall, as soon as possible but not later than 14 days following receipt of the department's notice of preliminary decision, notify the department in writing that the applicant intends to file a demand for hearing. The demand for hearing shall be sent to the director of the department and must be postmarked no later than 30 days following the applicant's receipt of the department's notice of preliminary decision. If the county board of supervisors has filed a demand for hearing, the times for facsimile notification and filing a demand for hearing are extended an additional 3 business days. It is the responsibility of the applicant to communicate with the department to determine if a county demand for hearing has been filed. The demand for hearing shall include a statement setting forth all of the applicant's reasons why the application for permit should be approved or disapproved, including legal briefs and all supporting documentation, and a further statement indicating whether an oral presentation before the commission is requested.

b Applicant contested case appeal before an administrative law judge. The applicant may contest the department's preliminary decision to approve or disapprove an application according to the contested case procedures set forth in 561—Chapter 7; however, if the county board of supervisors has demanded a hearing pursuant to subrule 65.10(7), the applicant shall provide facsimile notification to the department within the time frame set forth in 65.10(8) "a" that the applicant intends to contest the department's preliminary decision according to contested case procedures. In that event, the applicant may request that the hearings be consolidated and conducted as a contested case.

The current contact person for the Director is Jerah Sheets (jerah.sheets@dnr.iowa.gov).

The demand for a hearing must be submitted to:
Director, Department of Natural Resources
Henry A. Wallace Building
502 E Ninth Street
Des Moines, Iowa 50319

**STATE OF IOWA
DEPARTMENT OF NATURAL RESOURCES
HENRY A. WALLACE BUILDING
DES MOINES, IOWA 50319**

CONSTRUCTION PERMIT

Issued Date: **DRAFT**

Permit No: **DRAFT**

Issued To:

Jason Maxwell
Maxwell Farms, Inc.
31075 640th Ave
Maxwell, IA 50161

File: Agriculture

RE: Maxwell North Site

Facility ID No.: 71506

In accordance with the provisions of Sections 459.303 and 459.304 and 567 Iowa Administrative Code (IAC) 65.7(455B), the Director of the Department of Natural Resources does hereby issue a construction permit for:

Two new swine confinement finishing barns (277' x 71'2" x 8' deep) to house 4960 head of swine finishers as a new animal feeding operation: The manure control system consists of below the floor deep concrete pits. (8 ft. deep). The site is in the NE¹/₄ of the SW¹/₄ of Section 17, T82N, R22W, Indian Creek Township, Story County, Iowa. The maximum animal unit capacity (AUC), after completion, of the entire operation, confined at one time, shall not exceed 1984 animal units (AU). The total animal capacity of the operation (maximum number of finishing swine to be confined at any one time), after construction, is 4960 head.

This permit is issued subject to the following conditions and requirements:

1. No material change in the construction of this project shall be undertaken unless first authorized by this Department.
2. This construction permit shall expire if the authorized construction is not begun within one year. The construction of this project shall be initiated within one (1) year and completed within four (4) years of the date of issuance of this permit. A new construction permit will be required if construction is not completed within the permitted four years.
3. The design capacity of the manure storage system for the entire swine finishing operation is for a total animal unit capacity of 1984 animal units and a maximum animal capacity, to be confined at any one time, of 4960 head of finishing swine. A new construction permit shall be obtained prior to making any additions or alterations to the manure control system, making any process changes that would materially affect the manure control system, expanding the animal capacity, or increasing the volume of manure.
4. Animals shall not be placed in the new confinement buildings and manure shall not be stored in the new concrete pits until all of the following are satisfied:
 - a) **Construction is completed.**

- b) **You submit a certification (copy enclosed for your use) that the below the floor concrete manure storage pits were:**
- **Constructed in accordance with the current concrete design standards of 567 IAC-65.15(14);**
 - **Constructed in accordance with the drainage tile removal standards of 567 IAC - 65.15(1) including a report of the findings and actions taken to comply with this subrule; and**
 - **Constructed in accordance with the minimum required separation distances as outlined in 567 IAC-65, Table 6.**
- c) **You must notify this Department's Field Office in Des Moines, Iowa, at (515) 725-0268 prior to the initial concrete pour for your manure storage pit floors.**
- d) **A drainage tile system has been installed around the base of the manure storage structures (deep pits) or a licensed professional engineer has submitted his/her determination of the average annual high water table at the site which shows that the groundwater table is not above the bottom of the manure storage structures (deep pits) as required in the 567 IAC 65.15(7)"b".**
- e) **A device to allow monitoring of the water in the drainage tile lines installed around the structures to lower the groundwater table and a device to allow shutoff of the drainage tile lines shall be installed if the drainage tile lines do not have a surface outlet accessible on the property where the formed manure storage structures are located.**
- f) **You furnish the completed DNR Well Record Form and a site map showing the as built dimension from the well to the nearest proposed confinement structure.**
- g) **You receive written approval from this Department.**
5. If karst terrain (limestone, dolomite, or other soluble rock) is found during excavation of the permitted formed manure storage structure(s), the upgraded concrete standards set forth in 567 IAC 65.15(14)"c", must be followed. Construction of an unformed manure storage structure in karst terrain, as defined in 567 IAC 65.1(455B), is prohibited. The Department must first authorize any design changes to the project, as required in condition 1 of this permit.
6. The Master Matrix evaluation of your application by Story County received on June 25, 2020, includes scores for criteria 12, 16, 17, 19 and 25. The Master Matrix requires that a (design, operation and maintenance) plan for these criteria be included in the application and that compliance with said plan be a condition of the Permit. Briefly stated:
- a) **You shall build, maintain and operate the enhancements of your stockpile facility according to your County approved design, operation and maintenance plan. (criterion #16)**
 - b) **You shall build, maintain, and operate the concrete manure storage pit according to your County-approved design, operation, and maintenance plan. (criteria #12, and #17)**
 - c) **You shall build, maintain, and operate the truck turnaround according to your County-approved design, operation, and maintenance plan. (criterion #19)**

- d) **You shall build, maintain, and operate the manure volume reduction (feeding and watering) systems according to your County approved design, operation, and maintenance plan. (criterion #25)**
7. The Master Matrix evaluation of your application by Story County received on June 25, 2020, includes scores for criteria 26”e”, 35 and 41. The Master Matrix requires that the limitations or actions you accepted in choosing to receive scores for these criteria must be included as conditions of the Permit. Briefly stated:
 - a) **The manure produced at this confinement operation shall be injected or incorporated on the same date it is land applied. (criterion #26 “e”)**
 - b) **An additional separation distance of 400 feet above the minimum requirement (0 or 800 feet according to Matrix #26”e”) shall be maintained during the land application of manure to the closest high quality (HQ) water, high quality resource (HQR) water, or protected water area (PWA). (criterion #35)**
 - c) **The County approved closure plan shall be kept on site and followed in the event the facility is abandoned. (criterion #41)**
8. Prior to entering the winter season, a sufficient volume of manure shall be removed from the manure storage structures to provide adequate volume for storage of manure produced in the livestock production facilities during the winter season.
9. All the manure removed from the manure storage facilities shall be disposed of by land application in accordance with your approved manure management plan. You must also keep your manure management plan current and maintain records sufficient to demonstrate compliance with the plan. A copy of the approved Plan shall be kept within 30 miles of the site in accordance with 567 IAC 65.17(12).
10. Water usage in the confinement facilities that result in dilution of manure entering the manure storage structures shall be minimized.
11. Dilution water shall not be added to the manure storage structures except during manure emptying operations.
12. Human sanitary wastes (including showers and laundry facilities) shall not be discharged to the manure storage structures.
13. A water use permit is required for the withdrawal or diversion of more than 25,000 gallons of water per day. Water purchased from municipal or rural water systems is excluded. Any future wells shall be located respective of regulated separation distances and installed according to county permit requirements. For more information or to verify permit requirements, contact Jim Neleigh at (515) 725-0276.
14. No construction activities shall be initiated unless a NPDES General Permit No 2, for "Storm water discharge associated with construction activities" is obtained from this Department if the site disturbance from all construction activities **equals or exceeds one (1) acre**. For more information or to verify permit requirements contact Joe Griffin at (515) 725-8417.



July 6, 2020

Story County Board of Supervisors
Attn: Lucy Martin, Auditor
900 6th St
Nevada, IA 50201

RE: Notice of Intent to Issue a Permit
Maxwell North Site
Facility ID #71506
Story County

Dear Ms. Martin:

This department has made a preliminary determination that Maxwell Farms, Inc. has met the legal criteria to be issued a construction permit for two new swine finishing confinement buildings located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, T82N, R22W, Indian Creek Township, Story County, Iowa. A copy of the draft permit is enclosed for your information. The permit would authorize Maxwell Farms, Inc. to construct the confinement feeding operation structure(s) as described in the draft permit.

Pursuant to Iowa Code Section 459.304 and subrule 567 Iowa Administrative Code (IAC) 65.10(7) the Story County Board of Supervisors may contest the draft permit by filing a timely demand for hearing before the Environmental Protection Commission (EPC). The board shall, as soon as possible but not later than fourteen (14) days following receipt of this letter, notify the Director, Department of Natural Resources that it intends to file a demand for hearing. The current contact person for the Director is Jerah Sheets (jerah.sheets@dnr.iowa.gov). The demand for a hearing must be submitted to the Director, Department of Natural Resources, Henry A. Wallace Building, 502 E. Ninth Street, Des Moines, Iowa, 50319. The demand for hearing shall be submitted within thirty (30) days following receipt of this letter and accompanied by a statement that provides all the reasons why the permit should not be issued according to the legal requirements of Iowa Code Section 459 "Animal Agriculture Compliance Act" and 567 IAC chapter 65; legal briefs and any other documents to be considered by the commission or a statement indicating that no other documents will be submitted for the commission's consideration; and a statement indicating whether oral argument before the commission is desired. The matter would be heard by the commission at a time and location to be determined by the commission. The commission must set a meeting date within thirty-five (35) days from the date that the county board of supervisors files a demand for a hearing.

If you have any questions regarding this permit, please contact Cindy Garza at (641) 424-4073.

Sincerely,

FIELD SERVICES AND COMPLIANCE BUREAU

CINDY M. GARZA
ENVIRONMENTAL ENGINEER

c: Pinnacle Group, 620 Country Club Road, Iowa Falls, IA 50126
Iowa DNR - Field Office #5 Attn: Dennis Thielen