

# TAMA COUNTY ZONING BOARD OF ADJUSTMENT MINUTES

Tuesday November 12, 2024

## MINUTES:

Board members present: Mike Seda, Todd Sebesta, Nikki Novak, Nancy Yuska, Kurt Kelley (By phone)

Members of the public: David Turner, Bev Espenscheid, Sandy Wilson, Janet Wilson, Lori Jencks, Laura Wilson, Heather Knebel, Wade Mitchell, Lori Johnson, John Wagner, Shawn Shearer (Attorney for Espenscheid) several others (Many chose not to sign in)

Newspaper staff: Ruby McAllister

Attorney: Steve Leidinger

Meeting was called to order at 6:00 PM by Chairman Mike Seda.

Motion to approve agenda by Novak, second by Sebesta. All Ayes. Motion carried.

There were no questions or comments concerning the previous minutes.

Novak addressed the board and public and explained the good neighbor agreement they have with Salt Creek. She advised that she was not going to recuse herself. Yuska also addressed the board and public and advised that she did not feel that she has a conflict in this case.

Letters submitted by Charles and Lori Johnson, Laverne Wegner, Chris Behrens and Trisha Jesina were read to the board and public by Yuska.

Attorney Shawn Shearer presented his case as to his opinion(s) as to why he does not believe that the zoning certificates should have been issued by Vokoun. Attorney Steve Leidinger presented his case as to his opinion(s) why he believed the zoning certificates were properly issued. Vokoun answered a number of questions from both Shearer and Leidinger concerning his decision to issue the certificates.

Scott Schnider questioned the certificates being issued because of the model and size of the turbines.

Casidy Arp read a letter from her husband, Dan, as he was unable to revoke his wind lease.

Heather Knebel talked about the CUP and FAA issues. Says FAA studies have expired and that the birds and bats change course and don't fly in the same area. She asked the public to show by raising their hands if they believe that the board should revoke Salt Creeks permits. The majority of the people present raised their hands at that time.

Richard Arp stated that the board needed to act like a jury and make sure beyond a shadow of a doubt that what he did was perfectly legal.

Mark Doland commented that Vokoun had orchestrated his answers with the attorney. He stated that they are pushing to get this done before the end of the year.

Laura Wilson commented that Leidinger had said that the CUPs had no bearing, but if they are basing zoning permits on CUPs that had been fraudulently or misrepresented to the Board of Adjustment. There is no time limit on reviewing the CUPs with the current zoning permits, if more information has come to light. She asked them to consider that the CUPs and Zoning Permits are linked, as two parts of a whole in their review.

The board members then went into discussion on the matter as if Vokoun acted appropriately or not when he issued the zoning certificates. Yuska pointed out that the new permits identified a description of a turbine that was not approved on the Conditional Use Permit. She also calls out wording from Article XX of the Tama County Ordinance that does not match with the information provided by Salt Creek for their applications and was failed to be requested by Vokoun before approving the applications. Novak commented that if the Zoning Permits were issued based on what was in the CUP, she points out that the information did not match and did not think the permits should be valid. Seda comments that he felt Vokoun did issue the permits according to the zoning ordinance. Seda asks "Did Bob Vokoun issue the permits according to the ordinances in place". Leidinger suggests that Seda make a motion to affirm, modify or reverse, so he suggests that he makes one of those motions. Seda asks someone on the Board to make a motion. Yuska made a motion "that we reject, rescind, revoke, overturn and reverse Bob's decision to assign the all of these certificates". Leidinger asked Yuska to revise her motion in an opposite affirmative statement.

Revised motion by Yuska "to affirm Bob Vokoun's decision to issue the permits". Second by Novak. Roll Call Vote:

Kelley: Yes

Novak: Nay

Yuska: Nay

Sebesta: Yes

Seda: Yes

Motion carried three "yes" to two "no", "affirming Bob Vokoun's decision to issue the work permits".

Motion by Sebesta to adjourn the meeting. Second by Yuska. All in favor. Meeting adjourned at 7:52 PM

Respectfully Submitted,

Laura Wilson

(Originally submitted by Bob Vokoun on 1/6/25. Revised by Laura Wilson for meeting 6/17/25.)