

Dubuque County Zoning Board of Adjustment Minutes of the July 5, 2023 meeting

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

A. ROLL CALL: Members Present via a Zoom teleconference meeting: Members present at the Dubuque County West Campus, 1225 Seippel Road: Ben Schroeder, Michelle Switzer, Dave Klein, Loras Link and Penny Wulfekuhle. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Lindsey Schreiber.

B. APPROVAL OF MINUTES: A motion was made by Ms. Switzer, **seconded by Mr. Link and passed unanimously to approve the Minutes of the June 6, 2023 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

BA#07-26-23 KYLE & TRACI BEHNKE VARIANCE-WITHDRAWN

BA#07-27-23 DOUGLAS & JENNIFER JASPER VARIANCE

The applicants are requesting to build a 16' x 28' attached garage in a R-1, Rural Residential zoning district. They are requesting to build 35' from right side lot line, they will need a 15' variance to the 50' required. Their property, located Parrot Drive approximately .08 miles east of the City of Peosta, is legally described as Lot 5 Block 2 Burds Green Acres Sub #4 Section 10, (T88N-R1E), Vernon Township, Dubuque County, Iowa.

The property is 1.00 acre with a Single-Family Home. The applicants are building the garage for additional storage and will match the garage to the characteristics of the home. Eleven (11) letters were sent, eleven (11) were delivered and the City of Dubuque and the City of Peosta were notified. There was one comment regarding this case. Dan Phillips, 17399 Meadowlark Dr, Peosta has no issues with variance request.

Speaking to the board was Jennifer Jasper, 10915 Parrot Dr, Peosta. Mr. Schroeder administered the following Oath asking the participant to raise her 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 she had anything to add to her case. She said no. Mr. Klein asked if there would be enough room to access the septic tank in the back of the house. She said yes. Mr. Klein asked if they were planning to add gutters and down spouts and she said yes.

Mr. Schroeder asked if anyone had additional questions, no one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the variance request with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously. Vote: 5-0.**

BA#07-28-23

SCOTT PUSATERI

VARIANCES

The applicant is requesting to build a 40' x 50' detached garage in a R-1, Rural Residential zoning district. He is requesting to build 20' from the right-side lot line, he will need a 30' variance to the 50' required and he is requesting to build 6' taller than the 12.5' required, he will need a 6' height variance. The property, located along St. Catherine Road approximately 6.54 miles southeast of the City of Dubuque, is legally described as Lot 3 St. Catherine Heights Plat 2 Section 25, (T88N-R3E), Mosalem Township, Dubuque County, Iowa.

The property is 2.07 acres with a Single-Family Home. The applicant is requesting the variance to align the detached garage with the existing driveway for access. The detached garage will be placed behind the existing home in a wooded area which restricts the visibility from the roadway. Five (5) letters were sent, three (3) were delivered. Cara Pusateri & Robert & Maureen Kemp did not pick up their letters. There was one comment regarding this case. Ken Runde, 3482 St. Catherine Road, said he was in favor of the variance request.

Speaking to the board was Scott Pusateri, 3344 St. Catherine Rd, Bellevue. Mr. Schroeder administered the following Oath asking the participant to raise his hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Schroeder asked if he had anything to add to his case. Mr. Pusateri said the detached garage is a story lower than the house so the garage will sit lower than the home. He said he has a REC Easement running along the property so he could not move the garage over that easement however, REC did tell him he could build within 15' of the easement line. Mr. Klein asked if the water runoff would go to the back of the property and Mr. Pusateri said yes and it would not affect the REC Easement.

Mr. Schroeder asked if anyone had additional questions, no one spoke.

A motion was made by Mr. Klein, **seconded by Ms. Switzer to approve the variance request with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously.**

Vote: 5-0.

BA#07-29-23

DAVID & ASHLEY CRIMMINS

VARIANCE

The applicants are requesting to build a 12' x 30' attached garage in a R-2, Single Family Residential zoning district. They are requesting to build 17' from the left side lot line, they will need a 3' variance to the 20' required. The property, located along Sandestin Drive approximately .10 miles north of the City of Asbury, is legally described as Lot 5 Woodmoor Estates 5th Addition Section 17, (T89N-R2E), Dubuque Township, Dubuque County, Iowa.

The property is 1.01 acres with a Single-Family Home. The applicants are requesting to build the attached garage to eliminate vehicle parking on the street. The current architectural design of the home does not allow for the garage stall to be added in another location to the home and the applicants worked with an architect to ensure the third stall garage matches the aesthetics and characteristics of the home. Thirteen (13) letters were sent, (0) were delivered and the City of Asbury was notified. Ms. Henry said this was the

first-time the office has had an issue with the certified letters being mailed and she said she has fabulous staff that caught the problem. Lindsey noticed the certified letters were not coming back so Lindsey contacted the post office. The certified letters were mailed on June 19th and are currently in a mail distribution center in Cedar Rapids. Once the zoning office noticed the certified letters were not being delivered, Lindsey & Amy resent the letters standard mail on June 29th. Ms. Henry did not want to see the owners have to pay for additional certified copies. She said the office checked the status of the letters earlier in the morning and they are still currently in Cedar Rapids. She said since the office received comments from the surrounding property owners, she felt comfortable enough to say the neighbors were notified. There were three comments regarding this case. Kathy Conway, 15885 Sandestin Dr. & Jeremy Reiter, 15974 Canterbury Ct, has no issues with the variance request. Jon McCoy submitted an email.

Hi Tammy,

We have received a couple of notices regarding the Crimmins' request for a variance at the upcoming July 5 meeting. Our property (15811 Sandestin) is immediately adjacent to the area where the Crimmins are requesting their variance. Neither my wife nor I have any issues with what they are requesting. They are very good neighbors. I have copied her on this email.

If any questions, please feel free to email or call. Thank You

Jon & Dawn McCoy

Speaking to the board was David & Ashley Crimmins, 15855 Sandestin Dr., Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise their hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Mr. Schroeder asked if they had anything to add to their case. Mr. Crimmins said this was the first time he had heard of the problems with the certified letters and thanked the zoning office for catching the problem. Mr. Crimmins said he received phone calls from the neighbors saying they received the letters. Ms. Henry said that was the second mailing.

Mr. Schroeder asked if anyone had additional questions, no one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Klein to approve the variance request with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously.**

Vote: 5-0.

BA#07-30-23 CARLYLE & VICKI BISHOP SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 88'x 48' Single-Family Home in a non-conforming A-1, Agricultural zoning district. The property, located along Circle Ridge Road, approximately 1.88 miles northeast of the City of Sherrill, is legally described as Lot 1 Part of NE SW & Part NW SE Section 08, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is 5 acres with a Single-Family Home and a winery business. The applicants will remove the existing home, pole barn and garage to build the new Single-Family Home. The applicants will continue operating the winery business. Four (4) letters were sent, (4) were delivered and the City of Sherrill was notified. There were no comments regarding this case.

Speaking to the board was Carlyle Bishop, 13563 Circle Ridge Rd, Sherrill. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Schroeder asked if he had anything to add to his case, he said no.

Ms. Henry said there was no reason to ask for a rezoning of the property because the Bishop’s would not gain anything. She said the Special Use Permit would be enough to build the home.

Speaking to the board was Bob Walton, 15276 226th, Zwingle. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Walton said he owns property across the road and the property is a part of his wife’s family farm. He said the existing home that would be torn down was in bad condition. Mr. Walton said by removing the home and building a new home, the property would still only have one home. He said the family is currently working to place the remaining property within the family farm into Agricultural Conservancy so no more residential homes can be built on the remaining property. He said there is over 100 acres of remaining land that they planted trees on and created a buffer strip to protect the grapes. Mr. Walton said they are working with the Iowa Heritage Foundation to place the property into Conservancy to protect the land from further housing development. Mr. Walton said he was in favor of the Special Use Permit.

Speaking to the board was Marvin Ambrosy, 14247 Circle Ridge Rd, Sherrill. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Ambrosy said he was a neighbor of the Bishop’s and he was in favor of the Special Use Permit.

Ms. Wulfekuhle asked if they had a time limit to remove the existing home. Ms. Henry said they have a year to build the home once the permit is pulled and when the home is complete, they will have 30 days to remove the existing home. Mr. Schroeder explained if they pull the permit the day after the meeting then 13 months pass without completing the constructions/demolition then they would have to come back to the board and reapply or ask for an extension. Ms. Henry said because it was approved under a Special Use Permit she would not be able to grant the extension it would have to come back to the Board of Adjustment to approve the permit extension.

A motion was made by Ms. Wulfekuhle, **seconded by Mr. Klein to approve the Special Use Permit with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously.**
Vote: 5-0.

6. BA#07-31-23 TYLER & MEREDITH WILLMAN VARIANCE

The applicants are requesting to build a 30'x 36' detached garage in a R-2, Single Family Residential zoning district. The applicants are requesting to build 30' from the Kennedy Road front lot line, they will need a 20' variance to the 50' required. The property, located along Forest Gate Road, approximately .12 miles east of the City of Dubuque, is legally described as Lot 2-2-4 The Barony Section 9 (T89N-R2E), Dubuque Township, Dubuque County, Iowa.

The property is 1.16 acres with a Single-Family Home. The applicants would like to build the detached garage to match the existing home and allow for extra storage of vehicles and lawn equipment. The applicants would like to use the existing driveway to access the detached garage. Eleven (11) letters were sent, (11) were delivered and the City of Dubuque was notified. There were no comments regarding this case.

Speaking to the board was Jason Lueken, 9479 Kemp Rd, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Schroeder asked if he had anything to add to the case. Mr. Lueken said he was the contractor for the project and the Willman's were planning because they had 5 children and would need more storage for vehicles in the future. Mr. Schroeder asked if the existing shed was being removed and Mr. Lueken said yes, the shed would be removed.

Mr. Schroeder asked if anyone had additional questions, no one spoke.

A motion was made by Mr. Link, **seconded by Mr. Klein to approve the variance request with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously.**
Vote: 5-0.

**BA#07-32-23 BRADLEY AG SERVICE SPECIAL USE PERMIT
BRIAN & KIMBERLY BRADLEY
JEFFREY & RACHEL BRADLEY**

The applicants are requesting a Special Use Permit to bring an existing agricultural business into compliance with the Dubuque County Zoning Ordinance and continue to allow the business to operate retail sales of seed and farm chemicals in a R-2, Single Family Residential zoning district. The property, located along Laudeville Road, approximately .97 miles southeast of the City of Dubuque, is legally described as Lot 2 Bradley Acres Section 36, (T88N-R2E), Table Mound Township, Dubuque County, Iowa.

The property is 38.58 acres with a Steel Utility Building and multiple Steel Grain Storage Bins. The applicants are registered dealers for Titan Pro Sci located in Clear Lake Iowa. The applicants are currently licensed as a Pesticide Dealer through the Iowa Department

of Agriculture & Land Stewardship. The business does retail farm sales of seed and farm chemicals, which consist of herbicides, pesticides, and insecticides to only farmers for their bean and corn crops. There are no sales of Anhydrous product. All retail products are sealed and packaged which is distributed by delivery or pick-up. Eleven (11) letters were sent, (8) were delivered and the City of Dubuque was notified. Carlton Busch Trust, Timothy & Cheryl Martens and John & Karen Burns did not pick up their letters. There were two (2) comments regarding this case. Joe & Julie Bradley, 9553 Laudeville Rd, Dubuque & Jeff & Rachel Bradley, 10651 Higginsport Rd, Zwingle, were in favor of the Special Use Permit.

Ms. Henry said this case was a result of a complaint filed with the zoning office. Ms. Henry said she contacted Mr. Bradley, and he was unaware that he needed a Special Use Permit from the county. She said Mr. Bradley thought the Pesticide Dealer License from the State of Iowa Department of Agriculture & Land Stewardship was all he needed to operate.

Speaking to the board was Brian Bradley, 9915 Laudeville Rd, Dubuque & Jeff Bradley, 10651 Higginsport Road, Zwingle. Mr. Schroeder administered the following Oath asking the participant to raise their hands. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” They said yes.

Mr. Schroeder asked Ms. Henry when the complaint was reported. Ms. Henry read in the violation timeline.

March 27, 2023 An anonymous person called and filed a complaint saying they were selling farm chemicals, fertilizer and seed for agricultural crops and has been doing this for about 3 years. They asked if this was allowed on this property. After looking at this parcel it was determined that the Bradley’s owned enough qualified to be farmers. As a farmer, you would need a Special Use Permit to conduct this kind of business on this parcel.

May 3, 2023 John Willey from the Soil and Water Department came to the Zoning office and asked if we knew anything about who was working out of this building. At the time we did not know. Mr. Willey said they got a report of them dumping something into the creek and was wondering if our office knew anything.

Ms. Henry said Mr. Wiley visited the site and talked to the Bradley’s after he received the complaint May 3rd. Ms. Henry said she spoke with Mr. Wiley and Mr. Brian Bradley today regarding some other issues that were brought to her attention today. She continued on with the violation timeline.

May 10, 2023 The Assistant Zoning Administrator called Brian Bradley and talked to him about the business of selling farm chemicals, fertilizers and seed out of the machine shed that is on this property. He said yes, he has been doing that. She explained that he would need a Special Use Permit to be able to do that and so he is in violation of the Ordinance of Dubuque County. He said he would be in the next day to apply for the SUP so he could be heard at the June meeting.

Ms. Henry said there was not enough time to gather the information to make the June meeting. She said she had scheduled an appointment with Mr. Brian Bradley to meet with him to visit the property and take pictures.

Ms. Henry proceeded to display the pictures of the property along with the products that were stored in the building. She said everything was labeled. Ms. Henry said one of the questions she had gotten earlier in the day was how the product could be stacked so high in the building when there is a maximum weight on stacking the product. Mr. Brian Bradley said looking at the photos he explained that one of the stacks of cage tanks were empty, clean, and brand new. He said they were all Titan Pro tanks that he would send to Titan Pro with the amount requested and they would send them back filled and sealed for the customer. Ms. Henry asked if he would ever fill them, and he said no because he cannot open the seals on his property.

Ms. Henry read an email she had received from Titan Pro.

To Whom it may concern:

My name is Jeff Meints and I am the CEO of Titan Pro Sci in Clear Lake Iowa. Brian Bradley is a dealer for our company. Titan Pro is fully licensed with the State of Iowa. Brian Represents Titan Pro in his area to growers that work with us.

Growers place orders through Brian and we ship closed and locked ag products to his location. All bulk products are shipped to him with the desired amount already pumped into each caged bulk container at our facility in Clear Lake and is never repackaged once shipped to the dealer location. All containers have “seals” installed at our facility on the top and bottom so no repackaging/tampering can occur.

If you have any questions or concerns, please feel free to contact us at any time at 515-571-3516.

Regards,

Jeff Meints
President/CEO
Titan Pro

Ms. Henry said when the Bradley’s receive the shipment, they cannot repack the product. Ms. Henry asked Mr. Brian Bradley to continue answering the question on how the product can be stacked so high. Mr. Brian Bradley said you can stack totes 3 high with up to 265 gallons of product in each tote. He said looking at the pictures some of the totes were only partially filled so that’s why he was able to stack them a little higher. Mr. Schroeder asked if that was a state guideline or an OSHA guideline? Mr. Brian Bradley said that is a Titan Pro guideline. Mr. Bradley said his RAM Inspector will do random checks of the property.

Ms. Wulfekuhle asked if some of the totes were open because they were only partially full, and Mr. Bradley said no they are sealed, and he ordered them with the desired amount of product requested by the customer. Ms. Henry asked how long the product sits

in the building before the customer obtains it and Mr. Brian Bradley said the product is distributed within 2 weeks of receiving it.

Mr. Brian Bradley said the product in the tanks was insecticide, herbicide, and fungicides. He said he brings in chemicals seasonally and once his customers are done spraying in August or September all the chemicals are gone besides his own personal chemicals.

Mr. Jeff Bradley said there are more personal use chemicals stored in the building than chemicals that are sold to their customers. Mr. Schroeder said as a board we cannot regulate how much product they have because it is for farm use. Mr. Schroeder said as a board they can add conditions to a Special Use Permit that they will need to abide by. Mr. Schroeder gave examples to the board of possible conditions such as stacking according to the rules of the tote manufacture or chemical supplier and no repackaging of the products. Mr. Brian Bradley said the product was already sealed and Mr. Schroeder said he understood that however, if he were to switch from Titan Pro to another supplier those conditions would still follow with the Special Use Permit regardless of the supplier they choose. Mr. Brian Bradley said he was ok with the conditions.

Mr. Link questioned what the contents were in the smaller boxes on pallets that were stacked on top of the totes in the photos. Mr. Brian Bradley said they were full 2 ½ gallon containers of herbicides that he placed there just for organization and to save storage. Mr. Link said having those stored so high made him uncomfortable so he asked a retailer in the area and their safety person said they would not store product like this. Mr. Brian Bradley said he did not normally store items like this it was a way to organize the product at the time of delivery. Mr. Schroeder said they could place a condition on the Special Use Permit to limit how the product can be stacked.

Mr. Klein observed the mixing station in the photos and Mr. Brian Bradley said it was for their personal farm use only.

Mr. Klein asked if they had a retention drain in the floor of the building. Mr. Jeff Bradley said they do have a floor drain. Mr. Link asked if the retention area was near the stored chemicals and the Bradley's said yes.

Ms. Henry said she was going to go back to the second complaint that was brought to her attention by John Wiley in the Watershed Department regarding a report of dumping into the creek. She said John, Mr. Brian Bradley and herself had a conversation regarding the retention drain. She said the drain has a plug and the floor is pitched to run towards the drain. Ms. Henry asked if chemicals were to get in the drain how do they remove the chemical. Mr. Brian Bradley said he had a pump to remove the chemical and he would then place it back in the cage tanks. Ms. Henry said there is protection in place in case of an accident and Mr. Wiley was comfortable with that and it would be an ideal solution if an accident were to happen. Mr. Brian Bradley said he would have to report the situation to Iowa Department of Agriculture & Land Stewardship and Iowa Department of Natural Resources.

Ms. Henry said another question that came up before the meeting is there a bathroom in the building, if so where is the septic system located. Ms. Henry said they don't have a bathroom just an outhouse in the back of the building. Mr. Klein asked if this was the reason why the Soil & Water Department was called because of the runoff and Mr. Brian Bradley said no. He said it was because he allowed the dumping of solid fill and an individual dumped bentonite on the property, and it ran into the stream. Mr. Brian Bradley said he was in contact with the Iowa DNR and he told them it would not happen again and no fish were killed so he has since placed a sign up that says solid fill only & no vacuum trucks.

Ms. Henry said there is an old anhydrous tank on the property that is empty. She said it will never be used for anhydrous but will be moved to be used as a diesel tank.

Mr. Schroeder asked Ms. Henry if she had an appointment with Mr. Brian Bradley or if she showed up on the property unannounced. Ms. Henry said she had an appointment with Mr. Brian Bradley to get into the building. Mr. Schroeder said the property was well maintained and Ms. Henry said he only had a two-day notice.

The board discussed a condition that there will be no stacking of chemicals higher than 3 cage tanks or 3 pallets with chemicals in them.

At 6:58 pm the computer system in the meeting room had malfunctioned. The board called for a recess as Ms. Henry worked with IT to restore the computer system. Mr. Gilmore the Dubuque County IT Director said the computer system could not be restored and Mr. Gilmore messaged the only person that was logged into zoom, and they received no response. Ms. Henry and Mr. Schroeder agreed that there was enough information already shared for the Bradley case that they could continue the meeting. Meeting resumed at 7:11 pm.

Mr. Klein asked how much volume Mr. Brian Bradley could keep in the retention pit and he said 2,500 gallons and this was regulated by Titan Pro. Ms. Wulfekuhle asked where the overflow would go, and he said the floor is slanted and the overflow would stay in the building.

Mr. Schroeder opened the case for public comment.

Speaking to the board was Frank Thomas, 7002 Airview Dr, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

Mr. Thomas said he was concerned about chemical spills and wanted the board to ask how many spills the Bradley's have had in the past. Mr. Schroeder asked how many spills. Mr. Brian Bradley said he had P&K Midwest work on one of his personal sprayers and they installed a pressure release valve when he was not on the property and the chemical ended up leaking down the road to the dry creek killing his grass on his property. He said this happened outside of the building that leaked about 15-20 gallons.

Mr. Thomas said there was another spill in 2020 when a tank had a hole punctured in it and the Bradley's moved the tank outside when they should have kept it inside for it to

drain the retention drain. Mr. Jeff Bradley said the tank was already outside when the tank was punctured by a forklift which leaked round up. Mr. Schroeder asked at what point would a spill have to be reported to Iowa Department of Agriculture & Land Stewardship and/or the Iowa Department of Natural Resources. Mr. Brian Bradley said over 500 gallons of mixed products.

Mr. Brian Bradley said he could only obtain 2,500 gallons of product from Titan Pro not that the retention basin could catch 2,500 gallons of chemicals. Mr. Link asked him how much the retention basin could catch, and he thought around 1,500 gallons. Mr. Brian Bradley said they placed the punctured tank on its side and moved it back into the building to remove the remaining chemical into another cage tank. Mr. Link asked if the spill was larger than 1,500 gallons would the chemical then leak out the sidewalls of the building, Mr. Brian Bradley said no the floor was sloped and it would remain in the building.

Ms. Wulfekuhle asked Mr. Thomas when he witnessed the spill if he felt the need to report it. Mr. Thomas said accidents happen however after the second incident with the bentonite he was concerned.

Mr. Schroeder said bentonite is a type of clay from volcanic ash. He said it is used for kitty litter and oil dry and it will expand and hold water 15 times its original size. Mr. Schroeder said if it is wet then it will travel with water but if it is dry it would blow with the wind making it not good for solid fill.

Mr. Thomas said he did report this to the County Watershed Department and the Iowa DNR. Ms. Henry asked if the issue was resolved and Mr. Brian Bradley said yes, he obtained a county permit for a solid fill permit and a notice of retention for stormwater which was published in the paper.

Mr. Thomas said the creek now has a layer of black soot below the bentonite. Ms. Henry asked if he addressed the issue with the watershed department and he said yes, however they did not know what it was until they sent a sample away for testing. Ms. Henry asked if the watershed department was doing the testing and Mr. Thomas said no, he would have it tested on his own. Mr. Thomas proceeded to display some soil samples he brought to the meeting. Mr. Schroeder said the samples should be taken to the Soil & Water Department and the Board of Adjustment has no control over that department. Ms. Henry said she could reach out to John Wiley as a courtesy for Mr. Thomas however, this had situation has nothing to do with the Board of Adjustment nor the Zoning Office.

Mr. Gilmore informed Ms. Henry that he was not receiving feedback from citizens on zoom.

Speaking to the board was Jenny Bellings, 6954 Airview Dr, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise her hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” She said yes.

Ms. Bellings asked how the totes were empty and cleaned to send back to Titan Pro. Mr. Bradley said the farmer that used the product rinses the totes out. Mr. Schroeder asked if Mr. Bradley verified with the farm if they were clean and he said yes, and the totes have

caps on them when they are sent back. Mr. Schroeder reminded the board that this could be a condition of the Special Use Permit. That all totes/cage tanks must be rinsed before being sent back to the Bradley Property. Mr. Brian Bradley said Titan Pro would accept non rinsed tanks as long as the lid was on them.

Mr. Jeff Bradley said he thought the neighbors were confused. He said last fall they had 8-12 clean cage tanks stacked outside in the rear of the property that came from Ren Tek. He said they were used to dispose old motor oil or stiffen diesel out of an engine to transport it however, there was never chemicals in those tanks and were for personal use only.

Speaking to the board was Joe Thomas, 2539 Hanover Dr, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Thomas said he was the son of Frank Thomas, and he was at the farm when Mr. Wiley had come out to the farm. He asked why the cage tanks at the back of the property were tipped up on their sides if they weren’t draining. Mr. Jeff Bradley said the cage tanks were empty.

Speaking to the board was Richard Bradley, 9685 Laudeville Rd, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Richard Bradley said he lives across the road and has never witnessed any wrongdoing by Bradley Ag Services while handling the chemicals. He said the Bradley’s are very cautious when handling the chemicals and he and his wife were in favor of the Special Use Permit request.

Mr. Schroeder asked if anyone in the audience had additional questions, no one spoke.

Mr. Klein stated with all the questions asked, he thought they were all answered very well.

A motion was made by Mr. Link, **seconded by Mr. Klein to approve the Special Use Permit with the following conditions.**

- 1. No manufacturing/mixing of chemicals for public use onsite.**
- 2. No repackaging of the chemicals onsite.**
- 3. No stacking of chemicals higher than 3 totes/cage tanks or 3 pallets with chemicals in them.**
- 4. Totes/Cage tanks needs to be washed prior to returning to the Bradley Property.**
- 5. The applicants are granted a Special Use Permit for a 3-year term expiring July 5, 2026. The applicants must then reapply through the Board of Adjustment if they wish to continue the Special Use Permit. If the applicants request a modification of the Special Use Permit prior to the expiration date, they will need to request a hearing with the Board of Adjustment.**

- 6. All the above conditions must be met or will be subject to immediate revocation of the Special Use Permit.**

The motion passed unanimously. Vote: 5-0.

D. PUBLIC COMMENTS:

E. OLD BUSINESS:

Ms. Henry said Penny Wulfekuhle was reappointed to the Board of Adjustment.

F. NEW BUSINESS: Elections

A motion was made by Mr. Link, **seconded by Mr. Klein to appoint Ben Schroeder as Chairperson and Michelle Switzer as Vice Chairperson. The motion passed unanimously. Vote 5-0.**

G. ADJOURNMENT: A motion was made by Mr. Klein, **seconded by Ms. Switzer, and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 9:03 p.m.**