

Office of Mills County Auditor
Carol Robertson
Mills County Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 17th day of February, 2015, in the meeting room at the Mills County Courthouse in Glenwood with Lonnie Mayberry and Richard Crouch present. Supervisor Kohn was absent.

Motion by Mayberry seconded by Crouch to approve the agenda of February 17, 2015 and the minutes of February 10, 2015 as presented.

Motion carried on a vote: Ayes: 2 Nays: 0

There were no utility permits to report this week.

Motion by Mayberry seconded by Crouch to approve the Class C liquor license renewal for Glenwood Golf Course including living quarters, outdoor service and Sunday sales.

Motion carried on a vote: Ayes: 2 Nays: 0

Motion by Mayberry seconded by Crouch to approve the 3rd reading of Ordinance 15-01 – Amendment of Zoning Ordinance, Section 27.7.3. There were no written or verbal comments.

Motion carried on a vote: Ayes: 2 Nays: 0

Motion by Mayberry seconded by Crouch to approve Ordinance 15-01 – Amendment of Zoning Ordinance, Section 27.7.3.

ORDINANCE 15-01

THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA, HEREBY AMENDS THE MILLS COUNTY ZONING ORDINANCE BY DELETING SECTION 27.7.3(b), 27.7.3(c) AS IT CURRENTLY READS AND REPLACING THE ENTIRE SECTION WITH A NEWLY WRITTEN SECTION 27.7.3(b), 27.7.3(c) WHICH SHALL READ AS FOLLOWS:

b. Grading Permit and Special Use Permit Requirements

The following actions require approval of a Soil Extraction Permit and a Grading Permit, as specified, prior to carrying out any of the actions as set forth below. All approved special use permits granted under this section shall be subject to a use surcharge. Said surcharge is set forth by Resolution 14-15 by the County Board of Supervisors. Said surcharge shall apply to all excavation and/or resource extraction in Mills County as set forth hereinafter.

- 1) The removal, addition or relocation of soil/other resource materials from any single parcel owned or controlled by any single entity, including joint tenants and co-tenants when the disturbed area exceeds one (1) acre shall require approval of an approved Grading Permit and/or Soil Extraction Permit. Said actions are also subject to aforementioned surcharge as set forth by resolution.
- 2) The above activity requires a completed and approved Soil Extraction Permit from the Zoning Board of Adjustment, as described in Section 27.1.10(i)(4).
- 3) In addition to Soil Extraction Permit, a Grading Permit must be obtained from the Mills County Engineer prior to undertaking grading and/or extraction operations.
- 4) Upon issuance of Soil Extraction Permit and/or Grading Permit, either/both permits are subject to review annually by any Zoning Board of Adjustment and/or Mills County Engineer.

The following non-exclusive requirements shall be met prior to approval by the Zoning Board of Adjustment:

- a) Each application for a Soil Extraction Permit for soil/other resource extraction shall identify the materials to be extracted. No material other than that specifically identified in a special use permit, shall be removed from a tract of land that is being excavated.
- b) Each application for a special use permit shall identify the location of the soil/other resource to be extracted.
- c) Each application for a special use permit shall identify the amount of soil/other resource to be removed from the parcel(s) by cubic yards.
- d) Establish and provide a timeframe and/or length of operation during which the soil/other resource material will be removed from the parcel(s). The Zoning Board of Adjustment will only grant a special use permit for extraction for a specified period of time. Each

permit shall contain a specified termination date and include a provision that provides the operational rights granted under the permit shall automatically expire when extraction operations on the subject tract have terminated.

- e) The terms of the permit shall provide that the operator is obligated to rehabilitate the tract of land immediately upon termination of the extraction operations on such tract. The permit application shall set out a rehabilitation plan that will be implemented after the completion of extraction activities on the tract. The operator shall certify the rehabilitation plan that the operator will fully rehabilitate the tract to the standards and requirements of the rehabilitation plan and the State of Iowa. The rehabilitation plan shall provide that the operator will file a bond with the State of Iowa and/or its Agent and the bond shall not be released until the State of Iowa and/or its Agent has inspected and approved all rehabilitation activities, and notified the Zoning Board of Adjustment that all such activities have been satisfactorily completed. The rehabilitation plan shall set forth a detailed process to measure the steps that will be taken to return the tract to a condition that supports at least the same agricultural productivity and capacity after rehabilitation as existed prior to the commencement of the excavations. All rehabilitation work, and other actions taken to rehabilitate the tract, shall be undertaken by the operator, at the operator's expense, and at no cost to Mills County. The rehabilitation plan and all of its standards and requirements shall be incorporated as part of the special use permit, and the standards and requirements of the rehabilitation plan shall be enforceable as well as all other conditions that are imposed by the Zoning Board of Adjustment.
- f) The Zoning Board of Adjustment shall determine whether or not the special use permit applicant should be required to submit a plan to rehabilitate the subject tract once the special use has terminated, and provide for the funding of said restoration. If the Board required such a plan, then the special use permit may not be granted until such time as the plan has been submitted to the Board and approved.
- g) Establish the zoning use of the parcel(s) after the resource extraction and obtain the approval of the Planning and Zoning Commission if a non-conforming use is to be established.
- h) Establish a designated route of travel to and from extraction and destination site, with a route schedule submitted for approval by County Engineer.
- i) Establish a maintenance plan for with the County Engineer regarding repair and/or restoration for damage caused by heavy trucks/equipment on Mills County roads affected by designated route of travel as identified during the specified period of time as noted on soil extraction permit application.

FEE FOR SOIL/OTHER RESOURCE EXTRACTION (SURCHARGE)

- a. A surcharge, otherwise known as a fee for soil extraction, is set pursuant to resolution by the Mills County Board of Supervisors.
- b. Any approved special use permit granted under this section is subject to this surcharge.
- c. Said surcharge is not retroactive and will not be enforced for any existing contract prior to date of passage, approval and publication as provided by law of Resolution 14-15.
- d. Calculation of said surcharge is based upon proposed expenditures necessary to repair/replace infrastructure affected by extraction and/or route of travel to and from extraction site and destination site and/or any other travel area affected by activities that are a derivative of an approved Soil Extraction Permit.
- e. Said surcharge is calculated to be approximately .00005% of the weighted average of complete replacement and/or overlay costs.
- f. Enforcement of surcharge will be provided by the Mills County Building and Zoning Department. Oversight and enforcement will be provided based upon of the information contained within the contract provided with application and post-job inspection, if necessary as deemed by Mills County Building and Zoning.
- g. Any person violating any provision of this ordinance shall be punishable according to Chapter 5 of the Mills County Code of Ordinances and may be subject to a 'Stop Work Order' issued by an Mills County Building and Zoning Official and/or their designee until such time compliance with this ordinance is accomplished and approved by Mills County Building and Zoning and 'Stop Work Order' is removed.

Motion carried on a roll call vote: Mayberry – Aye, Crouch – Aye, Kohn – was absent

The Heartland 20/50 presentation by Jeff Spiehs from MAPA was rescheduled due to Supervisor Crouch leaving for a meeting in Des Moines.

The budget work session with Larry Hurst, Communications Center Director was rescheduled until Wednesday, February 18, 2015 during the budget work session.

The Board of Supervisors received the January month end financial reports.

There being no further business to come before the Board at this time, they adjourned to meet on Monday, February 23, 2015.

Richard Crouch, Chairman

ATTEST: Carol Robertson, Auditor