

April 23, 2024, 9:00 a.m.

The Jones County Board of Supervisors met in regular session. Present Supervisors Schlarmann, Oswald, Swisher, and Zirkelbach. Absent Supervisor Rohwedder.

Moved by Zirkelbach seconded by Oswald to approve the minutes of the April 16, 2024 meetings. All aye. Motion carried.

Moved by Swisher seconded by Oswald to approve claims #2404-0178 through #2404-0391. All aye. Motion carried.

Moved by Zirkelbach seconded by Swisher to open the public hearing on the Fiscal Year 2024/2025 Jones County Budget at 9:01 a.m. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann aye. Motion carried.

Four citizens were physically present for the hearing however an unknown number of persons were viewing the hearing remotely by internet or audio access. No objections to, nor comments in favor of, the proposed budget, were received.

The County Auditor provided a summary of the proposed budget, including tax rates, the major sources of revenues and major expenditure functions, included in the proposed budget.

Moved by Oswald seconded by Zirkelbach to close the public hearing at 9:08 a.m. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann aye. Motion carried.

Supervisor Zirkelbach introduced the following FISCAL YEAR 2024/2025 ELECTED OFFICIALS' SALARY RESOLUTION, and moved its adoption, seconded by Supervisor Swisher. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann nay, whereupon the Vice-Chairman declared the resolution duly passed and adopted.

FISCAL YEAR 2024/2025  
ELECTED OFFICIALS' SALARY RESOLUTION

WHEREAS, the Jones County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Sections 331.905 and 331.907, and

WHEREAS, the Jones County Compensation Board met on December 18, 2023, and made the following salary recommendations for the following elected officials for the fiscal year beginning July 1, 2024:

COUNTY OFFICIAL	CURRENT SALARY	PROPOSED INCREASE		RECOMMENDED ANNUAL COMPENSATION
Attorney	\$127,810.50	7%	\$8,946.74	\$136,757.24
Sheriff	\$131,158.16	7%	\$9,181.07	\$140,339.23
Auditor	\$81,113.49	7%	\$5,677.94	\$86,791.43
Treasurer	\$79,601.27	7%	\$5,572.09	\$85,173.36
Recorder	\$76,782.59	7%	\$5,374.78	\$82,157.37
Supervisors	\$33,875.16	7%	\$2,371.26	\$36,246.42

THEREFORE, BE IT RESOLVED that the Jones County Board of Supervisors hereby reduces by 32.14% the salary increases recommended by the Jones County Compensation Board for Attorney, Auditor, Recorder, Sheriff, and Treasurer and reduces by 71.43% the salary increase

recommended by the Jones County Compensation Board for the Board of Supervisors to reflect the salary increases noted below for the fiscal year beginning July 1, 2024:

COUNTY OFFICIAL	CURRENT SALARY	PROPOSED INCREASE	RECOMMENDED ANNUAL COMPENSATION
Attorney	\$127,810.50	4.75%	\$133,881.50
Sheriff	\$131,158.16	4.75%	\$137,388.17
Auditor	\$81,113.49	4.75%	\$84,966.39
Treasurer	\$79,601.27	4.75%	\$83,382.33
Recorder	\$76,782.59	4.75%	\$80,429.76
Supervisors	\$33,875.16	2.00%	\$34,552.66

Supervisor Oswald introduced the following FISCAL YEAR 2024/2025 ADOPTION OF BUDGET and CERTIFICATION OF TAXES RESOLUTION, and moved its adoption, seconded by Supervisor Zirkelbach. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann aye, whereupon the Chairman declared the resolution duly passed and adopted.

**FISCAL YEAR 2024/2025 ADOPTION OF BUDGET  
& CERTIFICATION OF TAXES RESOLUTION**

IT IS HEREBY RESOLVED by the Jones County Board of Supervisors that the Fiscal Year 2024/2025 Jones County proposed budget and tax levies be adopted as published. Said budget will reflect:

- total expenditures of \$23,986,469 (net of interfund transfers)
- total revenues of \$20,586,994 (including taxes, but net of interfund transfers)
- a county-wide tax levy of \$8,528,777 (\$8,382,371 property tax plus \$146,406 utility replacement tax) against a \$1,298,791,946 valuation (including gas and electric utilities) which produces a rate per \$1,000 of \$6.56670; said county-wide tax levy does not include a debt service levy
- a rural tax levy of \$2,874,384 (\$2,830,815 property tax plus \$43,569 utility replacement tax) against a \$931,783,371 valuation (including gas and electric utilities) which produces a rate per \$1,000 of \$3.08482.

BE IT FURTHER RESOLVED that the Board has designated portions of the projected June 30, 2024 unreserved fund balance as follows:

- General Basic Fund – for the purposes of county facility improvements, replacements, additions, and capital repairs, major software upgrades, and equipment which cannot be absorbed in the general operating budget of any department, all subject to Board approval, \$41,000 will be added in fiscal 2024 to the previously designated balance for said purposes. Amounts so designated may be subsequently reduced by the amounts spent for those purposes, as authorized by the Board, during the fiscal year. The amount of unused funds accumulated for those purposes at June 30 shall be established by resolution as committed fund balance.

- General Supplemental Fund – \$20,000 will be added to a fund for future voting equipment replacement. The amount of unused funds accumulated for those purposes at June 30 shall be established by resolution as committed fund balance.
- Secondary Road Fund – unused local option sales tax designated per ballot measure for roads and bridges. The amount of unused funds accumulated for those purposes at June 30 shall be established by resolution as committed funds within the restricted Secondary Road Fund.
- These designations of committed and restricted fund balances indicate that Jones County prefers to use available financial resources for the specific purposes set forth above, and although committed, the funds are to remain an integral part of the spendable or appropriate resources of Jones County for cash flow purposes.

The Treasurer met with the Board to present the quarterly investment report for the county and for Jones County Solid Waste.

Moved by Oswald seconded by Swisher to approve the Treasurer’s Quarterly Investment Report for the quarter ending March 31, 2024. All aye. Motion carried. [2024-064]

The Auditor met with the Board for various items as noted in the motions below.

Supervisor Oswald introduced the following resolution and moved its adoption, seconded by Supervisor Swisher. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann aye, whereupon the Vice-Chairman declared the resolution passed and adopted.

**A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT**

WHEREAS, on March 11, 2021, President Biden signed the 109 trillion-dollar American Rescue Plan Act and,

WHEREAS, Jones County applied for and has been received funds for the American Rescue Plan Act totaling \$4,017,042.00.

WHEREAS, the Jones County Board of Supervisors classified all American Rescue Plan Act funds as lost revenue on April 18, 2022 pursuant to the final rule on State and Local Fiscal Recovery Funds (SLFRF) issued by the U.S. Department of Treasury.

WHEREAS, based on the distribution guidelines from the US Department of Treasury, the following project has been approved for the use of said funds:

- Courthouse first floor bathroom remodel project asbestos testing in the amount of \$1,500.00.

BE IT RESOLVED that the Jones County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the item listed and authorizes the Auditor to make these payments as they are presented. [2024-065]

Moved by Swisher seconded by Oswald to approve a cigarette permit for Casey’s Marketing, doing business as Casey’s General Store #3898, 23485 County Rd. E34, Anamosa, to be effective July 1, 2024. All aye. Motion carried. [2024-066]

Moved by Zirkelbach seconded by Swisher to acknowledge receipt of manure management plan update from Bryan Britt facility #68933, for a facility located in Section 36 of Castle Grove

Township with the County Auditor to retain the documents in a temporary file for public access for one year. All aye. Motion carried.

Supervisor Zirkelbach introduced the following resolution, seconded by Supervisor Oswald. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann aye, whereupon the Chairman declared the resolution passed and adopted.

#### RESOLUTION

#### JONES COUNTY BOARD OF SUPERVISORS DISPOSAL OF JONES COUNTY PROPERTY OBTAINED AT TAX SALE

WHEREAS, Jones County, Iowa, holds an interest by way of tax deed to a certain parcel of real estate in Jones County, Iowa, described as follows:

Tax Parcel ID 1104153004, described as LOTS 7, 8, 9 and 10; LOT 11 EXCEPT THE SOUTH 12 FEET THEREOF, BLOCK 18, TOWN of CENTER JUNCTION, JONES COUNTY, which is generally located at 12653 Davenport St., Center Junction, IA 52212.

WHEREAS, Jones County has no need for said property and said property should be disposed of, and

WHEREAS, the Board of Supervisors having found that a public hearing should be held on the proposal to sell real estate as set forth above, said public hearing on the sale of the above-described real estate obtained at tax sale by Jones County is set for the 21st day of May, 2024, at 9:15 a.m. at the Jones County Courthouse, Anamosa, Iowa, and that notice thereof should be published as required by law, and

WHEREAS, following said publication, sealed bids shall be submitted to the Jones County Auditor's Office; that said bids shall be in writing with 10% earnest money enclosed; that said bids shall indicate the specific names and addresses of parties to be included on Quit Claim deeds; that sealed bidding shall end on the 21st day of May, 2024 at 9:15 a.m.; and that following the public hearing on the proposed sale of said property said sealed bids shall be opened. Bidders that are physically present during the bid opening will have the opportunity to increase their bid after all bids are opened and after the highest bid is determined. The Jones County Board of Supervisors reserves the right to reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Jones County Board of Supervisors, Jones County, Iowa, this date met in lawful session to set public hearing on the sale of the above-described real estate obtained at tax sale by Jones County. [2024-067]

The Land Use Administrator met with the Board for discussion and approval of an amendment to the Jones County Zoning Ordinance which would add pipeline regulations to the ordinance.

Moved by Swisher seconded by Zirkelbach to suspend, with regard to Jones County, Iowa Ordinance 2024-03, the provisions of Iowa Code Section 331.302(6) which requires three considerations of an ordinance prior to passage and to approve the final consideration of, and to adopt, pass, and publish, Jones County, Iowa Ordinance 2024-03, to amend CHAPTER 3, JONES COUNTY ZONING ORDINANCE OF TITLE VI – PROPERTY & LAND USE. On roll call vote: Zirkelbach aye, Swisher aye, Oswald aye, Schlarmann aye, whereupon the Vice-Chairman declared the final consideration approved, and the ordinance adopted.

An ordinance amending the code of ordinances of the County of Jones, State of Iowa.

Be it enacted by the Board of Supervisors of Jones County, Iowa as follows:

Section 1: The purpose of this ordinance is to amend CHAPTER 3, JONES COUNTY ZONING ORDINANCE OF TITLE VI - PROPERTY & LAND USE by adding additional definitions and replacing ARTICLE XVII RESERVED FOR FUTURE USE with ARTICLE XVII HAZARDOUS LIQUID PIPELINES.

Section 2: The Chapter will be amended as follows:

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Amend ARTICLE III DEFINITIONS by inserting after existing subsection MMMMM, the following new subsection:

NNNNN. "Public Utilities" means a public utility as defined in Iowa Code § 476.1, and shall also include waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter 357A or chapter 504, cooperative water associations, and electric transmission owners as defined in Iowa Code § 476.27 primarily providing service to public utilities as defined in Iowa Code § 476.1. For purposes of this Ordinance, "public utility" includes private water systems and sewer systems that are used in common by multiple parties if the parties using the common system consent.

O0000. Hazardous Liquid Pipelines - No person or property owner shall use land in any area or district in this county for purposes of transporting hazardous liquid through a hazardous liquid pipeline except under the conditions and restrictions provided hereinafter in ARTICLE XVII HAZARDOUS LIQUID PIPELINES. For purposes of the Jones County Zoning Ordinance, "hazardous liquid" and "hazardous liquid pipeline" shall have the meanings defined in ARTICLE XVII HAZARDOUS LIQUID PIPELINES.

Add ARTICLE XVII HAZARDOUS LIQUID PIPELINES as follows (this amendment replaces the title of ARTICLE XVII RESERVED FOR FUTURE USE with ARTICLE XVII HAZARDOUS LIQUID PIPELINES)

**ARTICLE XVII HAZARDOUS LIQUID PIPELINES**

**SECTION 1. PURPOSES**

This Article prescribes and imposes the appropriate conditions and setbacks when using land in this County for purposes of a Hazardous Liquid Pipeline. The purposes of the regulations provided in this Article are:

- A. To lawfully regulate and restrict the use of land in the County for the transport of Hazardous Liquid through a Hazardous Liquid pipeline in a manner that is in accordance with the County's current comprehensive plan and that is designed to:
  1. secure safety from fire, flood, panic, and other dangers;
  2. protect health and general welfare; and
  3. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
  
- B. To implement subsection A. with regard to the community planning and land use goals of the County, including cities, as contemplated in the County's Comprehensive Plan and as provided in Iowa Code Chapter 335. In particular, the purpose of this Article is to further the following specific goals of the County to:
  1. Ensure the maintenance and improvement of the environmental quality of the soil, air, water, and land for all residents, present and future, living in the county;
  2. Protect the present and future soil quality from wind and water erosion;
  3. Minimize to the greatest possible extent the number of injuries and/or loss of life associated with all identified hazards;
  4. Reduce or eliminate property damage due to the occurrence of disasters;
  5. Return the community to either pre-disaster or improved conditions in a timely manner in the wake of a disaster;
  6. Develop strategies that can be used to reduce the community's overall risk to the negative effects of natural, technological, and man-made disasters;
  7. Ensure the protection and conservation of land and other natural, human, and economic resources in Jones County including energy, that are the basis of the rural community, economy, and lifestyle;
  8. Continue to provide and support strong public services;
  9. Support diversity in the type and density of housing in Jones County, while protecting prime agricultural lands, environmentally sensitive areas, public health, safety, and quality of life;
  10. Maintain the protection of agricultural operations and the preservation of the productivity, availability, and use of agricultural lands; thus assuring the maintenance of

agriculture as a major sector in the county's economy;

11. Encourage coordination and cooperation between Jones County and the incorporated cities within the county, especially within the two-mile radius around each city where powers and responsibilities are shared through 28E agreements; and
  12. Only agricultural uses or those uses incidental to agriculture shall be allowed on prime agricultural land.
- C. To implement subsection A. with regard to the County's legal obligation to engage in emergency response and hazard mitigation planning, including furthering the comprehensive plan's goals and objectives for hazards, emergencies, and disasters and including the need to protect the health and welfare of both residents and emergency response personnel.
- D. To implement subsection A. in a manner that is not inconsistent with or preempted by federal or state law, including the United States Constitution, the federal Pipeline Safety Act at 49 U.S.C. § 60101 et seq., the Iowa Constitution, and Iowa Code chapters 29C, 479B, 331, and 335.
- E. To implement subsection A. in a manner that treats all Hazardous Liquid Pipelines in a similar manner, to the extent they are similarly situated, and to utilize to the greatest extent feasible the land use and zoning regulations and processes already utilized in the County.
- F. To implement subsection A. in a manner:
1. That facilitates the approval of a permit by the Iowa Utilities Board, in whole or in part upon terms, conditions, and restrictions, as to location and route that are "just and proper",
  2. That creates a process that allows a Hazardous Liquid Pipeline operator to work with local county officials to obtain all local permits or approvals prior to the construction of the pipeline.

## SECTION 2. DEFINITIONS

For purposes of this Article, unless the context otherwise requires:

- A. Affected Person: The same as defined in Iowa Administrative Code [199] 13.1(3) and, unless otherwise defined in that rule, means any person with a legal right or interest in the property, including but not limited to a landowner, a contract purchaser of record, a Person possessing the property under a lease, a record lienholder, and a

record encumbrancer of the property.

- B. Applicant: A Pipeline Company or a Property Owner who applies for a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Section.
- C. Application: The documents and information an Applicant submits to the County for purposes of obtaining a Conditional Use Permit as well as the related process and procedures for considering the application pursuant to this Section.
- D. Blast Zone: The geographic area in the County that would be subject to a shock wave from rupture of a Hazardous Liquid Pipeline, including of a Carbon Dioxide Pipeline, that could harm or kill persons or animals due solely to physical trauma, for example from flying debris or the physical impact of a pressure wave resulting from a rupture.
- E. Board of Adjustment: The Jones County Board of Adjustment established pursuant to Iowa Code chapter 335 and ARTICLE XXIV of this Jones County Zoning Ordinance.
- F. Carbon Dioxide Pipeline: A Hazardous Liquid Pipeline intended to transport liquified carbon dioxide and includes a Pipeline of 4 inches or more in diameter to transport liquid or supercritical fluid comprised of 50 percent or more of carbon dioxide (CO<sub>2</sub>).
- G. Conditional Use Permit: A special exception, conditional use, use exception, or use limitation authorized and approved by the Board of Adjustment in the manner and according to the standards provided in ARTICLE XXV of this Zoning Ordinance.
- H. Confidential Information: Information or records allowed to be treated confidentially and withheld from public examination or disclosure pursuant to Iowa Code chapter 22 or other applicable law.
- I. Conservation Area: A County park, natural resource area, wildlife area, or similar areas established or designated for such purposes by the County prior to the effective date of this Section.
- J. County: or the County: Jones County, Iowa.
- K. Emergency: The same as defined in Iowa Administrative Code [199] 9.1(2) and, unless otherwise defined in that rule, means a condition involving clear and immediate danger to life, health, or essential services, or a risk of potentially significant loss of property.
- L. Facility: Is any structure incidental or related to the Hazardous Liquid Pipeline and any space, resource, or equipment necessary for the transport, conveyance, or pumping of a Hazardous Liquid through a Hazardous Liquid Pipeline located in the County, including all related substations and emergency shut off valves.

- M. Fatality Zone: The geographic area in the County in which residents of the County would face a significant risk of loss of life due to a rupture of a Hazardous Liquid Pipeline, taking into consideration, in the case of a Carbon Dioxide Pipeline, the dispersion of CO<sub>2</sub> from a rupture, taking into consideration CO<sub>2</sub> concentration and duration of exposure.
- N. Hazard Zone: In the case of a Carbon Dioxide Pipeline, the geographic area in the County in which residents of the County would likely become intoxicated or otherwise suffer significant adverse health impacts due to a rupture of a Carbon Dioxide Pipeline, taking into consideration the dispersion of CO<sub>2</sub> from a rupture, and taking into consideration CO<sub>2</sub> concentration and the duration of the exposure.
- O. Hazardous Liquid: The same as defined in Iowa Code § 479B.2 and, unless otherwise defined there, means crude oil, refined petroleum products, liquified petroleum gases, anhydrous ammonia, liquid fertilizers, liquified carbon dioxide, alcohols, and coal slurries.
- P. Hazardous Liquid Pipeline: A Pipeline intended to transport Hazardous Liquids, and also includes Class 3, Class 6, Class 8, or Class 9 hazardous materials, as defined by 49 C.F.R. § 173.120. et seq., with any portion proposed to be located within the County.
- Q. In-service date: Is the date any Hazardous Liquid is first transported through any portion of a Pipeline located in the County.
- R. Independent Agreement: Alternative provisions regarding land restoration or Line Location contained in agreements independently executed by a Pipeline Company and a Landowner or a Property Owner as described in Iowa Code § 479B.20(10).
- S. IUB: The Iowa Utilities Board created within the Iowa Department of Commerce pursuant to Iowa Code chapter 474.
- T. Landowner: The same as defined in Iowa Code §§ 479B.4(4) and 479B.30(7), and, unless otherwise defined there, means a Person listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and includes a farm tenant.
- U. Line Location: The location or proposed location or route of a Pipeline on a Landowner's property.
- V. Occupied Structure: A Building or Structure that has been inhabited or used for residential, commercial, industrial, or agricultural purposes at any time during the twelve (12) months preceding an application for a Conditional Use Permit pursuant to this Article.
- W. PHMSA: Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation.
- X. Person: The same as defined in Iowa Administrative Code [199] 13.1(3)

and, unless otherwise defined in that rule, means an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity as defined in Iowa Code § 4.1(20).

- Y. Pipeline: The same as defined in Iowa Code § 479B.2 and, unless otherwise defined there, means an interstate pipe or pipeline and necessary appurtenances used for the transportation or transmission of hazardous liquids.
- Z. Pipeline Company: The same as defined in Iowa Code § 479B.2 and, unless otherwise defined in that rule, means any Person engaged in or organized for the purpose of owning, operating, or controlling Pipelines for the transportation or transmission of any Hazardous Liquid or underground storage facilities for the underground storage of any Hazardous Liquid.
- AA. Pipeline Construction: The same as defined in Iowa Administrative Code [199] 9.1(2) and, unless otherwise defined in that rule, means activity associated with installation, relocation, replacement, removal, or operation or maintenance of a pipeline that disturbs agricultural land, but shall not include work performed during an emergency, tree clearing, or topsoil surveying completed on land under easement with written approval from the landowner.
- BB. Property Owner: The owner or owners, together with his, her, its or their heirs, successors and/or assigns, of the land or property over, under, on, or through which, a Pipeline, or any part of it, including any related facilities, may be located and which is subject to the regulations and restrictions of this Zoning Ordinance. Property Owner includes a Landowner and also includes a Person with whom a Pipeline Company negotiates or offers to execute an Independent Agreement with respect to a Pipeline.
- CC. Reclamation: The restoration and repair of damaged real property, personal property, land or other areas, through which a Pipeline is constructed or from where it is removed as close as reasonably practicable to the condition, contour, and vegetation that existed prior to the construction or prior to the removal or the Pipeline, as applicable.
- DD. Reclamation Cost: The cost of Reclamation and includes the cost to restore or repair roads, bridges, or county property as well as the cost to restore or repair all real and personal property of Property Owners and Affected Persons.
- EE. Sensitive Area: Any area designated for inclusion in Jones County's Flood Plain Management Ordinance, Chapter 1 of Title VI - Property & Land Use.
- FF. Zoning Ordinance or the Zoning Ordinance: The collection of land use

and zoning regulations known as the Jones County, Iowa, Zoning Ordinance, Chapter 3 of Title VI - Property & Land Use as provided and made effective in the Jones County, Iowa, Code of Ordinances.

SECTION 3. CONDITIONAL USE CLASS CREATED AND USE LIMITATIONS IMPOSED ON HAZARDOUS LIQUID PIPELINES

- A. All land in the County must be used in accordance with the Jones County Zoning Ordinance. Pursuant to Iowa Code chapter 335, the County may establish a use or class of uses that have conditions or use limitations, and the Board of Adjustment may authorize a use exception or permit various uses upon conditions or other use limitations as may be initiated, considered, and approved pursuant to ARTICLE XXV of this Zoning Ordinance. Such conditions or use limitations are established in order to protect the health, safety, and welfare of the public and to preserve property values.
- B. The County hereby establishes a class of use for Hazardous Liquid Pipelines, and no land or property interest in this County, regardless of the zone or area, shall be used for purposes of a Hazardous Liquid Pipeline except in conformity with this Article.

SECTION 4. CONDITIONAL USE PERMITS REQUIRED

- A. A Pipeline Company that has filed a verified petition with the IUB asking for a permit to construct, maintain, and operate a new Pipeline along, over, or across land in this County shall submit an Application to the County Zoning Administrator for a Conditional Use Permit. The Pipeline Company shall submit the application for a Conditional Use Permit within seven (7) days of filing the petition with the IUB, unless the petition was filed with the IUB prior to the effective date of this Article in which case the Pipeline Company shall submit an application for a Conditional Use Permit under this Article within seven (7) days of the effective date of this Article. The Zoning Administrator may extend the time for filing the Application for good cause shown. However, any extension of more than 30 days must be approved by the Board of Adjustment.
- B. A Property Owner that intends to negotiate, convey, or sell an easement to a Pipeline Company by means of an Independent Agreement shall submit an application to the County Zoning Administrator for a Conditional Use Permit before executing the Independent Agreement with the Pipeline Company. If a Property Owner executes an Independent Agreement with a Pipeline Company after the effective date of this Article without obtaining a Conditional Use Permit, the County may exercise all lawful remedies, including the remedies provided elsewhere in this Zoning Ordinance.
- C. Upon receiving an Application for a Conditional Use Permit from a

Pipeline Company or from a Property Owner, the County Zoning Administrator and the Board of Adjustment shall consider the Application according to the process and standards set forth in this Article.

SECTION 5: SEPARATION REQUIREMENTS

The use of land for purposes of transporting Hazardous Liquids through Pipelines poses a threat to the public health and welfare, to the productivity of agricultural lands, and to the property values of residential, commercial, and industrial Property Owners in the County. The separation requirements of this Article are designed to further the goals and objectives of the County's comprehensive zoning plan, including to protect public health and welfare, to preserve existing infrastructure and future development, and to maintain property values.

A Hazardous Liquid Pipeline shall not be constructed, used, sited, or located, in violation of the separation requirements listed below. In addition, the terms of an Independent Agreement regarding a Line Location shall conform to the separation requirements listed below. All distances shall be measured from centerline of the proposed Hazardous Liquid Pipeline to the portion of the existing use nearest the centerline of the proposed Hazardous Liquid Pipeline.

The minimum separation distances for a Hazardous Liquid Pipeline are:

- A. From the city limits of an incorporated city, not less than 2 miles.
- B. From a church, school, nursing home, long-term care facility, or hospital, not less than 2460 feet.
- C. From a public park, Conservation Area, Sensitive Area, or public recreation area, not less than 2460 feet.
- D. From any Occupied Structure, not less than 1000 feet.
- E. From any animal feeding operation or facility, not less than 1000 feet.
- F. From an electric power generating facility with a nameplate capacity of 5 MW or more, an electric transmission substation, a public drinking water treatment plant, or a public wastewater treatment plant, not less than 1000 feet.
- G. From any public water system or any nonpublic water supply well subject to the rules of the Iowa Department of Natural Resources pursuant to 567 IAC chapter 43 or 567 IAC chapter 49, not less than 200 feet. Private water supply wells, not less than 200 feet.

SECTION 6: PERMIT APPLICATION REQUIREMENTS FOR PIPELINE COMPANIES

A Pipeline Company applying for a Conditional Use Permit for a Hazardous

Liquid Pipeline pursuant to this Article shall submit the following documents and information to the County Zoning Administrator.

- A. The information required for a Conditional Use Permit as described in this Article of the Zoning Ordinance, including all required forms prescribed by the County Zoning Administrator.
- B. A complete copy of the application for a permit filed with the IUB pursuant to Iowa Code chapter 479B. This requirement is an ongoing requirement, and as the application for the IUB permit is amended or changed, the Pipeline Company shall provide updated information and documents to the County.
- C. A map identifying each proposed crossing of a County road or other County property and a map identifying each crossing of Conservation Areas or Sensitive Areas.
- D. A map and a list containing the names and addresses of all Affected Persons in the County. The map and list shall include all Property Owners who have executed an Independent Agreement or who have been or will be contacted about the execution of an Independent Agreement.
- E. A set of plans and specifications showing the dimensions and locations of the Pipeline, including plans and specifications for all related facilities and above-ground structures, such as pumps, lift-stations, or substations.
- F. A copy of the standard or template Independent Agreement the Pipeline Company proposes to execute with property Owners in the County. The standard or template for the Independent Agreement shall include terms and conditions that comply with the Abandonment, Discontinuance, and Removal requirements of this Article.
- G. The emergency response and hazard mitigation information, as required pursuant to Subsection L of this Article.
- H. All applicable fees required pursuant to this Article.
- I. A statement identifying any Confidential Information in the Application and a request, if any, to withhold such information from public examination or disclosure as provided in, and to the extent permitted by, Iowa Code chapter 22. A failure to identify Confidential Information in the Application may result in the County treating such information as public record.

SECTION 7: PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS

A Property Owner applying for a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Article shall submit the following documents and information to the County Zoning Administrator:

- A. The information required for a Conditional Use Permit as described in Article XXV of this Zoning Ordinance, including all required forms prescribed by the County Zoning Administrator.
- B. A copy of the Independent Agreement the Property Owner proposes to execute with the Pipeline Company, including a map and a legal description of the proposed Line Location and a statement of verification of compliance with the separation requirements of this Article.
- C. All applicable fees required pursuant to this Article.

#### SECTION 8: FEES

The following fees and charges apply to a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Article:

- A. A Pipeline Company seeking a Conditional Use Permit shall pay the following fees and assessments:
  1. An application fee in the amount of \$100 for each Affected Person identified in the Application.
  2. An annual fee in the amount of \$116.92 per mile of Pipeline proposed to be constructed, operated, and maintained in the County, or an amount equal to the most current user fee assessed to the operators of Hazardous Liquid Pipelines by PHMSA, whichever is greater. This fee shall be due each year on the anniversary of the Pipeline's In-Service Date, and the County shall apply this fee towards its emergency planning and hazard mitigation costs, including expenses for law enforcement and emergency response personnel.
  3. All other applicable user or permit fees required for crossing County roads or using the public right-of-way in the County.

#### SECTION 9: PUBLIC HEARING REQUIREMENTS AND PERMIT APPROVAL

- A. Upon receipt of an application for a Conditional Use Permit by a Pipeline Company, the County Zoning Administrator shall verify that the Pipeline Company permit application requirements of this Article are met and shall make a report to the Board of Adjustment recommending approval, denial, or modification of the Application. Upon the verification and report of the County Zoning Administrator, the Board of Adjustment shall set the date of one or more public

hearings in the County on the question of granting a Conditional Use Permit to the Pipeline Company. Once the public hearing dates have been set, the Board of Adjustment shall publish a notice in the local newspaper(s) pursuant to Iowa Code § 331.305, and the Pipeline Company shall send notice of each scheduled public hearing to each Affected Person identified in the Application by United States Mail. Copies of the proof mailing to each Affected Person shall be provided to the County Zoning Administrator not later than five days prior to the scheduled public hearing.

- B. A public hearing shall not be required in the case of Property Owner applying for a Conditional Use Permit. Upon receipt of an application for a Conditional Use Permit from a Property Owner, the County Zoning Administrator shall make a report to the Board of Adjustment recommending approval, denial, or modification of the Application. Upon the verification and report of the County Zoning Administrator, the Board of Adjustment shall consider the application at a regular meeting of the Board of Adjustment.
  
- C. Once the application, public hearing, and other requirements of this Article are met, the Board of Adjustment shall consider each application for a Conditional Use Permit according to the standards set forth in Articles XXIV and XXV of this Zoning Ordinance regarding the powers of the Board of Adjustment and the standards and findings required for use exceptions. The Board of Adjustment shall issue a permit if the Board of Adjustment finds all applicable standards are met. The burden of establishing that all applicable standards are met shall be on the Applicant for the Conditional Use Permit.
  
- D. A Conditional Use Permit granted to a Pipeline Company pursuant to this Article is not transferrable to any Person or Entity. A Pipeline Company, or its successors in interest, shall apply for a new Conditional Use Permit whenever the Hazardous Pipeline is transferred or its use is materially or substantially changed or altered, including any changes or alteration in the route of the Pipeline.

#### SECTION 10: APPEALS AND VARIANCES

A Pipeline Company or Property Owner may appeal an adverse determination on a Conditional Use Permit or may seek special exception or variance from the Board of Adjustment, as provided in Articles XXIV and XXV of this Zoning Ordinance.

#### SECTION 11: APPLICABILITY AND COMPLIANCE

- A. The permit requirement in Section 6. and the separation requirements of Section 5. of this Article shall not apply to:

1. A Hazardous Liquid Pipeline that is already permitted, constructed, and placed in-service on or before the effective date of this Article; however, a Pipeline Company shall comply with the abandonment, reclamation, and decommissioning requirements for a Pipeline that is decommissioned on or after the effective date of this Article.
  2. A Pipeline owned and operated by a Public Utility that is furnishing service to or supplying customers in the County; or
  3. A Property Owner that has already executed an Independent Agreement with a Pipeline Company prior to the effective date of this Article.
- B. If an Owner has executed an Independent Agreement prior to the effective date of this Article and the Independent Agreement does not meet the separation requirements of this Article, then notwithstanding the Independent Agreement, the Pipeline Company shall comply with the separation requirements of this Article.
- C. If a Property Owner has executed an Independent Agreement prior to the effective date of this Article and the Independent Agreement provides for separation requirements that are greater than the separation requirements in this Article, then the Pipeline Company shall comply with the terms of the Independent Agreement with the Property Owner.

SECTION 12: EMERGENCY RESPONSE AND HAZARD MITIGATION PLANS FOR HAZARDOUS LIQUID PIPELINES

This section is intended to implement local zoning regulations in a manner designed to facilitate the comprehensive plan's goals and objectives for assessing ongoing mitigation, evaluating mitigation alternatives, and ensuring there is a strategy for implementation. This goal is consistent with the County's legal obligation under Iowa Code chapter 29C to engage in emergency response and hazard mitigation planning and with the need to protect the health and welfare of both residents and emergency response personnel. For these reasons, the County requires Hazardous Liquid Pipelines to provide information to assist the County in its emergency response and hazard mitigation planning as required by Iowa Code Chapter 29C. The requirement to provide emergency response and hazard mitigation information pursuant to this section is not intended to constitute a safety standard and is not intended to conflict with any PHMSA safety standards applicable to a Pipeline Company which regulate the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities.

- A. If an Applicant for a permit pursuant to this Article is a Pipeline Company and if the proposed pipeline is a Carbon Dioxide Pipeline, then the Applicant shall provide the following information to the County for purposes of assisting the County with its emergency response and hazard mitigation planning efforts:

1. A map and legal description of the proposed route for a Carbon Dioxide Pipeline showing all human occupied structures and animal husbandry facilities, by type, within two miles of the centerline of the proposed route including addresses.
2. A description of the health risks resulting from exposure of humans and animals to carbon dioxide released from a pipeline, considering the concentrations of carbon dioxide in the air near to a rupture, the duration in the time of exposure, and the presence of other harmful substances released from a rupture. The description shall identify the exposure level and duration of time that may cause a fatality of persons or animals, and the exposure level and duration that may cause intoxication or other significant adverse health effects.
3. An estimate of the worst-case discharge of carbon dioxide released in metric tons and standard cubic feet from a rupture of a pipeline considering the interior volume of the pipeline, the location of emergency valves that limit release of carbon dioxide, the location of crack arrestors, operating pressure, operating temperatures, and other relevant factors.
4. A rupture dispersion modeling report containing the results of computational fluid dynamic computer model estimates of the maximum geographic ranges of the Fatality Zone and Hazard Zone for the Carbon Dioxide Pipeline in the event of its rupture in a range of weather conditions and representative topography in the County, as well as in low elevation areas of the County where released carbon dioxide may settle.
5. A computer model report showing the Blast Zone for the Carbon Dioxide Pipeline in its proposed location.
6. A list of structures and facilities within the Hazard Zone, Fatality Zone, and Blast Zone for the proposed route of a Carbon Dioxide Pipeline that in the preceding year have contained humans or livestock, and an estimate of the number of persons and livestock in each structure and facility.
7. A list of High Consequence Areas. A High Consequence Area is any area within the Hazard Zone, the Fatality Zone, or the Blast Zone where a single rupture would have the potential to adversely affect 10 or more persons or a facility with livestock.
8. A description of the potential adverse impacts of a rupture of a Carbon Dioxide Pipeline on the humans, livestock, and other

real and personal property within the Hazard Zone, the Fatality Zone, and the Blast Zone for the route of the Carbon Dioxide Pipeline.

9. Identification of alternative routes through the County designed to minimize risks to humans and animals from a rupture of the Carbon Dioxide Pipeline within the County, and an analysis of the risks of these alternative routes relative to the proposed route.
10. All information needed by County first responders, emergency response personnel, and law enforcement personnel in order to engage in local emergency management and hazard mitigation planning, equipment, and training needs. Such information includes but is not limited to:
  - a. A Material Safety Data Sheet/Safety Data Sheet for the materials transported in the Carbon Dioxide Pipeline;
  - b. Agency specific response plans for law enforcement, emergency medical responders, and other response agencies;
  - c. Carbon dioxide detectors and evacuation plans for each Affected Person and human occupied structure;
  - d. Response equipment needs for emergency response personnel, such as carbon dioxide and other chemical detectors, closed circuit self-contained breathing apparatus, personal protective equipment; communications equipment; road barriers and traffic warning signs; and non-internal combustion engine evacuation vehicles;
  - e. A Carbon Dioxide Pipeline rupture emergency response training program to ensure safe and effective response by County and municipal law enforcement, emergency medical services, and other responders during the operational life of the Carbon Dioxide Pipeline.
  - f. A map and list showing the location of all Pipeline facilities located in the County, including emergency valves.
11. Identification of residential and business emergency response needs, including but not limited to:
  - a. A Mass Notification and Emergency Response Messaging System;
  - b. Evacuation plans;

- c. Evaluation equipment needs especially for mobility impaired individuals;
  - d. Carbon dioxide detectors, and self-contained breathing apparatus.
- B. If an Applicant for a permit pursuant to this Article is a Pipeline Company and if the proposed pipeline is a type other than a Carbon Dioxide Pipeline, then the Applicant shall provide (1) a draft emergency response plan or facility response plan for the proposed pipeline; and (2) a detailed description of how the Pipeline Company will work with the County's law enforcement, emergency management personnel, and first responders in the event of a spill, lead, rupture, or other emergency or disaster related to pipeline.
- C. The Board of Adjustment may include a condition in a Conditional Use Permit granted pursuant to this Article that requires an applicant to reimburse the County for all costs and expenses incurred for purposes of emergency response or hazard mitigation planning, equipment acquisition or repair, training, and communications if such costs and expenses are reasonably related to the Pipeline.

SECTION 13: ABANDONMENT, DISCONTINUANCE, AND REMOVAL OF HAZARDOUS LIQUID PIPELINES

In addition to the requirements set by Iowa Code § 479B.32, a Hazardous Liquids Pipeline in the County that is abandoned shall comply with the requirements of this section. A Hazardous Liquid Pipeline shall be deemed abandoned for purposes of this section whenever the use of the Hazardous Liquid Pipeline has been discontinued such that there is no longer regulatory oversight of the Pipeline by PHMSA.

For purposes of the land restoration standards of Iowa Code § 479B.20, the term "construction" includes the removal of a previously constructed pipeline, and the County will treat the removal of a pipeline in the same manner as the Pipeline's original construction for purposes of the County's obligations under Iowa Code chapter 479B.

- A. A Pipeline Company granted a Conditional Use Permit pursuant to this Article shall by certified mail notify the County and all Affected Person in the County of the Pipeline Company's intent to discontinue the use of the Pipeline. The notification shall state the proposed date of the discontinuance of use.
- B. Upon abandonment or discontinuance of use, the Pipeline Owner shall offer to each Property Owner the option to have the Pipeline and all related facilities physically dismantled and removed, including both the below and above ground facilities. The removal of the Pipeline and the related Reclamation and Reclamation Costs shall be the Pipeline Company's responsibility and shall be completed within one-hundred eighty (180) days from the date of abandonment or discontinuation of use unless a Property Owner agrees to extend the

date of removal. Such an extension must be by written agreement between the Pipeline Company and the Property Owner, and the agreement shall be filed at the Jones County Recorder's office and a copy delivered to the County by the Pipeline Owner.

- C. A Property Owner shall not be required to have the Pipeline removed, but if the Property Owner agrees to the removal and Reclamation, the Property Owner shall allow the Pipeline Company reasonable access to the property.
- D. Upon removal of the Pipeline and the Reclamation, the Pipeline Owner shall restore the land according to the requirements of Iowa Code § 479B.20 and the rules adopted thereunder at Iowa Administrative Code [199]-9.1(479,479B). including all amendments thereto.

*SECTION 4. REPEALER. All Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.*

*SECTION 5. SEVERABILITY CLAUSE. If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.*

*SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.*

The Engineer met with the Board for the approval of temporary seasonal help and to give an update on contract rock and increased sign vandalism.

Moved by Zirkelbach seconded by Oswald to hire Lauren Bader as seasonal office technician effective May 13, 2024 at \$17.00 per hour and Calvin Prull as seasonal laborer effective May 13, 2024 at \$16.00 per hour. All aye. Motion carried.

The Board gave brief reports on past and future committee meetings.

Moved by Swisher seconded by Oswald to adjourn the meeting at 9:53 a.m. All aye. Motion carried.

Attest: Whitney Hein, Auditor

John Schlarmann, Vice-Chairman