

Staff recommends approval of this application as it appears that a practical difficulty has been demonstrated.

The Board had no questions for staff or the applicant.

Motion by Grace to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Special Exception JSE19-0001, and to approve case JSE19-0001, Second by Hoover.

Hoover	Aye
Machacek	Absent
Harstad	Absent
Stone	Aye
Grace	Aye

JC19-0001	Mike Tertinger	Glenn Harman, Iowa DNR, Owner	Conditional Use
		Paul Berland, NE Iowa RCD, Applicant	Floodplain Permit

Tertinger presented the staff report.

The applicant is requesting a Conditional Use Floodplain Permit for excavation within the floodway. The applicant proposes to remove the low-head dam on the Wapsipinicon River at Troy Mills and replace it with rock arch rapids. The objectives of the project are to eliminate the need for repeated repairs and potential dam failure, eliminate a known drowning hazard associated with the hydraulic roller, improve passage for native fish and endangered mussel species, maintain existing upstream surface elevations, provide safer passage for water recreationalists, and improve fishing opportunities. The impacted project staging area will be reseeded, and the temporary access ramp will be removed once excavation and construction activities are complete.

The applicant is required to submit a “No-Rise” certificate, as it is important to ensure excavation activities will not cause a rise in flood heights or velocities. The applicant must obtain all relevant permits required by state and federal entities. The proposal meets all applicable standards for approval in Article VII, Section 107-144 of the Unified Development Code.

Staff recommends approval subject to the conditions of the staff report.

Paul Berland (applicant), NE Iowa RCD, offered to answer any questions from the Board or public.

James Lopata, 3300 Linn Buchanan Road, expressed concern for the water level of the river after the dam has been replaced and for the wildlife that inhabits the backwaters, wondering if draining the backwaters is necessary for dam construction.

Berland insisted that the proposed engineering will have no effect on the existing wetlands. He explained that during construction, they will create check dams in order to keep the water away from construction, but maintain existing water level behind the dam. He insisted that the new rock arch rapids will maintain almost the exact elevation as the current dam, but noted that there may be a slight decrease of approximately 4 inches at lowest levels. This difference is necessary in order to comply with a No Rise Agreement. He stated that if the current dam were to breach again, there are no funds to fix it.

Lopata understood, but insisted that if the water level were to drop after construction, he would file a lawsuit.

David Rizzo, 3206 Shore Lane, spoke in support of the rock arch rapids. He stated that he would prefer if the river channel were put back on the other side of the river, where it used to be. He also wondered if the cement that is removed during construction could be used to line his river bank.

Berland explained that the proposed design of the rock arch rapids would be to create a thalweg that would force the water flow back through the original river channel.

Motion by Hoover to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use Floodplain Permit JC19-0001, and to approve case JC19-0001, Second by Grace.

Grace	Aye
Hoover	Aye
Stone	Aye
Machacek	Absent
Harstad	Absent

V. OTHER BUSINESS

VI. APPROVAL OF MINUTES

The minutes of December 26, 2018 Board of Adjustment meeting were approved as submitted.

VII. ADJOURNMENT

The meeting was adjourned at 6:59 p.m.

Respectfully submitted,

Sabrina Grace, Chair

Jessie Black, Recording Secretary