

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
January 24, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:35 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Anastasia Cook	Present	12/31/2025
	Vacant	Absent	12/31/2023

Staff & Others Present: Stephanie Runkle, Zoning Administrator, Dean & Vicki Peterson via zoom, Shawn Gibbs and Mandy O'Neill Administrative Assistant.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Klees made a motion to approve the agenda today; Cook seconded. All in favor. MCU.

11/1/22 Minutes: Klees made a motion to approve; Averhoff seconded. All in favor. MCU

Appointment of Chair & Vice Chair:

Klees makes a motion to appoint Bud Pratte as Chair; Cook seconds. AIF MCU

Averhoff makes a motion to appoint Anne Klees as Vice Chair; Klees seconds. AIF MCU

Public Hearing:

Haaken Mahr at 634 Waterloo Creek Drive Dorchester, Iowa.

A petition has been filed in consideration of a Variance in order to have a 4' side yard setback to build a garage, where a 10' would be required. The property is zoned R-1, Residential. Runkle explained the application to the Board. The current driveway will still be utilized from Center Drive at the rear of the property. The new garage will end up with more space between the properties than there is currently. Cook makes a motion to approve the variance as it stands; Averhoff seconds. AIF MCU

Averhoff made a motion to adjourn at 5:25 PM. Pratte seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
February 28, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Anastasia Cook	Absent	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle, Zoning Administrator, Dennis Deal, Sherry Bechtel, Dan Bechtel, Hailey Bechtel and Mandy O'Neill Administrative Assistant.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Averhoff made a motion to approve the agenda today; Klees seconded. All in favor. MCU.

1/24/23 Minutes: Klees made a motion to approve; Averhoff seconded. All in favor. MCU

Public Hearing:

Dan Bechtel 847 Autumn Rd Waukon, Iowa

A petition has been filed in consideration of a Conditional Use in order to have a Pet Cemetery. The property is zoned A-1, Agricultural. Runkle presents application from Dan Bechtel. He will be utilizing ½ acre of his 25.99 acre parcel for the use of a Pet Cemetery. He will only be accepting small, domesticated animals. Dan Bechtel presents information about his proposed business. He will be utilizing the shed on the NW side of the parcel for an office and west of the shed for a parking lot and the cemetery. The parking lot will have barrier stones in place so people can't drive into the cemetery area. The shed will be remodeled with orange tin to host the office, map, walk in freezer for early drop off of animals, storage of utility tractor and display of pine boxes. Dan has spoken with Pet Cemetery businesses for reference in Evansdale, Des Moines, Madison and the Twin Cities, as well as talking to the Iowa DNR, IDALS office and Iowa Vet School. The hours of operation will be 8am-8pm. Dan will bury the animal and place a headstone of choice. All headstones will face South. The business will be called Autumn Memorial Pet Cemetery. Leases on the space will be sold at 1, 5 or 10 years. All animals will be placed in an ecofriendly pine box, cotton bag or urn. Plots will be 2'x2' and 3' deep. If animal is larger, for example a Saint Bernard, 2 spots would be sold. Averhoff states he called Pet Cemeteries in Waterloo for information as well. Dennis Deal is a neighbor to the property and he was concerned about devaluing his home like a hog confinement would along with the concern of eyesight from proposed location. Deal discusses there are other location options on Bechtels property. Runkle notes that another location is not our business, as this location is what was applied for. Klees makes a motion to accept the Conditional Use permit for a Pet Cemetery with the condition that a line fence is maintained and a nice fence in place around the cemetery. Pratte seconded. AIF. MCU.

New Business:

March meeting date changed to April 3rd due to needing 30 days on the extraction pit notice from the March 2nd public hearing that was held.

Klees made a motion to adjourn at 5:25 PM. Pratte seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

Minutes of the Meeting of March 2, 2023
Extraction Pit Public Meeting
Driftless Area Education and Visitors Center
1944 Columbus Rd. Lansing

An application for a Large-Scale Extraction pit has been filed with the Allamakee County Planning and Zoning Office. The application details the “borrowing” of 307,000 cubic yards of fill from a site located at 2062 Lafayette Ridge Dr. Lansing, Iowa. The extracted fill will go towards the filling and capping of the Alliant Energy ash ponds located at 2320 Power Plant Rd Lansing, Iowa.

Discussion took place with presenters: Stephanie Runkle, Allamakee County Zoning Administrator and Dune Coddington & Marty McCusky from Ames Construction. PowerPoint was presented. Questions were asked from the public in person and via zoom.

Attendees Via Zoom

Dale & Anna Reeves, Cosette Reeves, Teresa Severson, Bruce Palmborg, Kristy Gaunitz, Bud Pratte, Jill Kistler, Lilly Jensen, Nick Dunn

Attendees In Person:

Dune Coddington, Marty Mc Cusky, Brian Feuerhelm, Ann Klees, Mike Conard, Charlie & Paula Ashbacher, Dick Garin, Ellen Modersohn, Dale Conard, Shally Garin, Darroll Coddington, Dennis & Mary Keatley, Ray & Bonnie Wagner, Jack Fink, Arla Wagner, Jack Knight, Mike Mc Cormick, Kent Mc Cormick, Brian Ridenour, Karl Schilling, Tyler Sommer, Monica Sommer, Lyle Wilgenbusch, Lore & Mark Egan, Mark Reiser, Gene Averhoff, Daryl & Pam Steiber, Janice & John Rea, McKay Mathis, George Delaney, Rick Zarwell, Michele Houlihan, Karen Brennan, Georgianna Gavin, Mary Delphey, Neal & Debbie Steiber, Dan Byrnes, Jim Pladsen, Ben Wagner, Kyle & Jodi Johnson, Keenan Johnson, Ann Langford, Mark & Marcia Kruse, Dennis Gaunitz, Lydia Gaunitz, Randy Gaunitz, Tom Gavin, Stephanie Runkle, Mandy O'Neill

PowerPoint and video recording are available in the Planning & Zoning Office.

Meeting ended at 7:30PM

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 21, 2023**

5:00 Site Visit Randy Gaunitz Farm Parcel ID 1229200013 with Site visit to Alliant Energy 2320 Power Plant Dr. Lansing, IA to follow.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vacant	Absent	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff Present: Brian Ridenour, County Engineer, Stephanie Runkle, Zoning Administrator and Mandy O'Neill, Administrative Assistant

Others Present: Dune Coddington, Marty McCusky & Brad Folczyk with Ames Construction, Jack Knight, Teresa Severson, Jim Pladsen, Duane Leppert, Chad Wall with Alliant Energy

The Board of Adjustments arrived at the Extraction Pit site at 5:00. Discussion was had regarding the location of the pit and neighbor property's location was noted. We then traveled along the route to Alliant Energy ash ponds. Discussion took place on how the dirt will be used to fill the ash ponds. Meeting was adjourned at 6:15PM.

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 30, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 2:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vacant	Absent	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle, Zoning Administrator, Kermit Klees, Mandy O'Neill Administrative Assistant.

New Business:

Extraction Pit Public Hearing Information- Board members were presented with a packet containing the public comments received by the Planning and Zoning Office thus far. Discussion took place on the road impact agreement and reclamation bond documents being created.

Averhoff made a motion to adjourn at 4:30 PM. Pratte seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
April 3, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vacant	Absent	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Mandy O'Neill-Administrative Assistant, Laurie Moody-Environmental Health Sanitarian, Brian Ridenour-County Engineer, Clark Mellick- County Sheriff, Planning & Zoning Commission Members- Jim Pladsen, Jack Knight, Teresa Severson; Ames Construction Employees-Dune Coddington, Marty McCuskey, Brad Folczyk & Tim Ames; Kathy Renk, Kermit Klees, Alan & Lori Heitman, Mark Reiser, Tom Gavin, Tyler Sommer, Krystal Johnson, Brian Vandebogart, Darryl & Pam Steiber, Ellen Modersohn, Karen Pratte, Catherine Hines, Dale & Anna Reeves, Mark Troendle, Dennis Keatley, Bruce Revoir, Neal & Debbie Steiber, Lydia Gaunitz, Randy & Kristy Gaunitz, Dennis Gaunitz, Denise Beyer

Via Zoom-Brian O'Neill, Noelle Mohn, Bernie Oleksa, Jessie Wilson & Janice Rea

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Klees made a motion to approve the agenda today; Averhoff seconded. All in favor. MCU.

2/28/23, 3/2/23, 3/21/23 & 3/30/23 Minutes: Klees made a motion to approve; Averhoff seconded. All in favor. MCU

Public Hearings:

1. A petition for a Conditional Use has been filed by Krystal Johnson at 1212 Elon Drive, Waukon, Iowa. The petition request is in consideration of a Conditional Use in order to have a small powder coating business as a Home Industry on her property. The property is zoned A-1, Agricultural. The brown home closest to Elon Drive had a fire and is uninhabitable. The shop located behind the home used to be an auto body repair shop and Brian Vandebogart would like to have his Home Industry Business here for small objects such as car parts or motorcycle frames with a size limit due to his oven size of 40'x44'x7' tall. It will be a filtered spray booth exhausting into the building. Discussion took place on the septic system, and it was understood the septic for the building shares with the burnt homes septic. Runkle recommends approval of the Conditional Use Permit with the condition that if the business were to expand to larger components or vehicles or increase in a way that the air inside the building were being exhausted outside the building that Bryan Vandebogart and Krystal Johnson would need to come in for a rezoning and work in conjunction with the Iowa DNR to ensure NESHAP standards were being followed. Pratte makes a motion to approve the Conditional Use Permit; Klees seconds. AIF. MCU.
2. A petition for a Variance has been filed by Alan & Lori Heitman- Parcel ID 0223200008, Wheatland Rd, New Albin, Iowa. The petition request is in consideration of a Variance in order to create a parcel less than 3 acres to build a home. The property is zoned A-1,

Agricultural. Runkle explained the parcels location and proposal on beacon. Approximately 1.8 acres would be the newly created parcel. Eric Rud farms all the surrounding property of Alan Heitmans and he will be the owner of the newly created lot. Klees asks Heitman why he can't sell the required 3 acres to be in compliance and continue to farm what isn't needed for a homestead. Heitman replied he doesn't think it's fair to the young man starting out to have to do that and his bank will only loan him so much for his first home. Gibbs questions Laurie Moody on the septic and she said it cannot be less than 1.5 acres to have room for septic with new home. Laurie states she has a septic plan all drawn out with future needs thought out. This property has a shared well. Klees makes a motion to approve the Variance; Pratte seconds. AIF. MCU.

3. **Public Comment Regarding the Large-Scale Extraction Permit (limit of three minutes per person)** Runkle states this permit is for a borrow pit on the Gaunitz property and makes it clear that we cannot make any comments about what is happening at Alliant Energy. They follow Federal and EPA regulations for the filling of the ash ponds. Neither the County nor Ames Construction has any say over Alliant Energy's plans.
- **Daryll Steiber** lives at 1524 Steiber Rd and has resided there his entire life. He is against the extraction pit and is concerned about safety. When the road was upgraded the County was negligent on getting corners done properly due to pushback. If this goes through and there's an accident, he has 6 kids, their spouses and 14 grandkids traveling there.
 - **Jack Knight** states the extraction pit ordinance was written to address a proposal for 3,000-acre sand mines for trucks that would run 24/7 for 365 days a year and this makes it an awkward fit when a much smaller project comes across the County's plate. This project is a 20-acre, 5-month project, so a big difference.
 - **Dale Reeves** whose mom owns the property at 2150 Century Drive. He has read the application and documentation stating the County will be breaking 8 laws if this is approved. The summary report says the extraction can't be done within 2,000 feet of a stream and Wexford creek is 2,800 feet away and the law says it needs to be a mile away. Boards job is to hear and decide appeals where there is an error and there's no error in this. The Board of Adjustments shall not grant a special exception that will adversely affect public interest. This is going to affect wells. No extraction pits are to be within 1,000 feet of any karst- there's two sink holes within 1,000 feet and there's karst within 50 feet of the top of the soil and if this is broken it's going to cause trouble with wells. You're supposed to authorize special conditions that do not cause hardship of the public. Granting this adjustment will cause many hardships for many families. 300 loads a day is 600 trips and these roads are not designed for this. Alliant can get their dirt from a barge. There's no hardship for Alliant or Ames, but it is for the people on the route. This is a recipe for disaster.
 - **9 Minutes of others time (Jessie Wilson, Mark Troendle & Pam Steiber) was donated to hear Mr. Reeves speak more.** Mr. Reeves notes the first law being broken is in reference to section 305.8 of the Allamakee County Zoning Ordinance and Subdivision Regulations states "the following supplemental conditions shall be met prior to the issuance of a conditional use permit for a newly proposed large scale extraction pit. Section 5b says "no site shall be located within a 5-mile radius of any other largescale or industrial minerals extraction site or within 2000 feet of ...an existing residence... unless the setback requirement is waived by the owners and occupants. Such waiver must be in writing." Dale is the only person who is power of attorney to sign for his mom and he did not sign this waiver. Section d says, "The Board of Adjustment may impose additional or greater setback requirements where it is found to be in the

best interest of the public or to protect neighboring land uses.” It does not say anyone has the power to lessen the requirements. The hydrology study in this application is inaccurate and inadequate. Our property is clearly within the 2,000-foot circles drawn on several images submitted with this application. Somehow, impacts to our property and the hydrological features on our farm, within 2000 feet of the proposed site, are not included in the borrow pit application study and are not mentioned in this application. That is a huge oversight. As property-owners, we have equal rights to all protections under the law. Because there was only a desktop study done, this was missed and the well too. The geological study in this application is only a desktop study. Even so, the desktop study found two sinkholes: one 750 feet north, the other 800 feet east of the proposed site. (One of the sinkholes is right down the valley and much of the runoff from this project will travel, potentially creating a conduit that will direct contaminated water into wells and 2 streams.) The desktop study says, “Potential Karst features identified by the desktop methodology should be field verified, to confirm whether or not the feature is actually a sink hole.” (This is because it is illegal to dig within 1000 feet of a sink hole.) Channels in karst carry ground water and are easily contaminated or blocked by digging. One of the dangers of digging around karst is that groundwater can be cut off to a whole area, leaving wells and streams dry. His cousin recently mentioned he knew someone who drilled a well and it cost them \$95,000 and they wouldn’t have that much money to drill a new well. 305.4.5.b No excavation or mining shall be allowed within 1,000 feet of any identified karst formation. Sinkholes are signs of karst formations, and two of them were found within 1000 feet by the desktop study. Therefore, approving this permit is against the law. The required NPDES (National Pollutant Discharge Elimination System) permit has not yet been issued, to our knowledge. The NPDES permit cannot be approved without first being published and without also providing a 30-day public comment period. Federal Regulation 40 CFR 124.10. Regulation 305.4.1 states, “applying chemical or toxic substances, unless expressly permitted, in the conditional use permit, shall be prohibited.” NPDES allows contamination of public land, not private. When water runs over the fields, it doesn’t run clear, it’s muddy and their property is downhill from the pit. Regulation 305.4 states any large-scale extraction pits shall be prohibited within one mile of any stream. The Iowa Geological Survey study Ames provided says, “three unnamed intermittent tributaries are within the regulatory 2000-foot radius.” Additionally, we have a perennial spring on our farm, which hosts a variety of amphibians. That spring is within the 2000-foot circle drawn on the images in the application. The Iowa Geological Survey study also says, “Wexford Creek, the closest perennial stream, is at about 2,800 feet south of the property” (the proposed borrow pit site.) Since a mile is 5,280 feet long, Wexford Creek is well within the prohibited zone. Clearly, to approve this borrow pit would be against the law as stated in 305.4.5.b. Regulation 305.4.5.c. states any large scale borrow pit cannot be located within one mile, or within the viewshed, of a scenic byway. Lafayette Ridge Drive, a Driftless Area Scenic Byway is about 500 feet from the edge of the proposed borrow pit site. This huge borrow pit will also be an eyesore within the viewshed of the scenic byway. See Allamakee County Zoning Ordinance and Subdivision Regulation 305.2.14. Allamakee County defines Viewshed under Definitions

14. A “**viewshed**” shall be defined as an area of land, water, or other environmental element that is visible to the human eye from a fixed vantage point, e.g., the viewshed of a scenic byway shall be all that is visible to persons using said byway.

as:

Supposed to tell us how high they will stack the dirt; this hasn’t been told. Under definition of Extraction Pit, it states the purpose is to minimize road and bridge damage from high volume heavy truck traffic. If you lined up 23,000 semi-trucks it would go from here to Lexington, Kentucky bumper to bumper with no space, that’s what’s going back and forth

on the road. Allamakee County's always helped the little guy. If this passes the guy with the most money wins and you're not protecting your County. They have an organic farm and when those chemicals come down on their farm, it's ruined. Protect tourist existing recreational business- tourist won't go down Great River Rd this summer. Unhealthy air emissions caused by mining activity such as dust you can't see like silica and loess.

Regulations 401.2.13 says, "the traffic generated by any use shall be channeled and controlled in a manner that will avoid...traffic hazards and excessive traffic through residential areas particularly truck traffic." Most people living on this route are residential, not just farmland. Supposed to be protecting water resources, existing recreational and tourist businesses, protect residents from unhealthy air emissions. He encourages the board to vote no on this matter due to all this knowledge and laws broken and let them take it to Court. If vote yes, you're going to be held legally responsible as Allamakee County. This is how West Virginia started with one excavation pit. Randy isn't getting paid enough and who will be responsible for when the well goes bad, Randy or the County?

Catherine Hines- 1812 Great River Rd. Have lived on the side of this power plant for 32 years. Everything you see here is not accurate of what is going on. Karst formation is all of Allamakee County and was formed at the time of glaciers. She has a 600' artesian spring on her property, where she does her own well testing with State of Iowa hygienic lab. Dump trucks are running 24/7, booming all day for months, driving too fast on the S curves. Motorcycles, poker runs, scenic byway needs air pollution from Alliant Energy is equivalent to 100,000 cars. The board needs to think about what they're doing, allowing 60 semis to travel 7 miles with no shoulder on Great River Rd.

Lydia Gaunitz- works for construction company past 8 years and understands truck traffic potentially on the road. When Ames decided to be on that side of town, they were keeping the truck traffic out of downtown Lansing, still allowing summer tourist traffic. Papers are signed with Ames & Alliant- they're going to move the dirt no matter where it comes from. Hours are spent silt fence, berm leaving the site, not considering this a large extraction pit- only taking 1 knoll off field, have less future run off. The potential for any soils leaving the site was explained well by Ames with measures through the DNR and EPA.

Anna Reeves- Mother-in-Law owns property within 2,000 feet of proposed borrow pit. As you've heard this project is going to go through, however it doesn't make sense to them due to clay on ash pits with plastic covering. The EPA leaves the citizens and the County to be sure Alliant follows their rules. It doesn't make sense economically for the Gaunitz's as luss is the richest farmland in the world. They pay a lot of money where they live to fill grow boxes with good soil. Mother-in-law always says good Iowa soil is needed and could sell for \$50/cubic yard instead of the \$1.30 he's getting. Approving this will open the door to approving other extraction pits in the area. If it is approved, this is what they'd like to see- speed limit signs of 30mph to allow the trucks to slow down in time, a stoplight at the end of Lafayette Ridge Drive and Great River Rd, Randy Gaunitz should be paid more reasonable, as understood \$28/cubic yard is more fair price, alert medical personnel in Harpers Ferry & Lansing as people are more likely to die on roads.

4. **Public Hearing Regarding Large Scale Extraction Permit**

Runkle makes mention thanking everyone who wrote a comment letter, and all have been considered. Ames Construction applied for the Extraction Pit on 2/14/22, asking for a Conditional Use Permit. Runkle goes through the PowerPoint presentation, which is available in the P & Z Office. Board of Adjustment members converse about the reclamation bond, road impact agreement, NPDES permit where any site with more than

one acre disturbance this is required by the State of Iowa, homeowners written consent, concerns of how late into fall the project can go and safety concerns. Dune Coddington with Ames Construction speaks on behalf of the project. He also stated that the maximum is 300 loads per day, but it will not be 30 trucks everyday, that will only be for approximately one month, 20 trucks per day will be most likely. Chairman Pratte commends Ames Construction for working so well with the County. Runkle makes mention the letter to the editor is untrue on many accounts, but specifically that extraction pits will go crazily in our County, as any extraction pit will have to go through what Ames Construction has already done in the application process. This ordinance has been in effect for 11 years and this is the first time there's been an application for an extraction pit.

Klees makes a motion stating we recognize that the language of section 305.4 subparagraph (5) of the Allamakee County Zoning Ordinance includes language to prohibit large scale extraction pits within one mile or viewshed of any stream or scenic byway, and that section 305.8 (5) (b) included language to prohibit a large scale extraction pit within a 5 mile radius of any other large scale extraction pit or within 2,000 feet of an existing residence unless the setback requirement is waived in writing by the owners/occupants. However, we also recognize that chapter 305 of the Zoning Ordinance (the Extraction Pit chapter) was written with the express intent and purpose of restricting frac sand mining in Allamakee County, that the application being considered today is being submitted for a purpose other than that originally contemplated to be prohibited by chapter 305, and that the benefits to Allamakee County of making an exception to the strict language of these portions of the Zoning Ordinance significantly outweighs the concerns of not strictly holding the applicant to each and every single prohibition/requirement set forth in chapter 305. Furthermore, the application being considered today is for a project that is a temporary, non-invasive use of the land. With those considerations in mind, I make a motion to allow a one-time exception be made to the strict interpretation of the language in sections 305.4(5) and 305.8(5) (b) of the Zoning Ordinance, to allow this specific application to move forward. Gibbs seconded motion. All in Favor. Motion Carried

Klees moves we approve the application by Ames Construction for a borrow pit at Lafayette Ridge Drive with these following conditions; Averhoff seconded.

1. The Road Impact Agreement is approved by the Board of Supervisors with Brian Ridenours recommendation.
2. Safety plan is in place including the 4 way stop and widening of the intersection at Lafayette Ridge and Great River Road.
3. Use only water from the Mississippi River for dust control.
4. Ames Construction will have a spill containment kit on site for emergency oil spills.
5. Ending date of 11/15/2023 with possibility of extension due to extenuating circumstances.
6. Monthly site visits to the site by Zoning Administrator.
7. \$300,000 reclamation bond in place.
8. Updated SWPPP plan.

All in Favor. Motion Carried.

Klees made a motion to adjourn at 6:40 PM. Gibbs seconded. All in favor. MCU.

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
April 25, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vicki Peterson	Present	12/31/2025
	Shawn Gibbs	Absent	12/31/2023

Staff & Others Present: Stephanie Runkle, Zoning Administrator, Mandy O'Neill Administrative Assistant, Chad Rathbun, Amos Lambright, Roger Ellefson & Dave Fish

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Averhoff made a motion to approve the agenda today; Klees seconded. All in favor. MCU.

4/3/23 Minutes: Klees made a motion to approve; Pratte seconded. All in favor. MCU

Public Hearings:

Roger Ellefson 871 State Forest Rd Harpers Ferry

A petition has been filed in consideration of a Conditional Use allowing a campground (private) in an A-1 district. Ellefson explains he's not taking cropland out of production, and he plans to have 8 campers there. For the septic system, he plans to have a 3,000-gallon holding tank which he will pump out. There's an old barn with tables and chairs for the groups to gather. And there's a well on site. Klees makes a motion to approve the Conditional Use with the condition to finalize a septic plan with Sanitarian. Averhoff seconded. AIF. MCU.

Amos Lambright 1173 Maud Rd. Waukon

A petition has been filed in consideration of a Variance in order to have a 29' Front Yard setback to extend the shed by 16 feet on the north side, where a 40' setback would otherwise be required. The property is zoned A-1, Agricultural. Allamakee County Engineer responded in the notice letter that the County will be expanding the road to the West in the future. Pratte makes a motion to approve the Variance. Klees seconded. AIF. MCU.

Dolores Fish 1267 Pleasant Ridge Dr. Waukon

A petition has been filed in consideration of a Variance in order to have two parcels less than three acres. This property is zoned R-1, Residential which has a 3-acre minimum requirement. Dave Fish states his daughter, Dolores Granddaughter, Abby, will have one lot. Abby currently has a trailer on this lot but doesn't own it. Dolores wants to be sure if anything would ever happen to her that Abby would be able to retain ownership of her own parcel. Klees makes a motion to approve the Variance. Pratte seconded. AIF. MCU.

New Business: May meeting date is changed to May 22nd for the next meeting.

Old Business: Smerud property update given.

Klees made a motion to adjourn at 5:10 PM. Pratte seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
May 22, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vicki Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Mandy O'Neill-Administrative Assistant, Marcella & Stephen Palmer and Rob Johnson

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Klees made a motion to approve the agenda today; Pratte seconded. All in favor. MCU.

4/25/23 Minutes: Averhoff made a motion to approve; Klees seconded. All in favor. MCU

Public Hearings:

Stephen & Marcella Palmer 419 Big Foot Rd Waukon

A petition has been filed in consideration of a Variance in order to have 2 parcels less than 3 acres in an R-1 district. Palmer's neighbor sold her property in Volney and moved to town and wants to move back to the area, so the Palmers are willing to sell her this home, but not the entire parcel. Klees asks if Palmers have any intention of buying the property back and Marcella said no, as she has daughters who will retire here. Septic and well are discussed, and the board would like a well share agreement in place as the well will be on the parcel remaining in Palmer's name. Averhoff makes a motion to approve the Variance as proposed with the condition of a well share agreement. Klees seconded. AIF. MCU.

Robert Johnson & Samantha Sherwood 1835 Lycurgus Rd Waukon

A petition has been filed in consideration of a Variance in order to a structure with a 4' Front Yard Setback, where a 40' would be required. This property is zoned A-1, Agricultural. Johnson would like to build a 30'x48' shed and is limited on space due to the size of the County Right of Way being 103' and location of his septic tank and drainfield. He can move the shed North as far as needed, as the pine trees are being taken out, but that still leaves him 4' off the Right of Way. Klees makes a motion to approve the Variance as presented. Gibbs seconded. AIF. MCU.

Old Business: Extraction Pit update given.

Pratte made a motion to adjourn at 5:20 PM. Gibbs seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
June 26, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vicki Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Mandy O'Neill-Administrative Assistant, Colin Steiber, Rachel Steiber, John Byrnes and Andy Wagner via zoom.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Gibbs made a motion to approve the agenda today; Averhoff seconded. All in favor. MCU.

5/22/23 Minutes: Klees made a motion to approve; Pratte seconded. All in favor. MCU

Public Hearings:

Andrew & Erica Wagner 2171 Waterview Ln Lansing

A petition has been filed in consideration of a Variance in order to have a structure with a 22' Front Yard Setback, where a 40' would be required. The property is zoned A-1, Agricultural. In 2021 the Wagners acquired a building permit for their shed which has a 12' tall, tiered retaining wall on the North side. They would now like to build a 50'x80' home and cannot move further back with the shed and the way the back yard slopes. 16 neighbor letters were mailed, with 2 in favor responses and no others returned. Klees makes a motion to approve the Variance as proposed. Pratte seconded. AIF. MCU.

Colin Steiber 2169 Waterview Ln Lansing

A petition has been filed in consideration of a Variance in order to a structure with a 22' Front Yard Setback, where a 40' would be required. The property is zoned A-1, Agricultural. Runkle presents the board with an email conversation with Colin in May 2021 about his setbacks which also contained a drawing of the easement. Colin was given a building permit 5/26/2021 for a 28'x52' home w/28'x30' attached garage along with the site plan showing he was planning to build 41' back from the easement. John Byrnes, Colins Grandpa speaks about another grandson building on Eagle Ridge and Runkle state its not the Zoning Administrators responsibility to set lines to build. Colin admits where he measured from was incorrect. Klees makes a motion to approve the Variance with the condition the no more buildings are to be put in front of the home. Gibbs seconded. AIF. MCU.

Old Business: Smerud property update given- he appealed his case.

Klees made a motion to adjourn at 5:30 PM. Gibbs seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
July 25, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vicki Peterson	Present	12/31/2025
	Shawn Gibbs	Absent	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Mandy O'Neill-Administrative Assistant, Andy Burke, Blair with Buell Consulting via zoom.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Klees made a motion to approve the agenda today; Averhoff seconded. All in favor. MCU.

6/26/23 Minutes: Averhoff made a motion to approve; Pratte seconded. All in favor. MCU

Public Hearings:

Andrew Burke 445 Old Hwy 9 Waukon

A petition has been filed in consideration of a Variance in order to have a structure with a 5' Side Yard Setback (2' with overhang), where a 10' would be required. The property is zoned A-1, Agricultural and assessed Commercial. No neighbor letters were returned. Runkle presents the variance information and discussion is had on the current well due to the previous owner's use of the land having in ground fuel tanks. Runkle states that Burke will build on the West side of the property with existing 5 1/2" thick concrete walls that are high and sturdy enough to build on and no variance is needed for this. On the East side of the property, Burke plans to build an 80' x 120' storage building on existing cement and if he does a pole shed with a tin roof will need a 2' variance for the overhang. Klees makes a motion to approve the Variance with a 1' side yard setback. Averhoff seconded. AIF. MCU.

Buell Consulting 319 Thomas Rd (property at 335 Thoms Rd) Harpers Ferry

A petition has been filed in consideration of a Conditional Use in order to have a telecommunications tower with a self-supported 259' pole. Discussion takes place about line of sight and working with County Engineer for placement. Blair Ransom speaks on behalf of Buell Consulting about the tower plans. Verizon will be the initial carrier, and AT&T and T mobile will get access in this county to help with the dead zones. The design is to have less towers and more carriers on this kind of tower. A lease is in place with the property owners. Vicki Peterson asks Blair how they chose this site to construct the tower and Blair responds that Verizon looks at their network for where they need extra coverage and capacity, so the location is network driven. Klees makes a motion to approve the Conditional Use with the condition of a vegetative screen outside the fence that is minimum of 6' tall. Averhoff seconded. Aye- Pratte, Averhoff and Klees; Opposed- Peterson; Absent- Gibbs. Motion approved 3:1.

Michelle Welsh 2315 Lycurgus Rd Lansing

A petition has been filed in consideration of a Variance in order to have a structure with a 6' Front Yard Setback, where a 40' would be required. The property is zoned A-1, Agricultural. Michelle's home burnt down last fall and she is replacing it. Per Brian Ridenour, County Engineer, they had to vacate the Right of Way for the well. Discussion took place on the possibility of the different locations for the home due to the small lot and large right of way into the lot. Peterson makes a motion to approve the Variance as it stands with the condition that all involved parties look at moving the house further away if possible. Pratte seconded. Aye- Averhoff, Peterson and Pratte; Opposed- Klees. Motion approved 3:1.

Pratte made a motion to adjourn at 6:10 PM. Averhoff seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
August 22, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Absent	12/31/2027
Vice-Chair	Anne Klees	Present	12/31/2024
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant. Marty & Faye Halverson via zoom.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Klees made a motion to approve the agenda today; Pratte seconded. All in favor. MCU.

Klees made a motion to approve the resignation of Board of Adjustment Chairperson- Bud Pratte; Peterson seconded. All in favor. MCU

Runkle states Pratte is stepping down as the chair but will stay on the board. Runkle recommends Klees as Chair with a motion by Peterson; Seconded by Klees. All in favor. MCU. Runkle recommends Averhoff as Vice Chair with a motion by Klees; Seconded by Peterson. All in favor. MCU.

7/25/23 Minutes: Peterson made a motion to approve; Klees seconded. All in favor. MCU

Public Hearings:

Martin Halverson 1993 Wildcat Canyon Drive Lansing

A petition has been filed in consideration of a Variance in order to have an addition on current garage with a 9' Front Yard Setback, where a 40' would be required. The property is zoned A-1, Agricultural. Martin states he would like to park his pontoon boat and utility tractor in the new garage addition. The house was built in 1993 and the current garage in 2008. Over the years flood plain has crept up on them. 7 neighbor letters were mailed out and the County Engineer was emailed. 3 letters were returned along with the County Engineer and all with no objection. After discussion, Klees makes a motion to approve the Variance with a 9' front yard setback. Pratte seconded. AIF. MCU.

New Business:

Ted Walleser Campground – Runkle presents Walleasers information. When he got his conditional use permit in December 2021, he had planned then on only 1 camper. He has his flood plain permit and is working with Roger and FEMA to have a portion of his property removed from the flood plain, as he has brought in fill and is above the base flood plain elevation. Ted came into the Zoning Office to ask to have 4 sites now and Runkle spoke with Assistant County Attorney Jill Kistler and she advised this be brought back to the Board of Adjustments. Runkle also mentions she spoke to the Sheriffs Office to see if there has been

any complaints about this property as a campground, and there hasn't been. After discussion about lights & electricity, garbage control and water supply, the board agrees to do a site visit to the property. The date for this will be set prior to the next meeting.

Klees made a motion to adjourn at 6:00 PM. Pratte seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
September 26, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant. Ted Walleser, Trevor Brink, Becky Benjegerdes, Jeremy Kolsrud.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Klees made a motion to approve the agenda today; Pratte seconded. All in favor. MCU.

8/22/23 Minutes: Peterson made a motion to approve; Averhoff seconded. All in favor. MCU

Public Hearings:

Trevor Brink 347 Bobwhite Drive, Postville

A petition has been filed in consideration of a Variance in order to have a lean-to for wood storage with a 0' side yard setback and a 18'x20' addition on the South side of existing building with a 6' Side Yard Setback, where a 10' would be required. Brink states if he stays 10' from the property line, his lean-to would be in the middle of his driveway. There is still a trailer house on the property, which is vacant and will be removed soon. The well is located by the trailer and the septic is behind the current home. Gibbs states if neighbors didn't mind the current garage, then they shouldn't be affected by the addition. The property is zoned A-1, Agricultural. After discussion, Averhoff makes a motion to approve the Variance with a 1' side yard setback. Gibbs seconded. AIF. MCU.

Jeremy & Jeni Kolsrud 1636 Oak Lane, Waukon

A petition has been filed in consideration of a Variance in order to have a 36' x 48' shed with a 5' Rear Yard Setback, where a 20' would be required. The property is zoned R-1, Residential. Kolsrud states there are steel fence posts where the property line is. He would like to build the shed with a concrete floor for storage of his boat, lawn mower, etc. This is really the only location reasonable to build at due to waterlines on the side and sewer in the back yard. Runkle read her staff report. 7 neighbor notices were returned and Kolsrud brought 1 with him. After discussion, Gibbs makes a motion to approve the Variance with a 5' rear yard setback. Pratte seconded. AIF. MCU.

Old Business:

Ted Walleser Campground – Site visit by the Board was made after the previous meeting. Discussion took place about the neighbor's complaint and due to the elevation difference of the

neighbor's property and the Walleser campground, this is not a concern to the Board. Klees notes the basement in the cabin and wondered if it will have showers and a bathroom for the current campers to use and Walleser stated no, it won't. Flood plain elevation has been discussed and permit was obtained. It is agreed with all board members that signage is needed for the garbage, that all campers are expected to take garbage with them. Walleser states he has 3 semi-permanent sites where people contact him via messenger about booking or from word of mouth. Runkle states she will write up this discussion and it will be in the file with the current Conditional Use from 12/14/2021. All in Favor of Conditional Use modification. MCU.

Office Updates:

Smerud property update- Per the court order there is a \$3,000 fine and all septic installation costs are assessed to taxes. Clark Mellick- Allamakee County Sheriff, Jill Kistler- Allamakee County Assistant Attorney, Stephanie Runkle- Zoning and Laurie Moody- Environmental Health had a site visit on this property last week.

Klees made a motion to adjourn at 6:00 PM. Gibbs seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
October 24, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Anne Klees.

Roll Call of Commission Members:			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant. Dean Sorenson, Barb Kaiser, Ashlin O'Neill, Cameron Johnson and Breckan Stewart.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Pratte made a motion to approve the agenda; Peterson seconded. All in favor. MCU.

9/26/23 Minutes: Peterson made a motion to approve; Averhoff seconded. All in favor. MCU

Public Hearings:

Kappy Bristol at 1546 River View Rd, Lansing, IA

A petition has been filed in consideration of a Variance in order to have a property line adjustment which reduces the acreage size of a legally nonconforming lot by .5 acres. The property is zoned R-1, Residential. Runkle read the staff report and discussed the submitted Form A not showing the required 3 acres, therefore needing to apply for the variance. Barb Kaiser spoke about the history of the property as it once was owned by her family as was Barbs neighboring property. She stated there is an old fence line that was thought to be the original property line, but a survey proved different. Barb is seeking to have the property line returned to how it was thought to be. This area is a ravine of no value to Kappy and is unbuildable. After discussion, Pratte makes a motion to approve the Variance as it is requested. Averhoff seconded. AIF. MCU.

New Business:

Zoning Ordinance Amendment Update: This will be used to encourage better development and the tax assessment has nothing to do with zoning. Klees asks about the proposal of a Rural River District and Runkle states that is a different portion of the ordinance to update. Dean Sorenson asks about differences in use of land w/R1 & R2 zoning.

Old Business:

Smerud property update- the home on this property burnt down recently, so unsure where court order will now end up.

Gibbs made a motion to adjourn at 5:18 PM. Peterson seconded. All in favor. MCU.

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
November 8, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Anne Klees.

Roll Call of Commission Members:			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Absent	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present via zoom	12/31/2025
	Shawn Gibbs	Present	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant and Randy Arnold

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Gibbs made a motion to approve the agenda; Pratte seconded. All in favor. MCU.

10/24/23 Minutes: Pratte made a motion to approve; Gibbs seconded. All in favor. MCU

Public Hearing:

Randy Arnold, 1338 Hawes Rd. Harpers Ferry, IA

A petition has been filed in consideration of a Variance in order to have a 30'x70' home with a 25' Front Yard Setback, where a 40' would be required. The property is zoned A-1, Agricultural. Randy Arnold explains the layout of his property and how the hill falls North and drops off in the back. He has his property in the forest reserve which is set for 10 years, and he is 5 years in now. The rules state he can build minus 1 acre. Runkle read the staff report. After discussion, Gibbs makes a motion to approve the Variance as it is requested. Pratte seconded. AIF. MCU.

New Business:

We will still have the scheduled meeting on 11/28/23.

Old Business:

None

Pratte made a motion to adjourn at 4:50 PM. Gibbs seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
November 28, 2023**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Anne Klees.

Roll Call of Commission Members:			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Absent	12/31/2023

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Pratte made a motion to approve the agenda; Averhoff seconded. All in favor. MCU.

11/8/23 Minutes: Peterson made a motion to approve; Pratte seconded. All in favor. MCU

Public Hearing:

Jim Bartels 1670 River View Rd Unit 5, Lansing, IA

A petition has been filed in consideration of a Variance in order to have a Side Yard Setback of 3' rather than the 8' required in order to place a 12' x 20' carport on the North side of his property. The property is zoned R-3, Medium Residential District. Runkle reads staff report and makes mention that Jims neighbor who complained about the construction, is good with the variance. Jim has ordered the new carport, and it will arrive in the Spring. After discussion, Averhoff makes a motion to approve the Variance as it is requested. Pratte seconded. AIF. MCU.

Old Business:

2024 Calendar of meetings is explained.

Peterson made a motion to adjourn at 4:45 PM. Pratte seconded. All in favor. MCU.

Stephanie Runkle, Zoning Administrator

Date