

AGENDA
REGULAR DRAINAGE MEETING
Tuesday, June 30, 2020 9:30 AM
Large Conference Room

Due to Covid-19 health concerns, this meeting is open to the public via conference call only. The meeting date and time will remain the same. You may call at that time to access the hearing by following the instructions below:

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>

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

Documents:

[06_22_2020 - DRAINAGE MINUTES.PDF](#)
[DD 120 LANDOWNER MTG MINUTES - 06_24_20.PDF](#)

4. Approve Claims For Payment

Documents:

[PAYABLES-DRAINAGE PUBLICATION 07_02_20.PDF](#)

5. Discuss W Possible Action - Drainage Ditch - City Of Union
Floyd Hammer would like to discuss the drainage ditch that runs through the city of Union.
6. 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](#)

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

Documents:

[DD 120 - LANDOWNER KENT PICT REQUEST FOR ENGINEER STUDY 6_24_20.PDF](#)

8. Other Business
9. Adjourn Meeting

REGULAR DRAINAGE MEETING
Monday, June 22, 2020 10:30 AM
This meeting was held electronically due to Covid-19 concerns.

6/22/2020 - Minutes

1. Open Meeting

This was a joint meeting with both the Hardin County and Franklin County Drainage Boards for Joint Drainage District H-F 2 regarding Hardin County Work Order 286. Franklin County Drainage Chairperson Corey Eberling opened the meeting. Also present were Franklin County Trustee Mike Nolte; Franklin County Trustee Gary McVicker; Franklin County Drainage Clerk Colette Bruns; Hardin County Drainage Chairperson Lance Granzow; Hardin County Trustee BJ Hoffman; Hardin County Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates; and Denise Smith, Hardin County Drainage Clerk.

2. Approve Agenda

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

3. DD H-F 2 WO 286 - Discuss W Possible Action - Request For Tile Upsize

Eberling stated that we had received a request for a drainage work order from Landon Aldinger (Hardin County work order 286), Eberling asked Gallentine to review CGA's findings. Gallentine stated that Aldinger is new to the district and has only farmed this ground for a couple seasons, Aldinger reports some wet spots that the previous tenant stated shouldn't be there, this is on the Hardin County side of the district east of Co Hwy C73, Aldinger contacted McDowell's and got the contractor out there, CGA had previously looked at it and stated we need to locate the tile and see if it is where the wet spots are reported, make sure district tile is in the vicinity, there were not any intakes on either side of the blacktop. Gallentine stated CGA also found some tile shards in the field that they thought may have been from a collapse. Gallentine stated we dug at the highway, and the flow at the highway is the same as the flow at the outlet so there is not a restriction between the highway and the outlet, and we also dug where we found the tile shards, there is not district tile there, it is just a depression with some tile shards spread around there. Gallentine stated at this point, CGA informed Aldinger that it just may be undersized compared to what we would drain today for modern ag. Gallentine stated CGA informed Aldinger of this, at which time Aldinger stated he would like an increase in tile size, and Aldinger contacted Bruns, Franklin Co. Drainage Clerk, and stated he would like to make this tile bigger. Gallentine stated at this time we would have to have a meeting as Aldinger is not a landowner within the district, he is a tenant, and this would mean an improvement, which could be done, but is not a subject to take lightly, so we ended up with this joint meeting to discuss this.

Nolte asked if there was any idea what an improvement would cost. Gallentine stated he has not looked into the cost of an improvement yet but it would likely be over \$50,000 and would require an engineer's report and a hearing. Eberling asked if the landowner has been involved yet or if it is just the tenant. Gallentine stated he was unsure if Bruns had spoken with the landowner yet, Gallentine has only spoken with the tenant, Aldinger. Bruns stated she has only spoken with Aldinger as well. Gallentine stated the landowner is Arlene Hamilton. Eberling stated in most cases for us the request for improvement must come from a landowner not a tenant unless the tenant has something in writing from the landowner to make those decision, so that is where we would have to start first as the landowner would responsible for the costs of an improvement. Eberling stated we have run into problems with landowners later on if we let tenants make these kind of requests, Nolte stated that is where we have NRCS step in with wetland determinations that may be unknown to the tenant. Eberling noted wetland determinations would have to be made before we can make any improvements.

Granzow stated he agreed with Nolte, it is one thing for a tenant to turn in a repair, but when we look at starting any major construction, the landowners are involved in offering consent, not the tenants. Eberling stated we can not proceed unless we get the landowner involved. Gallentine stated you could self initiate an improvement without getting the landowner involved but Gallentine would not recommend it. Gallentine stated before moving forward and spending any money on this, he recommends getting a landowner involved in the request for an improvement. Granzow stated a letter back to Aldinger, stating that would need a landowners request not a tenant's request to move forward would be appropriate. Eberling stated probably requests from more than one landowner would be good also. Granzow concurred, he would rather have more than one landowner request, and at least then we would have record of a landowner initiating the request, if the water is flowing we are doing our jobs. Gallentine stated it is flowing it just does not go down enough not to drown out the crop with the heavy rains we have been having. Nolte stated there are districts all over that would love to have that, but we can't legally move forward without a landowner request. Nolte asked if district tile went under the blacktop of Co Hwy C33, to drain up into the

property to the north. Gallentine stated it does go under the road to the north, with the majority of the district being in Franklin County, the outlet just happens to be Hardin.

Gallentine stated he was unsure how many landowners are in the whole district, it looks to have about 1,900 acres according to the original map. Eberling stated for an improvement that may be really expensive per acre. Gallentine stated it may be, the piece that Aldinger has is only a mile from the outlet, it depends on how far up the tile you would improve it. Eberling stated if we do an improvement it will affect everyone in the district. Gallentine stated that was correct, as the whole district would pay for it and it could affect their jurisdictional wetlands. Eberling stated we do not have the proper request so no action needs to be taken yet.

Granzow motioned to notify Aldinger that without the proper request from a landowner, no action can be taken. Second by Eberling. All ayes. Motion carried. Eberling stated the Franklin County Drainage Clerk Bruns will send Aldinger a letter explaining this.

4. Other Business

5. Adjourn Meeting

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

DD 120 LANDOWNERS MEETING MINUTES

Wednesday, June 24, 2020 11:00 AM

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

6/24/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman; Trustee Renee McClellan; Landowners Kent Picht, Jordan Picht, Kevin Vierkandt; Lee Gallentine of Clapsaddle-Garber Associates; Michael Pearce, Network Specialist and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. DD 120 - Discuss W Possible Action - Surcharged Intake Discharge

The issue of the private tile intake being surcharged during heavy rains and discharging onto neighboring property creating ponding issues was discussed. Gallentine stated in what he understands is Picht did private tiling and installed an intake, which he has the right to do, and as Kevin Vierkandt reported in last week's meeting, when we have heavy rains, water comes out of the intake, and follows the slope of the ground and ends up in Vierkandt's ground. Picht agreed that is what happens, Kent Picht stated his 150 acres above Vierkandt flows into that area and Picht has a pond there every year, in speaking with the contractor the contractor stated an intake could be installed that would take care of that. Picht stated he put the intake in the fenceline so he did not have to farm around them, and would gladly move it back to the middle of the pond, but the fenceline is part of that ponding area. Gallentine asked if the pond in Vierkandt's ground was big enough that it goes up into Picht's ground as well. Picht stated we both share the same pond, and Vierkandt's is a little bit higher, when Picht's ponds up a little bit, it is so high it goes into Vierkandt's place because there is a huge amount of surface water that goes in there. Picht stated if he took the intake out now, the tile would probably blow out because the tile is only 2' to 2-1/2' deep, it is a 7" tile in Picht's field, and when it goes into Vierkandt's field it goes into a 10" tile. Picht stated he had a map when the intake was installed and thought the 7" tile going into a 10" tile should handle that flow ok, either it may not be a 10" in Vierkandt's field or Picht has so much pressure coming down that it discharges out the intake.

Granzow stated that last week Vierkandt expressed we may need to increase the district tile size. Gallentine did calculations using the original design, and using the original design, the coefficient in that district varies from .23" per day to .03" per day, so the system is woefully undersized compared to what would be installed now. Granzow stated since Vierkandt is tenant on Jeff Hansen's land, the request for an improvement would have to come from a landowner. McClellan asked if a backflow preventer would be applicable in this case. Gallentine stated a backflow preventer has to have a certain amount of pressure to open it for the one way flow, so you would have to have some pressure to open it but the issue is if you have too much pressure in that system you will have blowouts. Gallentine stated Vierkandt acknowledged that but Vierkandt stated that is a sign we need a bigger tile. Gallentine stated if we put all that water through the tile, some of it goes by surface and leaves the district, it is still a coefficient of only 1/4" to .03" which is pretty slow. Picht stated he has two intakes west of his places in the ditch of HWY 57 that still has water coming out of them and creating ponds, and has two intakes east of his house, that are still discharging after several days of no rain, and is still receiving water from an intake blowing out on his neighbors, creating another pond for him. Picht has learned to live with it, if he takes an intake out, water seeps up out of the ground, if we put the intake in, at least it does drain and the ponds go out quicker, he does not like the ponding or the intakes, but if he does not put an intake in the ponds will sit there longer, there is no good solution other than huge drainage mains everywhere. Gallentine stated sometime they will put an intake in and shoot it off to the side of the main before coming up and that helps somewhat rather than being right up on top of the main but it will still discharge sometimes.

Gallentine stated if you do an upsized project, unless it is an open ditch, you will probably get 1/2" per day max of coefficient, and with the heavy rains we have been having if you get 2" of rain, it will take 4 days to drain out. Vierkandt was called into the meeting and the original design coefficients were reviewed. Granzow stated if you would like to request an improvement or an upsize in tile, the request needs to come from a landowner. Vierkandt stated it definitely needs to be upsized. Granzow asked if Picht was willing to make that request. Picht stated he and Vierkandt had already discussed what Picht was willing to do, Picht stated he would upsize part of it to take the pressure of the upper end, possibly run a supplemental main beside of the old main that jumps up to a bigger tile, it is supposed to jump up to an 18" tile later. Gallentine stated you would jump up to a .2" coefficient with an 18" tile. Picht wouldn't mind sharing the cost on that just to take off the pressure on the top. Gallentine asked if Picht would go all the way down to the outlet. Picht stated it depends on what size the outlet is, and noted it is a

long ways away. Gallentine stated yes it is a long way, and the the last little bit of tile before the outlet is a 20" which is running a .25" coefficient. Picht would be willing to help run supplemental private tile to the larger part of the main if that would help. Granzow stated that can be done without the Trustees. Picht agreed and stated that was what he had told Vierkandt, as the main is on Vierkandt's land. Granzow stated what would come from the Trustees is if a landowner would come forward with a request to do an improvement. Vierkandt stated if the outlet down on the bottom was only good for 1/4" a day and is way less on the upper end, he was unsure what the cost for an improvement would be, but he would like to know the cost for an improvement or to lay another main beside it to increase the capacity. Vierkandt asked if we can bring that excess water all the way down there, and the outlet is only good for 1/4" a day, Vierkandt does not think that will help us that much.

Picht stated he knew the land that would have to go through, and it gets really deep, and would also have to go under an active railroad track, and it would be a major project. Gallentine stated the original tile was planned at the railroad tracks for a depth of 7', Picht said there are places that are deeper than that. Gallentine stated with a tract excavator, 7' is not that bad. Gallentine did note it was a Canadian National line, and it is a 20" tile right before it goes under the railroad. Gallentine stated right at the railroad tracks is where it starts steeping up a bit to get to that 1/4" coefficient, upstream of the railroad tracks it flattens out and that is about .2" coefficient. Picht asked what it would cost for study on an improvement. Gallentine stated studies have been running \$5,000 to \$7,000. Picht asked if it would just be billed to these two landowners. Gallentine stated it would be billed to and split amongst all the landowners in the district. Picht asked if that was ok with Vierkandt. Vierkandt stated his landowner would be ok with that. Picht was ok with that as well.

Granzow stated we have to have a request from a landowner, and with this kind of drainage coefficient, thats not bad to just have a single landowner request. Gallentine stated he was surprised there has not been a request before when he saw the .03" coefficient, and it was no wonder they have ponding. Picht stated he would like to get rid of the ponding as they plant it and always get something out of it but would like the ponding gone and something done for the top end too, which would send more water down there. McClellan asked if Picht would submit a request in writing to the Drainage Clerk, Picht stated he would provide a written request to Smith today. McClellan stated we could act on the written request next week. Picht asked how long a study would take. Gallentine stated they usually take about a month, and once adopted the Engineer's Report is valid for 10 years, and it would cover multiple options, one option would be putting in one lager tile, one could be putting a new tile beside the old tile, the problem with that is you are still paying on the new tile while trying to maintain the old tile. Gallentine stated we would also include an open ditch option. Granzow stated the parallel tile option means the tile is flowing in both old and new tiles, but as soon as the 100 year old tile breaks, will we be putting in a new one, or build it once the first time the improvement is done. Gallentine stated it is tough to figure out how much life is left in a 100 year old system. Granzow stated it would be nice to say we abandoned the old system and built a new one, Gallentine stated we typically do remove the old tile. Granzow stated we need to understand that if abandoned it will no longer be district tile if it breaks. Gallentine stated the nice thing about removing the old district tile is that we can find and restore all the private connections when we remove the tile. Gallentine stated the report will provide several options with expected costs for each so you can have an idea of what costs may be. Picht asked if it was very expensive to remove the old tile. Gallentine stated we usually see costs of \$3 to \$5 per foot, it is pulled off and trucked out, sometimes it is used as fill in a road crossing.

Granzow stated so what we have so far is a request from landowner Picht for a report to do an improvement, along with that we are going to make sure the landowners have a wetland determination done by the NRCS. Granzow went on that the landowners are the only ones that can request a wetland determination, the Trustees can not do this. Picht asked if the landowners would all be notified and come in and vote on the improvement. Granzow stated the Trustees are the only ones that vote, the Trustees will take a paper ballot as input from the landowners and try to come to a consensus, but the Trustees have the final say. Picht stated all the other landowners may not show interest as they have higher ground and drain fine. Gallentine stated once the report is done, it will be on file with the Drainage Clerk who will send out notifications of a hearing to discuss the improvement options in the report. Granzow stated the classifications may show what Picht describes as well. Gallentine stated that if the majority of the landowners who own 70% of the ground in the district file a Remonstrance, saying no, then nothing moves forward. Granzow stated then the Trustees are done and it becomes a dead issue. Hoffman stated if Picht would step up to the Drainage Clerk's office, he could submit a request in writing, Hoffman noted that the district could also submit a petition for Private Trustee control.

Hoffman stated it is hard for the Trustees to say that we have to tell you here is the report and classification and we are spending your money, and knowing the current commodity prices and the world's uncertainty, telling someone that they will have to spend this much money is difficult. Picht stated he will try and talk Vierkandt into putting in just a short supplemental tile to a bigger tile so that may help the blowout. Picht stated the blowout does not amount to that much when you look at the amount of surface water that Picht's land takes. Picht stated the blowout quits after you get to a certain level, when Picht has watched the blowout it goes out into Vierkandt's field about 100 yard, the water disappears and is soaking in somewhere. Picht stated he will try to work something out

with Vierkandt. Granzow asked if he would like to do that before we request the report. Picht stated no he would request the report today, as they will not get it fixed before next year now that crops are in.

4. Other Business

5. Adjourn Meeting

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



Hardin County

Drainage Claims with Pay Date of 7/2/2020

DD 11 WO 294 Telvise 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 and truck m	Williams Excavation LLC	1,623.00

Total Regular Payables: 0.00
Total Stamped Warrants: 5,716.00

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.

June 24, 2020

FILED

JUN 24 2020

Kent Picht

HARDIN COUNTY AUDITOR



Drainage Trustees,

I would like to request an investigation study be done in Drainage District 120 for an improvement in drainage, per our discussion in the DD 120 Landowner's Meeting on June 24, 2020.

Sincerely,

A handwritten signature in blue ink that reads "Kent Picht".

Kent Picht