

PROCEEDINGS OF THE BOARD OF SUPERVISORS
May 15, 2023

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Chairman Casey Callanan, Vice Chairwoman Lori Meacham Ginapp, Supervisor Chris Watts and various members of the public.

Chairman Callanan convened the meeting at 10:00 a.m.

Meacham Ginapp moved with Watts seconding, to approve today's agenda and the minutes for the May 8, 2023 regular session. Motion passed unanimously.

Public comment session was held.

Watts moved with Meacham Ginapp seconding, to approve claims. Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to approve the payroll register for period ending 05/06/2023. Motion passed unanimously.

Watts moved with Meacham Ginapp seconding, to authorize Rodney McKinney to conduct field review on the following drainage districts:

Drainage District	Reported By	Problem
DD 31 Sec 24 Grimes Township	Mike Jensen	Debris along open ditch.

Motion passed unanimously.

County Engineer Billings provided an update.

Watts moved with Meacham Ginapp seconding, to approve plans for HMA Pavement-Grade & Replace Project L-J34D(234)—73-17 and authorize the Board to sign. Motion passed unanimously.

Chairman Callanan opened the public hearing to consider a Resolution Approving Conveyance of Interest in Real Estate to the City of Thornton.

Watts moved with Meacham Ginapp seconding, to close the public hearing. Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to adopt Resolution 2023-53, WHEREAS, Cerro Gordo County, Iowa, is the owner of the following described real estate, to-wit:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-FOUR (24) TOWNSHIP NINETY-FOUR (94) NORTH, RANGE TWENTY-TWO (22) WEST OF THE 5TH P.M. IN THE CITY OF THORNTON, THENCE NORTH ON SECTION LINE 964.5 FEET, THENCE WEST 33 FEET TO POINT OF BEGINNING. THENCE CONTINUING WEST A DISTANCE OF 185 FEET, THENCE SOUTH 113.4 FEET, THENCE NORTH 75°31'30" EAST A DISTANCE OF 103.95 FEET, THENCE NORTH 82°17'45" EAST A DISTANCE OF 85.9 FEET, THENCE NORTH 76 FEET TO POINT OF BEGINNING. THE EAST LINE OF SE1/4 SEC. 24 IS ASSUMED TO BEAR NORTH AND SOUTH

Locally described as 112. S. 1st Street, Thornton, Iowa 50479; Parcel No. 13-24-433-009-00 (the "Real Estate"); and

WHEREAS, the Board of Supervisors of Cerro Gordo County, Iowa, adopted Resolution 2023-47, setting forth its proposal to sell the Real Estate and ordering public hearing upon the proposal based on the terms of the Offer to Buy Real Estate and Acceptance executed by the City of Thornton, Iowa, an Iowa municipal corporation (the "Offer"); and WHEREAS, public hearing was held upon the proposal at 10:05 a.m. on the 15th day of May, 2023, following publication of notice of hearing as required by law. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa:

- The sale of the following described real estate to the City of Thornton, Iowa, for \$62,500.00 is hereby approved:
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-FOUR (24) TOWNSHIP NINETY-FOUR (94) NORTH, RANGE

TWENTY-TWO (22) WEST OF THE 5TH P.M. IN THE CITY OF THORNTON, THENCE NORTH ON SECTION LINE 964.5 FEET, THENCE WEST 33 FEET TO POINT OF BEGINNING. THENCE CONTINUING WEST A DISTANCE OF 185 FEET, THENCE SOUTH 113.4 FEET, THENCE NORTH 75°31'30" EAST A DISTANCE OF 103.95 FEET, THENCE NORTH 82°17'45" EAST A DISTANCE OF 85.9 FEET, THENCE NORTH 76 FEET TO POINT OF BEGINNING. THE EAST LINE OF SE1/4 SEC. 24 IS ASSUMED TO BEAR NORTH AND SOUTH

Locally described as 112. S. 1st Street, Thornton, Iowa 50479; Parcel No. 13-24-433-009-00

- The Chairperson of the Board of Supervisors and the Deputy Cerro Gordo County Auditor shall be and they are hereby authorized and directed to take all action necessary to complete the transaction described in the Offer to Buy Real Estate and Acceptance, including, but not limited to, executing the Offer and executing and delivering a Quit Claim Deed upon receipt of the purchase price.
- The County shall record the Resolution Setting Forth the Proposal to Convey Interest in Real Estate; the Proof of Publication of Notice of Hearing; the Resolution Approving the Conveyance of Interest in Real Estate. The recorded Resolutions and Proof of Publication shall be retained by County following recording with its official records. The Quit Claim Deed shall be delivered to Buyer upon payment of the purchase price and recorded at Buyer's expense.

Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to abate taxes in the amount of \$25.00 on parcel 14-19-351-004-00. Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to authorize the IT Director to sign the Statement of Work from B Three Solutions for \$48,599. Motion passed unanimously.

Watts moved with Meacham Ginapp seconding, to authorize the IT Director to submit claim for website renewal with Granicus for \$11,593.45. Motion passed unanimously.

Chairman Callanan opened the public hearing to consider a Resolution Approving Conveyance of Interest in Real Estate to Bonham Construction and Maintenance Services, Inc.

Watts moved with Meacham Ginapp seconding, to close the public hearing. Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to adopt Resolution 2023-54, WHEREAS, Cerro Gordo County, Iowa, is the owner of the following described real estate, to-wit:

A TRACT OF LAND IN THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 96 NORTH, RANGE 21 WEST OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA, EXCEPT FOR THAT PORTION THEREOF CONVEYED TO THE STATE OF IOWA FOR HIGHWAY PURPOSES, SAID TRACT OF LAND LOCATED IN THE NORTHWEST CORNER THEREOF AND APPROXIMATELY 3.68 ACRES, MORE OR LESS, WITH THE EXACT LEGAL DESCRIPTION DETERMINED BY SURVEY,

(the "Real Estate"); and

WHEREAS, the Board of Supervisors of Cerro Gordo County, Iowa, adopted Resolution 2023-48, setting forth its proposal to sell the Real Estate and ordering public hearing upon the proposal based on the terms of the Purchase and Sale Agreement executed by Bonham Construction and Maintenance Services, Inc. and Illinois corporation (the "Offer"); and WHEREAS, public hearing was held upon the proposal at 10:10 a.m. on the 15th day of May, 2023, following publication of notice of hearing as required by law. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa:

- The sale of the following described real estate to Bonham Construction and

Maintenance Services, Inc. for \$163,043.48 per net acre is hereby approved:

A TRACT OF LAND IN THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 12, TOWNSHIP 96 NORTH, RANGE 21 WEST OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA, EXCEPT FOR THAT PORTION THEREOF CONVEYED TO THE STATE OF IOWA FOR HIGHWAY PURPOSES, SAID TRACT OF LAND LOCATED IN THE NORTHWEST CORNER THEREOF AND APPROXIMATELY 3.68 ACRES, MORE OR LESS, WITH THE EXACT LEGAL DESCRIPTION DETERMINED BY SURVEY

The exact legal description shall be as set forth in the Survey as required by the offer.

- The Chairperson of the Board of Supervisors and the Deputy Cerro Gordo County Auditor shall be and they are hereby authorized and directed to take all action necessary to complete the transaction described in the offer, including, but not limited to, executing the Offer and executing and delivering a Quit Claim Deed upon receipt of the purchase price.
- The County shall record the Resolution Setting Forth the Proposal to Convey Interest in Real Estate; the Proof of Publication of Notice of Hearing; the Resolution Approving the Conveyance of Interest in Real Estate. The recorded Resolutions and Proof of Publication shall be retained by County following recording with its official records. The Deed shall be delivered to Buyer upon payment of the purchase price and recorded at Buyer's expense.

Motion passed unanimously.

Chairman Callanan opened the public hearing on Proposed Ordinance 68 – An Ordinance Instituting a Moratorium on Accepting Application or Issuing Permits for Utility-Scale Wind Energy Conversion Systems, Solar Energy Installations, and Battery Storage Installations Under the Provisions of Ordinance No. 15, Zoning Ordinance.

Meacham Ginapp moved with Watts seconding, to close the public hearing. Motion passed unanimously.

Watts moved with Meacham Ginapp seconding, to adopt Ordinance 68, AN ORDINANCE INSTITUTING A MORATORIUM ON ACCEPTING APPLICATIONS OR ISSUING PERMITS FOR UTILITY-SCALE WIND ENERGY CONVERSIONS SYSTEMS (C-WECS), SOLAR ENERGY INSTALLATIONS, AND BATTERY STORAGE INSTALLATIONS UNDER THE PROVISIONS OF ORDINANCE NO. 15, ZONING ORDINANCE OF CERRO GORDO COUNTY, IOWA WHEREAS, Iowa Code, Chapter 335 grants counties the ability to adopt a Zoning Ordinance to regulate land use within its jurisdictional boundaries; and, WHEREAS, on March 13, 1990, Ordinance 15, Zoning Ordinance for Cerro Gordo County, Iowa was adopted by the Cerro Gordo County Board of Supervisors and has been periodically amended to regulate land use within the county's boundaries; and, WHEREAS, Articles 20.2(J) of the Zoning Ordinance regulates "Commercial microwave, radio and television towers, public utility structures and accessory equipment, including their transmitting stations and towers, and wireless telecommunications facilities" as a special use as provided for under Iowa Code and outlines minimum requirements for said uses, which includes utility-scale wind energy conversion systems (C-WECS), solar installations, and battery storage installations; and, WHEREAS, from time to time, it is necessary and prudent to review and study said ordinance for necessary updates to ensure proper regulation; and WHEREAS, the County has had preliminary plans to update its county Comprehensive Development Plan since approximately 2018 and began the development of the North Iowa Corridor Joint Comprehensive Plan in July 2022 in conjunction with the cities of Clear Lake and Mason City, which is intended to include a high level vision, goals, objectives, and policy pertaining to renewable energy to provide a foundation for subsequent county Zoning Ordinance amendments. The County and its partners understand the necessity to

employ best planning principles and intend to complete the comprehensive planning process; and, WHEREAS, the Board of Supervisors will require time to further study, consult experts, and conduct the revision process to complete multiple amendments to the county Zoning Ordinance; and, WHEREAS, the Cerro Gordo county Planning and Zoning Commission, after study and public hearing, has recommended adoption of an ordinance instituting a moratorium from accepting new applications or issuing permits specifically for said uses, upon the application of the Zoning Administrator to allow the Board to properly plan for an appropriate ordinance changes consistent with the County's new comprehensive plan; and, BE IT THEREFORE ORDAINED by the Board of Supervisors of Cerro Gordo County, Iowa:

SECTION 1. INSTITUTION OF MORATORIUM

Upon the effective date of this Ordinance, no application for Special Use Permit or Zoning Permit shall be accepted by Cerro Gordo County specifically for utility-scale wind energy conversion systems (C-WECS), solar installations, and battery storage installations as provided for and regulated under Article 20.2(J) or Article 22 of Ordinance 15, Zoning Ordinance for Cerro Gordo County, nor shall any permit be issued for the same. However, applications may continue to be accepted and permits may be issued for any other legally permitted uses, including communications and radio towers, substations, electrical conversion stations, meteorological towers used for research or weather conditions, or any other public utility structures in which this Ordinance does not specifically address.

SECTION 2. PERIOD OF TIME EFFECTIVE

This Ordinance shall be effective for a period of fifteen (15) consecutive months from the date it becomes effective.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE

This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Roll call vote: Meacham Ginapp- Aye; Watts- Aye; Callanan- Aye. Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to waive the second and third considerations of Ordinance 68. Roll call vote: Meacham Ginapp- Aye; Watts- Aye; Callanan- Aye. Motion passed unanimously.

Meacham Ginapp moved with Watts seconding, to adjourn at 10:44 a.m. Motion passed unanimously.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

Chairman Casey M. Callanan
Board of Supervisors

ATTEST:

Adam V. Wedmore, Auditor
Cerro Gordo County