

March 31, 2021

Board members present for regular session at 9:00 a.m. were: Shelley, Hoadley, Twombly, Walker and Wedemeyer. Also present: Mandy Berg, Ric Hansen, Joanie Finck, Matt Ott, Josh Baudler, joined via conference call. All motions were approved unanimously unless noted otherwise.

Due to heightened public health risk from the coronavirus outbreak, the Board Meeting was held via conference call pursuant to Iowa Code section 21.8.

MINUTES: Moved by Walker and seconded by Hoadley to approve the minutes from March 24, 2021. Approved.

GENERAL RELIEF APPLICATION: Moved by Twombly and seconded by Hoadley to approve the general relief application. Approved.

GROVE TOWNSHIP MOWING BIDS: The Board received four sealed bids for the mowing of Grove Township Cemetery. The Board opened the following sealed bids:

<i>Mike Mangels</i>	\$25.00/mowing	<i>Josh Rardin</i>	\$35.00/mowing
<i>Josh Baudler</i>	\$28.50/mowing	<i>Barry Williams</i>	\$30.00/mowing

Moved by Twombly and seconded by Shelley to award the bid to Mike Mangels for \$25.00 per mowing. Approved.

MANURE MANAGEMENT PLAN UPDATES: Moved by Shelley and seconded by Wedemeyer to acknowledge receipt of the manure management plan update from Steele Land and Livestock. Approved.

CHILD ABUSE PREVENTION GRANT DRAW DOWN: Moved by Twombly and seconded by Walker for Auditor Berg, as contract administrator, to sign the child abuse prevention grant draw down. Approved. Nick Kauffman, County Engineer, entered at 9:07 a.m.

FY20 SOUTH CENTRAL IOWA REGIONAL 911 SERVICE BOARD AUDIT: Moved by Twombly and seconded by Hoadley to acknowledge receipt of the FY20 South Central Iowa Regional 911 Service Board Audit. Approved.

COVID-19 UPDATES & DISCUSSION: Supervisor Shelley read a letter from County Attorney Larson regarding the public being able to attend in-person meetings. The letter stated that the Governor's emergency proclamation ends on April 4, 2021 and that Iowa Code Section 21.8 requires a public in-person meeting to be impossible or impractical in order to be held electronically as a whole. If the Governor's proclamation is not extended, Attorney Larson recommends that the Board allow the public to attend the Board's meetings in person if social distancing is achievable. Moved by Twombly and seconded by Walker to follow the Governor's proclamation and if the proclamation is not extended, to allow the public to come to the Board's meetings using social distancing guidelines and requiring attendees to wear masks. Approved.

FLOODPLAIN ADMINISTRATOR: Chris Whitaker, Region XII Council of Governments, joined via conference call at 9:14 a.m. Whitaker stated that he currently has a contract with Guthrie County for being the zoning coordinator and by default acts as the floodplain administrator. Whitaker recommends for our Council of Government to take of this for us and has spoken with Tim Ostroski with SICOG. Ostroski is willing to go back and reevaluate to see if they would have time to provide this service to Adair County. Whitaker is willing to help out the County in the next couple of weeks for any permits that are needed until another alternative is found. They currently charge \$75.00/hour and have no fee to the permit applicant. Typically, Whitaker receives a letter from the DNR stating that a project is not requiring a permit from the DNR, but may require a local floodplain permit. Whitaker then reaches out to the applicant for plans, reviews the project, and signs off on it. The Board will reach out to Ostroski for future need, but will contact Whitaker in the next couple weeks if a permit is needing to be done. Dominic Johnson, Conservation Director, entered at 9:21 a.m. Whitaker exited the conference call at 9:22 a.m.

ENGINEER: Approve New Hire – Moved by Twombly and seconded by Hoadley to approve the new hire of Luke Meisenheimer as a Secondary Road Equipment Operator/ Laborer starting at \$17.54/hour. Approved. Meisenheimer will start on April 12, 2021. **Wage Rate progressions –** Moved by Shelley and seconded by Twombly to approve the wage rate progressions for Bradley Cooper and Dustin Ford of \$0.93/hour for completion of 18 months. Approved. **Maintenance and Activities Report –** Kauffman gave an update on the following projects: N11 Jefferson bridge, Gus, Cohron and Jensen are all working, contract rock will start on Monday starting by Middle River and working their way down Hebron, and Summit Builders will start next week on city shed. Caleb Nelson joined the meeting via conference call at 9:31 a.m.

CONSERVATION: Conservation Activity Updates – Johnson distributed a list of conservation updates to the Board. Johnson stated they had set the 2021 camping rates at \$20/night at Lake Orient and \$8/night for tent camping and \$12/night for electric at Mormon Trail. After the completion of the restroom facility, those rates would increase to \$15/night and \$20/night respectively. The restroom facility was awarded to Caliber Concrete for \$218,318.00 and will be started right away with the building expected to be delivered in June. The DNR backed out on the allowing the County to take over on managing the Wildlife Management Area near Whoopie. Johnson has offered the AmeriCorps position to Kasha Shear who will serve from May to August or a total of 450 hours. Shear will stay in a camper at Lake Orient until the shower house is completed and then will move to Mormon Trail. The Jensen Butler Wildlife Area is officially ours. The new kiosk is nearing completion at Lake Orient. They hope to have it up and ready at the end of this week. Johnson stated that this fall and winter they have been able to catch on up getting rid of the dying and invasive trees and plan to plant more trees in the future. They have also cut down invasive cedar trees near the shoreline at Mormon Trail and placed in designated areas with wired concrete blocks to weigh the trees down. Johnson exited at 9:42 a.m.

SOLAR PANEL ORDINANCE DISCUSSION: Melissa Larson, County Attorney, entered at 9:45 a.m. Karen Seley, Curt Beane, and Jane Stephens joined via conference call at 9:45 a.m. Auditor Berg distributed two letters that had been received in her office from Matt Ott and Attorney Larson. Larson stated she had stated that she had reviewed Supervisor Shelley's wind turbine easement with MidAmerican in its' entirety, as well as, a partial confidential easement with information redacted given to her by a resident and Iowa Code Chapter 68B which covers government ethics and lobbying. After reviewing these materials, Larson stated that the agreement between Shelley and MidAmerican relate solely to the actual project that the contract was for and does relate to any other projects that MidAmerican might build. Also, Chapter 68B.2A defines conflict of interest in three different scenarios, none of which applies to the wind energy contract between Shelley and MidAmerican. Therefore, Attorney Larson does not see that Supervisor Shelley has any conflict of interest regarding any solar panel discussion. Larson also shared what she had discovered when researching solar panel ordinances. One concern is that the County does not have any zoning, which only includes a small number of other Counties in Iowa. In her research, Union County, who is also not zoned, has a very detailed wind ordinance that has the Engineer's office responsible for making sure applicants are in compliance. Supervisor Hoadley stated that because we have no zoning, the Supervisors have the option to do an ordinance. Supervisor Twombly stated he wasn't in favor of ordinances like this because there is not an appeal board like there would be for a County with zoning. Twombly is not in favor of taking rights away and penalizing those who may want the solar panels, but thinks the best base for an ordinance he has seen is the guide they received from Jordan Oster. Supervisor Wedemeyer distributed a list of setbacks and ideas he thought were reasonable to include in an ordinance. Supervisor Hoadley was concerned that 100 feet from the right-of-way intersections were not enough when it came to destructing your vision for incoming traffic. Engineer Kauffman stated that no solar panel should interfere with sight of vehicles when they are stopped at a stop sign, but may prohibit some sight when coming up to a stop sign. Kauffman has spoken with MidAmerican regarding drifting and that hasn't seemed to be a problem with any existing solar farm. Supervisor Hoadley stated she looked at all the information given to the Board and all those sources had an interest or were in favor of MidAmerican and solar energy. She believes we need to listen to the people who actually live here and will be affected and doesn't think Madison County's ordinance is unreasonable. Hoadley does not want to leave the door open to solar and thinks we need to think about how it will affect farmers and local businesses and think not only about setbacks but also the noise, property values, conservation and historic areas, CRP land and occupied houses. Supervisor Wedemeyer stated that if we have an ordinance similar to Madison County, the Board might as well have a moratorium for solar panels except for the landowners who already have contracts for them. Moved by Shelley draft an ordinance that states commercial solar panels must be 300 from a dwelling unit regardless of project participation, 300 feet from a property line of parcel of less than 10 acres of non-participating parcels, and 125 feet from the property line of any parcel larger than 10 acres of non-participating parcels. Motion died for a lack of a second. Supervisor Hoadley stated that we need to have a public meeting before setting setbacks but Supervisor Shelley and Twombly stated that they believe setbacks in an ordinance should be in place prior to having the public hearing. Changes can then be made after the public if needed. The Board continued to discuss setbacks and what other items need to be included in an ordinance. Moved by Hoadley to draft an ordinance that states commercial solar panels must be 500 from a dwelling unit regardless of project participation, 500 feet from a property line of parcel of less than 10 acres of non-participating parcels, 250 feet from the property line of any parcel larger than 10 acres of non-participating parcels, and at least a half a mile away from an occupied home or property line of an acreage for living purposes. Motion died for a lack of a second. Supervisor Shelley stated that there were more things to consider when stating an occupied home and would at some point need to be specified. Moved by Walker and seconded by Twombly to draft an ordinance that states commercial solar panels must be 500 from a dwelling unit regardless of project participation, 500 feet from a property line of parcel of less than 10 acres of non-participating parcels, 250 feet from the property line of any parcel larger than 10 acres of non-participating parcels, 50 feet from road right of way, a radius of 150 fee from road right of way at intersections from the center of the road, panels must have native grass or other manageable vegetation under them, and to include a decommissioning plan. Roll call vote: Shelley, nay; Twombly, aye; Walker, aye; Wedemeyer, aye; and Hoadley, aye. Approved. Moved by Shelley and seconded by Wedemeyer to also have Attorney Larson and Engineer Kauffman draw up a road use agreement to include in the ordinance. Roll Call Vote: Shelley, aye; Twombly, aye; Walker, aye; Wedemeyer, aye; and Hoadley, aye. Approved. Supervisor Hoadley asked if the County could request the health and safety manuals from any developer coming in to keep on record and if we could include noise in the ordinance. Supervisor Shelley wasn't sure how the County would be able to regulate the noise. Attorney Larson will draw up a draft of an ordinance and see what she can include for a decommissioning plan and bring it to the Board on April 14th as there is a trial in the courtroom next week.

The Board discussed that with the trial next week in the courtroom, the public will not be able to attend in person as the boardroom does not provide any room for social distancing. The public will have the option to attend the meeting via conference call.

ADJOURNMENT: Moved by Twombly and seconded by Walker to adjourn at 10:46 a.m. Approved.

ADAIR COUNTY BOARD OF SUPERVISORS: _____ Steve Shelley, Chairman

ATTEST: _____ Mandy Berg, Auditor