

BOARD PROCEEDINGS
April 4, 2017
REGULAR APRIL SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Jack Plathe, Roger Tjarks and Pam Wymore.

Public discussion was held.

Motion by Wymore and 2nd by Plathe to approve the agenda, the minutes of the previous meeting dated March 28, 2017 and the claims which includes a handwritten claim payable to Card Services in the amount of \$26.00. Motion carried.

AMU	Srvs	627.99	3
Algona Plumb & Htg	Srvs	252.00	1
Algona Public Lib	Alloc	23021.86	1
Alg Pub Co	Notices	375.90	1
AU Life Ins	Ins.	70.00	1
AP Air Inc	Parts	124.49	1
Arnold Motor Supply	Parts	298.34	1
AT & T	Phone	41.17	1
Auditor of State	Srvs	625.00	1
Fidelity Sec Lif Ins	Ins	97.52	1
Banc Public Lib	Alloc	7828.44	1
Bancroft Reg.	Notices	143.85	1
BMC Aggregates	Rock	915.62	1
Bomgaars	Supp	540.06	4
Brandt Auto Repair	Srvs	110.37	1
Brians Welding	Srvs	113.22	1
Brown's Shoe Fit Co	Supp	112.93	1
Burt Public Lib	Alloc	7202.20	1
Central IA Dist	Sup	326.50	1
Central IA Juv	Srvs	133.78	1
Central Salt, LLC	Sup	7232.13	1
Centurylink	Phone	910.20	2
Cintas	Supp	89.99	1
City of Algona	Exp	9053.71	1
City of Fenton	Utilities	82.00	1
City of LuVerne	Exp	79.83	1
City of Titonka	Utilities	296.05	1
City of Wesley	Utl	51.36	1
City of West Bend	Utl	460.41	1
Class C Solutions Group	Supplies	273.48	1
Counsel Ofs & Doc	Supp	396.48	3
CoverTrack Group Inc	Srvs	600.00	1
Crescent Elec Supply	Supp	1147.30	1
DCI	Srvs	45.00	1
Ernie Williams Ltd	Parts	226.55	1
Fareway	Supp	898.27	1
Farmers Coop Elev	Fuel	565.00	1
Fenton Public Lib	Alloc	6402.88	1
GovConnection, Inc.	Srvs	80.00	1
J Grandgenett	Exp	17.53	1
Heartland Paper Co	Supp	14.34	1
Holiday Inn Mercy Campus	Lodging	246.40	1
Hometown Dist LLC	Supp	281.31	1
B Howing	Exp	1050.00	1
Insight Public Sector, Inc.	Supp	971.04	1
Interstate All Battery Ctr	Supp	281.00	1
Intoximeters	Supp	205.25	1
Ia Comm Assurance Pool	Ins	2606.00	1
Ia Co Attorney's Assoc	Exp	499.00	1
IA Lakes EC	Elec	87.00	1
IA Law Enforcement	Supp	160.00	1
IOS	Supp	641.49	3
IA Prison Ind	Signs	887.35	2
ISAC	Reg	550.00	3
ISACA Treasurer	Reg	225.00	1

ISSDA	Reg	375.00	1
ITsavvy LLC	Supp	4706.43	4
Jacks OK Tire Srv	Srvs	8910.88	1
Jan. Closet	Supp	128.78	1
L Johnson	Exp	50.00	1
KRHC	Srvs	559.00	3
KC Sheriff	Srvs	109.00	2
KC Treas	Srvs	149.82	2
Lakota Pub Lib	Alloc	6327.35	1
N. Larson	Exp.	55.53	1
Ledyard Pub Lib	Alloc	5933.98	1
Luverne Pub Lib	Alloc	6346.23	1
MD Product	Parts	635.18	1
Mail Serv	Supp	496.33	1
Martin Marietta Agg	Rock	2036.02	1
Merryman Bridge Cons	Cons	10777.24	1
Mid Am Energy	Srvs	4396.89	2
Mike Looft TW	Fuel	3778.94	1
D Miller	Reim	25.00	1
J Missman	Exp	69.03	1
Motor Inn/Alg	Rep.	39863.99	2
Murphy Realty	Srvs	175.00	1
D Nielsen	Exp	73.90	1
NIA Lumber&Design	Exp	238.18	1
NK Auto & Farm	Supp	445.75	1
NW Comm	Service	1062.91	2
NUGENCO	Exp	500.00	1
Precision Midwest	Exp	256.29	1
Print Shoppe Plus	Srvs	24.00	1
Recorders Assos	Srvs	20.00	1
SOS	Service	30.00	1
Sec St Bank	Srvs	25.00	1
Sign Works	Supp	95.04	1
Sirchie	Supplies	115.07	1
L Snyder	Exp	139.10	1
SolarWinds	Supp	106.00	1
Steffen Truck Equipment, Inc.	Parts	542.13	1
Stoney Creek Inn	Lodging	221.76	1
SC Public Library	Alloc	7211.64	1
Water Conn	Srvs	43.92	2
Titonka Public Library	Alloc	7022.83	1
US Cellular	Srvs	220.73	2
Verizon Wireless	Phone	134.82	2
Wesley Public Library	Alloc	6752.19	1
West Bend Journal	Notices	40.00	1
West Bend Pub Library	Alloc	1860.42	1
Whittemore Public Lib	Alloc	7110.94	1
Windstream	Srvs	285.51	2
P Wymore	Exp	185.11	1
Zones	Supp	40.14	1
Grand Total		211283.59	

Drainage Claims

Mike Kohlhaas	Drain 9	\$300.00
Mary Kohlhaas	Drain 9	\$250.00
Keith Grimm	Drain 9	\$300.00
Fred Schmidt	Drain 9	\$300.00
Holland Contracting Corp	Drain 80 Lat 80	\$165,971.61
Reutzel Excavating	Drain 60 Sub 3	\$990.00
Ken Laubenthal	Drain 80 Lat 80	\$4032.00
Phyljohn Farms LLC	Drain 80 lat 80	\$7308.00
Jason Lawrence	Drain 80 Lat 80	\$14,448.00
Eugene M Busch	Drain 80 Lat 80	\$6552.00
WMG, LC	Drain 80 Lat 80	\$16814.00
Edward A Schiltz	Drain 80 Lat 80	\$23296.00
James E Vaske	Drain 80 Lat 80	\$3416.00
Douglas G Hanson	Drain 80 Lat 80	\$476.00
Lori Lloyd	Drain 80 Lat 80	\$8470.00

J F Trust	Drain 80 Lat 80	\$2030.00
Jason Lawrence	Drain 80 Lat 80	\$2520.00
Karen A Busch	Drain 80 Lat 80	\$14448.00
William Goche	Drain 80 Lat 80	\$23604.00
William Goche	Drain 80 Lat 80	\$17318.00
Arthur C Kockler	Drain 80 Lat 80	\$10066.00
WMG, LC	Drain 80 Lat 80	\$784.00
William Goche	Drain 80 Lat 80	\$308.00
WMG, LC	Drain 80 Lat 80	\$3864.00
WMG, LC	Drain 80 Lat 80	\$15568.00
Judy A Hanson	Drain 80 Lat 80	\$476.00
Eugene Busch	Drain 80 Lat 80	\$476.00
William Goche	Drain 80 Lat 80	\$1834.00
I & S Group	Drain 5 West	\$9593.50
I & S Group	Drain 7	\$1102.00
I & S Group	Drain PAK #1	\$1172.50
I & S Group	Drain 84	\$1309.20
Algona Publishing	Drain 80 Lat 80	\$19.64
Algona Publishing	Drain 80 Lat 80	\$53.52
Algona Publishing	Drain 4	\$68.74
Algona Publishing	Drain 4	\$67.27
McClure Engineering	Drain 39 Main 2	\$252.50
McClure Engineering	Drain 2 Lat 3-4	\$1946.25
McClure Engineering	Drain 80 Lat 80	\$4411.25
McClure Engineering	Drain PAK #1	\$2872.50
McClure Engineering	Drain 4	\$1382.50
McClure Engineering	Drain 60 Sub 3	\$1409.00
McClure Engineering	Drain 4	\$14145.75
McClure Engineering	Drain 4 Lat 33	\$1261.25
Kossuth County Secondary Road	Drain 105	\$905.34
Kossuth County Secondary Road	Drain 105	\$558.16
Kossuth County Secondary Road	Drain 105	\$860.02
Kossuth County Secondary Road	Drain 114	\$659.48
Kossuth County Secondary Road	Drain 125	\$148.99
Kossuth County Secondary Road	Drain 133	\$169.00
Kossuth County Secondary Road	Drain 135	\$356.23
Kossuth County Secondary Road	Drain 143	\$2023.21
Kossuth County Secondary Road	Drain 2 Consent	\$330.00
Kossuth County Secondary Road	Drain 2 Main 3A	\$3297.80
Kossuth County Secondary Road	Drain 20 Main 1	\$193.37
Kossuth County Secondary Road	Drain 23	\$383.85
Kossuth County Secondary Road	Drain 33 W Main	\$226.24
Kossuth County Secondary Road	Drain 42	\$662.34
Kossuth County Secondary Road	Drain 45	\$376.64
Kossuth County Secondary Road	Drain 63	\$325.43
Kossuth County Secondary Road	Drain 69 Lat 15	\$946.58
Kossuth County Secondary Road	Drain 7	\$1642.91
Kossuth County Secondary Road	Drain 7 Lat 21	\$230.45
Kossuth County Secondary Road	Drain 7	\$114.77
Kossuth County Secondary Road	Drain 75	\$651.74
Kossuth County Secondary Road	Drain 80 OD A	\$1640.26
Kossuth County Secondary Road	Drain 82	\$543.95
Kossuth County Secondary Road	Drain 82	\$153.54
Kossuth County Secondary Road	Drain 82	\$237.68
Kossuth County Secondary Road	Drain 82	\$444.69
Kossuth County Secondary Road	Drain 82	\$165.23
Kossuth County Secondary Road	Drain 82	\$3933.43
Kossuth County Secondary Road	Drain 84	\$1648.62
Kossuth County Secondary Road	Drain 85	\$428.78
Kossuth County Secondary Road	Drain 86	\$417.71
Kossuth County Secondary Road	Drain 90	\$706.71
Kossuth County Secondary Road	Drain 90 Lat 20	\$480.00
Kossuth County Secondary Road	Drain 90 Lat 22	\$480.00

Kossuth County Secondary Road	Drain EK #2	\$547.56
Kossuth County Secondary Road	Drain EK #4	\$244.55
Kossuth County Secondary Road	Drain HK 2-36	\$3919.40
Kossuth County Secondary Road	Drain HK 2-36	\$2017.12
Kossuth County Secondary Road	Drain HK 5-87	\$6357.76
Kossuth County Secondary Road	Drain HK 8	\$202.75
Kossuth County Secondary Road	Drain PAK # 1 Lat 57	\$126.04
Kossuth County Secondary Road	Drain PAK # 1 Lat 65	\$407.85
Kossuth County Secondary Road	Drain PAK # 1 Lat 9	\$229.87
Kossuth County Secondary Road	Drain PAK # 1 Lat M	\$430.90
Kossuth County Secondary Road	Drain PAK # 1	\$3447.73
Kossuth County Secondary Road	Drain WK 35-89	\$793.46
Kossuth County Secondary Road	Drain WK 58-119	\$94.96
Kossuth County Secondary Road	Drain 60 Sub 6	\$2224.00
TOTAL		\$434674.08

Motion by Besch and 2nd by Tjarks to approve Steve Anderson as Kossuth County Weed Commissioner and authorize the Chairperson to sign the certificate of appointment. Motion carried.

Motion by Tjarks and 2nd by Wymore to approve the Assignment of Tax Sale Certificate 2010-10222 on parcel #910-06-09-253-009 in Swea City, Iowa with the agreement that a \$10 assignment fee will be paid and an additional \$10 fee for a total of \$20. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried 5 to 0.

Motion by Wymore and 2nd by Plathe to go into closed session per Iowa Code 21.5 (1)(c) per request of the County Attorney. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried 5 to 0.

Closed Session

Motion by Besch and 2nd by Wymore to leave closed session per Iowa Code 21.5 (1) (c) per request of the County Attorney. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried 5 to 0.

No decision was made following closed session.

Motion by Wymore and 2nd by Plathe to approve Resolution #04-04-17-01 which is a resolution adopting Ordinance #310, being "An Ordinance Regulating the Construction and Operation of Commercial Wind Energy Conversion Systems in Kossuth County, Iowa." Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: no, McGregor: yes. Motion carried 4 to 1 with Besch being the NO vote.

KOSSUTH COUNTY RESOLUTION #04-04-17-01

A RESOLUTION ADOPTING ORDINANCE NO. 310, being "*An Ordinance Regulating the Construction and Operation of Commercial Wind Energy Conversion Systems in Kossuth County, Iowa*"

WHEREAS the Kossuth County Board of Supervisors has drafted a new Ordinance, Ordinance #310, regulating the development and operation of commercial wind farms within the unincorporated areas of Kossuth County; and

WHEREAS the complete text of Ordinance #310 was published to notify the public of the Board's proposed ordinance in the following news papers and on the following dates; Swea City Herald, February 15, 2017, Bancroft Register, February 15, 2017 and Algona Upper Des Moines, February 16, 2017, and

WHEREAS the Kossuth County Board of Supervisors considered and voted on the passage of Ordinance #310 at three regularly scheduled Board of Supervisors meeting, specifically, March 7, March 14 and March 21 of 2017, and

WHEREAS the complete text of Ordinance #310 was published to make the Ordinance effective in the following news papers and on the following dates; Swea City Herald, March 29, 2017, Bancroft Register, March 29, 2017 and Algona Upper Des Moines, March 30, 2017, and

WHEREAS, the Kossuth County Board of Supervisors now desires to adopt said Ordinance.

NOW, THEREFORE, BE IT RESOLVED, BY THE KOSSUTH COUNTY BOARD OF SUPERVISORS THAT:

KOSSUTH COUNTY ORDINANCE NO. 310, “*An Ordinance Regulating the Construction and Operation of Commercial Wind Energy Conversion Systems in Kossuth County, Iowa*” be adopted by the Kossuth County Board of Supervisors this 4th day of April, 2017.

Don McGregor, Chairman

Attest:

Amber Garman, Auditor

KOSSUTH COUNTY ORDINANCE #310

AN ORDINANCE REGULATING THE CONSTRUCTION AND OPERATION OF COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN KOSSUTH COUNTY, IOWA

Introduction

The purpose and intent of this Ordinance is to provide an orderly process for regulating the development and operation of large-scale wind farm projects in the unincorporated areas of Kossuth County. Because of the significant, long-lasting impacts on the County’s residents and infrastructure resulting from such projects, the Kossuth County Board of Supervisors believes that it is in the public’s best interest that the Supervisors retain the final authority over the issuance of a WECS Construction Permit.

Section I – Definitions

Commercial Wind Energy Conversion System (“Commercial WECS”) shall mean any Wind Energy Conversion System with Turbines having a Total Height greater than 125 feet.

Components shall mean all of the physical facilities comprising a WECS; including Turbines (i.e. – the Tower, nacelle, hub, motor, and blades), Turbine foundations, transformers, crane pads, Feeder Lines, and any accessory buildings and equipment. Components shall include any substations that are constructed in conjunction with a Commercial WECS Project.

Confinement Feeding Operation Building shall have the same meaning as found in Iowa Code §459.102(15).

Feeder Line shall mean any above or below-ground line that carries electrical power from one or more Turbines.

Meteorological (“MET”) Tower shall mean a tower which is erected primarily to measure wind speed and directions, plus other atmospheric/weather data relevant to siting and operating a Wind Energy Conversion System. Meteorological towers do not include

towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

Occupied, Non-residential Building shall mean any building (other than a residence) that is regularly occupied by humans, and that is open to the public, sells goods or services, or a public, religious, or other non-profit institution.

Occupied Residence shall mean a building designed for, and actually occupied on a permanent basis as, an abode.

Project Area shall mean the geographic area encompassing all Components of a Commercial WECS Project.

Property Line shall mean the legal boundary between separately-owned real estate parcels, and between privately-owned parcels and publicly-owned land or public right-of-way.

Public Conservation Areas shall mean land owned by County, State or Federal agencies and managed for conservation/preservation purposes, including but not limited to Wildlife Management Areas, Conservation Areas, Parks, Preserves, Wildlife Refuges, and Waterfowl Production Areas. For purposes of this regulation, Public Conservation Areas also include land owned by non-profit conservation organizations and other privately-owned lands upon which permanent conservation easements have been granted to public agencies or non-profit conservation organizations. Public Conservation Areas do not include land enrolled in the Conservation Reserve Program.

Rotor Diameter shall mean the diameter of the circle described by the Turbine's moving rotor blades.

Total Height shall mean the highest point above ground level reached by a rotor tip or any other part of a Turbine.

Tower shall mean the vertical structure that supports the electrical generator, rotor blades, or meteorological equipment. Reinforced concrete Towers shall not be permitted in Kossuth County.

Tower Height shall mean the total height of a Turbine, exclusive of the rotor blades.

Turbine shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils, blades, or similar devices to capture the wind.

Wind Energy Conversion System ("WECS") shall mean an electrical generating project designed as an integrated system the Components of which are installed at the same time (a "**Project**" for purposes of this Ordinance), that operates by converting the kinetic energy of wind into electrical energy to be used on-site or distributed into the electrical grid.

Section II – Permit Application and Review

1. General. Before any construction activities related to a Commercial Wind Energy Conversion System can begin in Kossuth County, a **WECS Construction Permit** must be issued by the County. For purposes of this paragraph, the installation of MET Towers and access roads associated with a Commercial WECS shall not be deemed construction activities requiring a WECS Construction Permit; provided that any such tower or road must be installed in compliance with all other applicable county Ordinances and regulations.
2. Application. The Kossuth County Zoning Administrator's office will supply a written Application form to be used by any person seeking a WECS Construction Permit. Each Project shall require a separate Application. The Application shall contain:

- A. The name, address, EIN of the Applicant, as well as the proposed owners or operators of the Project, including the contact information (name, address, telephone and email) of their authorized representatives. The Application shall designate the entity who will be the Permit Holder of the WECS Construction Permit.
- B. A list of the names and addresses of all property owners (i) located within the Project Area, and (ii) located within 5,280 feet of any Turbine in the Project. Said list shall be verified by the Kossuth County auditor.
- C. A Development Plan (“*Plan*”) for the Project, which Plan shall contain aerial photographs of the entire proposed Project Area, showing the approximate proposed location of the Turbines, private access roads, Feeder Lines, Substations and all other Components of the Project. The Plan shall show Property Lines and setback distances under Section III below, as well as all public roads and public drainage district facilities (i.e. – ditches and underground tiles) in the Project Area. The Plan shall also identify any other Turbines, communication antennae, and airports (including private airstrips) located within five (5) miles of the Project Area; and all lakes, permanent water courses and Public Conservation Areas within three (3) miles of the Project Area boundaries. In providing the above information, the Plan shall use a GPS coordinate system that is compatible with the County’s geographical information and data systems. The Plan shall also include a mailing address for the owner of each communication antennae identified.
- D. Project details, including the name of the Project, and the anticipated number, type, generating capacity, Tower Height, and rotor diameter of the Turbines. The final number, type, generating capacity, Tower Height, and rotor diameter must be provided in the Final Development Plan.
- E. Documentation of Applicant’s legal control over the private property necessary for the Project, signed by the property owner. Such legal control must vest in the Permit Holder of the WECS Construction Permit at the time of its issuance.
- F. A description of the public roads anticipated to be used during all phases of construction, as well as for access to material storage sites and staging areas. As set forth in Section V below, before construction commences on a Project, all public road and public drainage district crossings must be provided to the County Engineer, and approved for compliance with the County’s Road Use and Public Drainage System Protection Agreements.
- G. A permit fee equal to \$1,000.00 for each Turbine in the Project, to be paid upon approval of the WECS Construction Permit by the Board pursuant to Paragraph 8. below.
- H. Any FAA, FCC, or other state or federal permits or approvals that are necessary for the Project. Applicant shall submit a copy of the actual permit application, or proof that the permit has been filed with the appropriate agency.
- I. Evidence in the form of a report prepared by a qualified third-party acceptable to the Board that the Project will not materially interfere with any existing commercial and/or public safety communication systems including radio, telephone, internet, GPS, microwave, or television signals.
- J. A report prepared by a qualified third-party using the most current modeling software available establishing that no Occupied Residence will experience more than thirty (30) hours per year, or more than thirty (30)

minutes per day, of shadow flicker at the nearest external wall based on a “real world” or “adjusted case” assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all Occupied Residences as a result of the individual Turbines in the Project.

The owner of an Occupied Residence may waive the shadow flicker limits established above, which waiver must be in a written instrument signed by all owners and included with the Application.

- K. A Decommissioning Plan pursuant to Section IV paragraph 2. below.
 - L. Such additional information as the County may request due to the unique circumstances with the Project. Applicants are encouraged to have ongoing discussions with the County Zoning Administrator and Engineer during preparation of the Application.
3. County Review. Applications shall be filed with the Kossuth County Zoning Administrator. The Zoning Administrator shall promptly provide a copy of the Application to the Supervisors. The Zoning Administrator shall have thirty (30) days to review a completed Application and provide comments to Applicant.
 4. Notice of Filing. No later than ten (10) days after filing the Application, the Applicant shall provide a notice of the filing in substantially the following form:

PUBLIC NOTICE

Notice is hereby given that (name of applicant) has filed an Application with Kossuth County to build a commercial windfarm to be located in (list Township names and section numbers). The windfarm is projected to have _____ individual turbines that will be _____ feet high and each generate _____,kw of electricity. The Application is currently being reviewed by the County. There will be a separate notice of the public hearing on the project.

The Notice of Filing shall be:

- a.) published by the Auditor once for two consecutive weeks in the following newspapers: Algona Upper Des Moines, Algona Reminder, Bancroft Register, Swea City Herald, Titonka Topic, and West Bend Journal; and
- b.) mailed by the Auditor to each landowner identified in the Application pursuant to paragraph 2. B. above, and to each City located within one (1) mile of the Project Area; and
- c.) mailed by the Auditor to the owners of the Public Conservation Areas and all communication and other antenna identified in the Application.

All costs of mailing and publication shall be paid by Applicant to the Auditor in advance.

5. Public Hearing. Upon completion of the County’s review of the Application, the County shall set a public hearing to be held no later than thirty (30) days after the County review period. Representatives of the Permit Holder who are familiar with all aspects of the Project must be present at the public hearing.

6. Notice of Public Hearing. Notice of the time and place of the public hearing shall be published and mailed by the Auditor in the same manner as the Notice of Filing in 4 above. The costs of such publication and mailing shall be paid by the Applicant to the Auditor in advance.

7. Final Submission. No later than sixty (60) days following the public hearing, Applicant shall submit a Final Development Plan (“**FDP**”) to the Zoning Administrator showing the final location of all Turbines and other Components comprising the Project (using a GPS coordinate system that is compatible with the County’s data system). The FDP shall establish the Project’s compliance with this Ordinance.

8. Approval by Board of Supervisors. Within thirty (30) days following the submission of the FDP by the Applicant, the Board of Supervisors shall review it for completeness and compliance with this Ordinance; and, if same is in compliance, approve the Application by Resolution. The Resolution shall direct the Zoning Administrator to issue a WECS Construction Permit.

9. Modifications. The location of Components may be modified from the FDP when necessary to address exigencies encountered during construction, subject to the following limitations:

(i) any such modification shall remain subject to all setbacks and other requirements set forth in this Ordinance and the Ancillary Agreements; and

(ii) the location of Turbines and Project substations can only be modified from the FDP with approval of the Zoning Administrator if the proposed relocation is 300 feet or less; or, for such modifications exceeding 300 feet, with the approval of the Board of Supervisors. Approval of a Turbine or Project substation modification by the Zoning Administrator or the Board of Supervisors shall be deemed an approved amendment to the FDP and also automatically amend the WECS Construction Permit; and

(iii) within 30 days from the completion of the Project, the Permit Holder shall revise the FDP to show the exact “as-built” coordinates for all Components, including any modifications. [Failure to timely provide such coordinates shall be a material violation of this Ordinance.]

Section III – Siting and Design Standards

1. Setbacks.

All Turbines and Project substations shall observe the following setbacks: [Note – all measurements shall be from the center point of the Tower (or from the nearest above-ground non-fence structure at a substation site) to the nearest point on any Occupied Residence, Occupied Non-residential Building, or Confinement Feeding Operation Building; or to the nearest Property Line of any other Protected Area.

<u>Protected Area</u>	<u>Set Back Requirement</u>
Adjacent Property Lines	600 feet
Occupied Residence	1,600 feet
Occupied, Non-residential Building	1,600 feet
Confinement Feeding Operation Building	600 feet
Public Road Right-of-Way	600 feet
Public Drainage District Right-of-Way	
Open Ditch	300 feet
Tile (centerline)	100 feet
Public Conservation Area	600 feet
Cemetery	1,200 feet
City Limits	1,600 feet from the Corporate Limits
Public Airports and Private Airstrip	The greater of: any applicable FAA regulations, or a 3 mile radius from all runways

2. Setback Waivers. The above setbacks may be reduced as follows:

- Adjacent Property Line and Confinement Feeding Operation Building – to 0 (zero) feet
- Private airstrips – to 1,600 feet
- All other Protected Areas – to 600 feet

PROVIDED, a waiver shall not alter any other non-waived set-back requirement.

To effectuate such a waiver, the Applicant must provide the Zoning Administrator with a recordable instrument signed by all owner(s) (or the controlling governmental entity) of the affected Protected Area that specifically identifies the nature and extent of the waiver. All waivers must be approved by the Board of Supervisors for compliance with this

Ordinance; and upon such approval, shall be recorded in the office of the Kossuth County Recorder.

3. Height, Spacing, and Number Limitations.
 - (i) The Total Height of any Turbine shall not exceed 500 feet.
 - (ii) No Turbine within a Project shall be located more than 2 miles from the next closest Turbine in that same Project.
 - (iii) No Project shall have more than 250 total Turbines.
4. Color and finish. All Turbines and Towers that are part of a commercial WECS shall be white or grey. Finishes shall be matte or non-reflective.
5. Lighting. Lighting, including lighting intensity and frequency of strobes, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights are not permitted.
6. Signage. All Turbine sites shall be required to have individual 911 rural address signs at each access road. All other signs except those required for safety and directional purposes (or otherwise authorized by the County) shall be prohibited in the Project Area.

Section IV – Discontinuance/Decommissioning

1. A Component of a Commercial WECS shall be considered a “discontinued use” (i) after one continuous year of being non-operational (unless a plan is approved by the County outlining the steps and schedule for returning the Component to service); or (ii) upon revocation of the WECS Construction Permit. Once declared to be a discontinued use, the Components shall be subject to removal pursuant to this Section.
2. Each Project shall have Decommissioning Plan approved by the Board of Supervisors. Such Plan shall contain:
 - a.) A description of the Project Components, and a sequence and description of the activities required to remove same in compliance with this Section.
 - b.) A report prepared by a qualified third-party (to be approved by the Board in advance) setting forth the procedures and estimated net cost associated with the removal of the Components (other than Feeder Lines) to a depth of 48 inches and the accompanying restoration of the surface.
 - c.) Cash, an irrevocable letter of credit, or a performance bond running in favor of the County in an amount no less than the total estimated net removal/restoration costs as determined by said report. Said security must be in place at the time the Project is completed, and must remain in effect until decommissioning is completed. No such security shall be cancelable without notice to the Zoning Administrator. Each year, the Permit Holder shall provide proof that such security is in effect at the same time as the annual report to the assessor is made for purposes of the real estate tax assessment.
 - d.) The report prepared under b.) above shall be updated and provided to the County (i) at least every five (5) years, and (ii) upon any proposed transfer of the WECS Construction Permit. Should any update indicate a change in the decommissioning costs, the security required under c.) above shall be adjusted accordingly.
 - e.) No transfer/assignment of the WECS Construction Permit shall be effective without a corresponding transfer/assignment of the obligations and financial security required under the Decommissioning Plan, as approved by the Board of Supervisors.

Section V – Ancillary Agreements/Procedures

Issuance of a WECS Construction Permit is strictly conditioned on the Applicant executing the following:

1. Kossuth County Road Use and Repair Agreement
2. Kossuth County Public Drainage System Protection Agreement
3. An Emergency Response Plan provided by Applicant and approved by the Board of Supervisors. Said Plan shall contain response procedures to be followed in the event of a fire, collapse, personal injury, or other emergency at a Project. The Plan shall contain 24 hour emergency contact information for the Project

Section VI – Effect and Transferability of WECS Construction Permit

1. No construction activities on a Project may begin until a WECS Construction Permit has been issued, except as permitted in Section II paragraph 1.

2. Any material violation of any provision of this Ordinance that remains uncured after thirty (30) days' written notice from the County to the Permit Holder shall be grounds for revocation of the WECS Construction Permit.

3. If construction on the Project has not begun within 18 months from the date of issuance of the WECS Construction Permit, the WECS Construction Permit shall be automatically revoked without further action by the County. In such event, no work on the Project may take place unless and until a new WECS Construction Permit is issued, and any portion of the Project then completed shall be deemed a discontinued use.

4. Only the holder of the WECS Construction Permit (the "*Permit Holder*") shall own the Project, and such holder shall be the entity responsible for observing all requirements of this Ordinance. The Permit Holder shall be responsible to maintain all Components of the Commercial WECS in good repair, and in compliance with this Ordinance and the Ancillary Agreements listed in Section V above.

5. No WECS Construction Permit shall be transferred or assigned, voluntarily or involuntarily, without the written approval of the Kossuth County Board of Supervisors, which consent may be withheld unless and until the Board is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the Permit Holder under this Ordinance and the Ancillary Agreements listed in Section V above. Requests for approval of a WECS Construction Permit transfer shall be directed to the Zoning Administrator.

Section VII – Miscellaneous

1. CONDEMNATION WAIVER. ISSUANCE OF A WECS CONSTRUCTION PERMIT SHALL BE CONDITIONED ON THE PERMIT HOLDER'S ENFORCEABLE PROMISE, SUPPORTED BY THE CONSIDERATION OF THE ISSUANCE OF THE WECS CONSTRUCTION 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.

2. In any action brought by the County against the Permit Holder of a WECS Construction Permit to enforce the provisions of this Ordinance, the County shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.

Section VIII – Severability Clause

If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section IX – Repealer

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

Section X - Date of Effect

This Ordinance shall become effective upon its passage by the Board at three meetings and published as required by Iowa Code §331.302(8).

Adopted and passed by the Kossuth County Board of Supervisors on this 4th day of April, 2017.

Kossuth County Board Of Supervisors

Don McGregor, Chairperson

Don Besch

Roger Tjarks

Jack Plathe

Pam Wymore

ATTEST:

Amber Garman, Kossuth County Auditor

First Reading: March 7, 2017

Second Reading March 14, 2017

Third Reading March 21, 2017

Published Swea City Journal: March 29, 2017

Published Bancroft Herald: March 29, 2017

Published Algona Upper Des Moines: March 30, 2017

Motion by Tjarks and 2nd by Besch to approve Resolution #04-04-17-02 which is a resolution approving final plat and dedication for Zaugg's Addition, Kossuth County, Iowa. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried. 5 to 0

**KOSSUTH COUNTY
BOARD OF SUPERVISORS**

RESOLUTION NO. 04-04-17-02

**RESOLUTION APPROVING FINAL PLAT AND DEDICATION
FOR ZAUGG'S ADDITION, KOSSUTH COUNTY, IOWA**

WHEREAS, there has been presented to the Kossuth County Board of Supervisors for their consideration a Final Plat covering the following described real estate, to-wit:

The West 15 Fifteen (15) acres of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼), Section Seven (7), Township Ninety-four (94) North, Range Thirty (30) West of the 5th P.M., Kossuth County, IA.

According to the Plat, it appears that Pat and Julie Zaugg, are the owner of said real estate and desire to plat the same as Zaugg's Addition, Kossuth County, Iowa, and

WHEREAS, since Zaugg's Addition, Kossuth County, Iowa is being platted within the subdivision jurisdiction of Kossuth County, Iowa, said Final Plat is subject to the Subdivision Ordinance of said County, and the Final Plat requires the approval of said County and its Board of Supervisors; and

WHEREAS, upon consideration of same, the Kossuth County Board of Supervisors finds said Final Plat of the above-described real estate should be approved, subject to the terms of the Subdivision Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Kossuth County Board of Supervisors, that the Final Plat for Zaugg's Addition and the improvements denoted therein be and the same are hereby accepted and approved.

PASSED, ADOPTED AND APPROVED this 4th day of April, 2017.

Don McGregor, Chairperson

ATTEST:

Amber Garman, Kossuth County Auditor

CERTIFICATE

I, Amber Garman, the duly appointed, qualified and acting Auditor of Kossuth County do hereby certify that the copy of Resolution No. 04-04-17-02 of Kossuth, Iowa, hereto attached, is a true and correct copy of the resolution duly adopted by the Kossuth County Board of Supervisors at a regular meeting held on the 4th day of April, 2017, and that the copy of Resolution No. 04-04-17-02 of Kossuth County, Iowa, hereto attached, is a true and correct copy of the resolution duly adopted by the Kossuth County Board of Supervisors at a regular meeting held on the 4th day of April, 2017, at which meeting a quorum was present, all of which appears in the official records of the Kossuth County Board of Supervisors.

Amber Garman
Kossuth County Auditor

Motion by Wymore and 2nd by Tjarks to approve Resolution #04-04-17-03 which is a resolution approving the final plat and dedication for Wildhaven Addition, Kossuth County, Iowa. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried 5 to 0.

KOSSUTH COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 04-04-17-03

RESOLUTION APPROVING FINAL PLAT AND DEDICATION FOR WILDHAVEN ADDITION, KOSSUTH COUNTY, IOWA

WHEREAS, there has been presented to the Kossuth County Board of Supervisors for their consideration a Final Plat covering the following described real estate, to-wit:

A tract of land located in Government Lot One (1) of Section Eleven (11), Township Ninety-five (95) North, Range Twenty-nine (29), West of the 5th P.M., Kossuth County, IA, described as follows:

Commencing at the Southeast corner of Lot 43 of River View Heights Third Addition to Algona, thence North 68°38.3' West 1119.14 feet along the Southerly line of River View Heights Third Addition to Algona to the Southwest corner of Lot 33 of River View Height Third Addition to Algona, thence South 21°21.7' West 310 feet along the extended Westerly line of River View Heights Third Addition to Algona, thence South 68°38'20" East 1082.75 feet to the Westerly line of an established road, thence Northeasterly along the Westerly line of said road 312.10 feet, more or less, to the point of beginning.

According to the Plat, it appears that Donald R. Tietz, is the owner of said real estate and desire to plat the same as Wildhaven Addition, Kossuth County, Iowa, and

WHEREAS, since Wildhaven Addition, Kossuth County, Iowa is being platted within the subdivision jurisdiction of Kossuth County, Iowa, said Final Plat is subject to the Subdivision Ordinance of said County, and the Final Plat requires the approval of said County and its Board of Supervisors; and

WHEREAS, upon consideration of same, the Kossuth County Board of Supervisors finds said Final Plat of the above-described real estate should be approved, subject to the terms of the Subdivision Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Kossuth County Board of Supervisors, that the Final Plat for Wildhaven Addition and the improvements denoted therein be and the same are hereby accepted and approved.

PASSED, ADOPTED AND APPROVED this 4th day of April, 2017.

Don McGregor, Chairperson

ATTEST:

Amber Garman, Kossuth County Auditor

CERTIFICATE

I, Amber Garman, the duly appointed, qualified and acting Auditor of Kossuth County do hereby certify that the copy of Resolution No. 04-04-17-03 of Kossuth, Iowa, hereto attached, is a true and correct copy of the resolution duly adopted by the Kossuth County Board of Supervisors at a regular meeting held on the 4th day of April, 2017, and that the copy of Resolution No. 04-04-17-03 of Kossuth County, Iowa, hereto attached, is a true and correct copy of the resolution duly adopted by the Kossuth County Board of Supervisors at a regular meeting held on the 4th day of April, 2017, at which meeting a quorum was present, all of which appears in the official records of the Kossuth County Board of Supervisors.

Amber Garman
Kossuth County Auditor

Motion by Plathe and 2nd by Tjarks to approve Resolution #04-04-17-04 which is a resolution approving an amendment to the zoning map of Kossuth County, Iowa. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried 5 to 0.

**KOSSUTH COUNTY
BOARD OF SUPERVISORS**

RESOLUTION NO. 04-04-17-04

**RESOLUTION APPROVING AN AMENDMENT TO THE ZONING MAP OF KOSSUTH COUNTY,
IOWA**

WHEREAS, there has been presented to the Kossuth County Board of Supervisors for their consideration a Final Plat covering the following described real estate, to-wit:

That part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section Sixteen (16), Township Ninety-five (95) North, Range Twenty-nine (29), West of the 5th P.M., Kossuth County, Iowa, described as parcel "A" of the Survey recorded as Document No. 2002-1725 and Parcel "B" of the survey recorded as Document No. 2003-4570.

Hereinafter referred to as Tract 1:

WHEREAS, Steven A. and Kimberly Weaver, hereinafter referred to as Owners, own Tract 1, and

WHEREAS, according to Kossuth County's current zoning map, Tract 1 is currently in an A-1 Agricultural Zoning District; and

WHEREAS, Owners requests to change the zoning district of Tract 1 to B-1 Retail Business District, and

WHEREAS, change of zoning district in Kossuth County is subject to the Zoning Ordinance of said County, and requires the approval of said County and its Board of Supervisors; and

WHEREAS, upon consideration of same, the Kossuth County Board of Supervisors concludes said petition should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Kossuth County Board of Supervisors, that Tract 1 be included in a B-1 Retail Business district on the zoning map.

PASSED, ADOPTED AND APPROVED this 4th day of April, 2017.

Don McGregor, Chairperson

ATTEST:

Amber Garman, Kossuth County Auditor

CERTIFICATE

I, Amber Garman, the duly appointed, qualified and acting Auditor of Kossuth County do hereby certify that the copy of Resolution No. 04-04-17-04 of Kossuth, Iowa, hereto attached, is a true and correct copy of the resolution duly adopted by the Kossuth County Board of Supervisors at a regular meeting held on the 4th day of April, 2017, and that the copy of Resolution No. 04-04-17-04 of Kossuth County, Iowa, hereto attached, is a true and correct copy of the resolution duly adopted by the Kossuth County Board of Supervisors at a regular meeting held on the 4th day of April, 2017, at which meeting a quorum was present, all of which appears in the official records of the Kossuth County Board of Supervisors.

Amber Garman
Kossuth County Auditor

Drainage was held followed by discussion with Kent Rode regarding Drainage Maintenance and the Reclassification Hearing for Drainage District 5 West.

Motion by Besch and 2nd by Wymore to approve and authorize the chair to sign the Annual Financial Assurance Report for Kossuth County Sanitary Landfill for FY 2016. Motion carried.

Motion by Plathe and 2nd by Wymore to approve the policy for Driveways and Field Entrances. Motion carried.

KOSSUTH COUNTY MANUAL OF WRITTEN POLICY

POLICY FOR DRIVEWAYS AND FIELD ENTRANCES

Department: Secondary Roads
Policy Number: D-1
Approved and Adopted: April 04, 2017

Purpose:

To establish guidelines for the construction and widening of Driveways and Entrances within the Kossuth County Secondary Road Right of Way.

Overview:

A driveway provides access from the traveled portion of the public road to the adjacent land. Safety and drainage shall be addressed by Kossuth County for the location and construction of entrances.

Policy:

For use in this policy, certain terms or words used herein shall be interpreted or defined as follows:

Driveway - a private road giving access from a public road to an abutting land.

Entrance - same as driveway.

Parcel - a continuous plot of land that is owned by the same person/people.

1. All persons desiring a new entrance, relocation and/or widening of an existing entrance to the Kossuth County Secondary Road System shall apply for a permit at the Kossuth County Engineer's Office.
2. An engineering review to determine safety, drainage, and other factors will be made by Kossuth County on all driveways. Engineering review approval is required prior to entrance permit approval.

3. Driveways into the same parcel of land shall be limited to two within 1,320 linear feet of road footage. Driveways will be located at least 100 feet from the end of any guardrail installation.
4. On any type of construction project where driveways will be removed, (grading, bridge approaches, etc.) Kossuth County will replace all removed driveways cost free to the land owner. Driveways will be constructed in the location the land owner requests, given the location is approved by an engineering review and adheres to this policy. Additional driveways requested on construction projects shall be applied for as stated in paragraph 1, be paid for by the land owner and adhere to this policy.
5. All driveways shall be constructed to meet the following specifications:
 - a) Driveways constructed for entrance to a paved surface road shall have foreslopes of 6:1 or greater.
 - b) Driveways constructed for entrance to a road other than a paved surface road shall have foreslopes of 3:1 or greater.
 - c) All driveway drainage pipe shall be new material and have a minimum diameter of 18". Material shall be 16 gauge riveted galvanized corrugated metal pipe or 1500d tongue and groove concrete pipe.
 - d) Fill shall be a suitable material, as determined by Kossuth County. No broken concrete, rocks, brick, tile, wood or other rubble will be allowed as fill material in the construction or widening of any entrance.
6. The applicant shall have the option to retain a contractor to complete entrance work in accordance with the terms of this policy or have the entrance work completed by Kossuth County.
7. If the applicant desires to have Kossuth County complete the entrance work, the following costs and conditions shall apply:
 - a) There will be a charge for all entrance work done by Kossuth County. Kossuth County will not be required to provide driveways for land that has been subdivided and for which an existing driveway does not exist.
 - b) The cost of fill material needed for all entrance work shall be current price on file at the Kossuth County Engineer's Office. This includes the cost of the fill material, hauling, leveling and shaping.
 - c) The cost of drainage culvert and its installation, if needed, for all entrance work shall be the current price on file at the Kossuth County Engineer's Office.
 - d) The cost of all gravel used to surface any new or existing driveway shall be current price on file at the Kossuth County Engineer's Office. This includes the cost of the gravel, hauling, leveling and shaping for the entrance from the edge of shoulder to the right of way line.
 - e) All entrance work will be completed at Kossuth County's convenience.
8. If the applicant desires to have a private contractor complete the entrance work, the related construction shall not interfere or interrupt traffic on said highway, and the applicant shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, and shall hold Kossuth County harmless of any damage or loss that may be sustained on account of such construction. Applicant shall be required to warn the traveling public per the current Manual on Uniform Traffic Control. All workers within Kossuth County Secondary Road Right of Way are required to wear high-visibility safety apparel per the current Manual on Uniform Traffic Control. The new driveway will be subject to a final inspection by the Kossuth County Engineer's Office.
9. Any entrance widening that is required for a school bus turn around, shall be completed cost free by Kossuth County providing the request for entrance widening is received from the school superintendent and the location is approved by an engineering review.
10. Any entrance construction that does not comply with the policy may be removed by the County at the owner's expense.
11. This policy is effective immediately and supersedes any previous "Driveway and Field Entrance Policy."

Passed this 4th day of April, 2017.

Don McGregor
Kossuth County Board of Supervisors

ATTEST:

Amber Garman
Kossuth County Auditor

Motion by Wymore and 2nd by McGregor that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Nathan Hellman, Bancroft, IA, to install a new tile across 160th Avenue, north of 340th Street. The crossing will involve cutting through 160th Avenue and installing 72' of 18" Ø Class 3 reinforced concrete pipe. The crossing is approximately 720 feet north of the SE corner of Section 33, Ramsey Township. Work will be in Sections 33 and 34 Ramsey Township. Permit number 04-09-2017 is on file in the Kossuth County Engineer's Office. Motion carried.

Discussion with Kossuth County Engineer/Zoning Administrator was held.

Discussion with Kossuth County Farm Bureau was held.

Discussion with Kossuth County Auditor was held followed by Board Discussion and Committee Reports. Roger Tjarks made the Kossuth County Auditor aware during discussion that County Social Services voted to lower the Mental Health levy. Amber Garman stated she was aware of this change and that it does not affect us because our levy is already lower than the new voted levy.

On motion adjournment was taken until April 11, 2017.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors

