

Planning & Zoning Meeting Minutes  
May 9, 2024  
Butler County Courthouse

**Present**

Planning and Zoning Commission members:

Deb McWhirter  
Jane Close  
John Backer  
Roger Kregel  
Rosemary Willson

Others:

Misty Day, Zoning Administrator  
Jan Mulder  
Sherman Lundy, BMC Aggregates  
Jeff Kolb, BGDA  
Kristin Clay, Poet  
Jeff Reints, Reints' Farms

Deb McWhirter called the meeting to order.

A motion was made to approve the agenda as presented by John Backer and was seconded by Roger Kregel. Motion passed.

A motion was made to approve the minutes from the previous meeting dated 3/21/24, by Roger Kregel and was seconded by Jane Close. Motion passed.

**Old Business:**

None

**Public Hearing:**

Chair McWhirter opened the public hearing on a request by BMC Aggregates to rezone 71.2 acres from A-1 to A-2 for sandpit dredging operation on a parcel located in the W ½ NW ¼ of Section 34, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M.

Administrator Day presented her staff report and stated that included in their application is the reasoning for wanting to open a dredging operation at this location which is to support the Menards Plant just North of Shell Rock. Day also stated that CSR for this parcel was 56 so it is not prime farm ground and she talked to Jeff Kolb and John Riherd regarding the compatibility and traffic load for this operation and neither had any concerns. At the end of this dredging operation, the dredge lake would become a recreational area that may possibly be inherited by County Conservation, although that would be 40-50 years down the road. Day stated that the parcel was in the 100-year floodplain and while she did have some initial concerns on the berm impact to the floodplain, BMC would be required to obtain floodplain permits from the DNR and Corps of Engineers, who will also assess wildlife and habitat interference, in addition to mining permits

from the Iowa Department of AG so these things will be looked at more closely through that process.

Sherman Lundy, Geologist for BMC Aggregates, was present in support of their application and started by saying the bulk of the sand from this operation will support the Menards Plants' needs and BMC wants to provide long term substantial material in quantity for their operation especially since the Hobson pit across the road only has 10-15ft of sand left and is essentially mined out. Lundy further stated that the character of the sand at this location is coarse, making it ideal for concrete and road construction in addition to supplying Menards quality material. Lundy also explained that the dredge operation will only be dredging for a few weeks of the year, there will be no interference with wells, and they will be making sure the run off does not go back into the lake as required by the DNR and the EPA. Lundy explained how the dredging operation will work and also mentioned that the nearby Adams pit is also running low and the sand is more fine.

Roger asked the max depth of the dredge lake, and it was determined that it would be 50ft deep.

Lundy continued by outlining the site plan including the stockpile, scale house, and dredge lake area. The parcel will be taken out of CRP but only 1 to 2 acres will be dredged per year. The berm will be planted and seeded down with native, deep-rooted plants and the berm will also help keep surface water from draining back into pit.

Poet's representative, Kristen Clay, was present with questions regarding their discharge pipe which may run through their parcel, as well as concerns with the dust interfering with their operation, the impact to the floodplain and how this operation would affect flooding to their site, and concerns with well interference. Discussion was had whether there was an easement on file for the discharge pipe and Administrator Day stated that this is something that will need to be investigated further.

Lundy felt there wouldn't be dust involved or any well interference due to it being a wet sand dredging operation, rather than a rock excavation that requires blasting and pumping down of water.

Jeff Reints was present on behalf of Reints' Farms and asked about traffic and access to the pit and it was determined that there would be approximately 25 loads per day and the traffic would mostly be from Hwy 3, however, this same traffic is already going to the pit across the road so it would not add any additional truck load.

Rosemary Wilson asked about the setbacks and if this would impact Hwy 3. It was determined that the DOT has been made aware of this project and the Butler County Zoning Ordinance does require a 125' setback from a road right-of-way.

Reints said the only issue he saw was having to reroute the snow mobile trail, but otherwise he did not feel this operation would affect the development on his adjacent parcel. Lundy made clear there is no recreation allowed and they will prosecute.

Email from Steve Holding of Shell Rock was read and which is attached hereto.

Lundy stated that BMC Aggregates wants to be good stewards and mine responsibly. Jeff Kolb with BGDA wants to retain businesses such as Menards and was fully in support of this project.

Roger Kregel thought it would add value with the future lake and likes that it is a wet vacuum dredging. The public hearing was closed and there was no further discussion.

A motion was made to approve the request to rezone this parcel to A-2 by Roger Kregel and was seconded by John Backer. Motion passed.

The Zoning Commission reviewed Reints' Minor Plat located in the Southwest Quarter of the Southwest Quarter of Section 4, Township 91 North, Range 15 West of the 5<sup>th</sup> P.M., Butler County, Iowa.

Administrator Day provided the Plat and stated that Frank Reints had built a shop on this parcel under the AG exemption. He has now passed, and his son is wanting to split off the shop as an acreage site to build a residence. The CSR is below 70 and is not ideal farm ground. Administrator Day stated that she saw no concerns with the Minor Plat.

A motion was made to approve Reints' Minor Plat by Rosemary Wilson and was seconded by Jane Close. Motion passed.

**New Business:**

Administrator Day touched on a couple of Subdivisions that might be coming up as well as an existing Subdivision North of Shell Rock that has been purchased by a new developer who is in the process of installing the road improvements.

A motion to adjourn was made by Jane Close and was seconded by Roger Kregel. Motion passed.

Misty Day, Planning and Zoning Administrator



## Misty Day

---

**From:** Steve Holding <steveholding9241@yahoo.com>  
**Sent:** Monday, May 6, 2024 8:18 AM  
**To:** Misty Day  
**Subject:** REZONE 72 acre sand pit

[You don't often get email from steveholding9241@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Concerns: Lost of farm land- even if it is sandy soil- wet lands and grasses are fragile ecosystems. Sand pits scar the landscape, destroying habitat of animals and micro organisms also affecting ground water recharge. Open sand pits allow storm water run off into pits that have an opening to the aquifer which contaminants could directly enter the ground water, everyone who uses the aquifer will face the consequences of poor water quality, bacteria, herbicides, pesticides and other chemicals due to a large sand pit operation.

Will BMC install monitoring wells to insure neighboring farms and communities are not affected by this operation?

Will BMC pay for the repaving of roads and construction of turning lanes?

POET has 100 semi daily on Hwy 3 much more with the combined traffic due to the industrial complex south of Hwy 3— we have fought with pipelines “ carbon capture “ Now add more trucks and equipment, more carbon.

When our wells become non-potable or go dry- who will pay for new wells?

With sand pits north, north east, south east of this location, does BMC really need another pit? Will the county profit with tax dollars from sand mining? The people that live here deal with the problems caused by another corporation's greed.

The industrial complex has multi million dollar businesses- they do bring tax revenue and jobs to Butler county- however there exist a dark side too- farm land gone, eyesores of the landscape, more traffic, pollution and of course more carbon destroying our environment.

OUR environment— everyone- not just those who profit or simply won't or don't care the damage they are doing.

We stand firmly against BMC opening a sand pit at this location!

It is my hope the Zoning Commission seriously considers all issues concerning this proposal.

Sincerely,

Mary Roettenbacher  
Steve & Gwen Holding  
20596 Utica Ave  
She'll Rock Iowa

Sent from my iPad