

AUGUST 28, 2024

The Board of Supervisors of Clinton County, Iowa, met at the Northeast High School Auditorium, Goose Lake, IA. Present were Supervisors Irwin, Srp and George. Minutes from the previous meeting were read and approved.

5:45 P.M. Review Correspondence and Claims Call to Order – Pledge of Allegiance  
Formal Action & Motions Claims Approval

CONSENT AGENDA

Resolutions 2024-230 through 2024-233 were approved on the Consent Agenda:

RESOLUTION 2024-230

WHEREAS, the Board of Supervisors of Clinton County, Iowa, having adopted “Regulations for Non-Union County Personnel” applicable to the employment of non-union personnel, and

WHEREAS, it is necessary to make certain changes in the regulation as to the appointment of non-union employees, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the following changes are made: Approve the appointment of Emma Jacobs for the position of Naturalist, at the rate of \$22.22 per hour, effective August 28, 2024; and

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized to issue bi-weekly paychecks on the Conservation Administrative General Fund –Salaries of Regular Employees in payment of wages without further order of the Board.

Roll Call: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

RESOLUTION 2024-231

WHEREAS, the Clinton County Sheriff has accepted the retirement of Chris Atkinson, as a full-time correctional officer; now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clinton County, Iowa, that the County Auditor be and is hereby authorized to stop issuance of biweekly paychecks on the General Basic Fund, Office of the Jail, to Chris Atkinson. Chris’s last day of work is September 4, 2024.

Roll Call: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

RESOLUTION 2024-232

WHEREAS, an error was identified in the calculation of the Disabled Military Homestead Credit, the properties (who shall remain anonymous based on 425.15.5.a) have been sent an updated statement and letter regarding the changes in accordance with 425.15: Total adjustments: \$5,344.00 on 16 impacted parcels

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors that the parcels shall be adjusted in accordance with Iowa Code Chapter 425.15 and the County Treasurer is hereby authorized to make adjustment to the Clinton County system accordingly.

Roll Call: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

RESOLUTION 2024-233

WHEREAS, it is in the best interest of Clinton County to establish and review policies from time to time; and

WHEREAS, Clinton county has a responsibility to ensure that all employees operating County vehicles or personal vehicles during their work duties for the County are properly licensed for the purpose of insurance rating and underwriting as well as pre-employment screening in accordance with the Driver’s Privacy Protection Act of 1994; now

THEREFORE BE IT RESOLVED all employees who drive vehicles as a condition of their employment will provide their elected official or department head with a copy of their driver’s license, annually; and

BE IT FURTHER RESOLVED the following are granted authorization to access DOT records on behalf of Clinton County: Matt Lancaster (Maintenance Manager) and John Bray (Director of Veterans Affairs); and

BE IT FURTHER RESOLVED that authorization for the following people be removed; Joe Raaymakers (former Director of Veterans Affairs), Eric Dau (former Director of Communications), and Corey Johnson (former Director of Maintenance).

Roll Call: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

RESOLUTIONS

The following resolution was presented and on motion approved:

RESOLUTION 2024-234

WHEREAS, on July 11, 2024, the Iowa District Court in and for Clinton County, Iowa entered a judgement in favor of the County, in Case No. LACV048956, for \$5,212,157.85 plus recoverable court costs, and interest in the rate of 7.16% from April 3, 2024; and

WHEREAS, the County and City find it is in the best interests of all concerned to settle this matter in line with terms provided in a proposed Settlement and Payment Agreement (a copy of the Settlement and Payment Agreement is attached); now

THEREFORE BE IT RESOLVED the Clinton County Board of Supervisors authorizes the Chair of the Clinton County Supervisors, Jim Irwin, on behalf of Clinton County to consent to the Settlement and Payment Agreement by his signature attested by the Clinton County Auditor.

Roll Call: George: Yes; Srp: Yes; Irwin: Yes.

Jim Irwin, Jr., Chairperson

6:00 P.M. Joint Meeting with the County Planning and Zoning Commission

Discussion on the County Renewable Energy Wind Turbine Ordinance:

Michelle Braswell lives near Charlotte referenced a handout she received that stated perceived physical effects are not actually caused by the wind turbines. She said she is advocating to protect their own health and all landowner rights. She said there are thousands of wind turbines around Iowa but there are also many problems with them and counties are now limiting them. She said landowners are being pressured to sign an agreement with the energy company. Braswell said landowners continue to be approached while a moratorium is in effect.

Warren Moeller lives south of Miles on a farm and his son lives there now. He was interested in a wind turbine lease when approached, but the more he questioned things, they offered him more. He learned that the agreement included loopholes such as no hunting on the farm or crop dusting without their consent and he loses collateral on the ground where the turbine is and banks don't like that. He questioned what information is used to determine setbacks. He doesn't believe signing a lease is in the best interest of his family. He wonders what happens if there is a disaster.

Carol Crigger landowner and lives in Clinton said she is against the turbines due to disruption of peace and serenity in the county and is concerned about property values. She wondered if a turbine fails or is destroyed who is responsible for the cleanup. An ordinance needs to include what will happen to them. She also asked if the turbine parts would end up in the County landfill and is the landfill equipped to handle them. She said a website has a guide with suggestions of what can be done with them, but most of them go to a landfill. She said the County should have a plan for when they are done.

Warren Jacobsen, farms north of Goose Lake, asked if the County is financially responsible to change all the road intersections for construction. He asked if tax assessment values will go down with property value. He said some people are looking to leave the county due to this so wouldn't it be a benefit if Clinton County was a sanctuary county. He said if he wanted to build a hog confinement building, he would need approval from his neighbors and wondered why this is handled differently.

Jerry Rickertsen farms their family's farms they grew up on in the area. He said ordinance changes won't hurt family farms. He said rights are being taken away from people who must live around them. He said more than 60 turbines in a 10-mile radius will make it an industrial park. He said the turbines will be taller than smokestacks at Lyondell. He said the decisions to be made by the Board will affect generations to come.

Gwen Rickertsen said NextEra has been put on probation for killing birds. She said studies show millions of bats are killed by turbines a year. She said bats are important in controlling insect and pest population that can cause crop damage. She added pilots say crop dusting prices will double around turbines. She's also concerned with fires because a late fall turbine could cause a large fire. She said she believes in landowner rights and said these turbines infringe on neighbor's landowner's rights. She said decommissioning is an important part of any plan and the companies should pay upfront for that. She also asked for extended setbacks.

Lee Good farms west of Charlotte and said they hear many of the turbines have problems and need many repairs. He said he was shocked by damage done by a turbine that was struck by lightning near Mechanicsville. He brought Sally Friedman to the meeting. She is the daughter of the farmer where the turbine fell from lightning. Freeman said the fire department said it could not go within a certain radius, so it had to burn out on its own. She said they were too patient with the company and the cleanup took a long time and then the cleanup company made a larger mess. She said a second fire started and debris was found up to a mile and a half away and their turbine was only 300-feet tall. She said the whole matter has caused issues with neighbors. She said cranes that came in to remove the turbine destroyed roads and their topsoil has been contaminated. She said the County should have penalties to address the issues they experienced.

Allyse Friedman grew up a couple of miles east of Goose Lake. She said she enjoyed growing up on the farm and her and her husband are farming and want to bring up their kids the way she was brought up, not surrounded by giant wind turbines. She's concerned about livestock that live around turbines as a study showed defects on horses around the turbines. She said the current ordinances will not protect people and livestock and is requesting extended setbacks.

Arlo Bates of Iowa Land and Liberty Coalition said property rights do go both ways, and it is important to find a compromise because there are a lot of landowners who want to participate with the leases.

Ellen Koch of Frankfurt, Kansas, said a 1,200-foot setback is not enough. She said where she lives they have picked up fiberglass from 250 feet away. She said neighbors have experienced shadow flicker, poor reception for antennas, they had no say where they place the turbines, he said they repair them whenever they want and once pushed snow on

a neighbor's fence and refused to pay to fix the fence. She said a meteorologist said turbines mess with radar and a tornado once went undetected. She said Clinton County should extend their setbacks.

Bob Koch, Frankfurt, Kansas, lives next to windfarm by NextEra. He said Clinton County looks like eastern Kansas and noticed there are a lot of rural roads here. He said they will get beat up and won't be fixed up like they were. He said the employees don't stay local when the construction is done.

Mary Bartels landowner in Clinton and Jackson counties said the county supervisor handbook states they protect the rights of the landowners. She said landowners have the right to choose what they do on their property but property rights end at property lines. She said it's the supervisors' duty to protect all landowners. She encouraged ethical practices because she knows an older, well-respected landowner in Clinton County signed a lease not understanding what he signed.

Lucy Finnicum of Camanche said it is the supervisors' duty to protect landowner rights and safety. She said wind turbine speeds can reach 150 mph and she is concerned about ice and the distance it could be thrown by a wind turbine and asks for expanded setbacks.

Emily Chang of Clinton said there are benefits to using wind energy. She said any adjustments to the ordinance should be fair and should consider the benefits of wind energy. She said it will provide revenue for people in the County.

Tim Arnold, NextEra representative, said he was glad to hear voices from across the County from both sides. He said the last couple of weeks he has spoken with landowners who have signed leases, and some are here and will speak later. He feels the current ordinances are very strong. He said they have dealt with a lot of jurisdictions and this ordinance is strong. He does agree some things have been learned that can strengthen the ordinance. He said the decommissioning language can be made clearer. He said setbacks with a multiplier addresses taller turbines. He has 23 letters of support he will provide the board.

Shelby Ridenour from Nebraska is a biologist who conducts third-party research for renewable projects. She said there are federal laws that must be followed. She said the current ordinances support those existing laws. She recommends any setbacks be directed by the appropriate agencies.

Dr. Chris Ollson has a PHD in environmental health studies and has been involved in wind projects across the U.S. and Canada. He said he specializes in ordinances for public health and safety. He said the current ordinance is surprisingly effective considering how old it is. But it could use some updates. He said there are many ordinances that can be studied so the County doesn't have to recreate the wheel. He said including something to address sound is appropriate, but breakdown levels to participating and non-participating homes. He said the County's multiplier setback based on height is good but would recommend a minimum of 1,400 feet. He said the County should also consider shadow flicker requirement and require the energy company to apply for aircraft safety lights. He said the ordinance should have something for decommissioning. He suggested a shadow flicker study be done with an addition that if the turbine exceeds the flicker requirement, then it must be shut down during certain times.

James McCalley is an ISU professor of engineering, focuses on electric power systems and supports the growth of wind energy in Iowa. He said wind energy is economically attractive and can lower energy costs and can increase property tax revenue for local governments.

Grace Marlowe, landowner in the County, said the ordinance written in 2008 was not written on the scale being considered tonight. She said there is a lot of technology since then and neighbors' concerns of the project should be considered. She would like to see better decommissioning language. She said wind and solar can be good, but a large scale should be closely looked at.

Tom Trehakne from Marion and a NextEra representative said it's great to review the ordinance to provide adequate protection. He has worked across the state and encourages the board and commission to visit wind farms and talk to the employees. He said the NextEra training facility is in Iowa.

Floyd Marx lives east of Goose Lake and said his neighbor built a farm-use turbine and it never worked correctly. He said he could still hear it from 4,000 feet away. He said this project has divided the community and families have been split over this issue. He said he's driven through turbine sites and said I'm glad they are not near us. He added several families are concerned their property values will lower if the turbines are built around them. He said he spoke with a woman he knows who is concerned with the views they have on their acreage. He wondered who would move here around the turbines.

Andrew Pladna of Clinton worked at power plants across the country. He said a study by the Department of Energy said that nuclear energy has the highest reliability rate, but wind energy produces a lot less and depends on wind speed.

Dustin Rickertsen is a farmer in Clinton County said the turbines would be as tall as the tallest building is in Des Moines.

Jean Seyller said they are moving to their family farm and look forward to moving to their new home. She said the dream of enjoying their new home will be destroyed by the turbines. She asked to increase the minimum distance from homes and asked about a cap on how many can be built. She's also concerned about home and land values.

Marty Seyller worked as a safety engineer for an insurance company. He said there are dangers with poorly maintained equipment and severe weather conditions. He also saw a reduction in quality control of the manufacturing.

He said his company started to back off providing coverage for wind generating companies and they would not write policies for environmental pollution.

James McDonald is a landowner and owns a trucking company and said he worked on decommissioning of wind turbines. He said they are not quiet. He said County roads crews work hard to keep up the roads, but the wind companies won't care, and they will tear up the roads. He said if ice flies off the blades, it is a danger. He said it is not a tax boon to the County because it takes eight years for them to pay in full. He said the life span is 12-14 years on the turbine. He said the powering and decommissioning crews were not local where he worked and if they were they were not long term.

Swati Dandekar, Bright Future Iowa chairwoman, represents Iowans who support solar and wind energy. She said they support landowner rights and trust farmers to do what's best for their land. She said decommissioning does need to be addressed. She said Linn County just passed an ordinance that protects all parties. She said setbacks are an important part of the ordinance. She said the Clinton County ordinance for solar was handled well.

Dustin Johnson lives south of Andover and believes the discussion of the ordinance is appropriate to review now. He said arial applications for farm fields costs will increase. He said the subsidies for the wind farms are our tax dollars working against us. He said it was also important to note who speaks for the project. He said taking advice from the companies is like the fox designing the hen house.

Donna Rock has property near Charlotte. She has flown over the County in an airplane. She said Clinton and Jackson counties have great airports and the planes in the area fly at 2,000 feet and the turbines would disturb that activity. She is also concerned about the wildlife in the area. She said many people in the room appreciate the quite life of growing up on a farm.

TJ Burken lives in Charlotte is concerned about protecting natural resources especially for birds of prey. He said the DNR recommends avoiding river valleys like the Wapsi and Mississippi River. He asked for an updated ordinance to consider natural resources. He said small towns need to also be considered when talking about setbacks. He would also like to see a maximum height placed on the turbines.

Al Sparks lives outside Charlotte and said the military based at the airport in Scott County does fly up into northern Clinton County. He is also worried about if a helicopter is needed to fly someone out if there is a bad car accident in the county.

Annette Eslick lives on Highway 136. She said she grew up in West Virginia where there were turbines, but they knew they were there. But, she said, they are not here now. She's concerned about birds as they have migratory birds landing by their homes consistently and are afraid they will be put in danger by the turbines. She is also concerned about the helicopters for the hospital. She asked for protection for the landowners by not allowing flicker at all and that there should be penalties for flicker violations.

Bill Gearhart supports the project lives in Iowa City and works as a business development coordinator for a union. He said their members built everything including energy plants. He said his union is working with NextEra on the Cedar Rapids project. He said the jobs were good paying and provided benefits. He said his home county is in western Iowa which has a wind farm and his friends there are happy with the results from those developments.

Mike Carberry, Bright Future Iowa Outreach Director, said they believe in good policy and good policy makes good projects and that means compromise. But he said, compromise means not everyone is happy. He said Clinton County could use economic development. He said this provides renewable energy and local jobs. He said he grew up on a farm and it is about business. He said this gives the farmer an opportunity to not have to have an in-town job or have everyone in the family have a job.

John Hulsizer from Dubuque and they are discussing turbines in Dubuque. And he appreciates how Clinton County is moving forward. He said what happened to property rights as they are talking about turbines in Dubuque. He said he sees how this will benefit the community. He's concerned about the government having a say about what you can and can't do on your property. He said if you own the property, it should be your choice what you want to do with your property.

Ryan Drew biz rep operating engineers local 150 said they build solar farms and wind farms. He said these are good paying jobs that don't require college. He said wind farms do provide good local jobs. Drew said no one would support a coal fired power plant on the riverfront now like what was built years ago. He recommended everyone work together to come up with a fair ordinance.

Joe Swanton third generation farmer said most of the room wants changes to setbacks before the project is considered. He said there is a study that the air from the towers force down cool air to the surface that impairs the growth of crops.

Loren Moller asked what happens if a tornado damages a turbine and debris is blown onto a neighbor's property. He also is worried that a field could become a superfund site if it becomes contaminated.

Joel Carstensen lives near Charlotte is in favor of changing the ordinances but not on a grand scale because he doesn't want to see businesses chased away from the County.

Bronson Lamp family farmer said he spoke with local pilots about crop dust and they both said an airplane needs a quarter to half mile to make a turn. He said nonparticipating fields will have more consequences from a neighboring

windmill. He said nonparticipating farmers need to be protected. He would like to preserve the ordinance that protects good soil in the County. He said decommissioning needs to be dug down at least six feet to adjust for tiling.

Jenn Kutsch said noise is an annoyance and can cause health impacts. She said the annoyance can also cause stress. She said the World Health Organization said environmental noise should be considered as causing stress. She added chronic noise stress could cause sleep disturbance and is reported around wind turbines. She said no long-term effects studies from wind turbines have been conducted to say they are safe so why subject us to the risk. She asked for protection from possible harmful effects of wind turbine developments.

Mark Jacobsen, DeWitt, recently moved back in retirement. He's worried about the loss of crop land or damage to crop land. He said the effects on humans and livestock have been shown in studies. He said repairs to turbines often take months. He said there is no fire equipment to reach up to the turbines if they catch fire and spread across the fields.

Brad Burken lives west of Charlotte, and he said he understands landowners' rights but believes in respecting their neighbors. He is on the volunteer fire department, and they haven't been told how they would fight those fires, and they don't have the equipment to fight the fires. He thanked the Board and Commission for taking their time to consider these issues.

Bryon McLeod said the people against it are people who live here, but those for it are bought and paid for by the company. He said he's never heard anyone who lives near a windmill say how great it is to live by them. He said if he can hear it or see it, it affects him.

Matt Nieman lives between DeWitt and Charlotte and farms east of Goose Lake and he's not been contacted by the company but instead a neighbor was sent to talk to him. He said he could be a big dollar winner in this. He said farming is tough right now and could use other revenue. He said he's concerned about crop dusting. He said this meeting is happening because the County's ordinance is not good. He said the Board's decision is actually not that difficult and that the development shouldn't happen.

Janae Henningsen owns property in Clinton and Jackson County and asked if the Board has looked at other counties that have rejected wind farms. She said the turbines endanger people. She said setbacks are always prime to change. She said the County should aim for zero turbines. She wants to know how the Board thinks this is a good idea.

Joe Farrell raised in Delmar and farms in the area. He's worked on wind farms. He likes the fact that this project provides jobs and apprenticeships.

Sean Licht from Grand Mound and supports the wind farms and the good jobs they provide.

Jim Bark grew up in rural DeWitt and is a business manager for a union and there are a lot of members who live in the area and support the project.

Mike Kroymann of Clinton said he spoke to some folks who are counting birds in the area. But they are only there during certain times of the year and that can make the numbers look certain ways. He said please make sure the numbers are accurate.

Tracy Frohm is from Miles and is concerned that she has neighbors who have signed up for wind turbines and wonders about eminent domain to run transition lines. She said she considered that the extra income could be good, but she thought about her neighbor. She also learned they could sign up and they can place the turbine wherever they want on the land. She also wondered how many people who have signed leases actually live on the property.

Matt McLoughlin wondered who fixes a turbine when it is destroyed and how long it takes to wait for it to get fixed.

Priscilla Peterson said those with disabilities should be considered because some could be affected by electromagnetic activity. She is worried the sound and flicker could have adverse effects on people with epilepsy or autism.

Landon Rorah lives in Jackson County and said the turbine sound levels and flicker should be set at the property line not the household.

Irwin said the next meeting is September 18 and it will start with some discussion. He said then it will be a discussion between the Board of Supervisors and the Planning and Zoning Commission. He said there will not be decisions made that night.

The Board of Supervisors adjourned to meet on Friday, August 30, 2024, at 1:00 p.m. at the Clinton County Administration Building, 1900 N 3<sup>rd</sup> St, Clinton, IA.

Eric Van Lancker, County Auditor

Jim Irwin, Jr., Chairperson

-APPROVED-

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County Auditor

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Chairperson