

November 14, 2023

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9:00 AM on Tuesday, November 14, 2023, with Chair Shane McCampbell, Vice-Chair Tom Broeker and Member Jim Cary present. This meeting was also held electronically via Webex and YouTube live streaming. Public input was available through board email or call in.

Item 5E was removed from the agenda. Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meeting with Department Heads: Public Health Director Christa Poggemiller reported her office is busy. IT Director Colin Gerst gave an update on the County website. Emergency Management Director Gina Hardin reported she is training her replacement, Shannon Prado, for when Hardin retires in the Spring of 2024. County Recorder Natalie Steffener stated she attended a committee meeting for Iowa Land Records in Des Moines last week. They discussed budgeting. MHASEI CDS Director Ken Hyndman gave an update on the Mental Health Region. Conservation Director Chris Lee stated his department is staying busy preparing for the Fall. Assistant Land Use Administrator Jarred Lassiter has an item on the agenda. County Auditor Sara Doty stated she is wrapping up the City/School Election results. The West Burlington Precinct is the Precinct that was chosen for the Post-Election Audit that will take place at 9:00 AM on Thursday. There is a county budget meeting today at 11:30 AM at Starr's Cave. Sheriff Kevin Glendening reported his office remains busy. The jail population is 89. Maintenance Director Rodney Bliesener gave an update on the Tiger Grant project. County Engineer Brian Carter reported he has two crews ditching on county roads. Beaverdale Road will be closed for the next couple days at 150th St. and Lynx. Rd. for repairs.

No correspondence was received.

Approval of Payroll Reimbursement Claims in the amount of \$691.29 was presented. Cary made a motion to approve and Broeker seconded.

3rd Public Hearing to amend Wind Ordinance #62 was held. Broeker made a motion to open the Public Hearing and Cary seconded. McCampbell asked Auditor Doty if any public comments had been received. None received. There were no public comments. Broeker made a motion to close the Public Hearing and seconded by Cary. Broeker made a motion to approve the 3rd reading and Resolution #2023-043 to amend Wind Ordinance #62 seconded by Cary.

**DES MOINES COUNTY
BOARD OF SUPERVISORS
RESOLUTION #2023-043**

AMENDMENT TO ORDINANCE #62

WHEREAS the Des Moines County Board of Supervisors adopted Regulations for the Siting and Operation of Wind Energy Conversion Systems (Ordinance No. 62) on July 18, 2023, and

WHEREAS in order to ensure consistency between Ordinance No. 62 and the proposed Ordinance No. 63 (Regulations for the Siting and Operation of Solar Farm Energy Systems), it is necessary to amend several specific passages in Ordinance No. 62.

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby amends Ordinance No. 62, by altering Article II to change the definitions for the following terms:

BATTERY ENERGY STORAGE SYSTEM (BESS). *An electrochemical device that enables the energy from a Commercial Wind Energy Conversion System to be stored on site, and be readily available during times of especially high demand or during emergencies.*

DEVELOPER. *The person(s) and/or entit(ies) pursuing the development of a Wind Energy Conversion System, who are responsible for submitting a Siting Permit application and all required attachments necessary for the review and approval thereof by the County.*

OPERATOR. *The person(s) or entit(ies) responsible for the day-to-day operation and maintenance of a Wind Energy Conversion System, including any third-party subcontractors. This term shall apply to all subsequent operators of the System, if such responsibility is transferred at any point during its operational lifespan.*

OWNER, WIND ENERGY CONVERSION SYSTEM. *The person(s) and/or entit(ies) that own the structures and equipment comprising a Wind Energy Conversion System, regardless of whether or not they also own the land upon which it is situated. This term shall apply to all subsequent owners of the System, if ownership is transferred at any point during its operational lifespan.*

PARTICIPATING PROPERTY. *Any property on which a portion of a Commercial Wind Energy Conversion System is physically located. In any instance where a property under common ownership is split into multiple adjacent parcels for taxation purposes (using section, quarter-section, and quarter-quarter lines from the Public Land Survey System), the entire property shall be considered a 'participating property', regardless of whether or not each individual tax parcel physically contains a portion of the CWECS.*

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (CWECS). *A utility-scale WECS where the energy produced is intended to be distributed to the electrical power grid for use by the public at-large, either within Des Moines County or elsewhere. Little, if any of the energy produced will be consumed on the subject property and/or adjoining properties. This typically involves over one hundred (100) acres of private agricultural land, where one or more landowners lease the land to a wind energy company which owns and maintains the wind energy equipment.*

PERSONAL WIND ENERGY CONVERSION SYSTEM (PWECS). *A WECS where the energy produced is primarily intended for consumption on the subject property and/or one or more adjoining properties. Excess energy generated by the WECS may be sold and distributed to an electrical utility provider serving the general public, but as designed, the majority of the energy generated will be consumed on site. This typically involves an individual wind turbine that is owned and maintained by the landowner.*

FURTHER BE IT RESOLVED: That the Board of Supervisors hereby amends Ordinance No. 62, by altering the following specified sections of the ordinance, to read as follows:

Article I, Section D(1): *The regulations contained within this ordinance shall apply only to Commercial Wind Energy Conversion Systems, as herein defined, along with any structures and equipment directly associated with an SFES, such as Battery Energy Storage Systems (BESS) and Meteorological Evaluation Towers. No permits, public hearings, or other official action by the County shall be required for Personal Wind Energy Conversion Systems, as herein defined, or any directly associated structures and equipment.*

Article VI, Section C, first sentence: *Decommissioning Plan – Submission Requirements. Prior to the approval of any Siting Permit for a SFES, the developer shall submit a Decommissioning Plan to the Administrator, which complies with all requirements listed in Section B of this Article, and includes each of the following:*

Article VI, Section C(4), first sentence: *Documentation of existing conditions prior to the establishment of the CWECS, for the County to use as a baseline reference in determining whether the land has been restored to its pre-development condition during decommissioning.*

Article VI, Section G, first sentence: *Determination of Abandonment. Any CWECS, or portion thereof, that has not been in operation for a period of three hundred sixty-five (365) consecutive days shall be deemed to be abandoned by the Administrator, and notification of this determination shall be submitted to the owner and/or operator at this time.*

FURTHER BE IT RESOLVED: That the Board of Supervisors hereby amends Ordinance No. 62, by adding the following specified sections of the ordinance, to read as follows:

Article IV, Section B(11), sub-section 'a': *Prior to its submittal to the Board, the Emergency Response Plan shall be reviewed and approved by Des Moines County Emergency Management and the applicable Fire Department(s) serving the CWECS project area.*

Article IV, Section F(3), sub-section 'a': *If any specific portion of a participating property is not covered by the lease or easement agreement with the CWECS operator, then that portion shall be removed from the total size of the CWECS, when calculating the fee.*

Article VI, Section C(4), sub-section 'b': *Specific measurements shall be provided for the Corn Suitability Rating (CSR) and the extent of soil compaction.*

Approved and adopted this 14th day of November, 2023.

DES MOINES COUNTY BOARD OF SUPERVISORS

Shane McCampbell, Chair
Tom L. Broeker, Vice Chair
Jim Cary, Member

ATTEST: Sara Doty, County Auditor

3rd Public Hearing to Adopt Solar Ordinance #63 was held. Broeker made a motion to open the Public Hearing and Cary seconded. Assistant Land Use Administrator Jarred Lassiter spoke on the Ordinance. McCampbell asked Auditor Doty if any public comments had been received. None received. Broeker made a motion to close the Public Hearing and seconded by Cary. Cary made a motion to approve the 3rd reading and Resolution #2023-044 to Adopt Solar Ordinance #63 and seconded by Broeker.

**DES MOINES COUNTY
BOARD OF SUPERVISORS
RESOLUTION #2023-044**

WHEREAS the Des Moines County Board of Supervisors acknowledges the potential that one or more utility-scale solar energy farms may be developed upon private property in Des Moines County, and

WHEREAS other counties in Iowa and neighboring states have adopted ordinances to regulate the development of such solar farms, and the Board recognizes the need to establish similar regulations for unincorporated Des Moines County, and

WHEREAS an ordinance has been prepared for the purpose of establishing a set of minimum standards for the siting, placement, construction, installation, operation, maintenance, and decommissioning of Solar Farm Energy Systems, in order to protect the public health, safety and community welfare of the residents of Des Moines County,

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves and adopts the Regulations for the Siting and Operation of Solar Farm Energy Systems (Ordinance No. 63).

Approved and adopted this 14th day of November, 2023.

DES MOINES COUNTY BOARD OF SUPERVISORS

Shane McCampbell, Chair
Tom L. Broeker, Vice Chair
Jim Cary, Member

ATTEST: Sara Doty, County Auditor

Approval of an Amendment to the DCAT Mental Health Wrap Around Contract was presented. Broeker made a motion to approve and was seconded by Cary.

Personnel Actions: Conservation – Derek Hester, Conservation Tech, 8 hours of unpaid time for 11/9 was presented. Cary made a motion to approve and was seconded by Broeker.

Reports:
Clerk's Report of Fees Collected, October 2023

Sheriff's Report of Fees Collected, October 2023

Cary motioned to approve the November 8th, 2023, regular meeting minutes and was seconded by Broeker.

Broeker motioned to approve the November 13th, 2023, special meeting minutes and was seconded by Cary.

Broeker attended a Mental Health Agency of Southeast Iowa Meeting, McCampbell attended a ribbon cutting for the Fun City Courts, and Cary attended a RUSS Meeting.

Della Schmidt and Jeremy Hess of the Greater Burlington Partnership gave a short presentation of "Partnering for the Future" during public input.

The meeting was adjourned at 9:59 AM.

Following the meeting a work session was held with County Auditor Sara Doty regarding the Election.

The County Budget meeting will be held at 11:30 AM today at the Starr's Cave Nature Center.

This Board meeting is recorded. The meeting minutes and audio are posted on the county's website www.dmcounty.com

Approved November 21st, 2023
Shane McCampbell, Chair
Attest: Sara Doty, County Auditor