

Board of Supervisors Minutes
April 7, 2025

The Tama County Board of Supervisors met at 8:30 a.m. April 7, 2025. Present: 1st District Supervisor, Curt Hilmer; 2nd District Supervisor, David Turner; 3rd District Supervisor, Heather Knebel; 4th District Supervisor, Mark Doland and 5th District Supervisor, Curt Kupka. Also, Tama County Auditor, Karen Rohrs, members of the public and Sheriff Schmidt.

The Pledge of Allegiance was recited.

Motion by Turner, seconded by Kupka to approve the agenda. Discussion: None. All voted aye. Motion carried.

Public Comments: Public comments were heard from Laura Wilson. Public comment time closed at 8:33 am.

Motion by Knebel, seconded by Turner to approve the minutes of the March 31st Levy Rate Public Hearing. Discussion: None. All voted aye. Motion carried.

Motion by Hilmer, seconded by Kupka to approve the minutes of the March 31st regular meeting. Discussion: None. All voted aye. Motion carried.

The Board met with Ben Daleske, Tama County Engineer, to get a road projects report. Daleske also had two utility permits for the board chairman to sign. Both permits are for Poweshiek Water Association. One permit is on P Ave and the other is on Q Ave. Motion by Kupka, seconded by Turner to approve the board chairman to sign the two utility permits as long as the ditch is cleaned out for the P Ave permit so issues are not discovered down the road. Discussion: None. All voted aye. Motion carried.

Daleske had previously approached the board to recommend 10-hour days. The union has not voted on if they would like the 10-hour days. Motion by Turner, seconded by Kupka to table any action on 10-hour days for the roads department. Discussion: None. All voted aye. Motion carried.

Turner informed the board that him, the maintenance director, and a couple of ISAC IT members had visited the different county facilities to look at county equipment. When the contract was signed in November with Aureon it was not discovered that there was no power over the Ethernet to supply power to the phones. Options would be to do nothing and let the contract with Aureon go, do the least expensive option to get power over the Ethernet which would be wall warts, or go a more expensive route with Meraki. Motion by Hilmer, seconded by Turner to table a decision on power over the Ethernet for the new Aureon phone system until more research can be completed. Discussion: None. All voted aye. Motion carried.

At last week's meeting a public hearing was set for April 21st at 9:30 am to repeal Ordinance VI.5(6.5) Wind Energy Conversion Assessment Ordinance. Three public hearings need to be set. If after holding the first public hearing the board may waive the second and third hearings, but those dates must be set. Motion by Turner, seconded by Knebel to set the second and third public hearing

dates and times for April 22nd and April 23rd at 8:30 am. Discussion: None. All voted aye. Motion carried.

There had been discussions at previous meetings regarding the sheriff's office donating phased out patrol vehicles. The sheriff presented a draft of a proposed Tama County Surplus Property Donation Policy for the board to look over. Sheriff Schmidt stated he would like the county attorney to look over the draft of the proposed Tama County Surplus Property Donation Policy before having the board approve it. The sheriff will also research on whether the notice of donating the vehicle needs to be published. Motion by Hilmer, seconded by Turner to table approving the proposed Tama County Surplus Property Donation Policy until the county attorney can look at it. Discussion: None. All voted aye. Motion carried.

Motion by Kupka, seconded by Turner to approve the Sheriff's Quarterly Report. Discussion: None. All voted aye. Motion carried.

There were no hiring freeze exemptions to act on.

Motion by Turner, seconded by Kupka to approve the claims for payment as presented in the amount of \$296,041.04. Discussion: None. All voted aye. Motion carried.

Each supervisor gave an update regarding committee meetings they have attended and things happening in their districts.

Hilmer from district 1 stated that not much had been going on in his district. He has been receiving the usual phone calls from citizens needing rock. He stated he had attended the board of health meeting, but that he did not make it to the aging meeting. He stated the 6th judicial meets once a year and that the state is taking it over.

Knebel from district 3 stated she had met with Michelle Roseburrough who is a business engagement consultant based out of Marshalltown. They discussed economic development, jobs, hiring challenges, housing, businesses, budgets, grants, etc. Michelle has a team that works with her that she will take all of this back to and hopefully come up with some ideas on how to help Tama County. DECAT was started in 1987 and is made up of Jasper, Poweshiek, and Tama Counties. DECAT works with CPPC (community partnerships for protecting children). DECAT is also known as JPT. The board approves the contract for CPPC. The funding starts at the state level from HHS. Knebel is going to reach out to public health to make sure they are taking advantage of the program. She stated she also serves on the Heartland Risk Pool board as a trustee and the board has approved giving Tama County \$25,000 to use on the current lawsuit that the board of supervisors are in with Salt Creek Wind for their outside counsel. She stated Heartland is having CD's coming up for renewal and she is looking into the 28E to see if they can be renewed with our banks to help bring in more revenue. 2025-2026 Holmes Murphy renewal is completed. This is our liability, employment, equipment, and property insurance. Will be interviewing IT candidates soon.

Doland from district 4 stated mental health is still working on a transition plan. Our new district will be to the west of us with Marshalltown. He stated they are trying to expand Libby's role to offer more mental health services. It is becoming clearer how mental health will be handled after

July 1st. He stated he attended an online webinar with public health. Each county will report to access points to help streamline services.

Kupka from district 5 stated it has been quiet at the landfill. He has worked with the engineer on a tile crossing. He has been going out and looking at what people have been reporting to him.

Turner from district 2 stated he saw a demo of the new phones and software. The phone and software have a lot of good features. He attended an essential services meeting and that they are still working on determining the fund distribution. They are looking for more board representation from the citizens up north. The levy forum was good and was well attended. Appreciated the good feedback. He also attended the Central Iowa Juvenile Detention meeting. He has reached out to the federal level to see why insurance is discontinued for medical issues when someone enters the facility. Would like to see if the county can pay for insurance coverage to cover the juvenile.

Doland stated the board had worked with their outside counsel attorneys to come up with the following resolution. He stated a Board of Adjustment meeting scheduled in February had been cancelled but there was no clear reason as to why it had been cancelled. In reviewing documents Salt Creek had reached out wanting the Board of Adjustment to meet before the end of March. The Board of Supervisors were in favor of the Board of Adjustment meeting in March. This resolution is for clarification on the board's position on where they stand on what the Board of Adjustment needs to do. Motion by Knebel, seconded by Hilmer to approve Resolution 4-07-2025A.

Discussion: None.

RESOLUTION 4-07-2025A
Tama County

WHEREAS, Tama County is currently involved in several pending litigation matters related to wind energy and Salt Creek Wind, LLC; and

WHEREAS, in *Espenscheid v. Board of Adjustment of Tama County, et al.*, Tama County Case No. CVCV008903, a citizen claims the Tama County Board of Adjustment (the "Board of Adjustment") acted illegally in affirming the September 2024 issuance of zoning certificates to Salt Creek Wind, LLC ("Salt Creek"), and that the Board of Adjustment's November 12, 2024 decision was improper and illegal for various reasons; and

WHEREAS, other constituents have raised concerns regarding the procedural irregularities in the November 12, 2024 public appeal hearing before Board of Adjustment and its subsequent written decision;

WHEREAS, a citizen appealed the zoning administrator's December 2024 decision to grant Salt Creek extensions of time to commence construction and establish use under the September 2024 zoning certificates, which has yet to be heard by the Board of Adjustment and is therefore subject to the automatic stay in Iowa Code § 335.14; and

WHEREAS, in *Salt Creek Wind, LLC v. Tama County Board of Supervisors and Tama County*, No. CVCV008931, Salt Creek claims the Tama County Board of Supervisors (the "Board of Supervisors") acted illegally in passing a moratorium on wind energy conversion systems permitting and construction, Resolution 1-6-2025B; and

WHEREAS, Tama County has an interest in protecting its resources, and funding the defense of two lawsuits in which the county must defend inconsistent positions is not in the best interest of Tama County; and

WHEREAS, the Board of Supervisors finds there are sufficient concerns regarding the procedural irregularities with respect to the appeal hearing and decision to warrant a new hearing and decision by the Board of Adjustment as to the issuance of the September 2024 zoning certificates; and WHEREAS, the Board of Adjustment's decision following the appeal hearing may moot one or both lawsuits, thereby conserving county resources; and

WHEREAS, the Board of Adjustment's reconsideration of the appeal will reinstate the automatic stay of any activities in furtherance of the 2024 zoning certificates under Iowa Code § 335.14 and Article XXI § 2102.1 of the Ordinances of Tama County, Iowa; and

WHEREAS, due to the uncertainty regarding the litigated matters and the status of construction, the Board of Supervisors further finds it is in the best interest of Tama County to stay any construction activities by Salt Creek until the Board of Adjustment issues its final decision after reconsidering the appeal;

WHEREAS, the Board of Supervisors and Board of Adjustment will seek stays of the proceedings in both pending litigation matters to allow the Board of Adjustment to reconsider the appeal anew.

IT IS THEREFORE RESOLVED by the Board of Supervisors of Tama County, Iowa:

The Board of Adjustment of Tama County, Iowa, shall reconsider the appeal regarding the zoning administrator's September 2024 decision issuing zoning certificates to Salt Creek Wind, LLC. In reconsidering the appeal, the Board of Adjustment shall hold a public hearing and conform with all other procedures outlined in Article XXI in the Ordinances of Tama County, Iowa law, and the Board of Adjustment's Rules of Procedure.

In reconsidering the appeal, the Board of Adjustment is directed to consider all evidence and arguments presented by the parties to appeal; public comments at the appeal hearing; the conditions and specifications in the 2020 Conditional Use Permit issued to Salt Creek Wind, LLC, and the extent to which the zoning certificates conform with or varying from the Conditional Use Permit; the Tama County Comprehensive Land Use Plan; whether additional conditions or restrictions should be required; and any other information or considerations the Board of Adjustment deems appropriate and not inconsistent with governing law.

At the same hearing, the Board of Adjustment may, but is not required to, consider the appeal related to the December 2024 extensions to Salt Creek Wind, LLC, as well as the 2020 Conditional Use Permit. Should the Board of Adjustment choose to consider those additional matters at the same public hearing, the public notice for the hearing shall so specify.

The Board of Adjustment's written decision shall make specific factual findings and state with specificity the reasons for affirming or reversing the issuance of the zoning certificates.

The Board of Supervisors will seek a stay of the lawsuit currently pending as *Salt Creek Wind, LLC v. Tama County Board of Supervisors and Tama County*, No. CVCV008931, and the Board of Adjustment is directed to seek a stay of the lawsuit currently pending as *Espenscheid v. Board of Adjustment of Tama County, et al.*, Tama County Case No. CVCV008903, and such stays shall also seek orders staying construction by Salt Creek Wind, LLC, consistent with this resolution, Iowa Code § 335.14, and Article XXI § 2102.1 of the Ordinances of Tama County, Iowa.

Roll Call Vote: Hilmer, aye. Turner, aye. Knebel, aye. Doland, aye. Kupka, aye. Resolution passed and adopted this 7th day of April, 2025. Mark Doland, Chairman, Board of Supervisors. Karen Rohrs, County Auditor.

Public Comments: Public comments were heard from Janet Wilson, Laura Wilson, Karen Murty, Richard Arp, and Gerald Husak. Public comments closed at 10:09 am.

Chairman Doland adjourned the meeting at 10:09 am.

These minutes are intended to provide a summary of the discussions and decisions made during the Board of Supervisor meeting. For the most accurate and comprehensive record, please refer to the audio recording of the meeting that can be provided upon request at the auditor's office.