

**DES MOINES COUNTY, IOWA
FLOODPLAIN ADVISORY BOARD
REGULAR MEETING MINUTES
THURSDAY, JANUARY 9, 2020**

The Des Moines County Floodplain Advisory Board met in regular session on January 9, 2020 at 4:30 P.M. in the SEIRPC offices, West Burlington, Iowa.

1. Call to Order

Land Use Administrator Zach James called the meeting to order at approximately 4:31 P.M.

2. Roll Call

Board Members Present: Jeff Bergman, Tom Broeker, Bob Prall, Vicki Stoller, Ron Wunderlich

Board Members Absent: None

Staff Present: Zach James and Jarred Lassiter

Public Attendance: None

3. Changes to the Tentative Agenda

No changes were made to the tentative agenda.

4. Meeting Minutes

Motion #1: To approve the Minutes of September 11, 2015 meeting.

Motion by: Tom Broeker

Seconded by: Vicki Stoller

Vote: Unanimous vote. Motion carried.

5. New Business

A. Discussion of Member Term Lengths, Possible Changes to Established Procedure

Mr. James noted that two members – Mr. Bergman and Ms. Stoller – were officially reappointed to the Board in December 2019. He acknowledged that there appeared to have been a mistake in the 2015 resolution to reappoint those same two members, as it said that each would be serving a 4-year term to expire in August 2019. However, when staff consulted the 1993 resolution that created the Board (plus two subsequent amendment resolutions), it became clear that Ms. Stoller's term, as representative of the Levee & Drainage District, should only be for 3 years, while Mr. Bergman's term, as a County Resident, should only be for 2 years. As such, the 2019 reappointment resolution indicated that Mr. Bergman would serve a 2-year term to expire in 2021, while Ms. Stoller would serve the remainder of a 3-year term to expire at the same time.

Mr. James asked the Board whether they felt it appropriate to continue using the same term length structure or amend it to extend all 2- and 3-year terms to 4, considering how infrequently the Board tends to meet. Mr. Bergman recommended that the Board continue using the same structure, for the sake of simplicity. He also stated that the Board should make an effort hold at least one meeting per year, which is also a requirement noted in the 1993 resolution. Mr. Broeker agreed, and suggested that the Board set aside a specific month and date to be used for a recurring annual meeting. Mr. James noted that the 1993 resolution actually requires 2 meetings per year, instead of just one. After further discussion, it was

determined that 1 meeting per year is sufficient, unless there is a specific case/event that triggers the need for a second meeting (or more). The members discussed which month of the year would work best, and it was determined that the 4th Thursday in January would be the best option for an annual meeting.

B. Introduction of new FEMA Flood Insurance Study for Des Moines County, August 2018; Preliminary FIRM maps

Mr. James noted that FEMA released a new Flood Insurance Study for Des Moines County in August 2018, which resulted in a set of new preliminary floodplain maps for the county. He discussed the methodology for this latest study, which involved high-resolution LIDAR imagery supplied by the Iowa DNR – a process that is being undertaken in counties throughout the state. Several examples of changes to the maps were presented to the Board, including the presence of new floodplains in the Cities of Danville and Mediapolis.

Ms. Stoller noted that LIDAR has still proven to be insufficiently precise in the Levee District's territory, in which the topography is very flat, and even minor changes in elevation can result in a major difference in how the land is impacted by a flood event. She referenced the previous FEMA floodplain study from 2015, which she stated was wildly inaccurate, and did not take into account the presence and impact of their levee, drainage ditches, and pumping systems. She noted that the maps were subsequently updated to incorporate an independent engineering study undertaken for the Levee District by Klingner & Associates.

Mr. James outlined the process that had occurred since the release of the study, and what has yet to occur in order for the new maps to become effective. Mr. Lassiter stated that in a phone call with a DNR staff member two days earlier, he learned of a surprising new development, where, due to complications encountered in several places across the state, the new Des Moines County maps would not become effective until approximately January 2022, about 18 months later than previously anticipated. He noted that the primary issue involved was the failure of floodplain data to sync up at county boundaries, with Des Moines and Lee Counties along the Skunk River being an example.

Ms. Stoller referenced a major issue encountered in the recent study for Louisa County, in which the initial maps did not take their levee system into account, showing the entirety of the District in that county as being in the 100-year flood fringe. This was all despite the similar issue that had already been addressed in Des Moines County several years earlier. She asked if different counties were using the same data for their studies. Mr. James noted that different counties sometimes use different consultants, although the source data is always LIDAR imagery from the DNR. Ms. Stoller said it appears that these consultants are not coordinating with local stakeholders in advance, to inquire about local levee and drainage systems. Mr. James provided another example from Lee County, where the recent study showed the entire Green Bay Bottoms area as being within the 100-year flood fringe, despite the presence of a levee. Ms. Stoller said that this levee was recently re-accredited. Mr. Lassiter noted that when the consultant did the study for Lee County, the LIDAR data was several years old and did not address the recent elevation of land for the foundation of the Iowa Fertilizer Plant.

The discussion ended with the idea that this topic would come up again in the future as the maps become closer to being effective in 2022 or if there is a need to discuss for another purpose.

C. Review / Recommend Floodplain Development Ordinance Changes, as part of Larger Land Use Ordinances Update for FY2020

Mr. James explained that SEIRPC staff was currently in the process of a major overhaul of the Des Moines County's Land Use ordinances, and although the bulk of the attention would focus on the Subdivision and Two-Mile Zoning Ordinances, they have opted to review the Floodplain Development Ordinance as well. Initially, it was assumed that as part of the Ordinance amendment, staff would change the date at which the current effective maps were approved, for enforcement purposes. Because that process has been delayed by a year and a half, that matter will have to be handled separately as a standalone amendment at a later date.

Mr. Lassiter supplied each of the members with a copy of the current Des Moines County Floodplain Ordinance, along with a copy of the latest version of the Iowa DNR's Model Floodplain Ordinance for Counties. He noted that staff had just obtained a copy of the Model Ordinance two days earlier and had not yet had the chance to fully review it. He suggested to members that they review and compare the two documents on their own time over the next few months, and contact staff if they had any questions or comments.

Mr. James outlined one proposed substantive change to the Ordinance that had already been encountered through recent enforcement efforts – a change to the definition of the terms 'Substantial Damage' and 'Substantial Improvement'. The definition that Des Moines County currently uses only references damage from one individual flood event, whereas the alternative definition provided by the DNR Model Ordinance also references damage incurred from two separate events during a 10-year period, where the cumulative damage from both amounts to 50% of the building's pre-damage value.

Ms. Stoller asked what the significance of these definitions was to enforcement of the Ordinance. Mr. James stated that they are used for determining if property owners are eligible to funding assistance from the Increased Cost of Compliance program through FEMA, for efforts to mitigate future flood damage (such as raising or demolishing a river cabin). He further noted that if Des Moines County adopted the alternate definition, it would likely increase the number of property owners that would be eligible for such assistance.

Mr. Lassiter noted that the Advisory Board appears to have discussed this matter previously, as suggested by the meeting minutes from April 28, 2011. At the time, the Board had decided not to adopt the expanded definition, as they felt there would not be sufficient resources to enforce it. Ms. Stoller suggested that this was likely due to the fact that the previous Land Use Administrator, Jeff Hanan, felt that one person was insufficient for the task of making numerous substantial damage calculations at one time, following a major flood event that affected many people.

Mr. Wunderlich noted that many of the river cabins have already been raised, and thus, future flood events will not likely instigate as many substantial damage claims as previously (such as 2008). Mr. Lassiter suggested that whether or not that is the case, the County should not use staff time burden as the sole reason for not adopting the expanded definition, and that two key benefits should also be considered – 1) allowing additional County taxpayers to reduce the risk of future property damage, and 2) enabling more obstructions to be raised out of the floodplain.

Ms. Stoller asked Mr. Prall about his experience with Increased Cost of Compliance claims, and he noted that in only one such instance did the owner have the building demolished – every other time, it was raised. Ms. Stoller asked if he has received many such claims from across the river in Henderson County, Illinois, and whether he knows if Henderson County had adopted the expanded definition of 'substantial damage'. Mr. Prall said that he did indeed receive a number of claims from there, and Mr. Lassiter noted that staff could inquire with Henderson County officials about which definition they use.

Mr. Lassiter stated that in a conversation with a DNR staff member, he learned that the expanded definitions were likely to be highly advantageous to property owners along the Mississippi River, but not as much to those living along small streams in the interior of the county. Mr. Broeker asked for clarification on why this would be the case. Mr. Prall noted that the issue with inland property owners is due to likelihood of increased rates when an owner experiences more than one flood event over a 10-year period. In contrast, those with river cabins are likely to want them raised and would welcome the opportunity for funding assistance to do so. Mr. Wunderlich asked staff if they had ever received any substantial damage claims from inland property owners. Mr. James said that they had not, and all claims received in the past two years were from along the Mississippi River. In addition, he did not recall seeing any record of such claims from prior to Jeff Hanan's passing in 2017. Mr. Wunderlich said that because of this, it seems that the benefits would clearly exceed the costs, if Des Moines County were to adopt the expanded definition.

At just over 1 hour and 10 minutes into the meeting, Mr. James indicated that he needed to leave due to another scheduled commitment. Mr. Lassiter stated that given how much time had been spent discussing 'substantial damage/improvements', it was not necessary to discuss the handful of remaining items from the prepared staff presentation. He noted that these items are all included in the DNR Model Ordinance that had been distributed to members, and a copy of the presentation would be e-mailed to members following the meeting. He further noted that after staff has a chance to fully review the Model Ordinance, they will likely conduct further outreach with DNR staff on the handful of larger changes being suggested.

6. Old Business

None

7. Public Input

None

8. Future Agenda Items

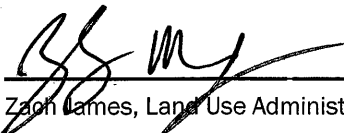
Mr. Lassiter noted that staff intends to convene another meeting in approximately 2 to 3 months, once a final draft of the updated Floodplain Development Ordinance has been prepared and submitted to the Advisory Board for review. This will provide the final opportunity for the Board to suggest additional changes to the Ordinance, or offer questions, before the draft is taken to the Board of Supervisors for the required public readings and final approval.

9. Adjournment

Motion #2 To adjourn
Motion by: Jeff Bergman
Seconded by: Bob Prall
Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 5:45 P.M.

DATE OF APPROVAL: August 24, 2021

ATTEST: 
Zach James, Land Use Administrator