

Floyd County Board of Supervisors Meeting
August 6, 2024, 6:30 p.m.

The Floyd County Board of Supervisors met in the Youth Enrichment Center at the Floyd County Fairgrounds with the following in attendance: Supv Mark Kuhn, Supv Dennis Keifer, and Supv Jim Jorgensen.

Keifer/Jorgensen moved to approve the agenda. Motion carried 3-0.

Jorgensen/Keifer moved to continue the public hearing on the proposed amendment to the Floyd County Zoning Ordinance (Ordinance #2011-2) with respect to wind energy conversion systems and battery energy storage systems. Motion carried 3-0.

John (Jack) Ruzicka commented that he is not against windmills but does think there are things to be brought to the ordinance such as more conversation between the power companies and the people who have it on their land and shared a crop damage issue and a ground compaction issue that was eventually addressed.

Lori Hoeft commented that the Zoning Commission put together what they thought was the best report that should not be ignored. Hoeft's are considered a small farmer, trying to make ends meet and support the ordinance.

Joe Lockett, Invenergy Land Agent, provided reports: 1) "Lazard Level Cost of Energy" provides costs and subsidies for all types of fuels. Wind is the cheapest way to produce energy, subsidized or unsubsidized. Subsidies exist to encourage markets, especially large markets, to invest. Everything in the energy sector is subsidized to deliver energy across the spectrum to all Americans affordably. 2) "A Summary and Comparison of Bird Mortality from Anthropogenic Causes with an Emphasis on Collisions" identifies a US Fish and Wildlife study shows bird mortality rates account for less than 1/100 of a percent from turbines. 3) "Measurement and Level of Infrasound from Wind Farms and Other Sources" and "Windswept Field of Opportunity: Iowa Wind Energy County Tax Impact Studies" provide information on infrasound study. One study concludes infrasound is prevalent in urban and coastal communities at similar levels to the level of infrasound measured close to a turbine, close meaning less than 300 feet away from the turbine. The other study suggests that riding in cars exposes passengers to infrasound up to 120 decibels. Lockett's point that infrasound is part of everyday life, part of ambient sound and is everywhere, not unique to turbines, the wind itself produces infrasonic waves.

Nancy Ehlebracht spoke in favor of the wind energy development and approve of the recommendation to update the ordinance. It enables landowners to diversify income opportunities, development increases tax revenue for the county. Wind energy is a powerful source for clean energy with no carbon emission.

Kent Hoeft spoke in favor of turbines and believes the Commission did a good job with the ordinance. When developers come to work, they hire local contractors to do work.

Mark Radar spoke in opposition to the windmills, doesn't want them around his place, and hopes the supervisors make some serious changes. Radar provided 58 petitions with setback changes.

Cindy Tretin, a teacher, spoke on resources from Midcontinent Independent Systems Operator, US Energy Information Administration, Iowa Farm Bureau regarding businesses limiting use of electricity due to shortages, demands rising exceeding supplies, 22% of current energy supplies to be replaced with alternative sources, calling wind energy among the most viable of sources, and wind energy being least affected by power outages since only excess power enters the grid. Many schools have replaced physical textbooks and assignments with digital resources. Unreliable energy and communication reduce or eliminate educational opportunities, greatly impacting students with various handicaps, defaulting to inequitable denial of education. Tretin and her family love the turbines. Tretin asks the Board to adopt the Commission's recommendations without delay.

Georgena Vetter spoke in support of the windmills and was excited to be approached to have them on her farm. Electricity will be used locally first and then be sent where needed. Wind energy helps us to not be dependent on foreign energy. It's clean energy loves the look of the turbines. Everyone will benefit from the taxes. Vetter reported that the Center for Rural Affairs reported that Marshall County, without turbine facility, the levy on taxpayers would have to increase 22.7% to maintain the same amount of revenue.

Christy Wegner believes people who want a turbine should be able to put them on their land and supports the Commission's ordinance. We need to think of the future of alternative energy and the tax money coming in each year. Windmills are a clean source of energy. We listen to noise at higher sound levels than the turbines. There are higher setbacks for distances from homes. We need to move forward in a positive direction.

Thomas Bean, Iowa Land and Liberty Coalition representative, spoke on the benefits to local landowners, improving county's tax base, helps from raising property taxes, funds schools infrastructure, helps keep rates low.

Ray Stonecypher does not want turbines, told tenants they would not have to farm around them and does not want big cranes anywhere on his farm. Stonecypher spoke of a CREP project on his property that does not hold water when it rains and is concerned of fiberglass blade shed that could go in the ground.

Denny and Kim Begemann write of their approval of the wind ordinance amendment and the positives that come with it including energy and revenue to landowners and the community.

Ana Blickenderfer writes that wind turbines not green energy and references concrete and rebar take centuries to breakdown, bird kill, fiberglass and epoxy are not recyclable, burying blades is not green, sacrificing unobstructed views for others to make money, family and friends will suffer if they go up, tax dollars pay for subsidize turbine project. Say no to turbines across the US.

Kuhn read a letter from Gloria Carr who writes in support of turbines, parents welcomed the renewable energy opportunity, tenants welcomed the driveways for loading/hauling grain, they are not a blight on the horizon, local governments are forced with new budget limitations, creating urban renewal with tax increment financing has provided \$6+ million for road projects paid with MidAmerican Energy (MAE) tax revenue which could be done for other projects, new tax revenue could be used for a potential municipal ambulance service.

Kathy Carter writes she does not want to see more turbines, wind companies only what our ground and our tax dollar subsidies, and defined ordinances need to be in place.

Ruby Crow, Power Up Iowa, writes to urge support of the amendment and encourages adoption.

Robin Fox writes how wind turbines affect wildlife, the wild game feeds her family, and anything that would change the population and movement of wildlife is a concern. Links to references were provided.

Gordon Boge talked about the setback of 2500 feet for confinement buildings from nearest neighbor and the turbines should have the same setback because of wind, flicker, and noise. Boge recognized Cala McGregor for starting up a grassroots initiative with the petition that deserves to be heard by the Board.

John Hayes writes that he is in favor of windmills with good setbacks, would like to see Iowa as number one in electricity production with a goal of having lowest electricity rates in the nation, tax revenue could support a county-wide ambulance service.

Michael Hill, Invenergy affiliate, writes that the ordinance amendment allows for reasonable and responsible wind energy development, strikes a balance that could enable to proceed and contribute to the county healthy economy and asks for the Board to adopt the amendment. Invenergy has been working with 79 landowners covering 15,900 acres of land.

Mason Kolbet writes of concerns that the following were not included in the ordinance: increase of distances from livestock facilities, following DNR standard recommendations, distances from churches and schools, using property lines as a guideline for setbacks.

Wayne and Sarah LaCoste write in regard to not wanting more turbines that profit a handful of people and destroy land and view of thousands and questions the quality of life next to a turbine, putting the best farmland out of production, property values of homes near wind and solar farms, ability to build new homes and commercial businesses, where old parts that don't biodegrade would be recycled, how to handle fires, and what will happen to roads. Stop wind turbines, solar farms and pipelines.

Kuhn read an e-mail from Isaac Lamppa, Invenergy Senior Associate, who spoke on behalf of 79 participating landowners who feel they are doing the right thing to keep their family enterprises and farms in a better situation and asks for their rights to be protected. Wind turbine blade coating is not toxic and does not account for any emissions of BTA or microplastics; a link to the report was included. The Chickasaw project averaged 0.6 acres of turbine/access road combined. Research finds no correlation of health effects and wind energy. Noise levels produced at infrasonic frequencies are imperceptible to humans and less than those experienced riding in a car. MAE has the fifth lowest energy prices in the USA with wind as their main energy source. Geotechnical studies are completed to properly site turbines and infrastructure around karst, sinkhole and other considerations. Wind energy reinforces domestic energy independence.

Tim Laube writes in support to wind energy and the increasing need for energy and legislation that will impact energy and electricity. With the demand for electricity increasing every day, brownouts or blackouts will be a problem in Iowa. Articles from Butler County REC and the Wall Street Journal referenced the need for green

energy and embracing wind energy. The wind farm projects are in the best interest of the county for economic and energy supply reasons.

Doug Lindaman writes of farmers diversifying farming operations with grain, livestock, or kilowatt production to remain competitive, energy devices are a fundamental part of the farming industry, and electrical production provides economic security to family farms. Setback limitations should be 1.5x height of wind tower and any zoning restrictions should only be applied at statewide, not by individual counties.

Kuhn read an e-mail from Vicky McCloskey writes about the business side of turbines bringing additional tax dollars and jobs, spikes the economy, and allows for improvements to be made and additional spending within the community. However, it supports wind companies who do not live in the community and not citizens. McCloskey expresses concerns of karst topography, disrupting tunnels and sinkholes, and aquifers

Kuhn read an e-mail from Cala and Patrick McGregor who express concerns of turbines creating waste, pollution and noise, soil disturbed with concrete, fiberglass and oil polluting ground and water, wells failing, removing quality ground from production, increased aerial application expenses, easements and contracts that limit what can be built, livestock breeding and feed consumption, and conservation areas.

Kuhn read a letter from Steve and Ann McGregor who are disturbed of the wind farm, potentially being surrounded by 600-700 ft tall turbines, the noise they make, ruining the view, and red lights blinking throughout the night. The letter references articles of turbine fires, fiberglass cleanup after a fire, and various resource links.

Kuhn read an e-mail from Ann Merfeld who writes in support of wind energy and mentions Iowa license plates depicting a barn and silo along with a modern windmill, a part of landscape for generations.

Kuhn read an e-mail from John Merfeld, a supporter of wind energy, encourages the Board to approve the Commission's amendment which are more than adequate compared to the ordinance that served MAE's project.

Kuhn read a letter from Pat Merfeld regarding being in an energy crisis and urges the adoption of the Commission's recommendation. Demands in Iowa, such as for new digital hi-tech companies like Meta, the state's largest consumer, and Amazon, have consumption of electricity dwarfing other industries. The push to replace gas- and diesel-powered vehicles with electric vehicles and options of electric mowers, trimers, bicycles, motorcycles and power tools creates more demand for electricity. In 16 years with the MAE turbines, there have been no accidents, no sound complaints, no complaints of negative impact of farm animals; they reliably are quietly producing power almost every day. An unworkable ordinance could lead the way for state or federal laws that would supersede a local ordinance.

Shawn Mikles writes of his support of building wind turbines in the county.

Heidi Reams writes in regard to turbines seeming like a great way to promote natural resources for the production of energy but it does so at a cost, loss of production ag land, view across open fields littered with turbines, sound of turbines will trying to hike through a conservation area, and effects on water, soil and resources as blades release fiberglass into the environment. Reams hopes for a setback of one mile from a house, a building housing livestock, and natural resource areas that house wildlife and that Iowa Dept of Natural Resources and Fish and Wildlife Services recommendations would be followed.

A letter from Dan and Jackie Rooney reads of their concern of turbines being built near them and too close to other people's houses as well as issues with noise, shadow, fiberglass shed, karst and water supply.

A letter from Calvin Shultz reads that removing a half-acre of farm ground out of production does not match the amount a landowner would get back in rent plus the amount they would get for each kilowatt, wind generators are needed to keep electric costs down, the tax dollars could pay for emergency medical services, roads, bridges plus other needs, this helps to keep the property taxes down in the county for everyone, the wind generators help by keeping the wind mixed up for better air quality. The ordinance needs to be passed.

An e-mail from Ben Siemers requests the Board affirm and adopt the Commission's recommendations. Siemers does not live in Floyd County but is surrounded by wind turbines and experience no ill effects.

A letter from Dave Skuster encourages the approval of the Commission's recommendations. This provides the chance to turn alternative energy sources for future generations. Fossil fuels are finite but harnessing wind is a very viable renewable energy source. Turbine development over the last 20 years have a reduction of noise and flicker and improved recycling blade initiatives is already in development.

Jorgensen read an e-mail from Derek Straube regarding inaccuracies presented by Merlin Bartz on karst topography and mentioned it is crucial to approach wind farm development with a comprehensive understanding of

the unique geological and environmental characteristics of our region. Misrepresentation and oversights can lead to long-term environmental degradation and pose risks to community safety and well-being.

Jorgensen read an e-mail from Dustin Straube regarding fair setbacks for all parties involved, including 2500 feet from occupied dwelling and livestock facilities and 1000 feet from existing sinkholes.

Jorgensen read an e-mail from Martha Straube regarding the ongoing issue of erosion in wind turbines, particularly in regions characterized by karst topography and urges the consideration of conducting comprehensive assessment before installation of turbines and to promote transparency and awareness of information about environmental and operational challenges associated with turbines to foster informed decision-making.

Kuhn read a letter from Merlin Bartz, Iowa County Outreach Manager for Invenergy, regarding karst topography documents and urges adoption of the ordinance as proposed. Geotechnical studies ensure turbine bases are placed properly and are crucial in determining appropriate sites and eliminating specific site for any identified environmental and safety concerns.

Erin Trask writes of concerns of distance debris is thrown from turbines during fires or other catastrophic failures. Studies and field reports indicate debris can be thrown as far as 2000 ft or more, endangering human lives and threatening livestock, wildlife and crops, underscoring the need for stricter safety protocols and buffer zones.

Georgena Vetter writes funds a landowner receives help cover increased costs which will help some farms stay in the family and funds the county receives will be a boost to the economy. Windmills should be a landowners choice.

Jerry Vetter writes a request to not regulate the rules for wind energy so much that he doesn't have a choice to have one on his land. The Commission's rules are over-regulating enough. If anything, shorten the setbacks. Vetter supports wind and green energy.

Tracy Wiebke writes of not wanting more turbines in the county, doesn't care if we have "harvestable winds" as other places do to and there are better ways to get energy, such as putting solar panels over large parking lots, not taking up farmland, providing shade and giving revenue to the cities/county. If it doesn't benefit all, then it should not happen. A select few and the county budget isn't enough reason.

Rhonda Westergard writes that wind turbines are not green at all and references 24/7 sound/vibrations and shadow flicker are health hazards for humans, non-recyclable parts, and shards of fiberglass Bisphenol A (BPA) from ice/hail fall to the ground and get in water system.

Kuhn read a letter from Jeff Danielson and Waylon Brown, Clean Grid Association representatives, regarding the amendment being sound, reasonable and crafted with public safety foremost in mind taking expert testimony and research into consideration. Adopting it allows landowners the opportunity to diversify their income in the form of a land lease. Farmers and county taxpayers could use a break amid last week's news of impending ag financial crisis and yesterday's stock market falling sharply amid fears of recession. Representatives urge adopting the amendment.

Geri Frascht, Frascht Family Farms, writes of concern of many owners not living on their land and feel their priority is money, not the negative aspects of the windmill. The County may be in favor of windmills because of the possibility of a great deal of money but they need to live within their means, just like farmers.

Steve Merfeld wrote of three generations of his family supporting the wind ordinance amendment as approved by the Commission without additional restrictions.

Kuhn mentioned Alexis Stille e-mailed two additional petitions.

Gloria Carr spoke of good setback that allow wind companies to build is a rational and responsible way for the Board to address future needs and a vote contrary would be disappointing. The setbacks offered by the Commission are reasonable and the petition setbacks are unreasonable, but possibly there could be a compromise with the setbacks from dwellings that would aid in noise, sound and shadow flicker.

Travis McCloskey read the rest of his mother Tracy McCloskey's e-mail regarding health concerns from the impact of turbines intensifying the symptoms of tinnitus.

Ron Litterer wrote in support of the Commission's recommended changes to the ordinance. The benefits to participants and property taxing authorities outweigh concerns for wind energy expansion. The County has experienced a successful wind farm model and the proposed changes will continue to provide opportunities for future development. MAE currently has some of the lowest costs for electricity providing a direct incentive for business development for Floyd County and in the region.

Jorgensen/Keifer moved to close the public hearing at 8:35 p.m. Motion carried 3-0.

Keifer questioned the wind companies on why there hasn't been any interest in turbines since the MAE project until now. Tom Treharne, Nextera representative, responded that there is a limited ability to power across the company and renewable energy is growing leaps and bounds. Commercial and industrial users are driving a greater need. The tax credits are out there to increase production to keep up with the necessity for power. Lamma added that Invenenergy has participating landowners, transmission capacity on the lines, and Iowa is blessed with a strong wind resource to harvest.

Keifer/Jorgensen moved to amend Section XXI Supplementary Conditional Use Regulations, by changing the Intent paragraph, all references to the Board of Adjustments to Board of Supervisors, and any language regarding Conditional Use Permit to a process approved by the Board of Supervisors. Jorgensen/Keifer moved to amend the motion to state that it will be reviewed by County Attorney Todd Prichard to see if it is relevant per discussion. Motion carried 3-0.

Jorgensen/Keifer moved to amend Section V Definitions, Building, occupied by adding "RV/Travel-trailer park (campgrounds), livestock facilities, and ag buildings (including machine sheds, grain bins) or other building used for public gathering". Motion carried 2-1 with Kuhn voting against.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, c. Lighting by: 1) replacing "are preferred for" with "shall be used during" in reference to Red Strobe lights nighttime illumination sentence, 2) adding "No" in front of red pulsating incandescent lights and replacing "should be avoided" to "shall be used", and 3) striking "as feasible" in reference to the Aviation detection lighting systems shall be used sentence. Motion carried 2-1 with Kuhn voting against.

Keifer/Jorgensen moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements by adding "Natural Resources Protection & Preservation. C-WECS or wind turbines shall not be permitted on highly productive soils where the parcel is rated at an average of 79.5 CSR2 or above." Keifer/Jorgensen moved to amend the motion to defer to the county attorney regarding if the CSR provision would be considered as a taking of land. Motion carried 3-0. Keifer/Jorgensen moved to approve the motion as amended. 3-0.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, g. by 1) Replacing "Total Height" with "Height and Number Limitations". 2) Numbering sentences 1 and 2 as (1). 3) Numbering the third sentence as (2), 4) Adding "(3) No wind turbine generator or meteorological tower shall be taller than 450'." 5) Numbering the next sentence as (4). 6) Adding "(5) There will be a limit of 70 turbines in Floyd County. This includes the existing Mid American project." Motion carried 2-1 with Kuhn voting against.

Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, o. Setbacks, (1) Setback Requirements. Motion died for lack of a second to the motion.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, o. Setbacks, (1) Setback Requirements as follows: 1) replacing Non-participating property line setback requirements of "115% or the total height" to "1800' or 3.5x's the total height, whichever is greater", 2) moving "RV/travel-trailer park" from "Public park, Conservation area, wildlife management area" section to "Dwelling/occupied building", 3) in revised Dwelling/occupied building section, replacing "1,500 feet or 2.25x's the total height" with "2500' or 5.0x's the total height", 4) replace "115%" with "200%" for Road right-of-way, 5) replace "1,500 feet or 3x's the total height, whichever is greater" with "Follow DNR recommendations (Public lands-1 mile, 40+ acre grassland, forest, wetland-1/2 mile)", 6) add "Known Bald Eagle Nests (active)-5 miles", 7) add "Known Bald Eagle Nests (unknown activity)-3 miles", 8) add "Livestock Facilities, ag buildings (including machine sheds, grain bins) to "Commercial feed operations" and replace "115% of total height" with "2500' or 5.0x's the total height, whichever is greater", 9) change "1 mile" to "2 miles" regarding miles from an incorporated city limits, 10) add "Cemeteries-1800' or 3.5x's the total height, whichever is greater", 11) add "Existing sinkhole-1000'", 12) in (3) Setback to incorporated City Limits, replace "one (1) mile" with "two (2) miles". Motion dies with Keifer voting "yes", Kuhn voting "no", and Jorgensen abstaining.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, m. Waste Disposal by adding "Blades and blade recycling by-products are not to be disposed of in landfills including FMC Landfill." Jorgensen/Keifer moved to amend the motion to consult with

the county attorney regarding if the ordinance can regulate disposal in other landfills. Motion carried 3-0. A motion to approve the motion as amended was approved 3-0.

Jorgensen moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, p. Sound by reducing “fifty (50)” with “forty (40)” decibels. After discussion, Jorgensen withdrew the motion and will obtain the county attorney’s opinion.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 3. Safety, Design, and Siting Requirements, by adding “r. Fire Suppression – All Turbines and substations shall be equipped with operational automatic fire suppression. The fire suppression systems shall be designed appropriate to the materials and conditions present in the Turbine or substation. Alarm signals from detection systems shall be transmitted to a central station, proprietary, or remote station service to a constantly attended location. Alar and fire protection systems shall be installed in accordance with state and federal standards and inspected by a state fire marshal prior to operation. Such fire suppression equipment shall be tested and verified operational on an annual basis by personnel certified for such validation by an independent third-party.”. Motion carried 2-1 with Kuhn voting against.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 4. Infrastructure and Land Use Protection Requirements with the following: 1) add “a” in front of Contact Person and Change of Ownership. 2) Add “b. GPS Tracking (1) All equipment operating off road which weights in excess of 90,000 pounds gross weight or operating on road with overweight permit, shall be equipped with GPS tracking equipment which records the geographical movement of the equipment while moving. (2) The Permit holder shall retain all such tracking data and provide copies of such data to the Board of supervisors on request during the construction phase of the project. (3) At conclusion of the construction phase a copy of all such GPS tracking data shall be provided to the Board of Supervisors to be included in county records.” 3) Renumber 4.b to 4c and add “and the Floyd County Road Use and Repair Agreement (if and when one exists)” at the end of the first sentence. 4) Renumber 4c to 4d Drainage Infrastructure, add (1) to first paragraph, label as Public Drainage Systems, and add “the Floyd County Public Drainage System Protection Agreement” to the first sentence, and add “(2) Public Drainage Systems. The Permit Holder shall be responsible for immediate repair of damage to private drainage systems stemming from construction, operation or maintenance of the C-WECS. Such damage is to be repaired as soon as weather permits and, on a schedule agreeable to the affected landowner. If crop damage results from broken systems, the landowner will be compensated by the Permit Holder.” 5) add “e. Post Completion Survey-Permit Holder and the Floyd County Engineer will meet upon completion of the project and agree as to the necessary action needed to return roads to the existing road and drainage conditions as identified in Section 4c and 4d. Expenses related to such work to be borne by the Permit Holder either directly or through reimbursement to the County as directed by the County engineer.” 6) add “f. Damage-(1) Damage reporting-Any damage to public or private infrastructure, including but limited to such things as roads, driveways, utility items, drainage tile, structures, bodies of water, etc... shall be immediately reported in writing to the owner of the damaged item and the Floyd County Engineer. Failure to report such damage shall constitute a breach of ordinance and all work shall be required to halt until an investigation into the damage is completed and approval to proceed is granted by the Board of Supervisors. (2) Repair Plans-For any damage involving county or state assets, The Permit Holder shall present a repair plan that is agreed upon the county officials before repairs begin. Floyd County Engineers and authorized county officials reserve the right to have authorized agents with county’s authority present at the time of repair, at the expense of the Permit Holder, for the purpose of observation and inspection. (3) Financial Security-The Permit Holder shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the road(s) and bridges to preconstruction condition or better. Financial security in a manner approved by Floyd County shall be submitted covering 100% of the estimated costs of all required improvements and repairs. This requirement may be waived by the Board of Supervisors by recommendation from the Floyd County Engineer.” Motion carried 2-1 with Kuhn voting against.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 4. Infrastructure and Land Use Protection Requirements with the following: 1) renumber 4d Discontinuation and Decommissioning to 4g, replace “four (4)” with “six (6)” with respect to depth of feet below ground, add “Tower removal by “drop” will not be allowed, add that requirements will also be followed for decommissioning insert. 2) Insert Decommissioning Follow-up as (2) and “Upon completion of decommissioning activities, the County Engineer and Permit Holder will verify that all planned activities have been completed per the decommissioning plan, or notes made regarding items not completed. Records of completed activities will be retained in the County Engineer office for 5 years. Items left in place contrary to the decommissioning plan will be recorded in the form

of easements with the County recorder's office. Any concrete Turbine bases of a size greater than 300 cubic feet left in the soil, regardless of depth, shall be recorded in the abstract for the land to ensure that future property owners or perspective buyers are aware of its presence." 3) renumber 4g(2) End of Useful Life as 4g(3) and replace "two thousand (2,000)" with :two hundred thousand (200,000)" in reference to kilowatt-hours. 4) renumber 4g(3) and 4g(4) as 4g(4) and 4g(5) respectively, add to 4g(5)i "Prior to any grading or construction, fifty percent (50%) of the total estimated decommissioning costs shall be provided." and replace "one-hundred percent (100%)" with "the remaining fifty percent (50%)." 5) in 4g(5)ii, strike "Decommissioning funds as may otherwise be required by the Iowa Utilities Board shall be considered sufficient, provided that such funding meets the requirements of this Section." 6) Renumber 4g(5) and 4g(6) to 4g(6) and 4g(7). Motion carried 2-1 with Kuhn voting against.

Jorgensen/Keifer moved to amend Section XXI Supplementary Conditional Use Regulations, 4. Infrastructure and Land Use Protection Requirements, i. Liability Insurance by 1) adding "resulting from negligence, equipment failure and/or natural disasters) and replacing "ten million (\$10,000,000)" with "twenty million (\$20,000,000)". Motion carried 3-0.

Keifer/Jorgensen moved to add "Condemnation Waiver-(Eminent Domain) – Insurance of a C-WECS Permit shall be conditioned on the permit holder's enforceable promise, supported by the consideration of the issuance of the C-WECS permit, that the permit holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project. Jorgensen/Keifer made a motion to amend the motion to defer to the county attorney to see if this is legal. Motion carried 3-0. Jorgensen/Keifer moved to approve the amended version of the motion. Motion carried 3-0.

Keifer/Jorgensen motion to approve first reading of the amendment to zoning ordinance with the amendments made. Motion carried 2-1 with Kuhn voting against.

Jorgensen/Keifer moved to set the second reading of the ordinance as amended on August 19 at 6:30 p.m. at the Courthouse in the Emergency Operating Center. Motion carried 3-0.

Keifer/Jorgensen moved to adjourn. Motion carried 3-0.

ATTEST:

Gloria A. Carr
Floyd County Auditor

Mark A. Kuhn, Chair
Floyd County Board of Supervisors