

AGENDA
REGULAR DRAINAGE MEETING
Wednesday, July 8, 2020 10:30 AM
Emergency Operations Center (EOC)
1031 Edgington Ave., Eldora, IA

Regular Drainage Meeting for July 8, 2020 will immediately follow the 10:00 AM DD 56
Landowners Meeting.

This meeting will be open to the public for in-person attendance at the EOC building, attendance is also available electronically either by conference call or online. You may call at 10:30 am to access the meeting by following these instructions: To access the meeting call: 1-(312)-626-6799, when prompted enter meeting ID code: 662 016 552.

You can also access the meeting online at: <https://zoom.us/j/662016552>.

If attending the meeting in-person, please practice social distancing due to Covid -19 concerns.

1. Open Meeting
2. Approve Agenda
3. Approve Minutes

Documents:

[06_24_2020 - DRAINAGE MINUTES.PDF](#)
[06_30_2020 - DRAINAGE MINUTES.PDF](#)

4. Approve Claims For Payment

Documents:

[PAYABLES-DRAINAGE PUBLICATION 07_10_20.PDF](#)

5. Discuss W Possible Action -Wind Turbine Ordinance And Drainage Utility Permit Language & Process

Documents:

[HARDIN COUNTY WIND TURBINE ORDINANCE APPROVED BY ZONING COMMISSION_20200417.PDF](#)
[UTILITY PERMIT APPLICATION ACROSS DRAINAGE DISTRICT.PDF](#)
[UTILITY PERMIT APPLICATION ACROSS DRAINAGE DISTRICT - DRAFT 6_19_20.PDF](#)

6. Discuss W Possible Action - Drainage Ditch - City Of Union

Documents:

[CITY OF UNION PETITION TO ESTABLISH A DRAINAGE DISTRICT
SIGNED.PDF](#)

7. Other Business
8. Adjourn Meeting

REGULAR DRAINAGE MEETING
Wednesday, June 24, 2020 9:30 AM
This meeting was held electronically due to Covid-19 concerns.

6/24/2020 - Minutes

1. Open Meeting
Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also in attendance were Trustee BJ Hoffman; Trustee Renee McClellan; Landowner Merv Vierkandt; Lee Gallentine of Clapsaddle-Garber Associates; and Denise Smith, Drainage Clerk.
2. Approve Agenda
Motion by Hoffman to approve the agenda. Second by McClellan. All ayes. Motion carried.
3. Approve Minutes
Motion by Hoffman to approve the minutes to Drainage Meeting dated 06-17-2020. Second by Hoffman. All ayes. Motion carried.
4. DD 11 WO 294 - Discuss W Possible Action - Progress Update/Direction To Proceed

Gallentine stated this is the work order on Smuck's property for a sinkhole that televising was authorized on last week, and we determined about 500' total of tile in the downstream direction, has the top starting to cave in, that was the field determination and CGA is going through the videos right now. Merv Vierkandt was called into the meeting. Gallentine stated as the contractor started digging to find tile stable enough to hook onto, there is a void next to the tile on the outside of the tile, and the tile is cracked on the bottom, top and sides, so that when they uncovered the next piece of the tile to hook to, it would collapse into that void. Gallentine stated that at 50' out they stopped and decided they could not keep chasing the tile, so they decided to televise the tile, in the field we determined that upstream doesn't look too bad, it is cracked but it isn't collapsing, downstream there is about 500' that the top is cracked and collapsing. Gallentine stated we are viewing it on a large screen in the office to verify our field findings. Gallentine stated that Seward thought his price for replacing that 500' would be higher than what Gallentine thought it would be, and would be well over the \$50,000 price threshold that would require a hearing, so we put it back together temporarily and covered it back up.

Vierkandt stated he had heard it was fixed and covered up and assumed that was the end of it, in 1967 there was an expensive section of tile put in, and asked if CGA saw that in the history. Vierkandt stated in talking with other landowners in the district, they would like to continue with repairs as needed only. Gallentine stated CGA will draw up a report so the landowners can see what they are making the decision on, if you have not seen the video, you may not have all the facts on which to base a decision on. Gallentine understands the current financial status and you may want to move ahead with larger repairs and you may not. Vierkandt asked if any other landowners were in attendance. Gallentine stated there was not. Vierkandt stated in speaking with other landowners, Jack Runge and Robert Smuck, they had discussed that the temporary repair was made and they would like to move ahead with repairs as needed only, however Vierkandt stated he thought the other landowners would like to view the video of the televising as well. Gallentine asked if Runge was a landowner in the district or a tenant as we have had requests come in recently from tenants. Vierkandt stated Runge was a landowner in the district, and may be the largest landowner at just over 100 acres. Vierkandt asked how do we go on from here to view the video. Gallentine stated CGA will finish out viewing the video, and will generate a report that they will make available along with copies of the video, which will be sent to the Drainage Clerk, and the Clerk will have an electronic copy of the report that can be shared with any landowners and also a copy of the video for those that would like to view it. Gallentine stated that they may not want to view the video until they have the report in hand. Vierkandt stated he would like to see the video to help us make a determination, a few years ago we knew it had cracks in the top and it may last a few more years or it may not, with the farm economy what it is right now, we are of a mind to just keep repairing it. Gallentine stated he understood that, and it is in the same condition as a lot of other tile of the same age, other than there is that void on the outside that makes it less stable. Gallentine stated he could provide Vierkandt with a USB copy of the video file, Vierkandt stated he would appreciate it and provided Gallentine with his address.

Vierkandt asked where the exact location was of this work order, Gallentine stated we were west of the gravel road, Vierkandt asked if the 500' of tile that was bad, or is it bad after that as well. Gallentine stated we think it is the 50' of tile we took out plus 450' of additional tile, that comes to a total of 500' of tile, we did televise past that and it appeared to still be cracked but was not collapsing. Vierkandt stated we knew the top was cracked for many years, but we were not aware the side and bottom were cracked as well, that is new information for us, but Smuck and he were of the mind we are still wanting to do just repairs. Vierkandt asked if there was a way to get the

percentage of cost for a repair as it would be split out to each landowner. Gallentine stated the Drainage Clerk could provide that information. Vierkandt stated hopefully in the next few weeks we can view this information and come together to make a decision, Vierkandt appreciated the Trustees including him in the conversation, times are tough right now in the farm economy, and we want to make sure the Trustees are doing what we think is best right now. Vierkandt stated he will make sure to have Runge and Smuck included in the conversation so the Trustees know he is not speaking out of turn for the others. Hoffman appreciates Vierkandt's input and that democratic process. Smith stated there have been few repairs on the district and will verify the classification is entered in Tyler.

5. DD 25 - WO 1 - Discuss W Possible Action - Contractor Update / Change Order

Gallentine provided an update on this work order near Garden City, contractor McDowell has requested a time extension for another month through July 31, 2020, current completion date is June 30th, contractor is requesting another month due to the amount of rain we have had and the additional footage he has to install. Granzow stated he does not have an issue with that. Gallentine stated we redrafted the plans to show the private tile, district tile and the new clean set of plans are on record with the Drainage Clerk.

Motion by Hoffman to approve Change Order 4 for the time extension as presented. Second by McClellan. All ayes. Motion carried.

6. DD 55-3 WO 201 - Discuss W Possible Action -UPRR Permit Extension Update

Smith stated we received an update from the railroad regarding our requested extension from July 1, 2020 to September 9, 2020. The UPRR has granted our request for extension. Contractor Seward has been made aware as well, and the letter granting the request has been forwarded to RailPros to schedule flagging, RailPros has replied that there are still some documents related to the Contractor Right of Entry that will need submitted, Seward is working through providing the required documents. Gallentine stated he is confident Seward will get through the extension and get it done.

7. Other Business

DD 56 - Smith received a call from landowner Kevin Sheldahl, regarding the March 2019 DD 56 hearing in which the landowners selected to separate the district west of E Ave, and not replace any tile at that time. Sheldahl would like to move forward with the reclassification and not replace any tile at this time. Gallentine stated if we do not install the bypass there is no reason to split the district. Smith stated that was what Sheldahl had relayed this and that Smith encouraged him to attend the meeting by phone or in person, and Sheldahl stated he had trouble participating by phone at the last hearing, Smith tried to clarify how the zoom meeting worked for Sheldahl and encouraged him to share his thoughts at our next hearing. Gallentine stated Sheldahl is a wealth on information and would really like him to attend the meeting.

8. Adjourn Meeting

Motion to adjourn by McClellan. Second by Hoffman. All ayes. Motion carried.

REGULAR DRAINAGE MEETING

Tuesday, June 30, 2020 9:30 AM

This meeting was held in-person and electronically due to Covid-19 concerns.

6/30/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also in attendance were Trustee Trustee BJ Hoffman; Trustee Renee McClellan; Landowner Floyd Hammer; Darrell Meyer, County Attorney; Michael Pearce, Network Specialist; Jessica Sheridan, Environmental Health; Angela De La Riva, Economic Development; Lee Gallentine of Clapsaddle-Garber Associates; and Denise Smith, Drainage Clerk.

2. Approve Agenda

Motion by McClellan to approve agenda. Second by Hoffman. All ayes. Motion carried.

3. Approve Minutes

Motion by McClellan to approve the minutes to Drainage Meeting dated 06-22-20 and DD 120 Landowners Meeting dated 06-24-20. Second by Hoffman. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by Hoffman to approve claims for payment with pay date of Thursday, July 2, 2020. Second by McClellan. All ayes Motion carried.

DD 11 WO 294 - Televis tile & truck mileage	Williams Excavation LLC	\$2,327.00
DD 52 WO 215 - Review of Crop Dmg Claim 2020-4	The Davis Brown Law Firm	\$ 385.00
DD 86 WO 172 - Tile repair, labor, equip & rock	Williams Excavation LLC	\$1,381.00
DD 158 - WO 285 - Televis county main & truck mileage	Williams Excavation LLC	\$1,623.00

5. Discuss W Possible Action - Drainage Ditch - City Of Union

Landowner Floyd Hammer discussed the drainage ditch in the City of Union. Hammer thanked the Trustees for beng so helpful, Hammer spoke with the Trustees, the Auditor's office, Secondary Roads are all doing a great job. Hammer presented the Trustees with a letter addressed to the Hardin County Board of Supervisors acting as Drainage Trustees, in which Hammers discusses the issue of siltation of the drainage ditch which runs from South Hardin Golf Course through the city of Union. Hammers notes in his letter the siltation of the ditch has long been a problem to the landowners within the city, and Hammers stated the question was presented to the Union City Council with little discussion and no action indicated to be taken by the Council. The letter goes on to state that Hammers spoke with both the County Engineer and the Drainage Clerk about this issue, Smith provided Hammer with a copy of Iowa Code sections regarding the establishment of a drainage district.

Hammer stated when he bought the GMI building in 1996, and this issue has not been addressed since then, the ditch is silting in and we had the rains of Monday last week the water was within inches of touching the bottom of the bridge, and there are some planks falling off the bridge, and if they do fall it will cause more problems. Hammer stated after the meeting with City Council, the town council did not get very excited about it. Hammer stated he has included the copy of Iowa Code provided by Smith and a map image of the city of Union along with his letter to the Trustees. Hammer has spoken with Vaux Industries, Heart of Iowa Telephone Co-op who are all property owners adjoining or abutting the ditch. Hoffman stated that he had spoken with Nathan and Bernie and it does not take much rain and they have to deal with flooding in that ditch, and this is the first time anyone has made a formal request besides stating can we just clean out the silt and debris in the ditch. Hoffman appreciates Hammer coming here and formally wanting to do something, because asking the Engineer's office to come and clean out the ditch may not be a delegated authority, so this may be the only process.

Hammer presented a map that shows the current course of the creek, Hammer stated many years ago there may been a survey done about straightening the creek, and there may be some paperwork somewhere that covers that. McClellan stated straightening it may be easy until you come to a residential area, Hammer stated the two residential properties in that location have been abandoned or condemned. Hammer stated an engineering survey would tell us if we meet the code requirements, short term Hammers thinks we need to clean out the ditches, long term look at if we should make a new course for the ditch. Hammer stated when he bought the GMI building, he put in a loading dock that has a direct drain into the creek, this drain is now 18" of sediment over the drain, and

Hammer put a standpipe on it, otherwise the creek was backing up into the loading dock. Hammer stated if we could eliminate the weeds in the creek that may be helpful too.

Granzow stated what it sounds like Hammer wants to do is create a drainage district. Hammer stated if that is a way to fix the problem then yes, otherwise it will get worse. Granzow stated that this could be done two ways, the city could do it on it's own and assess taxpayers, or the district will do it and it will have an assessment. Hoffman stated the remittance would be different for a drainage district. Hoffman stated you will have to establish the watershed of the entire area, which would probably entail the golf course itself. and however far out it goes to the river. Hammer stated once you get to the south edge of Union there may be enough fall you don't need to go any further than that. Granzow stated that may determine who the controlling interest is, the city of Union, or the unincorporated area, the watershed would determine that. Granzow stated this would create a new watershed, and the engineer would draw up a report, Granzow stated he had never established a new drainage district. Gallentine stated he had not either, and we would have to have an engineer's report for establishment, and a hearing for establishment, and decide who would be in charge of it, by default the Supervisors are District Trustees, and if enough of it lies within the city limit is it could be transferred to city control. It was discussed that the district could end at the creek or at the river, as some of the area south of town is a river flood plain.

Granzow stated the better process would be for the city to handle the expenses for this project, it would be more efficient for the public not to get into a drainage district. Hoffman stated drainage laws are more stringent than municipal laws, and if drainage is not flowing, we have to maintain drainage, if the facility is not working to it's full potential, by law we have to do repairs to restore drainage. Hoffman stated a drainage district can be Trustee managed or owner managed with private trustees, but once the engineering report comes in it may show the golf course as having a high percentage of benefit, it may come in that they would owe a significant amount of whatever work is done. Hoffman stated each property owner in the district would be responsible for the costs, for example Radcliffe is part of a drainage district that is having issues and when you pass on the highest percentage of benefit to a golf course or one or two residents, on a million dollar project you could have one person paying \$500,000 for that. Hoffman stated in Radcliffe, the golf course is a major beneficiary, they could be on the hook for a half million or more dollars. Hammer stated it appeared to him that this would start at the south end of the course. Granzow stated the golf course would likely be part of the assessment.

Hoffman stated the first step would be getting the formal petition put together, so that the engineer with Clapsaddle-Garber comes in with a report and states these are the boundaries we recommend the drainage district be comprised of, every parcel in that district will be responsible for something one way or another, and once we receive a complaint that something is not functioning properly, we have to do something. Granzow stated which would be your complaint, once that process is initiated it will go forward. Smith stated we would have to establish your district before your request for improved drainage could move forward, we would require signatures on the petition, and although Hammer's letter lays out some names of landowners, we would require signatures on a formal petition of these landowners, and once that is done there are some other requirements moving forward. Smith stated if the engineer generates a report there is a cost associated with that, that cost would be applicable to the district if you choose to establish a district, if you choose not to establish a district, there may be the requirement of a bond to cover those costs. Smith stated in the event you choose not to become a drainage district, the bond would be used to pay those costs associated with creating the engineer's report. Gallentine stated for repairs, engineer's reports usually run \$5,000 to \$7,000, if we are talking district establishment that is probably on the low end because we are creating something brand new. Gallentine stated if the district is not established, the bond would cover the engineering costs, hearings, and any mailings associated with the hearings and notices to landowners, if the District was established, then the district would just pay it.

Hammer stated he is on the agenda for the next Union city council meeting a week from Tuesday, Hammer asked if the Drainage Clerk could come to the meeting to explain the process, as he does not want to start a ball rolling that no one wants to push. Hoffman stated that Gallentine would be better suited to explain the process, and be more expert. Granzow stated since Smith is the Drainage Clerk and would be under drainage pay, Granzow asked if Gallentine could attend. Hammer stated it would be July 14, at 6:30 pm in Union. Gallentine stated he is available for the meeting and there would not be a charge for his appearance. Granzow stated Gallentine works as our Engineer, but would not be the engineer of record in this case until a Drainage District is established. Gallentine stated the benefit of being in a drainage district is that if drainage facilities are in need of repair or in a state of disrepair, the downside of that is there is always a bill that comes due with that. Hammer stated that there is a need for this to be repaired, and someone will have to fix it eventually. Hammer thanked the Trustees, Gallentine and the Drainage Clerk for their assistance.

6. Discuss W Possible Action -Wind Turbine Ordinance And Drainage Utility Permit Language & Process

County Attorney Darrell Meyer reviewed the proposed changes to the Drainage Utility Permit Application. Meyer stated he had the benefits of reviewing the minutes of previous meetings to draft some changes to the Drainage Utility Permit Application, Meyer stated that instead of trying to insert things into the existing permit language,

Meyer called the existing language Section I and inserted the new language in Section II Wind Turbine Requirements that applies only to wind turbines, paragraph 20 states: This Section shall apply to commercial wind turbine applicants as defined in Hardin County Ordinance 29, Article XXIII. Meyer stated so whatever definition is used under Ordinance 29 for wind turbines, that would be who would have to use this permit form. In paragraph 21, Section I will still apply but to the extent that Section II is not compatible, Section II will override Section I, so they still have to comply with Section I of all your existing requirements, Section II is in addition to that and if there is any conflict between Section I and Section II, Section II would apply to wind turbines. Meyer stated he was trying to find some language for the idea that he had about this conditional approval, looking at the tile condition ahead of time and having an opportunity to work out the dollar and cents ahead of time after getting an idea of the condition the existing tile is in that way both parties can say it is not worth it, or before getting the final permit they get the conditional approval to scope it and there would have to be an agreement that would be entered at that point before they get the permit. The deal points would include that the applicant has to televise the district tile at the applicants expense, at the districts direction and under the conditions set by the district and how far and how much tile needs to be scoped is at the discretion of the district, depending on the location. Meyer did not want to put in a hard and fast measure of how many feet to be scoped, because every district is different, and this would have to be done on a case by case basis in which you could create a template, but that would have to be a condition that you create, but just be up front that the wind turbine will scope whatever you want them to scope.

Meyer stated then they would have to enter an agreement that states what percentage of fault they would have to deal with, this tile is damaged, what percent of fault will be allocated to the developer, this would be something you have to work out. Meyer stated that the next point deals with what damages would be paid at replacement cost, rather than replacing to the 100 year old tile standards, this would replace at modern cost, similar to an insurance policy that would replace at replacement value rather than market value, and how much of that are you going to require them to place up front as a deposit and then any legal fees the district incurs in negotiating and drafting the agreement and enforcing the agreement, the wind turbines would be agreeing to pay those costs. Meyer stated at least this way the district agrees to issue a permit, the people who are going to bear the costs know what is at stake and know what the risk is for approving any given wind turbine site, and so the landowners know if something goes wrong they will not be on the hook for this percent, and they can decide how much it will cost them, and as Trustees you can make a very clear decision whether to issue the permit or not. Meyer stated that was the idea behind paragraph 22. In paragraph 23, Meyer stated, if you have reached an agreement with the developer and you decide to issue this permit, the permit would include these additional terms, gathered from previous meeting minutes. Meyer tried to capture the specifics of what the Trustees had discussed at one point or another.

The Trustees discussed the \$50,000 fund for drainage repairs to be held in escrow by the CWECs. Meyer stated that would be covered in the pre-approval option, that could be driven by individual districts and each one could be a different amount. Granzow stated that could be in the agreement, we could establish each price per district. Meyer stated that some sites could vary by the space between tile lines, and each district may vary. Hoffman stated some of the costs in a district that has dual wall polypropylene may not be as at risk as a district that has 100 year old clay tile. McClellan stated has the cost of repair been addressed by this deposit, but if we hire CGA to work with all of these districts on repairs, who will pay that cost. Meyer stated the CWEC would pay for this, and any attorney fees, Meyer states it is in both the conditional use permit and the Drainage Utility Permit, after the use of the permit, but paragraph 22 is designed to make all the unknowns known, so there is no misunderstandings. Meyer stated if something fails in this tile that could be affected, the engineer will help make those repair costs known, so now you have the dollar value and then you negotiate their percent of fault. If the tile is pristine and it breaks, the fault would be 100% on the CWEC, if it has slight existing damage you may negotiate a different percent of fault if it were to break, but if you are not prepared to pass that percentage of known replacement costs onto your landowners then you go no further because you can't come to agreement. McClellan stated that the old tile may last another ten years or it could fail tomorrow and they are driving on it and it breaks, that cost should all be on the CWEC. Hoffman stated if we get into a repair and have the situation we had a couple of weeks ago, when they go to repair a section of the tile and hook on and the next section collapses, and that goes on for 500', when it was just supposed to be a spot repair. Granzow stated some things are better left untouched. Granzow stated he would estimate 50% of the tile may have issues. Meyer stated the Trustees would have to decide if the landowners are willing to bear that risk of replacing 50% of however many miles of tile, and if they aren't willing to do that then this site is not going to get approved.

McClellan stated that is another reason we need the locations of these turbines be made public, because not everyone in a district is willing to pay, it may not be the landowner that is having the turbine on his property, if there is a cost to be passed on to landowners, it will be passed on to all in the district, not just the ones that have it on their property, that includes those that want the turbines and those that don't want the turbines. Meyer stated that the percentages across a district are assessed differently based on percent of benefit, maybe you need to assess this differently. Hoffman asked if there was a way you can assess the people that have easements. Granzow stated not really, because the classification is based on acres, proximity and other factors, are we supposed to change our concept of classification. McClellan stated for how long would that classification change, just during

installation or for the life of the turbine, if we just look at installation that does not take into account the vibration in the ground. Gallentine stated the wind turbines should pay the bill with an allocated percentage because the landowners were not aware of the fact that they may get assessed for drainage when they signed those easements, and will follow the Trustees decisions.

Hoffman has a friend who works on turbines at Next Era Energy and would be a disinterested party, he said we could call him as he has done projects all over the midwest. Hoffman stated this person would have no financial interest in this whatsoever, and the friend told Hoffman average permitting fees are \$5,000 per turbine. Hoffman stated this would be someone that does not work for a lobby or association, this would benefit him not at all, he would like to hear from someone who is an expert but has no financial interest in this at all. Granzow stated if a Board Member such as Hoffman, could meet with this person along with Darrell Meyer, and Jessica Sheridan, if they met in a boardroom setting this would be fine with him, Granzow asked if Meyer or Gallentine would be interested. Hoffman stated some of this crosses over from drainage to the ordinance but having someone who may be pro-wind but would tell us some of the things to take into account. Hoffman stated when he told him a year ago we were looking at a project, we could ask for \$20,000 per site for a permitting fee and that is not unreasonable. Granzow stated the ordinance looks good and the Drainage Utility Permit draft looks good. Hoffman asked for clarification on the televising portion to make sure that we are looking at local county contractors. Meyer stated in Paragraph 22 subparagraph 1: at applicants expense and at District's discretion and conditions, applicant shall televise the District Tile that may be impacted as determined by the District, so the Trustees decide how much tile is scoped and who is doing it. Gallentine stated paragraph 23 subparagraph F talked about local contractors and really liked Section II being added on to the current permit.

Hoffman asked if we can pass this in one reading as Trustees. McClellan stated she would like to get Hoffman's friends perspective before approving the draft, and asked if that could be recorded so we could watch it later. Hoffman stated he could record the phone call. Granzow stated if he reviews it and doesn't see any changes, we could approve it. Hoffman stated his contact is an Iowa State graduate, who is from the area and understands the drainage and natural resources we have here, and that is important and if we get a lobbying group that would say this is too stringent, and finding someone disinterested who values what we have here in Hardin County is key. Meyer stated his idea here was to avoid litigation and spell everything out up front, then you are not in litigation for 10 years while they still go on doing what you don't like them doing. Meyer stated the wording may be loose but with the agreements you can go in and both sides can know their percent and what their replacement costs will likely be, that way when it does fail we already have the formula in place so the CWEC can determine what their cost will be and you can decide what kind of deposit you will require based on probabilities that the engineers will be able to know of what the odds are of the tile failing, and that will help determine the deposit. McClellan states that makes more sense than charging a flat deposit, as the costs may be different if the district has an open ditch or a large tile. Hoffman stated he did not want to argue replacement values, if one person has to spend 6 years of their easement payments from the CWEC on damages, then so be it, Hoffman does not want the person who gets no benefit from the wind turbines to be on the hook for the cost. Sheridan asked if the \$50,000 noted in the Ordinance would need to be changed. Granzow stated that only applied to County drainage, not drainage districts.

Hoffman stated he would contact his friend and record the conversation so we have a recording to listen to. Meyer noted paragraph 21 should state "incompatible with" rather than "incompatible to", Smith noted that paragraph 23 subparagraph B should read "gross weight of 8,000 lbs. or greater" rather than just "gross weight of 8,000 lbs.". Granzow asked if the others were ok if he shared this with other counties for review. Hoffman had no problems with that, Granzow stated we are far ahead of what other counties are doing, Hoffman stated he has heard just do what other counties do. McClellan stated we should send it to other counties that have drainage districts, so we may learn from other mistakes. Granzow noted Kossuth County has had issues, and Franklin County has had a few. Gallentine stated he thought it looked pretty inclusive and is curious to see what BJ's contact has to say. Hoffman stated he would record the conversation with his contact with Gallentine as well. The Trustees expressed thanks to Meyer for his work on the draft. Granzow stated we should bring it back on next week's agenda.

7. DD 120 - Discuss W Possible Action - Landowner Request For Engineer Study

Smith stated that Kent Picht had submitted in writing an investigation study request after last week's drainage meeting. Granzow stated he received a phone call from Kevin Vierkandt after the meeting and Kevin was still concerned about Picht's pipe discharging into Vierkandt's field, and Vierkandt had reached out to legal to determine if Picht can or can not do that, and Vierkandt wants to know what the Trustees are going to do about this, Vierkandt feels it should be capped, and Granzow believes he has a legal team that says that, that being said, Granzow feels we should ask legal that same question. Granzow is still fine with the request for an investigation summary and Vierkandt was fine with that as well, at this point do we want to involve legal or do we want to wait until legal comes to us, Granzow would like to be proactive. Hoffman asked how active Vierkandt is on this as he does not want to call attorney Richards with a what might happen and get charged for an hour or two of fees just letting him know this is coming. McClellan would like to hear Gallentine's perspective and agrees that if Gallentine thinks that pipe should be removed a letter be sent stating this is what we are recommending at this time, if he

disagrees let him go to his attorney, and we do a response rather than us starting the legal process. Granzow stated from his standpoint it is hard to go to Picht because Granzow thinks Picht is entitled to hook up tile, whether it is a standpipe or not, but if the drainage district believes it is discharging instead of taking water in, Granzow thinks it should be the district's expense to go in and cap it rather than Picht's, with the statement that Vierkandt made was that Picht put the standpipe in to discharge onto Vierkandt's property and not Picht's. Granzow continued that with the statement being made it is to save Picht's property and to put even more surface water on top of Vierkandt's property, the other thing that Vierkandt pointed out to Granzow was that when Picht put the standpipe in the fenceline, Picht removed the natural berm from the fenceline so now the water is flowing into Vierkandt's instead of being restricted back onto Picht's property and that is impeding he neighbor's property and is changing the flow of water. Granzow stated he needs CGA to go out and look at it and report back. Gallentine stated Picht is entitled to install an intake on his property, and he also thinks you can not take subsurface water and turn it into surface water and put it on your neighbors property, they are both somewhat right is the issue. Gallentine will go out and look it over before the next meeting.

Motion by Hoffman to have CGA investigate and report back to the Trustees. Second by McClellan.

In additional discussion on the motion, Hoffman noted that Gallentine was going to put the investigation into CGA's work que, but we were waiting for the official request before we moved forward so it is on our notes now that the reason for sending them out is because we have received an official request from a landowner.

All ayes. Motion carried.

The landowners request for an engineer's study was discussed. Hoffman stated he felt we should wait for the investigation to come back because the engineer's report will be more intensive than just going out and having a look. Gallentine stated the written engineers report will have all the calculations and costs spelled out in it. Granzow stated we can do both, we can have the investigation and the study back to us or does Gallentine think it is worth waiting to do the study until we have the investigation back to us, Hoffman stated if there is potential imminent litigation, we may want to wait until we are almost forced to do it, as we are dealing with a tenant and not an owner. Granzow stated he can deal with a tenant on water damages, but in the case of a request for a study that must come from a landowner, Granzow is ok with waiting a week until Gallentine gets back to us, it will not slow the process overly by waiting a week. Gallentine stated CGA will look it over, and noted the request did come from landowner Picht. Hoffman stated in regards to the legal matters, he would rather they come to us with some type of legal complaint, Hoffman likes being proactive, but does not want to receive a bill stating that yes, they will send something to us. Granzow liked both answers and asked would it be cheaper to get involved up front versus getting them involved on the backside. Hoffman asked what would we give legal at this point, Granzow stated Gallentine will provide the investigation which will tell us what is really happening, so we will have to wait for that before we go to legal. Hoffman stated that works for him.

Motion by Hoffman to table the landowner request for an engineer study until CGA gets back to us on the investigation. Second by McClellan. All ayes. Motion carried.

8. Other Business

DD 25 - The tile through Torgeson's ground that we added with a change order, McDowell has this almost completely installed, and they are up to the old deeper tile on Alvin Clark's land, they attempted to televise that yesterday to determine the condition per the contract. The contractor stated they could not televise the tile because it is between 30% to 90% plugged with mud. The way the contract was set up, we would replace that tile because it is also cracked, not collapsed but cracked in every place they have dug it up. Gallentine stated the piece of the contract that was optional for this section of tile will have to be executed or that section of tile will just not flow. Gallentine had hoped there would just be a couple inches of mud in there and it would flow but it is not looking that way. Hoffman asked the diameter of the pipe. Gallentine replied that the pipe is at the south end is 12" and at the north end is 10", the south end which is downstream is plugged 90%, upstream is plugged 30%. Gallentine stated he wanted to bring the Trustees up to speed before we go down that path. Granzow asked if this was just a short jog. Gallentine stated east of the tracks, this would be about 500'. Granzow asked if this would flush out, Gallentine stated not at 90% plugged, the other option is we could try to jet clean it, but there is no guarantee if we jet clean that the tile will survive or that it isn't collapsed already somewhere in it's length. Gallentine wanted to note it because that project has really changed from the original engineer's report.

9. Adjourn Meeting

Motion by McClellan to adjourn. Second by Hoffman. All ayes. Motion carried.



Hardin County

Drainage Claims with Pay Date of 7/10/2020

Description	Vendor	Amount
DD 56 - Postage - Landowner Mailings for Mtg & Hrg	Hardin County Auditor	70.20
DD 22 WO 276 - Prof Svc to 6/20/20 Sinkhole rpr	Clapsaddle-Garber Assoc	1,476.45
DD 9 WO 229 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	1,379.80
DD 11 WO 294 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	4,244.30
DD 14 WO 290 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	1,697.80
DD 25 WO 1 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	10,919.55
DD 26 WO 266 - Prof Svcs After 1/31/20 to 6/20/20	Clapsaddle-Garber Assoc	2,245.70
DD 48 WO 274 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	1,787.45
DD 102 WO 265 - Prof Svcs to 6/26/20	Clapsaddle-Garber Assoc	4,988.30
DD 102 WO 265 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	5,075.40
DD 158 WO 285 - Prof Svcs After 5/30/20 to 6/26/20	Clapsaddle-Garber Assoc	5,188.75

Total Regular Payables: 1,546.65
Total Stamped Warrants: 37,527.05

ORDINANCE NO. 29

AMENDMENT NUMBER 4

ARTICLE XXIII. NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM PERMITTED USES AND COMMERCIAL CONDITIONAL USE WIND ENERGY CONVERSION SYSTEM STANDARDS.

Section 1. PURPOSE.

The purpose of this Article is to provide a regulatory means for the construction and operation of large and small wind energy facilities in Hardin County, subject to reasonable restrictions, which will preserve the public health, safety, and welfare. Hardin County adopts these provisions to promote the effective and efficient use of the County's wind energy resource.

Findings. Hardin County finds and declares that:

1. Wind energy is an abundant, renewable and nonpolluting energy resource of the County and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
2. The generation of electricity from properly sited wind energy facilities, including small systems, can be cost effective and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other uses, or energy consumption at that location can be reduced.
3. Regulation of the siting and installation of wind energy facilities is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.
4. Wind energy facilities represent significant potential aesthetic impacts because of their size, lighting, and shadow flicker effects, if not properly sited.
5. If not properly sited, wind energy facilities may present risks to the property values of adjoining property owners.
6. Wind energy facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
7. Without proper planning, construction of wind energy facilities can create traffic problems and damage local roads.
8. If not properly sited, wind energy facilities can interfere with various types of communications.

Section 2. DEFINITIONS.

Facility Owner shall be the entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

Facility Operator is the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Dwelling Unit shall mean structures which are meant to and capable of being used for human habitation such as a house, apartment, or other place of residence.

Non-Dwelling Unit shall mean structures which are not meant to be used for human habitation such as a garage, storage shed, grain bin, animal confinement buildings, etc.

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

Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

Commercial WECS (C-WECS) shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers to not include towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

Non-Commercial WECS shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

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

Section 3. "A", AGRICULTURAL DISTRICT; "R-1", SINGLE-FAMILY RESIDENTIAL; "R-2", MULTI-FAMILY RESIDENTIAL; "R-3", MOBILE HOME PARK DISTRICT; "C", COMMERCIAL DISTRICT; "M", MANUFACTURING DISTRICT.

PERMITTED USES:

Non-Commercial WECS, subject to the following standards:

1. Tower Height: Parcels smaller than one (1) acre are not recommended for the placement of WECS and must seek a Conditional Use Permit. For property sizes between one (1) acre and two (2) acres the Total Height shall be limited to eighty (80) feet. For property sizes of two (2) acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setback: No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

3. Noise: Non-Commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
4. Engineer Certification: Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
5. Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
6. Compliance with National Electric Code: Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
7. Utility Notification: No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 4. CONDITIONAL USE PERMITS FOR NON-COMMERCIAL WECS AND C-WECS STANDARDS.

- Non-Commercial WECS may be constructed as a principal or accessory use as outlined in **Table 2**. Non-Commercial WECS that are constructed as an accessory use to a principal permitted use and meet the setback (**see Table 1**), height (**see Section 3.I.1(a)**), and power output requirements (**see definition of Non-Commercial WECS**) of this section, shall not require a Conditional Use Permit approval, and shall only require building permit approval. All Non-Commercial WECS that are constructed as a principal permitted use, or Non-Commercial WECS that do not meet the setback, height, or power output requirements of this section, shall require Conditional Use Permit approval as set forth in **Section 4, General Requirements**.
- C-WECS shall be permitted as a Conditional Use within any district where the use is listed and allowed. (**See Table 2**)
- No C-WECS, or addition of a Wind Turbine to an existing C-WECS, shall be constructed unless a Conditional Use Permit has been issued to the Facility Owner or Facility Operator approving construction of the facility under this ordinance. Permit application of the expansion shall be based on the total rated capacity, including existing facility but excluding like-kind replacements.
- Any physical modification to an existing and permitted WECS that materially alters the size and/or type of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

1. GENERAL REQUIREMENTS

The requirements of this Ordinance shall apply to all WECS proposed after the effective date of this Ordinance. WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an

existing WECS shall be allowed without full compliance with this Ordinance. The Hardin County Zoning Director shall be responsible for creating a Conditional Use Permit Application for WECS to ensure substantial compliance with this ordinance.

General Requirements for C-WECS:

- a. **Color and Finish.** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- b. **Tower configuration.** All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- c. **Lighting.** C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. **Signage.** All signage on site shall comply with Hardin County Sign Standards. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- e. **Feeder Lines.** All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried according to Hardin County Engineer unless set forth in other applicable requirements.
- f. **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Hardin County Health Department and disposed of in accordance with all applicable local, state, and federal regulations.
- g. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- h. **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any WECS.
- i. **Federal Aviation Administration.** All C-WECS shall comply with FAA standards and permits.
- j. **Electrical Codes and Standards.** All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- k. **Safety.**

- I. All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Adjustment upon recommendation from the County Engineer.
- II. Wind turbines and meteorological towers shall not be climbable up to 15 feet above ground level.
- III. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.
- IV. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.
- V. See **tables 1 and 2** for setback requirements. These setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment upon request of the land owner and recommendation by the Zoning Commission, after giving notice and opportunity for objection from any entity entitled to notice under the procedures contained below herein, may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby.
- VI. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
- VII. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Commission and Board of Adjustment.
- VIII. Landowners shall be given notice and opportunity to object to any variance request regardless of any agreement or waiver to the contrary.
 - I. **Noise.** Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church, public library, long-term care facility, and early care and education facility existing on the date of approval of any conditional use permit from the property line. In the event audible noise due to C-WECS operations contains a steady tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, public libraries, long-term care facility, and early care and education facility. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level

measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment upon recommendation by the Commission provided that the following has been accomplished:

Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Hardin County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

- m. The Facility Owner shall designate and provide as part of the application, and shall maintain at the office of the Director, the name and contact information of a local agent (local meaning a person whose residence is in Hardin County, Iowa, or a business with its primary place of business or its registered agent located in Hardin County, Iowa, as listed with the Iowa Secretary of State). The Facility Owner shall authorize the local agent to accept service of legal notice and be served legal notice and can be a first point-of-contact by the public.

2. Avoidance and Mitigation of Damages to Public Infrastructure:

a. Roads.

- a. The applicant shall identify all county, municipal, or township roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation, maintenance, and decommissioning of the C-WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. At applicant's cost, the applicant shall conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road. The applicant is responsible for ongoing road maintenance and dust control measures identified by the Hardin County Engineer during all phases of construction.
- c. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the identified road(s), bridge(s), and associated infrastructure to preconstruction conditions. Financial security in a manner approved by the County Attorney shall be submitted covering 130% of the costs of all required improvements.

- d. A separate road agreement which clearly lays out the rights and obligations of the county and applicant with respect to the construction, maintenance, and use of county roads in connection with development and removal of the C-WECS will be required prior to the start of construction and shall be made a condition to the site plan review and approval of the C-WECS permit.

b. Drainage.

- a. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, maintenance and decommissioning of the C-WECS. For each C-WECS permit application that includes an area with a public drainage system, the applicant shall provide and maintain a security deposit in the amount of \$50,000.00 to be held in escrow by Hardin County and to be used by Hardin County at its discretion to make repairs during the productive life of the C-WECS.
- b. To complete such repairs, the applicant shall consult with the County Engineer and if recommended by the County Engineer hire appropriate contractor(s) with the approval of the County Engineer, with said costs to be paid from the security deposit.
- c. Regarding an application that is within a drainage district, the applicant must apply for a Wind Turbine Drainage District Utility Permit and include the approved permit with their application for C-WECS.

3. Discontinuation and Decommissioning

The Facility Owner shall provide to the Director proof of energy production every three (3) months per Commercial Wind Turbine. A C-WECS shall be considered a discontinued use after twelve (12) months without energy production, unless a plan is developed and submitted to and approved by the Director within that time outlining the steps and schedule for returning the C-WECS to service within six (6) months of approval. All discontinued C-WECS and accessory facilities shall be removed to six (6) feet below ground level or to the level of the bedrock if less than six (6) feet below ground level within twelve (12) months of the discontinuation of use. Each C-WECS shall have a decommissioning plan on file as part of the permit application, outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa and approved by the County Engineer. The plan (required under Section 5.2(n) below) shall also expressly agree to provide at the County's request, no more often than annually, the financial resources available to pay for the decommissioning and removal of the C-WECS and accessory facilities which shall include cash reserves, profit/loss statement, assets and liabilities, and signed guarantees from any lender holding an interest in the C-WECS or in any assets pledged as securities by the Facility Owner or assigns. Financial security in a manner approved by the County Attorney shall be submitted covering 130% of the costs of decommissioning. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

Section 5. PROCEDURES.

1. A Conditional Use Permit Application must be submitted for each individual applicable Wind Turbine with the applicable fee. This does not prohibit joint proceedings, including notices, public hearings, reviews and approvals as appropriate. The Director is hereby authorized to establish the content and form of the Conditional Use Permit Application consistent with this ordinance.
2. In addition to submittal requirements defined for Conditional Use Permit Applications, all applications for WECS shall include the following information in form and substance approved by the Director:
 - a. The name(s) and address of the project applicant.
 - b. The name of the project owner.
 - c. The legal description of the site where the development is planned.
 - d. A description of the project including number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - e. Site layout, including location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, all related accessory structures, and all areas to be used for staging during construction or for maintenance, including distances and drawn to scale.
 - f. Engineer's certification(s) as required in these supplemental standards.
 - g. Documentation of land ownership or legal control of the property.
 - h. The latitude and longitude of individual wind turbines.
 - i. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
 - j. Existing Resources Inventory. This should include assets and liabilities and executory energy contracts.
 - k. An acoustical analysis.
 - l. Approved FAA Permit Application.
 - m. Location of all known communications towers/facilities within two (2) miles of the proposed WECS.
 - n. Decommissioning plan.
 - o. Description of potential impacts on all nearby WECS and other wind resources on adjacent properties.
 - p. Identification of significant migratory patterns and nesting areas for birds within two (2) miles.
 - q. Proof of liability insurance.
 - r. The Facility Owner/Facility Operator shall be responsible for obtaining and submitting to the Director, at the time the Conditional Use Permit Application is made, showing the names and last known addresses of the owners of all property **within 5,280 feet (1 mile)** of the perimeter of the total project development site containing wind energy device(s). Prior to the approval for such Conditional Use Permit, notice shall be given by the Director by ordinary mail to all adjacent property owners and owners of property within 5,280 feet (1 mile) of the proposed site(s) for which the conditional use is requested.
3. The WECS applicant is responsible in notifying the following state or federal agencies of their planned project and allowing said entities 120 days to do a preliminary review. Documentation of notification by certified mail to these agencies, and any reports from the agencies must be provided to the county 30 days prior to the Board of Adjustment first public hearing on the matter. If the

entity does not act within 120 days, the plan may be deemed approved by the entity. It is recommended that any issues be addressed prior to the public hearing.

- Army Corps of Engineers
- Bureau of Land Management
- U.S. Fish and Wildlife
- U.S. Department of Agriculture (Local FSA and NRCS)
- Environmental Protection Administration (EPA)
- Federal Communications Commission (FCC)
- National Weather Service
- Iowa Pipeline Association

4. The WECS applicant is responsible in notifying the following boards, commissions, and bodies of their planned project and allowing said entities 120 days to do a preliminary review. The WECS application must have attached to it written approval or denial from each and every board, commission, and body listed below. An incomplete application will not be considered. A completed application will contain written verification of approval or denial from each and every board, commission, and body listed below. Such approval or denial shall be on a form provided by the Director. No application will be approved without the written approval of all the below-listed boards, commissions, and bodies. In the event of a denial, by a board, commission, or body listed below the applicant and applicable body, commission, or body listed below shall make a good faith effort to resolve the reason for the denial. An aggrieved applicant can then seek relief from the Board of Adjustment.

- Hardin County Conservation Board
- Hardin County E911 Service Board
- Hardin County Emergency Management Commission
- Private and Public Hardin County Drainage District Trustees
- Hardin County Drainage Clerk
- Hardin County and local EMS Fire and Rescue
- Hardin County Engineer's Office
- Hardin County Firemen's Association
- Hardin County EMS Council
- Hardin County Solid Waste Commission
- Hardin County Board of Health
- Iowa River Trail – Hardin Commission
- Pioneer Cemetery Commission
- Iowa Falls Airport
- Eldora Airport
- Ackley Airport
- Radcliffe Airport
- South Fork Watershed Alliance

Section 6. RECORDING REQUIREMENT

The applicant shall be responsible for recording with the Hardin County Recorder’s Office, within 60 days of completed construction of each C-WECS structure, documentation sufficient to identify by longitude and latitude and depth of all structures and underground utilities comprising each C-WECS, for deed and abstracting purposes.

Section 7. FEES.

The building permit fee and conditional use permit fee per tower shall be set by the Hardin County Board of Supervisors. This fee is due upon submission of application for a WECS project. Please see attached fee schedule.

Section 8. SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 9. EFFECTIVE DATE.

That this ordinance shall be effective immediately upon adoption and publication as provided by law. By enactment, the previous Article XXIII of Ordinance No. 29 (Hardin County Zoning Ordinance) is hereby repealed.

TABLE 1**Setback Requirements for Non-Commercial WECS, C-WECS, and Meteorological Towers**

	Non-Commercial WECS	Commercial WECS	Meteorological Tower
Property Lines**	2 X Total Height	2 X Total Height	2 X Total Height
Dwelling Units†	Greater of Manufacturer's Recommended Safety Setback Distance or 3 X Total Height	Greater of Manufacturer's Recommended Safety Setback Distance or 3 X Total Height	Greater of Manufacturer's Recommended Safety Setback Distance or 3 X Total Height
Non-Dwelling Units†	2 X Total Height	2 X Total Height	2 X Total Height
Public Right-of-Way**	2 X Total Height	2 X Total Height	2 X Total Height
Communication or Electrical Lines	2 X Total Height	2 X Total Height	2 X Total Height
Cemeteries	2 X Total Height	2 X Total Height	2 X Total Height
Other WECS	NONE	(1.1 X Total Height of Turbine 1) + (1.1 X Total Height of Turbine 2)	NONE

*Distance may be satisfied in whole or in part through acquisition of an easement from adjacent property owner

**Including above ground utility such as railroad and power lines

† A waiver could be obtained from affected property owners to lower this setback requirement to no less than 1.1 X the Total Height

TABLE 2**Zoning District Regulations for Use of Non-Commercial WECS, C-WECS, and Meteorological Towers**

	Non-Commercial WECS	Commercial WECS	Meteorological Tower
Agricultural (A)	A	CUP	CUP
Commercial (C)	A	CUP	CUP
Conservation-Greenbelt (G)	X	X	X
Manufacturing (M)	A	CUP	CUP
Mobile Home Park (R-3)	A	X	X
Multi-Family Residential (R-2)	A	X	X
Single-Family Residential (R-1)	A	X	X
Wilderness Preserve (W)	X	X	X

CUP – Requires a Conditional Use Permit, A – Allowed, X – Not allowed



HARDIN COUNTY

1215 EDGINGTON AVE., SUITE 1
ELDORA, IA 50627
(641) 939-8108

HARDIN COUNTY DRAINAGE DISTRICT UTILITY PERMIT APPLICATION

Applicant:

Company Name

Address

City State Zip

Applicant Contact:

Name (_____) _____ - _____
Phone

Email

Utility Type:

Drainage District(s) Crossed:

Facilities Crossed (specific tile, open ditch):

Description of Work:

*(Location plan of
proposed utility must
be attached.)*

Pursuant to Code of Iowa Section 468.186, approval is hereby requested for the right, privilege and authority to construct, operate and maintain utilities on, over, across or beneath established Hardin County Drainage Districts, subject to the attached Requirements for Construction On, Over, Across or Beneath Established Drainage District. Failure to comply with said requirements shall be ground for revocation of the permit by the Hardin County Board of Supervisors.

Applicant Signature

Date

Submit Form and Location Plan To:

Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Fax (641) 939-8225
drainage@hardincountyia.gov

For Office Use Only

Application Approval:

By: _____
Board of Supervisor Chairman, Acting as Drainage District Trustee

Date: _____

APPROVED PERMIT #: _____



REQUIREMENTS FOR CONSTRUCTION ON, OVER, ACROSS OR BENEATH ESTABLISHED DRAINAGE DISTRICT

Upon issuance of a permit for utilities on, over, across or beneath established Hardin County Drainage Districts, the applicant shall be governed by these requirements and shall comply with all conditions contained herein.

1. The Applicant shall furnish the Drainage District, or its representative, plats showing the exact location of the proposed construction. If it is found that such locations are in conflict with the present or proposed facilities and that a more desirable location is possible, the Applicant shall review such possible alignment changes. **No construction is to commence with the drainage facility without an approved application.**
2. Applicant shall comply with Iowa One-Call requirements prior to commencing any work.
3. The Drainage District shall provide Applicant access to maps or other information regarding the location of all known drainage district facilities so that reasonable care may be taken by Applicant to avoid un-necessary damage to said drainage district facilities.
4. The Applicant shall hold the Drainage District harmless from any damage that may result to the Drainage District facility because of the construction or maintenance of the utility, and shall reimburse the Drainage District for any expenditures that the Drainage District may have to make on said Drainage District facilities resulting from Applicant's construction and installation of utilities, or their subsequent repair or modification.
5. The Applicant shall take all reasonable precaution during the construction of said utility to protect and safeguard the lives and property of the public and adjacent property owners and shall hold the Drainage District harmless from any damages or losses that may be sustained by adjacent property owners on account of such construction operations. Further, Applicant agrees to replace, repair or reimburse all damages to private property occasioned by Applicant's installation of subsequent modification or repairs.
6. The Drainage District assumes no responsibility for damages to the Applicants property occasioned by any construction or maintenance operation of said Drainage District facilities, subsequent to Applicants installation.
7. A copy of a certificate of insurance naming the County/Drainage District as additional insured for their permit work shall be provided to the County Auditor prior to installation. The limit of liability under the insurance policy shall not be less than \$1,000,000 per occurrence.
8. The Applicant agrees to give the Drainage District twenty-four (24) hours (Saturday and Sunday excluded) notice of its intention to commence construction on any lands within the jurisdiction of the Drainage District. Said notice shall be made in writing to the County Auditor or to the designated Drainage District representative.
9. The Applicant agrees to place permanent, visible markers or monuments at locations where utility crosses Drainage District facilities. These monuments or markers shall identify the owners name, address and phone number.
10. The Drainage District Trustees may appoint a representative to inspect and approve all construction across Drainage District facilities as part of this permit. All compensation, wages, mileage and other expenses for this representative will be paid by the Applicant. It will be the responsibility of the Applicant to make all contacts with private parties (adjacent owners/operators) to determine the location of private drainage facilities. Said representative will also inspect all crossing of Drainage District facilities and may, if required, observe the crossing of private drainage facilities, and shall have the authority to require the Applicant to excavate and expose the crossing of any Drainage District facility where the representative believes it prudent to visually examine Applicants crossing of the Drainage District facility. Further, said representative has the authority to suspend construction and installation by the Applicant within any Drainage District jurisdiction by verbal order to the contractor at the site and a telephone call to Applicants contact person listed on page 1 within six (6) hours of the verbal order.



11. The construction and maintenance of Applicants installation shall be carried on in such a manner as to not interfere with or interrupt the function of said Drainage District facilities without the express written consent of the Drainage District Representative. In the event it becomes necessary to temporarily stop the flow of water, the following shall be completed by the Applicant:
 - a. If the crossing involves a tile line, the replacement of tile with approved materials, in the manner approved by the Drainage Districts designated representative, shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line ditch. In the event this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction ditch to the undisturbed tile line. Such temporary blockages of said Drainage District tile lines will be removed as rapidly as possible and any tile repairs caused by this blockage will be immediately repaired at the Applicants expense.
 - b. If the crossing involves an open ditch that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open ditch, such temporary dams may be constructed only upon approval from the Drainage District designated representative. The maximum elevation of this impounded water shall be determined by the designated Drainage District representative and all excess water must be allowed to flow across the construction ditch through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams shall be in such a manner that the smooth and efficient function of the drainage ditch is not impaired, with all costs and damages borne by Applicant.
12. The Applicant will at any time subsequent to the commencement of construction, and at Applicants sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the Drainage District in connection with any of its drainage facilities. Applicant agrees to do this within forty-five (45) days of receipt of written request from the Drainage District, or such longer time period as the Drainage District may specify, without cost to the Drainage District. Such reconstruction or realignment of Applicants improvements shall be made in accordance with and approved by the Drainage District or its designated representative. If the Applicant is unable to comply within the time period specified above, the Drainage District may cause the work to be done and the Applicant will pay the cost thereof upon receipt of a statement of such costs.
13. **CROSSING OF OPEN DITCH FACILITIES.** Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
 - a. Passage of installation in a horizontal plane five feet (5') below design grade of drainage ditch, as established by the Drainage District representative.
 - b. The above depth to extend to a point two (2) times the design base width of ditch either side of centerline of drainage ditch (measured along the centerline of utility) unless the existing base width is greater than the design bases width. If the existing base width is greater than the design with, the depth is to extend to a point two (2) times the existing width.
 - c. The rate of slope for transition from normal utility laying depth of crossings of drainage ditches shall not be steeper than 4:1.
 - d. If such ditch crossings occur at points of outlets of Drainage District or private tile lines or within twenty-five feet (25') of said outlets, such outlets must be relocated to a point not less than twenty-five feet (25') from such crossings. Such relocations shall be at the expense of the Applicant and as directed by the representative of the Drainage District.



14. CROSSING OF DRAINAGE DISTRICT TILE LINES. Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
 - a. All proposed installations must be placed under the existing Drainage District tile lines. These requirements may be waived only upon the review by and approval of the designated representative of the Drainage District. Such waiver must be in writing.
 - b. A minimum of one foot (1') clearance below existing Drainage District facilities must be maintained.
 - c. At all crossings of Drainage District tile lines with the proposed utility, one of the following must be used:
 - i. Replace Drainage District tile with reinforced concrete pipe of same or larger diameter than existing tile. Concrete pipe to be 2,000 D strength (Iowa Department of Transportation approved) with standard tongue and groove joints. Pipe to have a minimum of three (3) bolt-type connectors at each joint.
 - ii. Replace Drainage District tile with cathodic protected corrugated metal pipe. Diameter of corrugated metal pipe to be a minimum of two inches (2") larger than outside diameter of tile line being replaced. (Specifications regarding gage, cathodic protection and other details to be subject to review and approval.)
 - iii. Dual wall plastic with specific approval of Drainage District representative.
 - iv. Bore new utility installation; maintain existing tile in an undisturbed state.
 - d. The length of tile to be replaced by any of the above alternates is as follows:
 - i. Eight-inch (8") tile and smaller: Six feet (6') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - ii. Ten inch (10") tile and larger: Ten feet (10') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - e. At all crossings of Drainage District tile lines where the Drainage District and private tile lines are damaged by the construction, maintenance or repair of Applicants installation shall be repaired as directed by the Drainage Districts designated representative.
15. This permit is subject to existing regulations and statutes of the State of Iowa and future regulations, which may be promulgated or enacted.
16. This application is subject to revocation by Hardin County, if in its judgment it is necessary for legitimate purposes. In such event, written notice shall be provided to permit holder.
17. Applicant agrees to pay all other legitimate costs, fees and expenses associated with its crossing of the Drainage District facility, including but not limited to, publication costs, engineering costs and legal service costs. Said costs will be paid within thirty (30) days of the mailing of the statements to the Applicant.
18. Applicant agrees to provide a copy of as-built plan of the utility route and location, showing route changes that may have taken place during construction.
19. Applicant agrees to include a copy of these requirements to all bidding specifications; or if the construction and installation contract has been let by the time this permit is approved, Applicant agrees to provide a copy of these requirements to the contractor and to advise them that they are bound by the terms of these requirements.



HARDIN COUNTY

1215 EDGINGTON AVE., SUITE 1
ELDORA, IA 50627
(641) 939-8108

HARDIN COUNTY WIND TURBINE (CWEC) DRAINAGE DISTRICT UTILITY PERMIT APPLICATION

Applicant:

Company Name

Address

City State Zip

Applicant Contact:

Name (_____) _____ - _____
Phone

Email

Utility Type:

Drainage District(s) Crossed:

Facilities Crossed (specific tile, open ditch):

Description of Work:

*(Location plan of
proposed utility must
be attached.)*

Pursuant to Code of Iowa Section 468.186, approval is hereby requested for the right, privilege and authority to construct, operate and maintain utilities on, over, across or beneath established Hardin County Drainage Districts, subject to the attached Requirements for Construction On, Over, Across or Beneath Established Drainage District. Failure to comply with said requirements shall be ground for revocation of the permit by the Hardin County Board of Supervisors.

Applicant Signature

Date

Submit Form and Location Plan To:

Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Fax (641) 939-8225
drainage@hardincountyia.gov

For Office Use Only

Application Approval:

By: _____
Board of Supervisor Chairman, Acting as Drainage District Trustee

Date: _____



APPROVED PERMIT #: _____

REQUIREMENTS FOR WIND TURBINE (CWEC) CONSTRUCTION ON, OVER, ACROSS OR BENEATH ESTABLISHED DRAINAGE DISTRICT

Upon issuance of a permit for utilities on, over, across or beneath established Hardin County Drainage Districts, the applicant shall be governed by these requirements and shall comply with all conditions contained herein.

SECTION I – Standard Requirements

1. The Applicant shall furnish the Drainage District, or its representative, plats showing the exact location of the proposed construction. If it is found that such locations are in conflict with the present or proposed facilities and that a more desirable location is possible, the Applicant shall review such possible alignment changes. **No construction is to commence with the drainage facility without an approved application.**
2. Applicant shall comply with Iowa One-Call requirements prior to commencing any work.
3. The Drainage District shall provide Applicant access to maps or other information regarding the location of all known drainage district facilities so that reasonable care may be taken by Applicant to avoid un-necessary damage to said drainage district facilities.
4. The Applicant shall hold the Drainage District harmless from any damage that may result to the Drainage District facility because of the construction or maintenance of the utility, and shall reimburse the Drainage District for any expenditures that the Drainage District may have to make on said Drainage District facilities resulting from Applicant's construction and installation of utilities, or their subsequent repair or modification.
5. The Applicant shall take all reasonable precaution during the construction of said utility to protect and safeguard the lives and property of the public and adjacent property owners and shall hold the Drainage District harmless from any damages or losses that may be sustained by adjacent property owners on account of such construction operations. Further, Applicant agrees to replace, repair or reimburse all damages to private property occasioned by Applicant's installation of subsequent modification or repairs.
6. The Drainage District assumes no responsibility for damages to the Applicants property occasioned by any construction or maintenance operation of said Drainage District facilities, subsequent to Applicants installation.
7. A copy of a certificate of insurance naming the County/Drainage District as additional insured for their permit work shall be provided to the County Auditor prior to installation. The limit of liability under the insurance policy shall not be less than \$1,000,000 per occurrence.
8. The Applicant agrees to give the Drainage District twenty-four (24) hours (Saturday and Sunday excluded) notice of its intention to commence construction on any lands within the jurisdiction of the Drainage District. Said notice shall be made in writing to the County Auditor or to the designated Drainage District representative.
9. The Applicant agrees to place permanent, visible markers or monuments at locations where utility crosses Drainage District facilities. These monuments or markers shall identify the owners name, address and phone number.
10. The Drainage District Trustees may appoint a representative to inspect and approve all construction across Drainage District facilities as part of this permit. All compensation, wages, mileage and other expenses for this representative will be paid by the Applicant. It will be the responsibility of the Applicant to make all contacts with private parties (adjacent owners/operators) to determine the location of private drainage facilities. Said representative will also inspect all crossing of Drainage District facilities and may, if required, observe the crossing of private drainage facilities, and shall have the authority to require the Applicant to excavate and expose the crossing of any Drainage District facility where the representative believes it prudent to visually examine Applicants crossing of the Drainage District facility. Further, said representative has the authority to suspend construction and installation by the Applicant within any Drainage District jurisdiction by verbal order to the



contractor at the site and a telephone call to Applicants contact person listed on page 1 within six (6) hours of the verbal order.

11. The construction and maintenance of Applicants installation shall be carried on in such a manner as to not interfere with or interrupt the function of said Drainage District facilities without the express written consent of the Drainage District Representative. In the event it becomes necessary to temporarily stop the flow of water, the following shall be completed by the Applicant:
 - a. If the crossing involves a tile line, the replacement of tile with approved materials, in the manner approved by the Drainage Districts designated representative, shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line ditch. In the event this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction ditch to the undisturbed tile line. Such temporary blockages of said Drainage District tile lines will be removed a rapidly as possible and any tile repairs caused by this blockage will be immediately repaired at the Applicants expense.
 - b. If the crossing involves an open ditch that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open ditch, such temporary dams may be constructed only upon approval from the Drainage District designated representative. The maximum elevation of this impounded water shall be determined by the designated Drainage District representative and all excess water must be allowed to flow across the construction ditch through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams shall be in such a manner that the smooth and efficient function of the drainage ditch is not impaired, with all costs and damages borne by Applicant.
12. The Applicant will at any time subsequent to the commencement of construction, and at Applicants sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the Drainage District in connection with any of its drainage facilities. Applicant agrees to do this within forty-five (45) days of receipt of written request from the Drainage District, or such longer time period as the Drainage District may specify, without cost to the Drainage District. Such reconstruction or realignment of Applicants improvements shall be made in accordance with and approved by the Drainage District or its designated representative. If the Applicant is unable to comply within the time period specified above, the Drainage District may cause the work to be done and the Applicant will pay the cost thereof upon receipt of a statement of such costs.
13. **CROSSING OF OPEN DITCH FACILITIES.** Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
 - a. Passage of installation in a horizontal plane five feet (5') below design grade of drainage ditch, as established by the Drainage District representative.
 - b. The above depth to extend to a point two (2) times the design base width of ditch either side of centerline of drainage ditch (measured along the centerline of utility) unless the existing base width is greater than the design bases width. If the existing base width is greater than the design with, the depth is to extend to a point two (2) times the existing width.
 - c. The rate of slope for transition from normal utility laying depth of crossings of drainage ditches shall not be steeper than 4:1.
 - d. If such ditch crossings occur at points of outlets of Drainage District or private tile lines or within twenty-five feet (25') of said outlets, such outlets must be relocated to a point not less than twenty-five feet (25') from such crossings. Such relocations shall be at the expense of the Applicant and as directed by the representative of the Drainage District.



14. CROSSING OF DRAINAGE DISTRICT TILE LINES. Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
- a. All proposed installations must be placed under the existing Drainage District tile lines. These requirements may be waived only upon the review by and approval of the designated representative of the Drainage District. Such waiver must be in writing.
 - b. A minimum of one foot (1') clearance below existing Drainage District facilities must be maintained.
 - c. At all crossings of Drainage District tile lines with the proposed utility, one of the following must be used:
 - i. Replace Drainage District tile with reinforced concrete pipe of same or larger diameter than existing tile. Concrete pipe to be 2,000 D strength (Iowa Department of Transportation approved) with standard tongue and groove joints. Pipe to have a minimum of three (3) bolt-type connectors at each joint.
 - ii. Replace Drainage District tile with cathodic protected corrugated metal pipe. Diameter of corrugated metal pipe to be a minimum of two inches (2") larger than outside diameter of tile line being replaced. (Specifications regarding gage, cathodic protection and other details to be subject to review and approval.)
 - iii. Dual wall plastic with specific approval of Drainage District representative.
 - iv. Bore new utility installation; maintain existing tile in an undisturbed state.
 - d. The length of tile to be replaced by any of the above alternates is as follows:
 - i. Eight-inch (8") tile and smaller: Six feet (6') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - ii. Ten inch (10") tile and larger: Ten feet (10') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - e. At all crossings of Drainage District tile lines where the Drainage District and private tile lines are damaged by the construction, maintenance or repair of Applicants installation shall be repaired as directed by the Drainage Districts designated representative.
15. This permit is subject to existing regulations and statutes of the State of Iowa and future regulations, which may be promulgated or enacted.
16. This application is subject to revocation by Hardin County, if in its judgment it is necessary for legitimate purposes. In such event, written notice shall be provided to permit holder.
17. Applicant agrees to pay all other legitimate costs, fees and expenses associated with its crossing of the Drainage District facility, including but not limited to, publication costs, engineering costs and legal service costs. Said costs will be paid within thirty (30) days of the mailing of the statements to the Applicant.
18. Applicant agrees to provide a copy of as-built plan of the utility route and location, showing route changes that may have taken place during construction.



19. Applicant agrees to include a copy of these requirements to all bidding specifications; or if the construction and installation contract has been let by the time this permit is approved, Applicant agrees to provide a copy of these requirements to the contractor and to advise them that they are bound by the terms of these requirements.

SECTION II – WIND TURBINE REQUIREMENTS

20. This Section shall apply to commercial wind turbine applicants as defined in Hardin County Ordinance 29, Article XXIII.
21. Section I above shall also apply, but to the extent the requirements of Section II herein are incompatible with those in Section I herein, those in Section II shall apply.
22. Prior to approval and issuance of a permit, applicant first shall obtain conditional approval from the Drainage District. The conditional approval shall be for each proposed site and shall require the applicant and the Drainage District to enter into an agreement containing the following terms: (1) At applicant's expense, and at District's direction and conditions, applicant shall televise the District Tile that may be impacted as determined by the District; (2) The applicant shall enter into a damages agreement with the District, per site, that: a. allocates to the applicant a percentage of fault for resulting damages to the Drainage District facilities; b. establishes damages based on replacement cost to the Drainage District; c. establishes a damages deposit; and d. requires the applicant to pay the Drainage District legal fees related to the agreement, including enforcement.
23. No permit shall be approved or issued without first entering a damages agreement as set forth in the previous paragraph. A permit will also include the following requirements:
- A. At District's discretion, under the District's direction and conditions, and at applicant expense, applicant shall televise the District tile before and after a turbine's construction to review tile conditions;
 - B. Applicant shall use GPS to map crane walks and ingress and egress of all vehicles and equipment with a gross weight of 8,000 lbs. or greater, and shall provide this data to the District in a format approved by the District;
 - C. Applicant shall maintain a two hundred (200) foot setback from the outside of the turbine's footing to any District facilities, including open ditches, to allow for repairs to Drainage facilities;
 - D. At applicant expense, the District shall designate at its discretion an engineer/technician that the applicant shall allow to be present to observe any and all aspects of construction. These costs shall not be passed on to the landowner or District;
 - E. Wind turbine underground accessory facilities, feeder lines and cables shall be bored under District facilities at a depth approved by the District.
 - F. Applicant shall use the District engineer and local contractors approved by the District for all work pertaining to tile televising/inspection, repair and replacement. The District shall maintain a current price list for local contractors' services and rates and shall be provided at the applicant's request.
 - G. Any time a wind turbine undergoes changes, re-powering or re-blading, or any service to the turbine that requires a crane walk, the site will need to be re-televised as required in subparagraph "A" above, as well as new GPS mapping as required in subparagraph "B" above.
 - H. The District has the authority to enter upon the land and service any District facilities at any time, with or without the consent of, or prior notice to the applicant. The applicant is responsible for any cost increase experienced by the District for service and maintenance of District facilities due to a wind turbine and turbine accessory facilities and lines.
 - I. The applicant shall pay any legal costs, including reasonable attorney fees, incurred by the District related to any disputes or enforcement of these permit requirements.
24. The term "Applicant" shall mean the permit applicant, the applicant's agents, heirs, successors, assigns, and facility owners.

~~FILED~~

~~JUN 25 2020~~

~~HARDIN COUNTY AUDITOR~~

DS Wrong Date

PETITION
TO ESTABLISH A DRAINAGE DISTRICT

To the Honorable Board of Supervisors,
Hardin County, Iowa

) Drainage District
)
) No. n/a

~~FILED~~

~~JUL 01 2020~~

~~HARDIN COUNTY AUDITOR~~

We, the undersigned petitioners, respectfully state that we are owners of land within Hardin County community of Union, Iowa.

That the lands in said community of Union are subject to overflow from the open ditch or creek which runs through the town and are too wet for cultivation, and the health, benefit, utility, convenience and welfare will be promoted by improving said drain and by draining, ditching, tiling, leveeing, deepening, widening and improving or strengthening the same by changing the water course thereof.

Wherefore we, your petitioners, request that the Board of Supervisors of Hardin County, Iowa, to proceed according to law to establish a drainage district by any of the possible following means: constructing new tile line, to make any improvements which may be necessary or desirable by enlarging, reopening, widening, deepening, straightening, or lengthening said drain, changing its location or improving or enlarging the outlet for better service; converting all or any part of said drain from an open ditch to a closed drain; installing surface pipe for open ditches; enlarging, altering, or improving pumping plants; leveling spoil banks, or constructing settling basins, and to do such acts as will be of public benefit or utility, or conducive to public health, convenience, or welfare.

[Handwritten signatures on the left side of the petition]

OUTREACH INC
FLOYD HAMMOR PROS
VAMP WELDING
ROSS BAKER
Union Auto - Nathan Bernard
John Haversperger
Home of Joint Communications

Petition to establish a Drainage District with the city of Union, Iowa.

June 30, 2020

To: Hardin County Board of Supervisors

1215 Edgington Ave

Eldora, IA 50627

RE: Petition for the Establishment of a Drainage District

Discussion:

At the June 9, 2020 City Council Meeting of the City of Union I requested the Council once again address the problem of siltation of the drainage ditch which runs from the South Hardin Golf Course through the city of Union. The siltation of the ditch has long been a problem to landowners within the city. Though the question was presented to the City Council there was little discussion and no action indicated to be taken by the Council.

Following the City Council Meeting I contacted the Hardin County Engineers Office regarding the problem and how, representing a landowner, I should proceed. The County Engineer explained that the Hardin County Drainage Clerk, Denise Smith, would be contacted by his office and that I should contact the Auditors office to speak with the Clerk.

I am pleased to report the Auditors office, Denise, acted promptly and positively to my inquiry. Denise followed up with a telephone call explaining the procedure and subsequently providing Chapter 468 of the Iowa Levee and Drainage Districts and Improvements with reference to specific sub sections:

Section 468.1 Jurisdiction to Establish clearly provides that the board of supervisors of Hardin county shall have jurisdiction, power, and authority to establish a drainage district.

Section 468.4 General rule for location. The levees, ditches, or drains herein be surveyed and located along the general course of the natural stream or watercourse but in to be more practical or economical the watercourse may be straightened or change the general course of drainage.

Section 468.6 Number of petitioners required. Two or more owners of lands named in the petition may file in the office of the county auditor a petition for the establishment of a levee or drainage district.

Section 468.8 Petition. The petition shall set forth:

1. An intelligible description of the lands to be included.
2. That said lands are subject to overflow or are too wet for cultivation or subject to erosion or flood danger.
3. That the public benefit will be promoted.
4. The suggested starting point, route, terminus, and terminus of the propose project.
5. In the event the petitioners request a classification before the establishment of the district, the petition shall include a request that the district be classified as provided after the board has approved the report of the engineer as a tentative plan but before the district is established.

Request:

Establish a Drainage District within the City of Union.

The County Board of Supervisors instruct the Hardin County Engineers office to initiate a survey to evaluate the need to eliminate the threat of flooding to property owners.

The Engineers Office to confirm the ditch beginning on or at the East property line of the South Hardin Golf Course and proceeding along the current course of the ditch to its terminus at the Iowa River be considered by the board of supervisors. (Elevations determined by the Engineering survey will establish the most economical terminus of the ditch.)

It further our request that the Hardin County Engineer conduct the survey of the existing course of the drainage ditch to determine if altering the course of the ditch should be considered.

Please consider, immediate short-term action of, dredging or deepening the ditch to eliminate potential flooding problems due to excessive siltation. Siltation of the ditch has occurred over many years and is now at a point which inhibits the flow of major storm runoff. This is due to siltation under two of the bridges along the watercourse.

The following property owners are in support of the petition and will be signatories:

Outreach Inc.

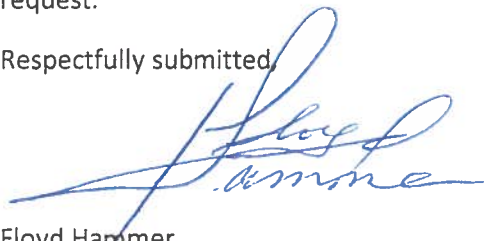
Vaux Industries

Union Auto

Heart of Iowa Telephone Co-operative

Thank you for the opportunity to address the Board of Supervisors and for your consideration of our request.

Respectfully submitted,



Floyd Hammer

President Outreach Inc.
301 Center St.
Union, IA 50258
515 779 5955

Establishment of a Drainage District

From: Denise Smith (dsmith@hardincountyia.gov)

To: floydhammer@yahoo.com

Date: Wednesday, June 24, 2020, 08:03 AM CDT

Good Afternoon Floyd,

I have attached a copy of the first 15 pages of Iowa Code 468 that covers the establishment of a drainage district under Iowa law. I thought this may be useful for you in understanding how the process of establishing a drainage system would work. Please note Section 468.1 covers the Jurisdiction to Establish, Section 468.6 covers the Number of Petitioners Required to Establish, 468.8 covers the Petition itself, and the pages go on to cover all the required steps. Iowa drainage code is quite lengthy, so I just sent you the first few pages as a jumping off point.

I have shared your interest in this with the Board of Supervisors, acting as Drainage Trustees, so that they are aware of your concerns as well. Please feel free to give me a call and let me know if you have any other questions.

Thank you,
Denise

DENISE SMITH

DRAINAGE CLERK

HARDIN COUNTY

1215 EDGINGTON

AVENUE

ELDORA, IOWA 50627

AUDITOR'S OFFICE

OFFICE: 641.939.8111

FAX: 641.939.8245

<http://www.hardincountyia.gov>



Iowa Drainage Code for Floyd Hammer on Establishment of District.pdf

8.8MB

468.581	Limitation of action.	468.609	Transcript.
468.582	through 468.584 Reserved.	468.610	Appeal — how tried — costs.
		468.611	Parties — judgment — orders.
		468.612	Costs and damages — payment.
		468.613	Construction.
		468.614	Construction through railroad property.
			Deposit.
			Failure to construct.
			Repairs.
			Obstruction.
			Drains on abutting boundary lines.
			Boundary between two counties.
			Drainage in course of natural drainage — reconstruction — damages.
			Drainage connection with highway.
			Private drainage system — record.
			and 468.625 Repealed by 2009 Acts, ch 27, §39.
			Original plat filed.
			Record not part of title.
			Fees for recording.
			Lost records — hearing.
			Mutual drains — establishment as district.
			Appeal.
			Record filed with established district.
			Lost or incomplete records.
			Petition to combine with established district.

SUBCHAPTER V
INDIVIDUAL DRAINAGE RIGHTS

SUBCHAPTER I
ESTABLISHMENT

Referred to in §331.382, 468.393, 468.397, 468.405

PART 1
GENERAL

Referred to in §331.502, 331.552, 350.4, 355.23, 461A.76, 468.3, 468.10, 468.41, 468.49, 468.59, 468.65, 468.67, 468.96, 468.115, 468.119, 468.126, 468.140, 468.152, 468.188, 468.207, 468.211, 468.240, 468.269, 468.273, 468.283, 468.284, 468.288, 468.292, 468.297, 468.308, 468.335, 468.345, 468.529

468.1 Jurisdiction to establish.

The board of supervisors of any county shall have jurisdiction, power, and authority at any regular, special, or adjourned session, to establish a drainage district or districts, and to locate and establish levees, and cause to be constructed as hereinafter provided any levee, ditch, drain, or watercourse, or settling basins in connection therewith, or to straighten, widen, deepen, or change any natural watercourse, in such county, whenever the same will be of public utility or conducive to the public health, convenience or welfare.

[C73, §1207; C97, §1939; S13, §1989-a1; C24, 27, 31, 35, 39, §7421; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §455.1]

89 Acts, ch 126, §2
CS89, §468.1

468.2 Presumption and construction of laws.

1. The drainage of surface waters from agricultural lands and all other lands, including

468.4 General rule for location.

The levees, ditches, or drains herein provided for shall, so far as practicable, be surveyed and located along the general course of the natural streams and watercourses or in the general course of natural drainage of the lands of said district; but where it will be more economical or practicable such ditch or drain need not follow the course of such natural streams, watercourses, or course of natural drainage, but may straighten, shorten, or change the course of any natural stream, watercourse, or general course of drainage.

[S13, §1989-a2; C24, 27, 31, 35, 39, §7425; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §455.5]

89 Acts, ch 126, §2
CS89, §468.4

468.5 Location across railroad.

When any such ditch or drain crosses any railroad right-of-way, it shall when practicable be located at the place of the natural waterway across such right-of-way, unless said railroad company shall have provided another place in the construction of the roadbed for the flow of the water; and if located at the place provided by the railroad company, such company shall be estopped from afterwards objecting to such location on the ground that it is not at the place of the natural waterway.

[S13, §1989-a2; C24, 27, 31, 35, 39, §7426; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §455.6]

89 Acts, ch 126, §2
CS89, §468.5

468.6 Number of petitioners required.

Two or more owners of lands named in the petition described in section 468.8, may file in the office of the county auditor a petition for the establishment of a levee or drainage district, including a district which involves only the straightening of a creek or river. If the district described in the petition is a subdistrict, one or more owners of land affected by the proposed improvement may petition for such district.

[S13, §1989-a2, -a23; C24, 27, 31, 35, 39, §7427, 7428; C46, §455.7, 455.8; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §455.7]

89 Acts, ch 126, §2
CS89, §468.6

468.7 Request by nonpetitioners.

In the event two or more landowners included in the proposed district other than the petitioners request a classification prior to the establishment of said district, they shall file in writing their request and execute a bond as required in section 468.9 to cover the expense of such classification if the district is not established. Such written request and the bond shall be filed before the board establishes a district.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §455.8]

89 Acts, ch 126, §2
CS89, §468.7

468.8 Petition.

The petition shall set forth:

1. An intelligible description, by congressional subdivision or otherwise, of the lands suggested for inclusion in the district.
2. That said lands are subject to overflow or are too wet for cultivation or subject to erosion or flood danger.
3. That the public benefit, utility, health, convenience, or welfare will be promoted by the suggested improvements.
4. The suggested starting point, route, terminus and lateral branches of the proposed improvements.
5. In the event the petitioners request a classification before the establishment of the

Untitled Map

Write a description for your map.







Google Earth

Chapin St

The Outreach Program Main Office

Legend

-  Church
-  Feature 1
-  Rivervale Veterinary Clinic
-  The Outreach Program Main Office

500 ft



