

Board of Supervisors Minutes
May 31, 2022

8:30-9:30 Work Session/Public Comment Time

Present: Supervisors Vest, Faircloth, Anderson. Auditor Kopsa, Asst. Auditor Karen Rohrs, several members of the Tama County Against Wind Turbines Coalition. No discussion. Lyle Brehm, County Engineer, stopped in to discuss a Funding Agreement for Toledo 21 Bridge Replacement. Project #BRS-SWAP-CO86(107)—FF-86, Agreement No. 1-22-HBP-SWAP-003 that he has on the agenda for the official meeting today.

The Tama County Board of Supervisors met at 9:30 a.m. May 31, 2022. Present: 1st District Supervisor, Larry Vest; 2nd District Supervisor, Bill Faircloth and 3rd District Supervisor, Dan Anderson.

Motion by Faircloth, seconded by Vest to approve the minutes of the May 23rd regular meeting. All voted aye. Motion carried

The Board met with Lyle Brehm, Tama County Engineer, to get a road projects report. He asked the Board to approve and authorize the Auditor to sign a Funding Agreement for Toledo 21 Bridge Replacement. Project #BRS-SWAP-CO86(107)—FF-86, Agreement No. 1-22-HBP-SWAP-003. Motion by Vest, seconded by Faircloth to approve and authorize the Auditor to sign a Funding Agreement for Toledo 21 Bridge Replacement. Project #BRS-SWAP-CO86(107)—FF-86, Agreement No. 1-22-HBP-SWAP-003. All voted aye. Motion carried.

The Board has received a request for the use of the courthouse lawn for bible reading. This has been done in the past. The dates requested for this are June 27 through July 1st from 8 am until 6 pm and July 14th from 7 am until 8:30 am. Motion by Faircloth, seconded by Vest to allow the courthouse lawn to be used for bible reading June 21 through June 25 and July 14th. All voted aye. Motion carried.

Motion by Vest, seconded by Faircloth to accept the Advisory Services Cost Allocation Plan. All voted aye. Motion carried.

Motion by Faircloth, seconded by Vest to approve the claims for payment as presented. All voted aye. Motion carried.

At 10:00 the Board meet with representatives of the Tama County Citizens Against Wind Turbines to discuss action on regulation of land use. There were 33 people present along with Deputy Sheriff Killian. Richard Arp, John Winkelpleck and Kathy Krafka Harkema were members of the group speaking to the Supervisors. The group was given 15 minutes to speak. Rita Dostal was present, she lives by Joe Mattingly, and shared with the Board that she had been approached by Salt Creek about putting a turbine on her property and she told them no. They came back twice and she told them no both times. She feels that is harassment. Stated there is a map out there with turbines marked on it and she wants removed from it. It is not a done deal until a contract is signed and she did not sign one so she wants removed from their map. The question was asked about how many landowners have been asked about having a turbine on their property, several in attendance

responded yes or raised their hands. She asked the Supervisors to listen to their concerns, feelings, emotions not to say it is a done deal and move on. She feels they are not being listened to. Faircloth was able to get out of his contract so she feels anyone should be able to cancel their contract. Are the Supervisors “bought”, scared of being sued. It takes a strong person to stand up and say no. Winkelpleck stated that he is pleased to be on the agenda today, he is a 4th generation farmer. Mr. Arp state he is also a 4th generation farmer.

They would like action to be taken on land use regulation of Ordinance VI.I WECS Ordinance. Feels the group has presented different options and examples of updates to the ordinance in examples from other counties and states. Vest, no comment because the Supervisors have already taken action to reaffirm this ordinance at a previous meeting.

A second action the group would like the Supervisor to act on is to vote on a moratorium for future industrial projects beyond Salt Creek Phase I. He asked, will you do that today? If not, why? Vest, Faircloth and Anderson all answered no comment.

Third action item they ask is for the Board of Adjustment to not issue any more Conditional Use Permits or Special Conditional Permits to put turbines on Tama County agricultural land if the land is being farmed. It is ag not industrial.

Fourth action item was to have county staff monitor and enforce the ordinance starting today. If this is done, it will protect public safety. There are gaps in the current ordinance regarding monitoring and enforcement. Then in the future it needs to be updated with more stringent amendments to protect the public.

Fifth action item they ask is for county staff to work with the Sheriff and 911/EMA departments to make sure the new communication system has no interference from the turbines during the application and approval of each specific turbine and location. If that specific info isn't supplied the application should be denied. County officials should make sure all this information is provided.

Sixth action item is for the Auditor to publish online and on the county websites at tamacounty.org per Iowa Code Chapter 21 of open meetings law. This needs to include work sessions. Should be publishing full minutes of official meetings also.

The group restated their items for action:

1. Initiate process of updating the WECS Ordinance
2. Formally request a vote on a moratorium on future projects or repowering beyond Salt Creek Phase I
3. Starting today asking the Board of Adjustment not issue any more Conditional Use Permits on land zoned as ag.
4. Tama County staff continually monitor and enforce the ordinance
5. County staff work with the Sheriff and communications office to make sure there is no interference with any type of communications systems. The height of fully extended blades should be checked to make sure they don't exceed guidelines
6. County staff maintain and publish minutes in full online along with all work sessions/public comment sessions per Chapter 21

Winkelpleck asked, what are your considerations? Vest replied, no comment on the advice of our attorney.

It is now 10:20.

Vest spoke of the possibility of a lawsuit due to a moratorium and change in the ordinance. Referenced information from Kurt Boerm at a previous meeting. Salt Creek has invested \$12-15 million in the project so far and we have been told we could be sued. Winkelpleck asked, when did Mr. Boerm become the spokesperson? He's not half the man we thought he was.

Arp, we are not trying to stop Phase 1. Have seen a lawyer and commented on a moratorium not a change to the ordinance.

Vest, the developer is responsible to troubleshoot if there is interference with a communications system.

Harkema, what is needed for that to be done before the turbines are up? She wants that done upfront. Have the pads been checked?

Vest, there has been a conversation with someone, not sure who, about conflict with the communication system.

Comment from group – when did Boerm become a lawyer?

Winklepleck, Larry you reference Boerm because you live with him in Traer. You listen to him but not 900 concerned citizens.

Rita Dostal stated again that she will not have a turbine on her farm.

Heather Knebel stated the \$12 million invested has been from 2009 to present not just recently.

Winklepleck, would like a vote for a moratorium.

Comment from group – this is getting heated, need to calm down, reasoning is important. I am not for wind turbines. You need to do what is reasonable, right and true.

Comment – who is paying for all of this issue? How are they being paid?

Vest – Heartland Insurance Risk Pool is. They are a group of 10 counties. Each county has access to this attorney.

Harkema – Carlton is being paid through the Heartland group. How many attorneys are being paid when we already have a county attorney we are paying?

Vest – you are now at 32 minutes.

Anderson – I believe we need to adjourn.

Harkema and Winklepleck – Will you take action on any of these items?

Vest – 35 minutes.

Nancy Smith – do you have a handbook on how to handle issue like this?

Mr. Arp gave the County Auditor a list of questions and the presentation for today.

Chairman Anderson adjourned the meeting 10:33 a.m.

Full copies of the notes taken and the questions and information from the group are available at the County Auditor's office.