

Dubuque County Zoning Board of Adjustment Minutes of August 3, 2021

Chairperson Ben Schroeder called the meeting to order at 7 p.m.

A. ROLL CALL: Members Present at the Dubuque County West Campus: Ben Schroeder, Lilly Kremer, Michelle Switzer, Dave Klein and Loras Link. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Amy Schmerbach.

B. APPROVAL OF MINUTES: A motion was made by Mr. Klein **seconded by Ms. Switzer** and passed unanimously to approve the Minutes of the July 6, 2021 meeting. **Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#08-26-21

AARON & JULIE WEBER

VARIANCE

The applicants are requesting to build a 46' x 30' garage addition in an R-1, Rural Residential zoning district. They are requesting to build 10' feet from the right side yard, they will need a 40' variance to the 50' required. The property, located along Route 52 South approximately 1.825 miles east of the City of Dubuque is legally described as Lot 1-1-1-2-1 NE NW Section 17, (T88N-R3E), Mosalem Township, Dubuque County, Iowa.

The property is .46 acres with a home. The applicants would like to build a garage addition to be able to park their vehicles inside and also have some extra space for personal storage. Because of the placement of the existing home they will not meet the right side yard setback and will need a variance. Four (4) letters sent, three (3) were delivered and the City of Dubuque was notified. Paul Wagner not pick up their letter. There were no comments in regards to this case.

Speaking to the Board was Aaron and Julie Weber, 9718 Rt. 52 South, Dubuque. Mr. Schroeder administered the following Oath asking the participants to raise their right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Mr. Weber because of the placement of the house they would need the variance.

Ms. Schroeder asked if anyone had any questions.

Speaking to the Board was Cory Pfab, 6333 Olde Davenport Rd. Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Pfab said he has no issue with this request.

A motion was made by Ms. Switzer, **seconded by Mr. Link** to approve the variance. **The motion passed unanimously by a vote of 5-0.**

2. BA#08-27-21 MATTHEW MESCHER SPECIAL USE PERMIT

The applicant is requesting a Special Use Permit to place advertising signs for local small businesses on his machine shed to a non-conforming agricultural use in the A-1, Agricultural zoning district. The property, located along Lansing Road adjacent to the City of Dyersville, is legally described as Lot 1 Trinity Acres Section 27, (T89N-R2W), New Wine Township, Dubuque County, Iowa.

The property is a 6.59-acre farm with a house, several machine sheds and a barn. The applicant would like to place non-offensive advertising signs on one of his machine sheds to advertise for local businesses only. This could benefit the businesses and the customer. The signs will be visible from the road but not by any neighbors. Six (6) letters were sent, six (6) were delivered and the City of Dyersville was notified. There were no comments in regards to this case.

Speaking to the Board was Matt Mescher, 29217 Lansing Rd., Dyersville. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Mescher said he asked for a special use permit about a year ago but the game was cancelled so he didn't do anything. He said he wants to put advertising signs two sides of one of his barns. He wants to advertise for local businesses only. He said he thinks it will bring customers to the businesses and has nothing to do with the MLB game.

Ms. Switzer asked how long the agreement with the County and the MLB lasts. Ms. Henry said it is good for this game only.

Mr. Mescher said he knows he can't advertise anything that would be in conflict with the MLB game and said the information he got from the MLB says local businesses are not something they would be advertising. He said there is a lot of traffic at least ten (10) months out of a year.

Ms. Switzer asked if Mr. Mescher was advertising for a local car dealership and next year the MLB had that brand as part of their advertising would Mr. Mescher have to remove his signs?

Mr. Mescher read part of the letter of agreement between the County and the MLB:

The County will take all commercially reasonable steps to prevent competition with MLB sponsors. At a minimum, during Game Week the County will not permit any competitor of a Sponsor other than a Sponsor Competitor with a primary place of business located within the County.

Mr. Mescher said as long as it is already an established business it would not be in conflict with MLB.

Mr. Schroeder said he does have to maintain these signs if they get tattered. Mr. Mescher said he understood that.

Mr. Schroeder asked if anyone had any questions. No one spoke.

A motion was made by Mr. Link, **seconded by Ms. Kremer to approve the Special Use Permit. The motion passed unanimously by a vote of 5-0.**

3. BA#08-28-21 TODD & ANGELA THOMAS VARIANCES

The applicants are requesting to build a living room addition over an existing capped garage in an R-1, Rural Residential zoning district. They are requesting to build 10' from the right side yard, they will need a 40' variance to the 50' required, and they also want to build 25' from the front street line, they will need a 55' variance to the 80' required. The property, located along Koltes Lane approximately 1.75 miles north of the City of Sageville, is legally described as Lot 2-1-1-1-1-1 SE NE Section 21, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is .83 acres with a home and detached garage. The applicants would like to build a living room addition over their existing capped garage. Because the home and garage were built so close to the right side yard, they will not meet the setbacks and will they need a variance. Eight (8) letters were sent, six (6) were delivered and the City of Sageville was notified. Francis Gansemer and Kenneth & Andrea Jaeger did not pick up their letters. There were no comments in regards to this case.

Speaking to the Board was Angie Thomas, 12029 Koltes Lane, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise her right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" She said yes.

Mr. Schroeder asked if they were just building up on the capped garage. Ms. Thomas said yes. Mr. Schroeder asked her if she wanted to add anything to her case. She said no.

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the variances. The motion passed unanimously by a vote of 5-0.**

4. BA#08-29-21 DENNIS LONEY/GREG RAUSCH SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to remove an existing home and replace with a new home in a non-conforming residential use in an A-1, Agricultural zoning district. The property, located along Casey Lane approximately 3.03 miles southwest of the City of Peosta, is legally described as Lot 1 Loney Farm Sub Section 29, (T88N-R1E), Vernon Township, Dubuque County, Iowa.

The property is 1 acre with a home. The applicants would like to remove the existing home and replace it with a new one. The owners will need a Special Use Permit to build the new home. Four (4) letters were sent, three (3) were delivered. Leon Rausch Trust not pick up their letter. There was one comment in regards to this case from Jessie Gloeckner, 7214 Casey Lane who said he has no problem with the new home. He wants them to remember that the Lane they share is an easement and that heavy equipment does use the easement and shared entrance.

Speaking to the Board was Greg Rausch 403 Edwards St., Epworth. Mr. Schroeder administered the following Oath asking the participants to raise their right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Mr. Rausch said he is a contractor and grew up right across the road from this lot and would like to buy it and remove the existing house to build a new one. He said because this doesn't meet the zoning rules he needs a special use permit.

Ms. Kremer asked if he was moving the existing house to another spot or tearing it down. Mr. Rausch said he was tearing it down.

Mr. Link asked if it was a level lot. Mr. Rausch said it has a slight slope to it.

Mr. Schroeder asked if anyone had any questions. No one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the Special Use Permit. The motion passed unanimously by a vote of 5-0.**

5. BA#08-30-21 DENNIS LONEY/GREG RAUSCH VARIANCES

The applicants are requesting to build a 73' x 72' single family home in an A-1, Agricultural zoning district. They are requesting to build 47' from the front street line, they will need a 33' variance to the 80' required, they also want to build 49' from the left side yard, they will need a 1' variance to the 50' required. The property, located along Casey Lane approximately 3.03 miles southwest of the City of Peosta, is legally described as Lot 1 Loney Farm Sub Section 29, (T88N-R1E), Vernon Township, Dubuque County, Iowa.

The property is 1 acre with a home. The applicants would like to remove the existing home and replace it with a new one. Because of the placement of the well and septic, they would like to build in the same place so they will not meet the front and left side yard setbacks. Four (4) letters were sent, three (3) were delivered. Leon Rausch Trust not pick up their letter. There was one comment in regards to this case from Jessie Gloeckner, 7214 Casey Lane who said he has no problem with the new home. He wants them to remember that the Lane they share is an easement and that heavy equipment does use the easement and shared entrance.

Mr. Schroeder asked if anyone wanted to add anything to this case. Mr. Rausch said no. Mr. Schroeder asked if anyone had any questions. No one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Link to approve the variances. The motion passed unanimously by a vote of 5-0.**

6. BA#08-31-21 JANDA HEISTER TRUST/JIM HEISTER SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build an 18' x 30' storage shed addition in a non-conforming residential use in an A-1, Agricultural zoning district. The property, located along Gun Club Road approximately .49 miles north of the City of Epworth, is legally described as Lot 2 Heister-Kluesner Place Section 2, (T88N-R1W), Taylor Township, Dubuque County, Iowa.

The property is 17.02 acres with a home and storage shed. The applicants would like to build an addition on their existing shed to have more space for personal storage. The shed is behind the

house and away from the road. They will need a Special Use Permit to do this. Eight (8) letters were sent, eight (8) were delivered and the City of Epworth was notified. There were no comments in regards to this case.

Speaking to the Board was Jim Heister, 11550 Gun Club Rd., Epworth. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Schroeder asked Mr. Heister if he wanted to add anything to his case. He said no. Mr. Schroeder asked if anyone had any questions. No one spoke.

A motion was made by Ms. Kremer, **seconded by Ms. Switzer to approve the Special Use Permit. The motion passed unanimously by a vote of 5-0.**

**7. BA#08-32-21 LYNCH REAL ESTATE CORP/ CORY PFAB
SPECIAL USE PERMIT**

The applicants are requesting a Special Use Permit to place a 30,000-gallon anhydrous tank for the Pfab family farms only and not for resale in an M-1, Industrial zoning district. The property, located along Bernard Road approximately 1.88 miles northeast of the City of Bernard is legally described as Lot 2 Lynch Industrial Sub, Section 14, (T87N-R1E), Prairie Creek Township, Dubuque County, Iowa.

The property is 5 acres of Industrial zoned ground. The applicants would like to place a 30,000 gallon Anhydrous Tank on the property for personal use only on the Pfab owned farms. The tank will be installed in accordance with the specified plan, will follow all Iowa Department of Agricultural regulations and guidelines and is subject to yearly inspections. The tank will eliminate the need to transport product back and forth between retailer and various Pfab owned farms. Three (3) letters were sent, three (3) were delivered and the City of Bernard was notified. Fr. Stephen Verbst, for Corporation of New Melleray Abbey, 6632 Melleray Circle said he is in favor of the request and that originally he was against it but has talked to The Pfab's and has changed his mind. Tony Cook, 16941 Twelve Mile Rd., said he thinks they should put the anhydrous tank on one of their own big farms. Aloysius Pfab, 15017 Ryan Rd, Peosta said he is in favor of a request for a Special Use Permit.

Ms. Henry read the attached letter which had a petition from neighbors. To reference the signatures the petition is located in the case file.

REYNOLDS & KENLINE L.L.P.
LAW FIRM SINCE 1890

July 30, 2021

CHADWYN D. COX

MARK J. SULLIVAN

TODD N. KLAPATAUSKAS*+

KIM C. RODDICK•

NATALIA H. BLASKOVICH+

GINA L. KRAMER+

ZEKE R. MCCARTNEY+

MATTHEW W. BOLEYN•

SAM A. WOODEN•

BEN R. BARTELS

HEATHER O. JACKSON

Use Permit

Dubuque County Zoning Board of Adjustment David
Klein
Ben Schroeder Lillian
Kremer Michelle
Switzer Loras Link
1225 Seippel Road
Dubuque, IA 52001

RE: BA #08-32-21 Lynch Real Estate Corp/Corey Pfab Special

Dear Members of the Board:

•ALSO LICENSED IN
ILLINOIS

+ALSO LICENSED IN
WISCONSIN

I represent John and Janet Connolly, the residents of 16641
Twelve Mile Road, Bernard, Iowa, along with all concerned citizens of the
area as it pertains to the above referenced special use permit request. As you
know, Corey Pfab has petitioned to place a 30,000- gallon anhydrous ammonia
tank on the land legally described as Lot 2 Lynch Industrial Subdivision,
Section 14, Prairie Creek Township, Dubuque County. John and Janet
Connolly, along with the 90 individuals whose signatures you will find attached
hereto, strenuously object to the request.

As you probably know, anhydrous ammonia is one of the most- if not the most-dangerous chemicals used
in agriculture. (See

Anhydrous Ammonia: Managing the Risks, Dakota State University Extension Service, June 2016.).

Anhydrous ammonia is an extremely corrosive chemical; exposure results in burns to the skins, eyes, and
lungs. It is also hygroscopic (attracted to water), which means that it naturally migrates to areas like the
eyes, nose, mouth, throat, and moist or wet skin. Released anhydrous ammonia also easily travels through
the air and along the ground. Accidents can be costly, dangerous, and even deadly, for example:

- A May 2009 leak killed two maintenance workers at a storage
facility in Kentucky;

- In 2010, 32 workers were hospitalized in Alabama after a release of anhydrous allegedly caused by a shock to the piping and valve system;
- In March 2011, an accidental release of anhydrous ammonia resulted in 4 million dollars worth of damage and 150 hospitalizations;
- In 2013, an explosion of anhydrous ammonia resulted in 180 hospitalizations and 15 deaths. That explosion came from two 12,000-gallon storage tanks (24,000 total).

According to the EPA, of all reported chemical accidents in Iowa, Kansas, Missouri, and Nebraska, involve anhydrous ammonia. Close to 96% of those are preventable through increased operating or training approved procedures and better communication of lessons learned. (See Accident and Prevention Response Manual, Environmental Protection Agency.).

The extreme risk of anhydrous is why it is encouraged that large storage tanks be run by professionals. (See Managing Safety Data Sheet for Ammonia, including Anhydrous, Iowa State University Extension and Outreach.). The dangerous nature of anhydrous is also why it is extremely tightly regulated. In fact, large storage systems, specifically systems with more than 2,000 gallons are subject to a special enhanced regulations under OSHA (listed under the Code of Federal Regulations, 29 CFR 1910.119). The system that Mr. Pfab is proposing is a 30,000-gallons, *15 times* the minimum size subject to this enhanced regulation.

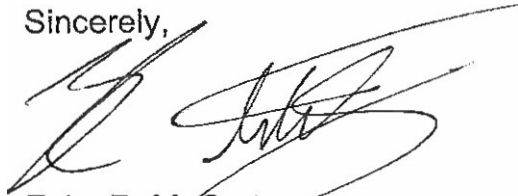
The Pfab proposal is to be located on a small five-acre plot of land. It is our understanding Mr. Pfab intends to locate the tank very close to the road to allow easy access. As you probably know, Mr. Pfab only one year ago attempted to receive a special zoning for this same project, a 30,000-gallon anhydrous ammonia tank. This request was (wisely) denied. A copy of your decision from last year is attached hereto.

Mr. Pfab's petition from last year was to place the storage tank on Pfab land just off Monestary Road. This location was roughly four miles northeast (less as the crow flies) from this year's proposed location. Very little distinguishes this location from the previously denied location. Regarding large gatherings, the current location is further away from the New Melleray Abbey and Saint Joseph's Church. Conversely, the new location is much closer to the Sacred Heart Rectory, along with two golf courses (Fillmore and Timberline), and a rock quarry. In addition to the danger of the large gatherings at the rectory and golf courses, the rock quarry is especially troubling to the constant explosions, inground disturbance, which would pose a threat to potential leaks. Finally, the proposed area is still surrounded by many residences.

Enclosed from last year's letter in opposition to the project, that opposition included roughly 45 signatures. This opposition includes 90 signatures, twice the previous amount. These signatures include not only concerned citizens in the area, but members of the Abbey, and even fireman. The only other geographic change between last year's petition and this one, is that last year Pfab attempted to place the project on his own land, while this year he attempts to put it on a small sliver of land he recently purchased. Thus, it is not Mr. Pfab himself, nor his land, that is threatened the most by this project.

Anhydrous Ammonia is an extremely dangerous, highly regulated chemical. Even if Mr. Pfab (and his employees) have the best intentions, this type of proposed facility should be left to professionals, and more importantly, should be kept away from residential and commercial dwellings. As a result, the Connollys, along with the other 88 individuals whose signatures are attached hereto, respectfully request that the Pfab request for special use permit for a 30,000-gallon anhydrous ammonia tank be denied.

Sincerely,



Zeke R. McCartney
mccartney@rkenline.com

Speaking to the Board was Cory Pfab, 6333 Olde Davenport Rd., LaMotte. Mr. Schroeder reminded Mr. Pfab that he was still under oath.

Mr. Pfab said, “I am applying for this Special Use Permit because I wish to install a 30,000 gallon anhydrous tank. The property is centrally located for my family farms which will allow us to go down from using three trucks to pull nurse tanks down to one truck reducing the overall mileage of nurse tanks on roadways by 5,000 miles per year. This tank would also relieve stress on commercial retailers which experience bottle necks every year due to staffing issues and product shortages. In last year’s meeting I received feed back from the Board to move away from the residential homes and place the tank on an Industrial zoned property. I used this feed-back when selecting this site and the Iowa Department of Agriculture has looked at this property and deemed it fit for the intended purpose. I plan on having three to four certified people by the Department of Agriculture to fill nurse tanks as well as being trained in all safety requirements. The anhydrous tank will contain guardrail, I beams or concrete blocks which ever deemed appropriate. This site will also comply with annual inspections from the department of Agriculture.”

Mr. Link asked how many gallons are Mr. Pfab’s nurse tanks. Mr. Pfab said he hasn’t purchased them yet but is planning on getting double nurse tanks. Mr. Link asked how many of those a year they usually use. Mr. Pfab said 140 to 150 double tanks a year.

Mr. Schroeder said he works for Bard Materials and with a lot of the neighbors folks on the petition Bard has financial interest in potential future in some of the neighboring properties and said he would be abstaining from this case. He said he would still run the meeting.

Mr. Link asked if this would eliminate pulling the nurse tanks through the town of Peosta. Mr. Pfab said right now they pull them from Dyersville, which is 50 miles round trip and feels less time on the highway would be safer. He said their farthest farm from the proposed site is about five to seven miles.

Speaking to the Board was Zeke McCartney, with Reynolds & Kenline, 110 E. 9th St., Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise

his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. McCartney said the dangers of this project outweigh the benefits of the anhydrous. He said a 30,000 gallon tank is a major operation and carries incredible regulations and incredible risks. He said the parcel of land they want to use is zoned Industrial but is not located in a highly populated industrial area. He said it’s less than two miles from Bernard and is surrounded by residents, golf courses, the Abbey and the quarry. He said this type of project is inappropriate for this area.

Speaking to the Board was Mark Benedict, 15102 W. County Rd. A, Evansville WI. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Benedict said he was there to answer any safety and requirement questions. Mr. Schroeder asked if anyone that was listening via zoom wanted to speak for or against this case. No one spoke.

Speaking to the Board was Jason Kremer, Fire Chief of Bernard, 547 Rolus St, Bernard. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Kremer said that on the letter that was sent by Mr. McCartney, there was an attached petition with signatures from the members of the Bernard Fire Department that were opposed to this request. He said the official opinion from the Bernard Fire and Rescue is that they have no opinion either way with this request and they are not for it or against it.

Mr. Schroeder asked him if this request is approved will the Fire Department want to meet at this site for a visit and is that something that they normally do. Mr. Kremer said this is new to this area so he has been reaching out to other County Chiefs and finding out what they do with anhydrous tanks. He said the Fire Department will be implementing some type of emergency response system in accordance with this facility.

Ms. Kremer asked Mr. Kremer if the fire department has had any training with anhydrous tanks. Mr. Kremer said the department has had training on anhydrous through NICC. He said the last time was about two to three years ago. Ms. Kremer asked him if they had the proper gear to handle an emergency with the tank. Mr. Kremer said no not at this time and he is researching what they need to do to be compliant in a disaster.

Speaking to the Board was Jim Connolly, 16534 Twelve Mile Rd., Bernard. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Connolly said he had talked to Dan Neenan from NICC who told him that with so much smog if there ever was a leak to this 30,000 gallon tank it would affect the surrounding cities like Cascade and Epworth. He said that Mr. Neenan is one of the trainers for working with anhydrous and is familiar with it.

Speaking to the Board was Jim Ruden, 3585 Bernard Rd, Bernard. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Ruden asked why he, as a neighbor, was not notified ahead of time about this request. Ms. Henry said they notify neighbors that are within five hundred (500) feet of the property in question. She said this is standard procedure with all Board of Adjustment cases for a special use permit. Mr. Ruden said he was on the fire department in the past and they had an LP tank leak and they had to evacuate people within two and a half miles so he is very concerned about this anhydrous tank. He said there is at least nine houses close to this property.

Mr. Pfab said that in the letter that Mr. McCartney sent out it says that isolation distance on small spills of anhydrous is one hundred (100) feet and a large spill is two hundred (200) feet.

Mr. Schroeder asked if the previous request, about a year ago, was on an agricultural or industrial zoned parcel. Mr. Pfab said it was agricultural and was told by the Board to find a parcel that was zoned industrial so that is what he has done. Ms. Henry said there is another industrial parcel right next to this one.

Ms. Kremer asked when this parcel was re-zoned. Ms. Schmerbach said 1991.

Speaking to the Board was Peggy Ruden, 3537 Bernard Rd., Bernard. Mr. Schroeder administered the following Oath asking the participant to raise her right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” She said yes.

Ms. Ruden said she lives right next to this property and they have put thousands of dollars into their home and feels she will never be able to sell her home with an anhydrous tank so close. She said she is very worried about having her family live this close to the tank because of the following reasons: she is afraid there will be people trying to steal from the tank to make methamphetamine, she thinks it will create more traffic and more accidents with the trucks pulling in and out of the tank. She said she is totally against approving this request.

Mr. Pfab said he talked to the Sherriff’s Department about the probability of people trying to steal the anhydrous to make drugs. They told him the last active meth lab they busted was fifteen (15) years ago.

Ms. Ruden said if the fire equipment for this facility is supposed to be kept on sight, what would happen if there was a spill, how would they get to the gear before being hurt by the spill. She asked if it will be kept one hundred (100) feet from where the tank sits since that’s supposed to be the safety zone. She said she thinks the tank should have to sit farther back on the lot away from the road. She asked if there is a leak do they have to evacuate a certain distance around the tank.

Mr. Kremer said that from his research from the Department of Agriculture a site like this requires safety gear on site for the people actually filling the tanks. He said the Fire Department will have their gear and equipment on the fire trucks.

Ms. Kremer said if there's a spill would they evacuate everyone within a thousand feet. Mr. Kremer said the Fire Department will do whatever they need to do to be prepared for any hazards with this tank, just like they do with any other dangers in the County.

Speaking to the Board was Ryan Ruden, 3537 Bernard Rd. Bernard. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Ruden asked if the tank would have anhydrous in it all year long or only during agricultural seasons. He said his children play outside less than a thousand yards from this tank. He said is worried about a leak and his children not realizing it and not knowing what they should do.

Mr. Pfab said the tank will always have a little bit of anhydrous in them because they are pressurized and every five (5) years they will get emptied for an internal inspection and to replace the valves and hoses.

Mr. Ruden asked if there will be weekly checks on this tank and what kind of safety features will be on the tank.

Mr. Benedict said every port on the tank is controlled by an emergency shut-off valve and in the result of human error the system will automatically shut the tank down resulting in minimal exposure. He said as far as the tank being empty, there is always fumes in the tank so it has to stay pressurized.

Ms. Ruden asked how many feet would be evacuated if there was a leak. Mr. Benedict said he did not have that exact amount but said in all his experience he has only ever heard of one leak and with all the safety features of this type of tank the vapors were very minimal. He said if you were a thousand feet away from a tank that leaked you more than likely, not absolutely, would not be harmed.

Ms. Ruden said she measured from her house to the site and they are only six hundred (600) feet from the tank site and wants to know how she will know if she needs to get her children to safety if something were to happen.

Mr. Pfab was on his I-pad and measured the distance on google earth and it said Ms. Ruden's house was thirteen (1300) feet from the site.

Mr. Pfab said he did some research of tanks around the area to see what was within a mile of each of them and this is what he found:

- half the City of Cascade is within a mile
- one third of the City of Dyersville is within a mile
- all of Farley and all of Holy Cross are within a mile
- all of Centralia

-Peosta has over sixty homes that surround their tank

Mr. Schroeder asked Mr. Benedict if they monitor the tanks that are located in the cities. Mr. Benedict said some of the bigger companies have the remote shut offs. He said they are not required by the state so this tank would be a step above what they require at this time. He said Mr. Pfab will be going above and beyond the safety requirements of the state with his tank. He said this particular system is a welded system and much better for leaks.

Mr. McCartney said there is multiple levels of evacuation for spills because it depends on what has been spilled and the size of the spill. He that being several miles away from this project would be safe according to the CDC.

Mr. Benedict said if there was a leak in a 30,000 gallon tank it would not all leak out because of all the safety valves. These would shut everything on the tank down. He said he has never heard of a whole tank exploding.

Mr. Link asked if the piping from the 30,000 gallon tank to the fill station would all be above ground. Mr. Pfab said yes. Mr. Link said he didn't think the quarry being so close would ever affect that.

Mr. Schroeder asked what the difference is in training for a Cooperative or individuals that have these tanks. Mr. Pfab said he is held to the same standards that a Coop is and has to go through the same training and inspections that they would go through.

Mr. Link asked if any of his employees will go through the training. Mr. Pfab said he hopes to have three to four of them trained for the tanks.

Mr. Benedict said he feels the Pfab family will take every safety measure to protect them and the neighbors.

Mr. Schroeder asked Mr. Pfab if the Board decided to put a condition on that any person working with this tank has to be trained would he agree to that. Mr. Pfab said safety is very important to them and they would be fine with that. He said he would go above and beyond what the Department of Agriculture requires.

Mr. Link said he works with anhydrous and feels the larger tanks are safer than the nurse tanks. He asked if they would be putting a fence around the nurse tanks. Mr. Pfab said those tanks would be stored on their family farms.

Ms. Kremer said many farmers run several different farms to make ends meet and she is concerned that this may set a precedence for other farmers to want this size tank.

Mr. Schroeder said this could happen but they would deal with them on a case-by-case basis.

Speaking to the Board was Loras Federspiel, 3037 Bernard Rd., Bernard. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Federspiel said he is getting older and will probably sell his home in the next few years. He said he talked to a couple realtors and they said this could drop his property value anywhere from fifty to one hundred thousand dollars. He said his wife will eventually be in a wheel chair and is concerned that if there were a leak he would not be able to get her to safety by himself.

Speaking to the Board was Janet Connolly, 16641 Twelve Mile Rd., Bernard. Mr. Schroeder administered the following Oath asking the participant to raise her right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” She said yes.

Ms. Connolly said she is very worried about all the families that live close to this site. She is concerned about all the trucks coming and going and the school busses trying to pick the kids up. She said she also in concerned about the land value dropping. She thinks they should put the tank in the middle of a field where there are no homes.

Mr. Federspiel asked if the tank would be for the Pfab family only or if they are planning to sell it to others. Mr. Pfab said it would only be for his family.

Ms. Kremer asked what would stop Mr. Pfab from selling it to others. Ms. Henry said the decision gets recorded and if Mr. Pfab sells to others he would be in violation and it would come back in front of the Board of Adjustment and they would decide how to handle the decommission of the tank.

Speaking to the Board was Alan Turnis, 17446 Twelve Mile Rd., Bernard. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Turnis said he is a neighbor and is concerned with the tank. He is worried about the rock quarry being there, the homes that are close and a livestock barn right next to this property. He said he thinks the tank should be moved back into the field further away from the road.

Speaking to the Board was Aloysius Pfab, 15017 Ryan Rd., Peosta. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Aloysius Pfab said he owns the property across from the proposed site and does not think this tank will decrease the value in his property. He said there are many houses that are built close to big anhydrous tanks in the area.

Ms. Ruden asked if there is a course to be certified and if so how long is the course.

Mr. Link said as an employee of FS they have to attend an all-day training class to be certified. He said eleven years ago he farmed and did not use anhydrous because he was afraid of it. Since then he quit farming and rents his farm ground to someone who now uses anhydrous. He said one of his part-time jobs is working at FS filling anhydrous tanks

and after doing for a few years, he respects the dangers of it but is not afraid of it anymore. He said now that he understands the safety procedures he is not worried about it leaking.

Mr. Klein asked Mr. Cory Pfab how many years he has working with anhydrous. Mr. Pfab said about twenty-six or twenty-seven years.

Mr. Schroeder asked if there was anyone listening to the meeting via zoom that wanted to speak for or against this case. No one spoke.

Ms. Kremer said she believes this tank would devalue the value of the surrounding properties.

Mr. Link suggested a condition to put I beams around the tank to stop vehicles rolling into it.

Mr. Klein said is there any way to make the tank safer if someone were to try to shoot at it. Mr. Cory Pfab said the tank is almost an inch thick heat-treated steel.

Mr. Klein said the Pfab's will have to go through all the rules and regulations that anyone else would with this size of a tank.

Ms. Switzer asked when this tank would be filled. Mr. Pfab said he hopes to have the tank in operation by March or April. He said he would like to leave as little anhydrous as possible when they are not using it but there has to always be a little to keep it pressurized.

Mr. Klein asked if there were any other regulations other than the Department of Agriculture. Mr. Pfab said no they control everything.

Mr. Schroeder asked if anyone from the Board had any more questions.

The Board discussed different conditions they want to put on the decision.

Mr. Link said he wanted to make a motion with some conditions, first being some sort of a fence around the tank. He said a chain linked fence and asked if there should be barbed wire around it. He said he would like some sort of beams around the tank to prevent any vehicles rolling into it. Mr. Klein said pilasters should be used around the tank. Mr. Link agreed with that.

Mr. Benedict said there is a state regulation for the fence.

Mr. Link said he would like to have a security lights and a camera. Mr. Pfab said he could put those at the sight.

Mr. Klein asked how big the fence are would be. Mr. Pfab said he planned on putting it all around the baffle and pump area. He said that is how other operations with these tanks do it and that's what the Department of Agriculture requires. The Board agreed that he should follow those requirements.

Mr. Link said he does not want the nurse tanks stored on the site on the off season. He said when they are using the anhydrous it would be fine to leave the nurse tanks there for a brief period of time.

Mr. Link said the plant in Holy Cross has locks that the hoses go in at night. He asked Mr. Benedict if that a requirement or do they chose to do that. Mr. Benedict said they chose to have it locked.

Mr. Pfab said he would put a lock box on the tank to cover the hoses so the valves can not be accessed at night.

Ms. Switzer asked if the fence was going to be locked at all times. Mr. Pfab said the only time they wouldn't locked it is when they get deliveries.

Ms. Henry explained to Mr. Pfab that he will have to follow all of the conditions and if he does not he would be in violation.

Mr. Klein asked if there is a Pre-plan for the anhydrous tank. He explained that this is a plan for the Fire Department in case of a leak or spill of the tank.

Ms. Henry said Mr. Klein had found some information on making a pre-plan in case there was a leak. She said it included things like all accesses to property, surrounding building occupancies, location of water resources, drainage patterns, nurse tank parking areas, other hazardous LP tanks and a sign posted on the fence with names and numbers of who to call in case of emergency.

Mr. Benedict said he thinks the state regulation says they are required to have emergency phone numbers on a board posted usually at the roadside and has to be visible. He said it should contain the names of the people in charge, the fire department and the address.

Ms. Ruden asked how the fire department would get to the scene if it its locked all the time. Mr. Kremer, Bernard Fire Department, said every fire department owns a key to every lock in the county called a bolt cutter. He said sometimes they are given a key by the owners that are kept at the fire station otherwise they use the bolt cutter.

A motion was made by Mr. Link, seconded by Mr. Klein to approve the Special Use Permit with the conditions, that the applicant must install an 8ft. high chain linked fence around the baffle and pump areas. The fence must be locked when not in use and follow the regulations of the Iowa Department of Agriculture. The applicant must install cement pilasters that are 5' above, 5' below and 5' from the tank spaced in 5' intervals around the tank for crash protection and follow the regulations of the Iowa Department of Agriculture. The applicant needs to have operational lights around the tank that come on at dusk and turn off at dawn. The applicant needs to have an operational security camera facing in towards the tank. Emergency contacts which includes names, phone numbers and addresses must be clearly visible and posted by the road side at the site entrance. The applicant needs to have a lock box to cover to cover up the valves, plumbing and hoses so they cannot be accessed at night. No nurse tanks are to be stored at the site during the off-season. The motion passed. Vote 3-1. Mr. Link, Mr. Klein and Ms. Switzer voted in favor of the motion. Ms. Kremer voted against the motion. Mr. Schroeder abstained.

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS: None

G. ADJOURNMENT: A motion was made by Ms. Switzer, **seconded by Ms. Kremer and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 9:54 p.m.**