

AGENDA
REGULAR DRAINAGE MEETING
Wednesday, June 3, 2020 9:30 AM
Large Conference Room

County Buildings are closed to the public due to Covid-19 concerns, this meeting will be 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:

[05_27_20 DRAINAGE MINUTES.PDF](#)

4. Approve Claims For Payment

Documents:

[PAYABLES-DRAINAGE PUBLICATION 06_05_20.PDF](#)

5. DD 11 WO 294 - Discuss W Possible Action - Investigation Summary

Documents:

[DD 11 WO 294 - INVESTIGATION SUMMARY 05_28_20.PDF](#)

6. DD 22 WO 276 - Discuss W Possible Action - Repair Summary

Documents:

[DD 22 WO 276 - 6532.4 - REPAIR SUMMARY 06_01_20.PDF](#)

7. DD 52 WO 215 - Discuss W Possible Action - Crop Damage Claim 2020-4

Documents:

[CROP DAMAGE CLAIM 2020-4 NEW HONEY CREEK QUOTE FOR RESEEDING 05_28_20.PDF](#)
[DD 52 - CLAIM FOR DAMAGES 2020-4 TRACY BELOW.PDF](#)
[CROP DAMAGE CLAIM 2020-4 - TRACEY BELOW W REVISED QUOTE.PDF](#)

8. 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

9. Other Business
10. Adjourn Meeting

REGULAR DRAINAGE MEETING
Wednesday, May 27, 2020 9:30 AM
This meeting was held electronically due to Covid-19 concerns.

5/27/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also in attendance were Trustee BJ Hoffman; Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates (CGA); Michael Pearce; 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 McClellan to approve the minutes to Drainage Meeting dated 05-2020. Second by Hoffman. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve claims for payment with pay date of Friday, March 29, 2020. Second by Hoffman. All ayes. Motion carried.

5. DD 131 WO 275 - Discuss W Possible Action - Repair Summary

DD 131 - WO 275- This was a request made by Greg Huebner reporting a sinkhole. CGA reports sinkhole was excavated and tile was misaligned with connection to private tile. Repair was made using dual wall tile, the rest of the clay tile was in good shape, no cracks. CGA has no additional recommended actions.

Motion by Hoffman to acknowledge the repair summary on DD 131 WO 275. Second by McClellan. All ayes. Motion carried.

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

Smith reports we are still waiting on an update from attorney Mike Richards, once an update from attorney Richards is received it will be on the agenda again.

7. DD 52 WO 215 - Discuss W Possible Action - Crop Damage Claim 2020-4

DD 52 WO 215 - Smith stated we have received a quote for reseeding from contractor Honey Creek Land Improvements, for reseeding 3.5 acres of alfalfa. Quote was for \$715 including seeding, drilling, ground preparation, quote was for round up ready alfalfa seed. The Trustees discussed concerns over the cost of round-up ready alfalfa and that landowner Piel is in negotiations to sell the property. The consensus of the Trustees were that there was no benefit from the use of round-up ready seed, as it may be torn up by new owner anyway.

Motion by Hoffman to have Honey Creek Land Improvement to resubmit the quote with traditional alfalfa seeding. Second by McClellan. All ayes. Motion carried.

8. DD 55-3 WO 201 - Discuss W Possible Action - Permit Extension

DD 55-3 WO 201 - Gallentine stated this work order involves a letter of consent for work from the Railroad to work in their right of way that expires June 10, 2020. Contractor Honey Creek land Improvement (Seward) is working hard to meet all of the Railroad's requirements, including railroad insurance, which is not an easy, simple process for an insurance agent to obtain. Gallentine and Smith had discussed requesting an extension due to the Railroad's extensive requests for documents and insurance, and with the wet weather we have had the last 2 weeks, even if we have paperwork in place, it may be too wet for contractors to get into the field to access the tile. Gallentine recommends requesting an extension, not that we want to delay the work, but to give people breathing room, an extension of 3 to 6 months would not be unreasonable. The Trustees discussed if we should request a specified time frame for an extension and if the field has been planted yet, it was discussed that there could be some crop damage, even if we can get in the field soon. Gallentine stated if we can get all the permitting in place, and get the work accomplished, we should just pay the crop damages. Smith has stated that Seward has done his prep work to create an access road for the needed equipment. Gallentine stated the delay has not been with Seward or the Clerk, the Railroad is just difficult to work with.

Motion by Hoffman to request an extension of 90 days from today from the Union Pacific Railroad. Second by McClellan. All ayes. Motion carried.

9. Discuss W Possible Action - IRUA Correspondence / Invoice

Smith stated a reply was sent to landowner Kiele Rolph and the IRUA's Matt Mahler granting permission for rural water connection through the IRUA. Smith requested clarification on payment of invoice from attorney Mike Richards of The Davis Brown Law Firm for consult on this issue, in the amount of \$275. Smith asked if the Trustees would like payment of this invoice to go through Rural Services, as we do not have a specific assessment for legal fees that cover/involve all districts, and are not single district specific. Hoffman stated there is no quick resolution for this. Granzow stated to review how these invoices were paid in the past, and thought they should be paid out of general fund, not rural services, as we will have some legal fees involved in the review of the wind turbine ordinances and those would not be strictly rural, but would affect everyone in the county, whether we are city or rural. Granzow continued that this would affect all the cities as well as most in the county lie within a drainage district, and we are borrowing from rural services to be paid back after assessments, and would rather keep the consistency as to where we have been paying from. Granzow stated Rural Services is 62% of general, it should not be permanent out of rural services.

Motion by Hoffman to pay the Davis Brown invoice for IRUA consult from Rural Services fund. Second by McClellan. All ayes. Motion carried.

10. Other Business

Smith received a response from Franklin County that the Franklin County Drainage Trustees have approved our assessment for joint drainage district H-F 5-75.

Gallentine stated that the work order for H-F 2 submitted by Landon Aldinger has also been approved by the Franklin County Trustees, who approved repair on the work order.

McClellan asked what the outcome was on Randy Silvest's work order. Smith will request an update from Heather Thomas on this work order. Hoffman had heard work went well, and Granzow appreciates the work contractor Seward has done on behalf of the drainage districts.

11. Adjourn Meeting

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



Hardin County

Drainage Claims with Pay Date of 6/5/2020

Description	Vendor	Amount
DD 22 WO 176 - Prof Svcs 4/18/20 to 5/16/20	Clapsaddle-Garber Assoc	836.00
DD 26 WO 82 - Prof Svcs 1/26/2019 to 5/16/2020	Clapsaddle-Garber Assoc	118.60
DD 52 WO 215 - Tree removal, brush haul off, spray	Honey Creek Land Improvement, LLC	6,930.00
DD 124 WO 259 - Tile Repair, Parts, Labor, Equip.	Honey Creek Land Improvement, LLC	14,214.00
DD 131 WO 275 - Tile repair, parts, labor, equip.	Honey Creek Land Improvement, LLC	4,040.20

Total Regular Payables: 954.60
Total Stamped Warrants: 25,184.20



Drainage Work Order Request For Repair

Hardin County

Date: 5/1/2020

Work Order #: WO00000294

Drainage District: DDs\DD 11 (51024)

Sec-Twp-Rge: 13-88-22 **Qtr Sec:** _____

Location/GIS: 88-22-13-300-003

Requested By: Robert Smuck

Contact Phone: (641) 640-0132

Contact Email: _____

Landowner (if different): _____

Description: DD 11 - Robert Smuck reports 2' tile blowout along fenceline in SW corner of parcel # 882213300003, along fenceline shared with Shirley Madole's parcel to the south. Smuck had Gehrke out to look, and Gehrke states it is DD tile.

Repair labor, materials and equipment: _____

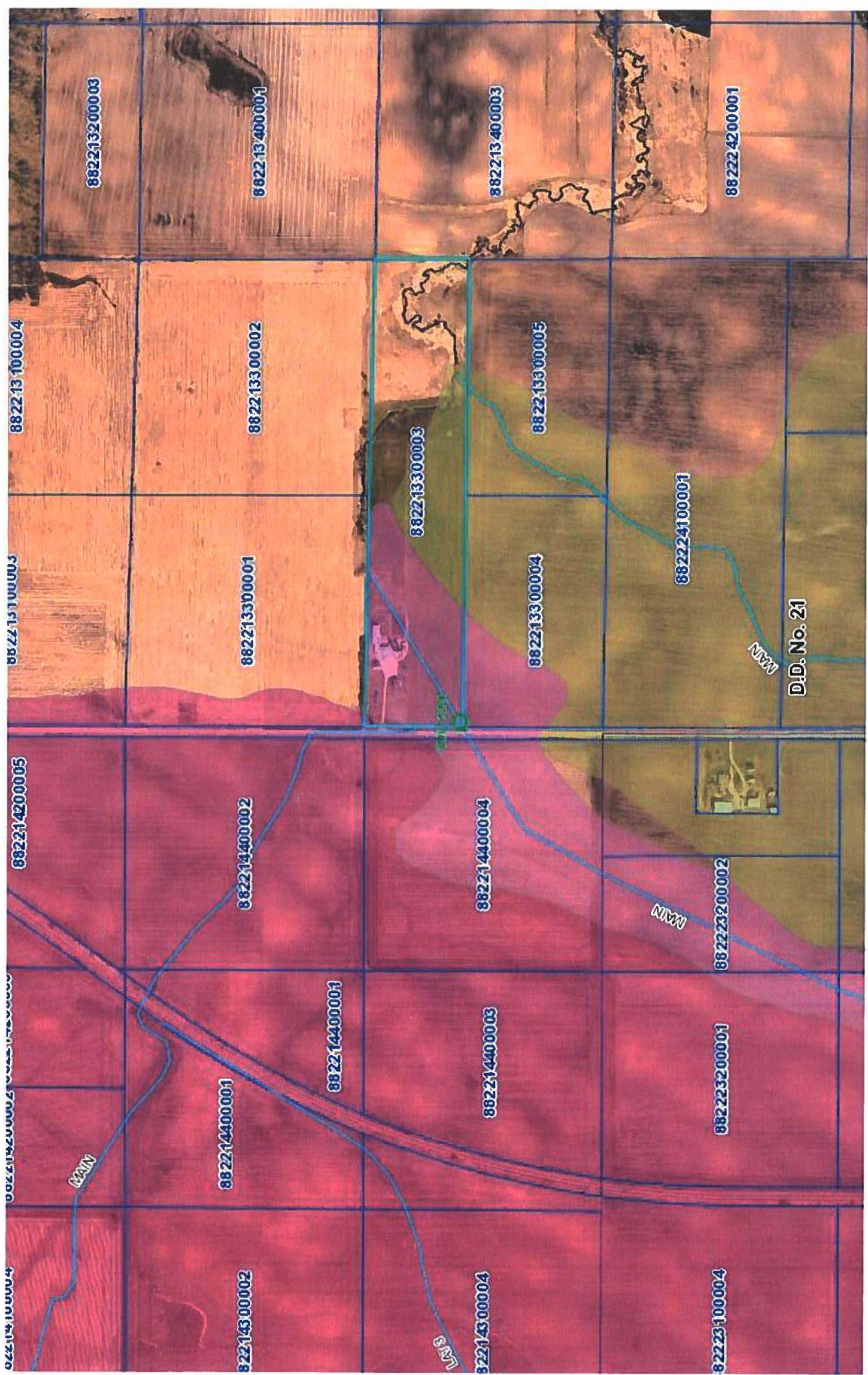
Repaired By: _____ **Date:** _____

Please reference work order # and send statement for services to:

Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Phone (641) 939-8111
Fax (641) 939-8245

For Office Use Only

Approved: _____ **Date:** _____





Drainage District:

#11

Investigation Summary:

- Landowner in the SW¼ Section 13, Township 88 North, Range 22 West reported a 2-foot diameter blowout/sinkhole on the southwest corner of the farmstead parcel. Phone conversation with the landowner indicated that the blowout/sinkhole was on the NW¼ NE¼ of section 23, Township 88 North, Range 22 West, and not as described on the Work Order.
- While observing the location as described on the Work Order request, a manhole on the Main tile was found in the east road ditch of G avenue with a hole in it, the tile exposed, but water flowing freely.
- After the phone conversation with the landowner, the reported blowout/sinkhole was located on the assumed Main tile route and was found to be approximately 6-feet in diameter and 1-foot deep with no tile visible in the depression.

Contractor Time and Materials (spent while CGA was on-site):

None recorded as only visual observation was performed.

Additional Actions Recommended:

- Repair the hole found at the manhole in the east road ditch of G avenue and restore soil as needed over the Main tile.
- Excavate the Main tile at the location of the blowout/sinkhole to determine the cause and repair as necessary.



CONSTRUCTION ENGINEERING
OBSERVATION REPORT

DATE:

5/18/20

DAYS OF WEEK:

S M T W T F S

SHEET NO.

OF

PROJECT NUMBER:

0765.7

COUNTY, ROUTE, ROAD:

DD 11

LOCATION:

G AVE TO EAST

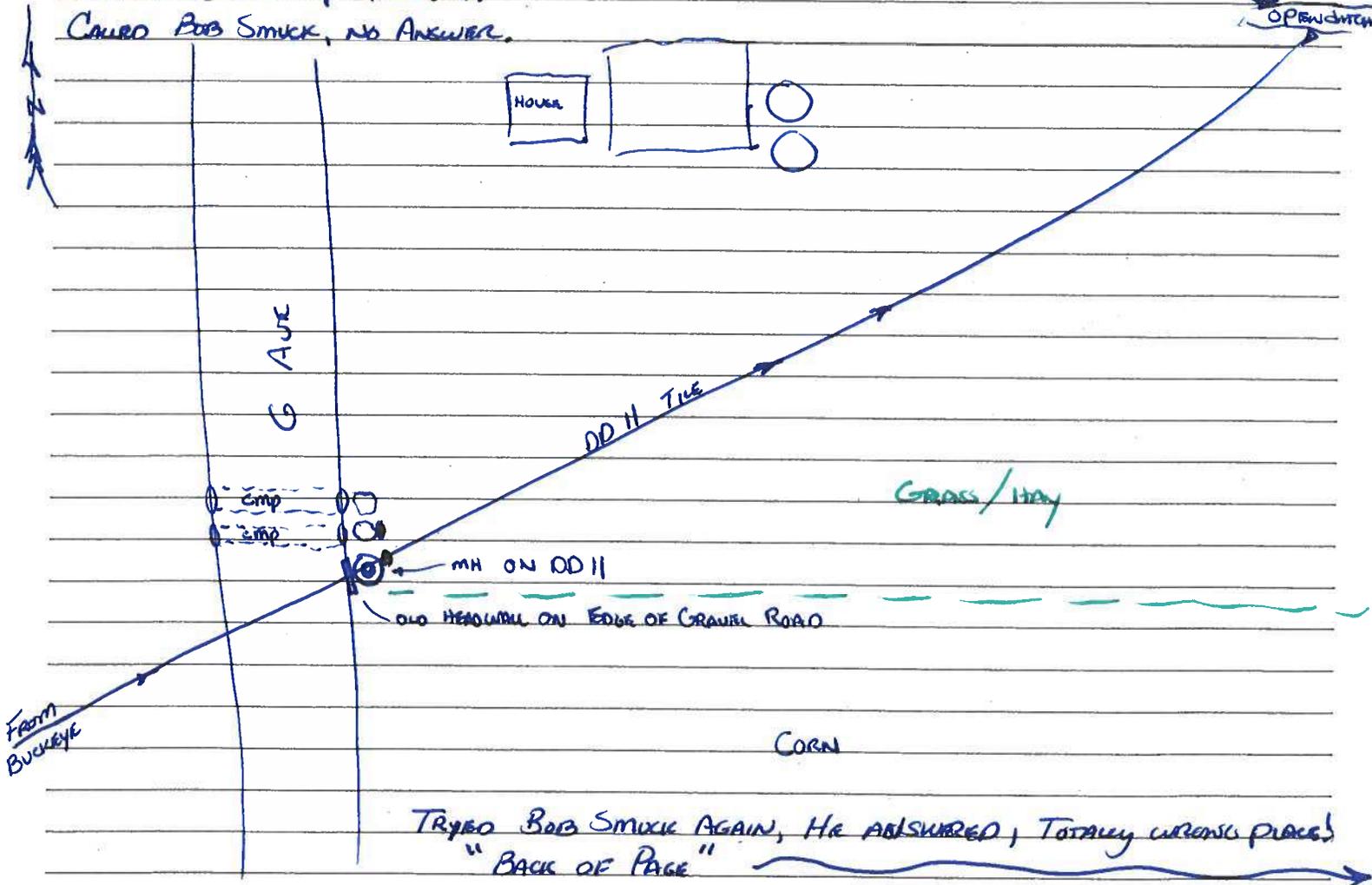
DESCRIPTION OF WORK AND MATERIAL USED FOR EACH OPERATION, INCLUDING CONTRACTOR/SUB NAME, ITEM NO. AND LOCATION

Cloudy, Drizzle, 50°, Windy, Muddy Conditions

Did not find 2' Blow-out as described in Report from Clerk. No Fence Line, Just crop change. MH on E side of "G" Ave has hole and exposed tile on E-side. Walked tile route downstream 300'±, saw no problems.

I couldn't get lid of MH, lots of water noise, I think its a drop structure.

Called Bob Smuck, no answer.



TRYED BOB SMUCK AGAIN, HE ANSWERED, TOTALLY WRONG PLACE "BACK OF PAGE"

I Certify that the work described in this report was incorporated into this contract unless otherwise noted.

Observer's Signature:

[Handwritten Signature]

Date Prepared:

5/18/20

Reviewed by:

Engineer

Date Reviewed



BEANS
PROP LINE, NO FENCE

CORN

DO IT MAIN

HAY/PASTURE

CORN

G AVE

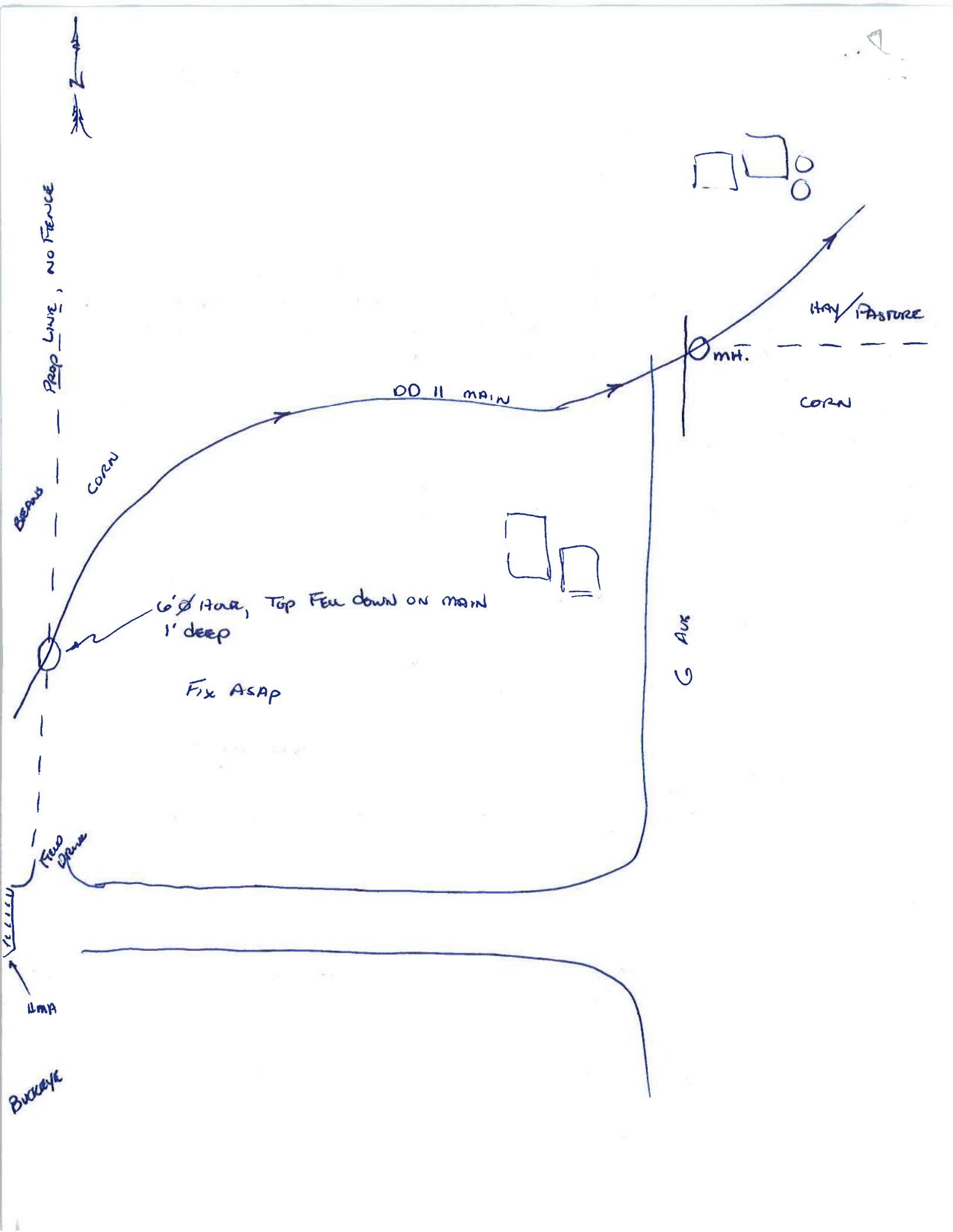
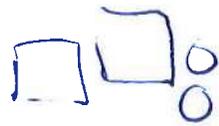
6" Ø HOLE, TOP FEEL DOWN ON MAIN
1' DEEP

Fix ASAP

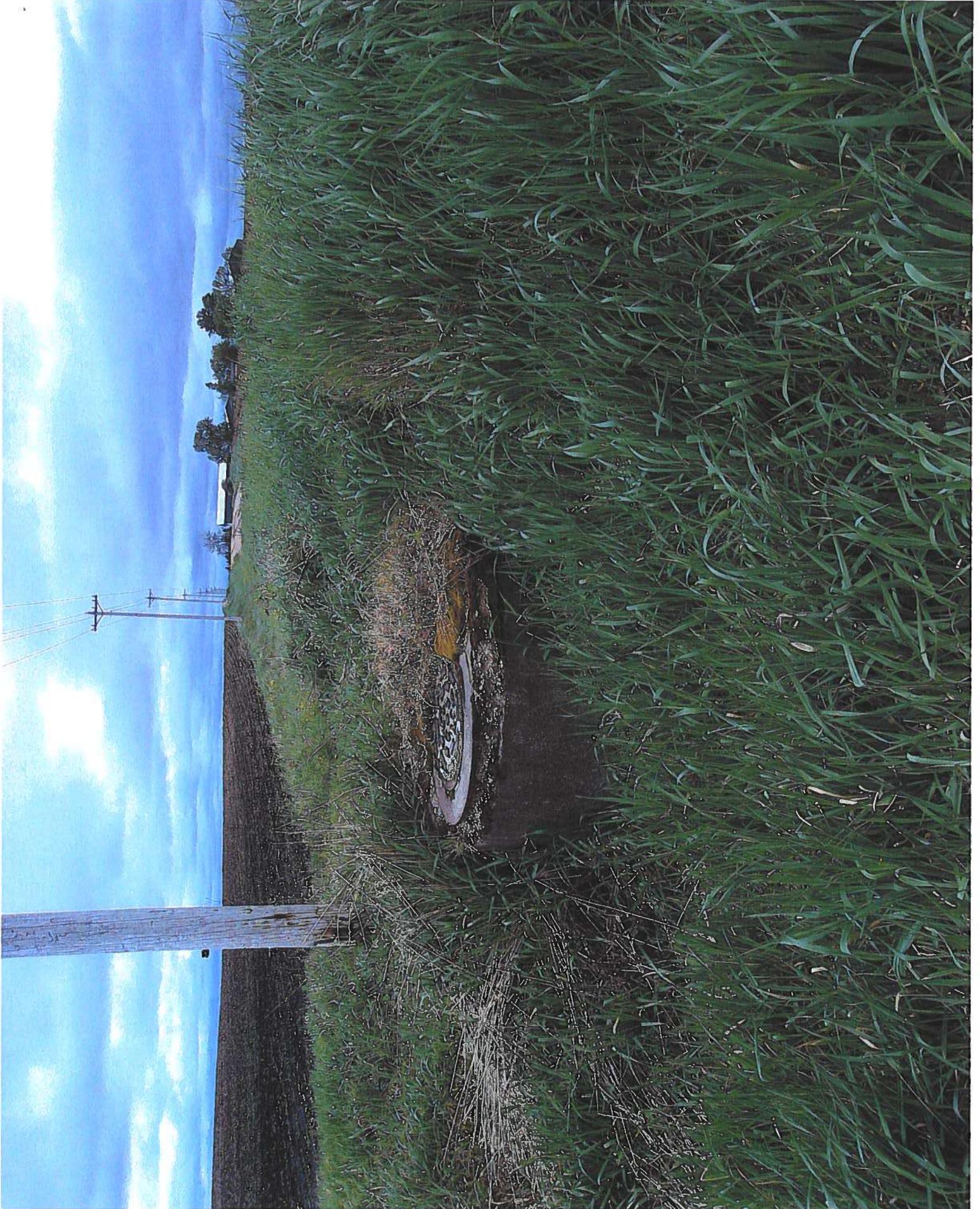
FEED DRAW

LMP

Buckeye



Looking S. down "G" AVE. @ MH. ON DD11



MA. ON E. SIDE "G" AVE.



LOOKING NORTH down Prop. LINE



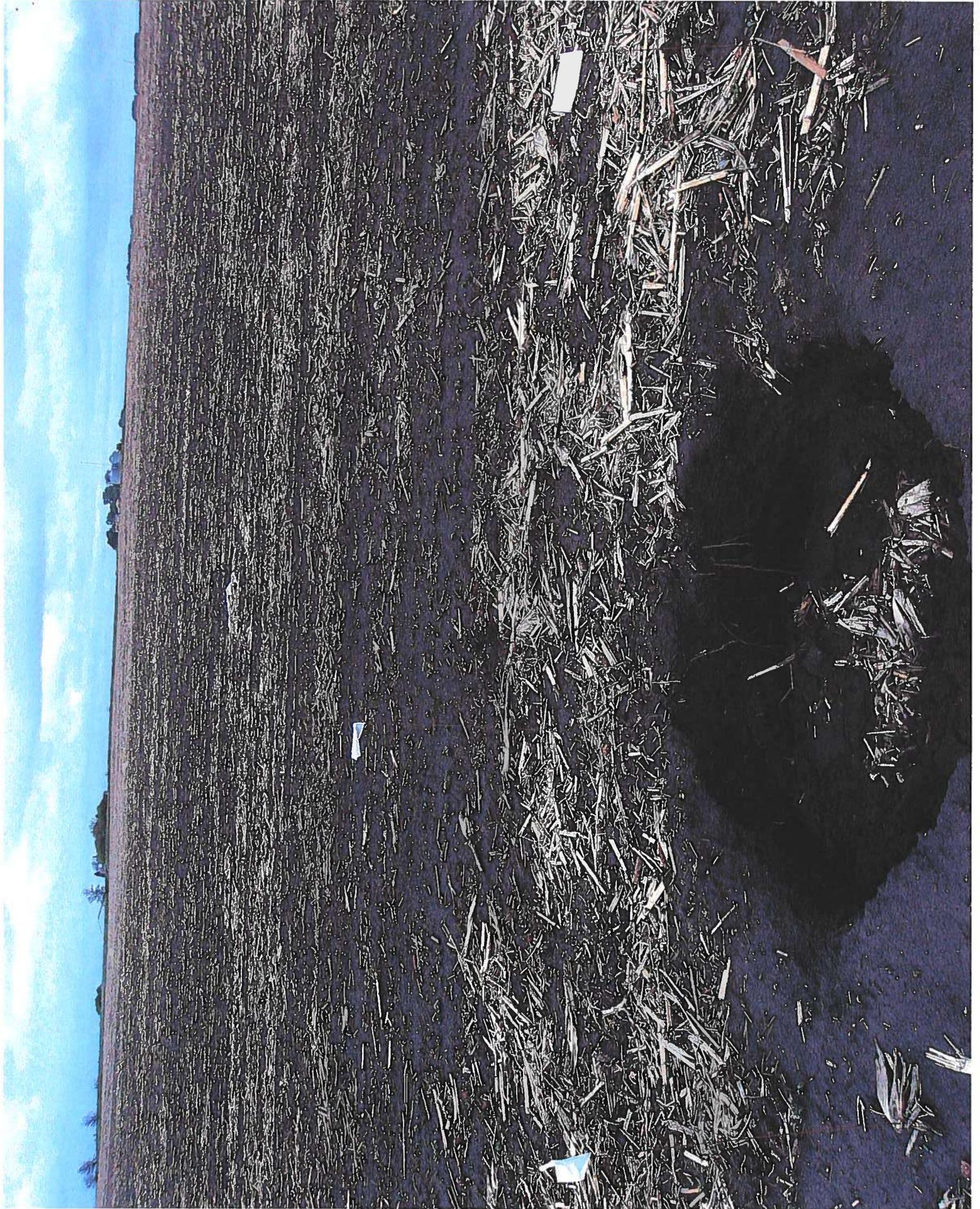
LOOKING DUE EAST @ OWNER "Smuck's" HOUSE



Looking due South down Prop. Line



LOOKING WEST @ BLOW-OUT



Drainage District:

#22 – Hardin County, IA
Work Order #276

Repair Summary:

- The contractor performed exploratory excavation around the sinkhole to pinpoint the issue. A 2' length of 16" clay tile was sitting crooked to the alignment of the lateral. This created two 1/2" gaps at the joints, which were allowing in soil.
- An attempt was made to adjust the alignment of the existing clay tile and wrap the joints; however, a good joint seal couldn't be made without disturbing the soil adjacent and below it. Two pieces of clay tile were removed for a total of 4 feet.
- The Contractor utilized 1-1/2" Clean Bedding Rock to re-establish a firm buildable base, 18" Dual-Wall HDPE, wire mesh, fabric, and several bags of Quikrete Concrete Mix to perform the repair.
 - Bedding rock was installed to the proper elevation.
 - The 18" HDPE was installed (4.04' per CGA GPS shots) with matching flow lines.
 - Contractor dug out a tunnel below the ends of the new HDPE and the adjacent VCP pipes in order to install the fabric and wire mesh.
 - Contractor used roughly 4 bags of concrete mix at collars to go under existing pipe, did not mix with water first (as there was already water surrounding the pipe) and chomped that under the ends of the pipe to start the collar.
 - The remainder of the concrete collar was created by mixing the bagged concrete on site with an electric mixer and then poured in placed and formed.
 - Concrete was allowed to set up for roughly an hour. Additional bags from the concrete mix were used to distribute the load of the remaining bedding rock around the collar and allow for backfilling with both rock and soil soon after.
- During excavation, material was sorted, topsoil vs. subsoil. The backfill was placed in the correct order and the wetland was left in good shape.
- No seeding was performed.

Contractor Time and Materials (spent while CGA was on site):

Tabulated Contractor Time and Materials

Item	Totals
Excavator Operator / Workman (hrs)	7.25
Laborer (hrs)	7.0
HDPE, Dual-Wall, 18" (ft)	3.83' (from Contractor); Use 4'
Excavator - Kobelco sk85cs (hrs)	7.25
1 1/2" Clean Bedding Rock (tons)	5.2
Bags Concrete (each)	24 (for 2 Conc Collars)
Wire Mesh	Incidental to Conc Collars

Additional Actions Recommended:

None unless it not being seeded becomes an issue. Landowner (Randy Silvest) was asked if he wanted to review it before the Contractor left the site and he declined and said it would be fine.



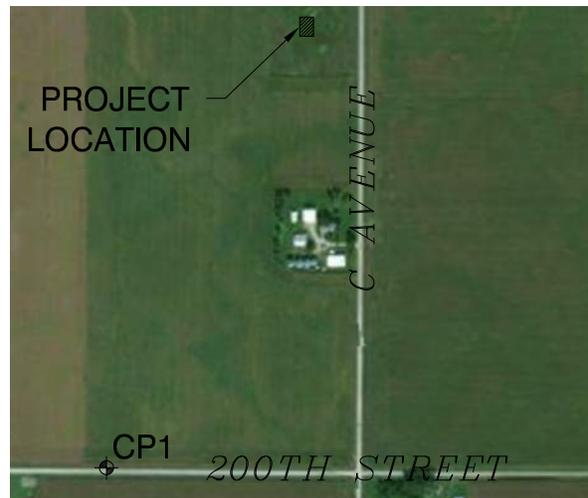
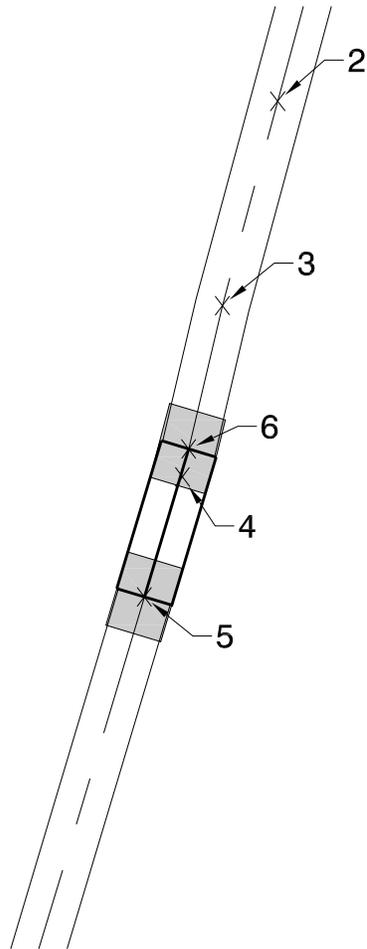
DRAINAGE DISTRICT 22

WORK ORDER 276

PERFORMED: MAY 7TH, 2020

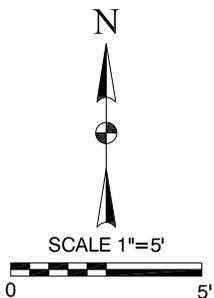
CONTRACTOR: ADAM SEWARD (HONEY CREEK)

CONSTRUCTION OBSERVANT: GARRETT JACOBS (CGA)



LOCATION MAP

NOT TO SCALE



POINT #	NORTHING	EASTING	DESCRIPTION
1	3613401.07	4935101.37	CP1
2	3615718.46	4936148.88	TOP EX 16" VCP
3	3615713.11	4936147.43	TOP EX 16" VCP
4	3615708.63	4936146.39	FL EX 16" VCP
5	3615705.49	4936145.39	TOP CONC. COLLAR
6	3615709.36	4936146.55	TOP CONC. COLLAR



Clapsaddle-Garber Associates, Inc
 16 East Main Street
 Marshalltown, Iowa 50158
 Ph 641-752-6701
 www.cgaconsultants.com



Drainage Work Order Request For Repair Hardin County

Date: 10/21/2019

Work Order #: WO00000276

Drainage District: DDs\DD 22 (51045)

Sec-Twp-Rge: 19-88-22 **Qtr Sec:** NE1/4

Location/GIS: 88-22-19-400-002

Requested By: Randy Silvest

Contact Phone: (641) 640-0171

Contact Email: _____

Landowner (if different): _____

Description: DD 22 Lat 1 - Randy Silvest stopped in to report a sinkhole in his wetland area, directly north of his house. He reports the sinkhole is 6' to 8' across and 3' deep in center of wetland area, Lat 1 runs directly through this wetland where he reports the sinkhole. He reports the sinkhole is dry and was discovered while he was mowing this past week. He requests further investigation and repair this fall, and to be contacted by Engineer.

Repair labor, materials and equipment _____

Repaired By: _____ **Date:** _____

Please reference work order # and send statement for services to: Hardin County Auditor's Office
 Attn: Drainage Clerk
 1215 Edgington Ave, Suite 1
 Eldora, IA 50627
 Phone (641) 939-8111
 Fax (641) 939-8245

For Office Use Only

Approved: _____ **Date:** _____



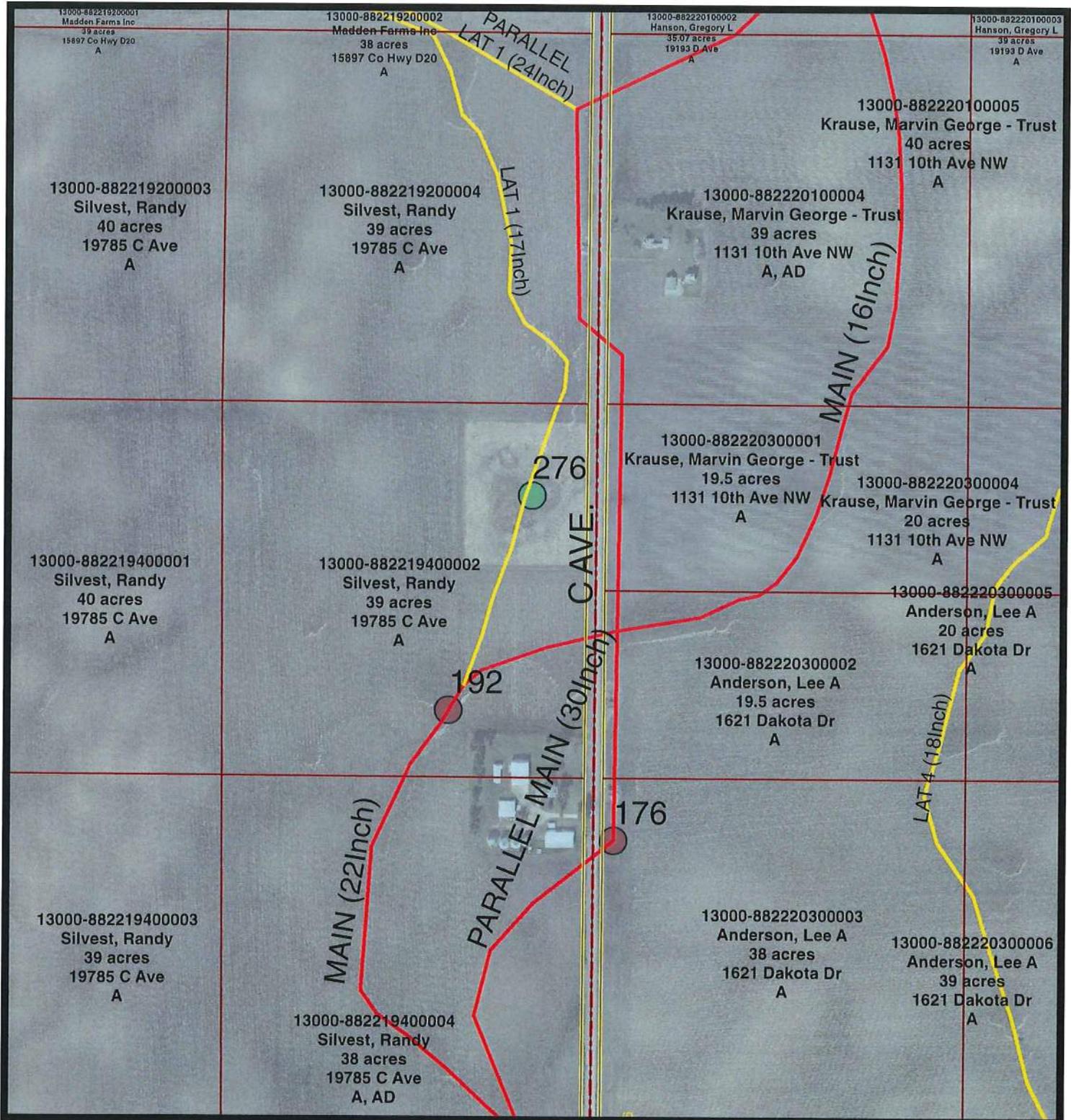
Drainage Tiles

- Lateral
- Main
- Open Ditch
- Private Tile

Hardin County Auditor's Office



Date: 10/21/2019



The Data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. Hardin County makes no warranties, express or implied is to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update. Cadastral Data represents land ownership, but does not define it. This Data does not replace a legal survey.

Inspector's Project Diary

Project:			
CGA PN: 6532.4	Days Charged: 1	Report No.: 1	Proj. Mgr.: <input checked="" type="checkbox"/>
Contractor: Debra Seward Honey Creek		Date: 5/7/20	H/A:
Superintendent: Adam Seward	Weather Conditions: Overcast	Precip.: "	Temp. Hi: 62° Temp. Low: 50°
INSPECTOR: Garrett Jacobs		Contractor:	
Time Arrived: 7:50	Time Left:	Time Arrived: 8:15	Time Left:
1. General Remarks and Work Accomplished:			
<p style="text-align: center;">2 guys on site (Foreman + laborer)</p> <ul style="list-style-type: none"> • drilled on site + shot control point #1 (#1). • located tile + did 45 minutes exploration for problem area. • One 2' section of VCP is cockeyed + allowing water to bring in soil through 1/2" gap. • plan is to remove + reuse piece, set to correct alignment + full collar both sides. • 2' stick removed or decided to remove 2-2' sticks in stead of 1-2' stick, not reuse. • will bed w/ 1" clean rock, replace w/ ADS dual wall pipe, concrete collar both ends. • Contractor did not bring ADS with, so <u>10:00</u> they went to get pipe, dump trailer, + rocks. • Shot ex file (#2, #3, #4 FL) • Shot concrete collars (#5, #6) → <u>4.04' Dual Wall ADS</u> • 24 bags concrete 			
2. Changes or Extra Work Ordered:			
<ul style="list-style-type: none"> • Contractor returned @ 7:30 • trench bedded + stabilized + set to grade • both sides w/ fabric + wire + collars • site mixed concrete • flowline look good • pipe set tight to both trench-ins • bags over collars to cover soil/rock 			
3. Test Samples Taken:			
<ul style="list-style-type: none"> • no seeding • Randy Silvest declined to come out + see site when finished, said it • Area was <u>VERY</u> saturated before bedding rock used 			
4. Visitors to Site: would be fine			
Randy Silvest			
5. Other Work Crews or Project (utilities, subcontractors, etc.) and Work Done:			
6. Attachments (total sheets attached <u>0</u>):			

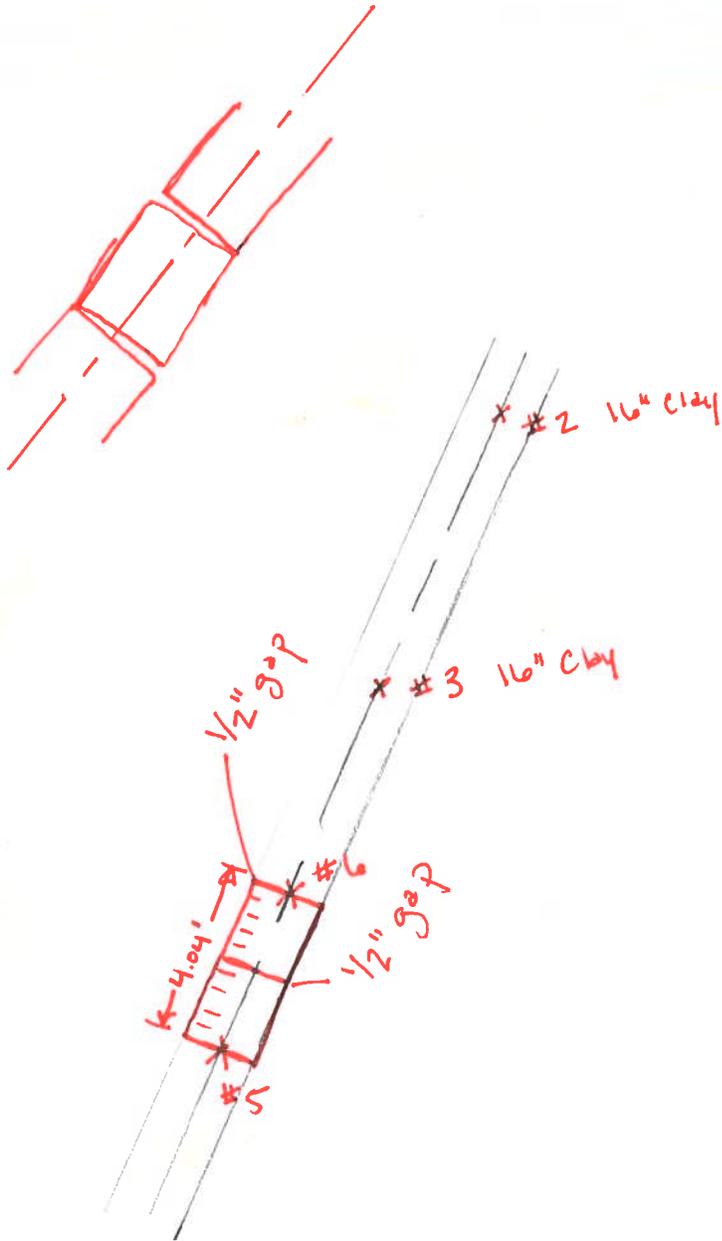
Inspector's Project Diary (continued)

CGA PN: 6532.4

Report No. 1

Date: 5/7/20

1. General Remarks and Work Accomplished (Continued):



CONCRETE, INC. 43416

A42512
HARDIN AGG

28295 4TH AVE.
GIFFORD, IA 50259
PHONE 641-858-5637

TRUCK NO.	CHGE	CASH	MONTH	DAY	YEAR
	✓		5	7	20

SOLD TO Adam Seward

ADDRESS DD 22
W 276

DELIVERED TO
ADDRESS

	1.4110 FA WASHED SAND	GROSS	
	FILL SAND		07/18/2020 10:51 am
	SURFACING		27380 Ib
	PEA GRAVEL		
	1 1/2 GRAVEL	TARE	07/18/2020 10:46 am
	OVERSIZE		16950 Ib
	OTHER		
P.U.		NET	<u>10400</u>
TRUCK RATE			

TONS	AMOUNT
<u>5.2</u>	
SALES TAX	
HAULING	
TOTAL	

DRIVER SIGNATURE

































Work Order Investigation Summary
December 2019

Drainage District:

#22 – Hardin County, IA

Hardin County Work Order: WO00000276

CGA PN: 6532.4

Investigation Summary:

- Landowner in the NE¼ of Section 19 (T88N R22W) reported a sinkhole in his wetland area nearby where he believes Lateral 1 of DD22 to run.
- Visual observation discovered a sinkhole with two locations that appeared to be taking in soil in nearby proximity to each other. CGA probed the area with a 4' tile probe and was unable to hit/locate the tile line. The sinkhole is consistent with what we would expect to find with a tile line that has a wide joint or damaged tile and is taking soil from both sides of the tile.

Contractor Time and Materials (spent while CGA was on-site):

None recorded as only visual observation was performed.

Additional Actions Recommended:

We recommend this be spot repaired through the lottery process.





Drainage Work Order Request For Repair

Hardin County

Date: 10/21/2019

Work Order #: WO00000276

Drainage District: DDs\DD 22 (51045)

Sec-Twp-Rge: 19-88-22 **Qtr Sec:** NE1/4

Location/GIS: 88-22-19-400-002

Requested By: Randy Silvest

Contact Phone: (641) 640-0171

Contact Email: _____

Landowner (if different): _____

Description: DD 22 Lat 1 - Randy Silvest stopped in to report a sinkhole in his wetland area, directly north of his house. He reports the sinkhole is 6' to 8' across and 3' deep in center of wetland area, Lat 1 runs directly through this wetland where he reports the sinkhole. He reports the sinkhole is dry and was discovered while he was mowing this past week. He requests further investigation and repair this fall, and to be contacted by Engineer.

Repair labor, materials and equipment _____

Repaired By: _____ **Date:** _____

Please reference work order # and send statement for services to: Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Phone (641) 939-8111
Fax (641) 939-8245

For Office Use Only

Approved: _____ **Date:** _____



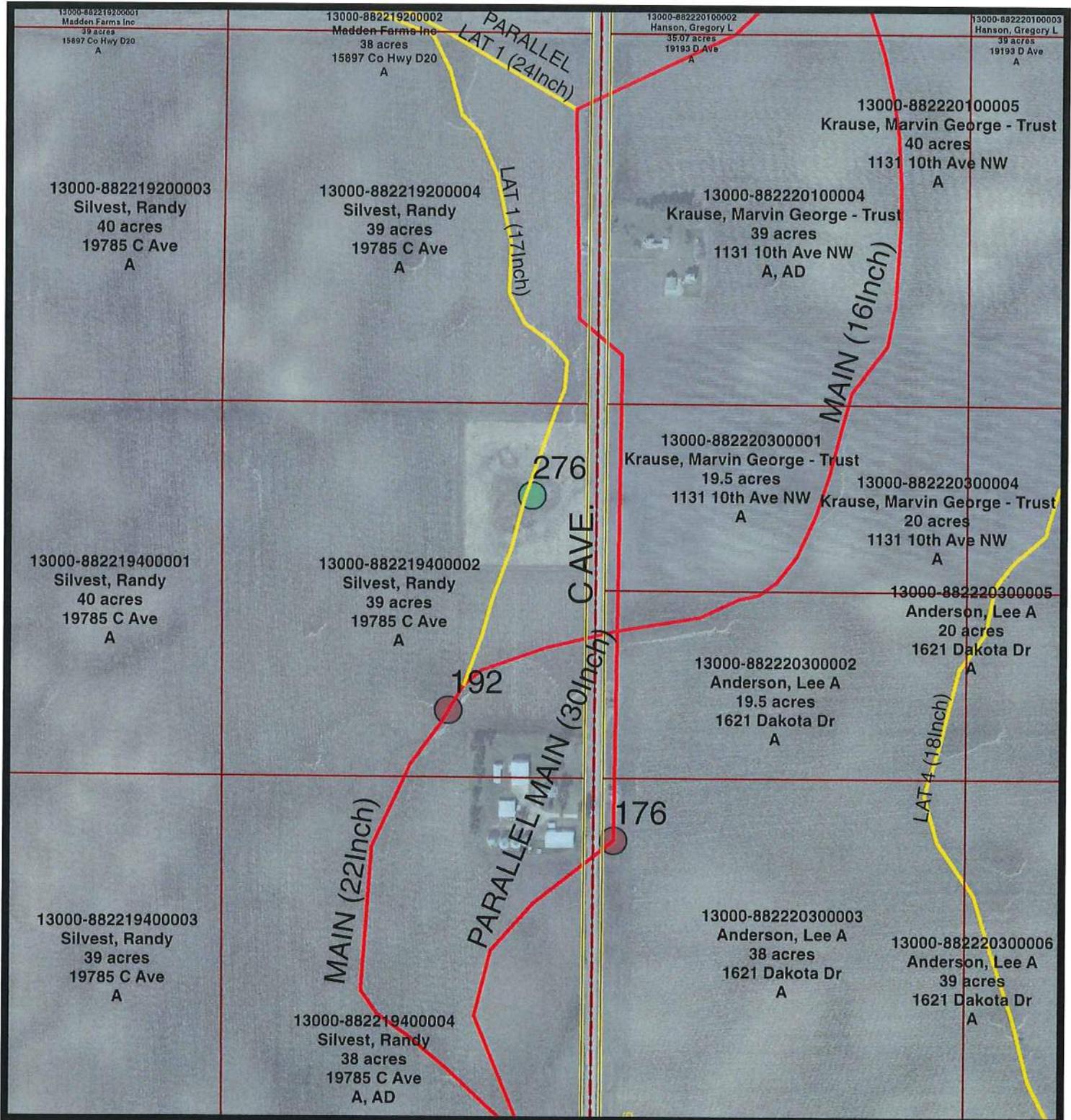
Drainage Tiles

- Lateral
- Main
- Open Ditch
- Private Tile

**Hardin County
Auditor's Office**



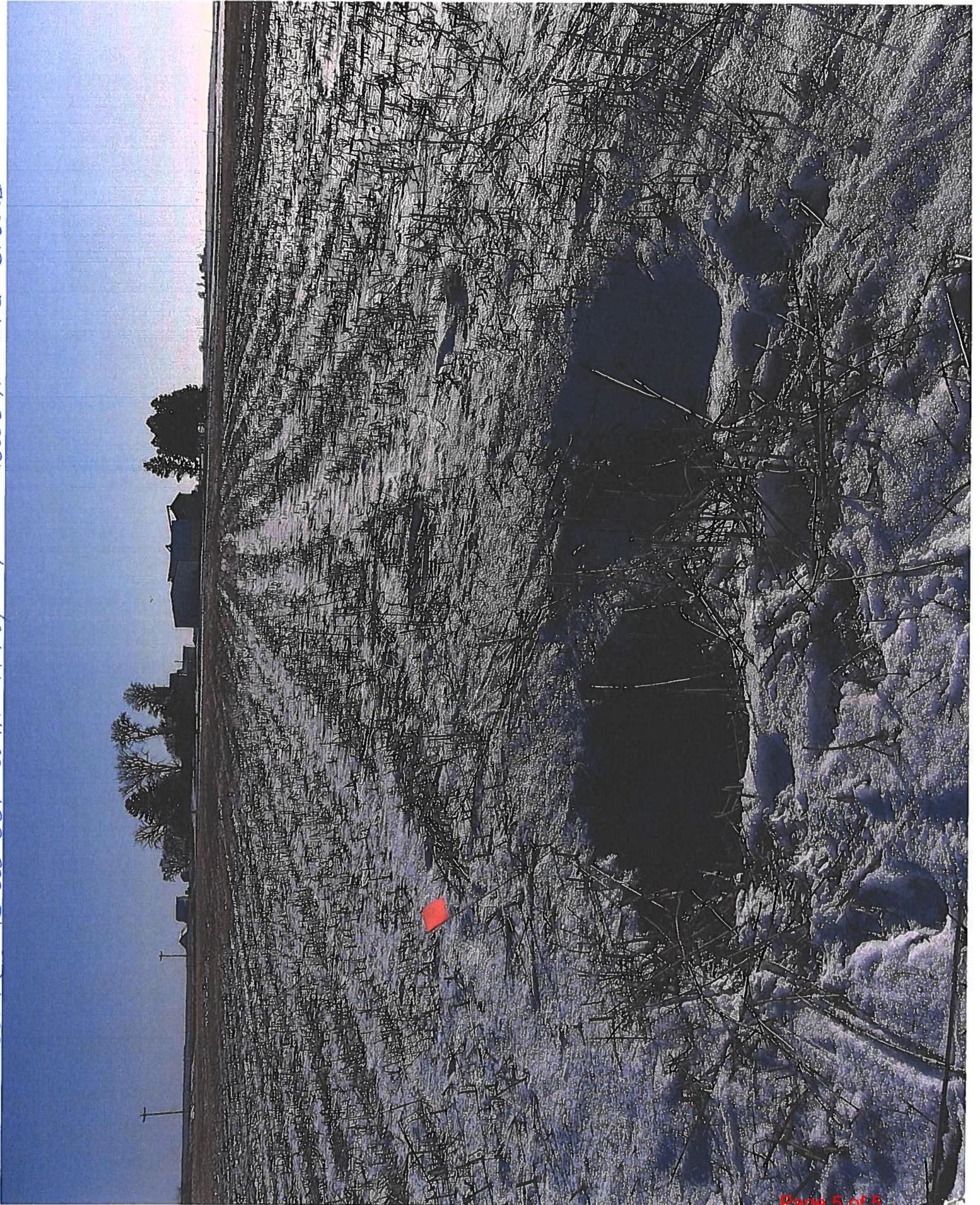
Date: 10/21/2019



Inspector's Project Diary

Project: <u>6532.4</u>			
CGA PN:		Days Charged:	Report No.
Contractor:		Date: <u>12/11/19</u>	
Superintendent:	Weather Conditions:	Precip.:	Temp. Hi: °
	<u>CLEAR, SNOW FRESH</u>	<u>2"</u>	Temp. Low: °
INSPECTOR: Time Arrived: <u>3:00</u> Time Left: <u>3:15</u>		Contractor: Time Arrived: 3:00 Time Left:	
1. General Remarks and Work Accomplished:			
<p><u>DRIVE UP TO MARKED BLOW-OUT IN CRP FIELD N. OF RANDY SYLVESTER HOUSE. FOUND DOUBLE BLOW-OUT, PROBABLY CAUSED BY WIDE JOINT IN TIE. PROBES DOWN 4' IN BOTH HOLES, DIDN'T HIT TIE. SHOT BLOW OUT #879 ON LAT 1, USE JOB #6532.3 DD22 REPAIR ASP, ACCESS @ NE CORNER OF FIELD ON "C" AVE.</u></p>			
2. Changes or Extra Work Ordered:			
3. Test Samples Taken:			
4. Visitors to Site:			
5. Other Work Crews or Project (utilities, subcontractors, etc.) and Work Done:			
6. Attachments (total sheets attached <u>0</u>):			

LOOKING SOUTH (O) BLOW-OUT WITH RANDY -> LUREST HOUSE IN DARK GROUND



HONEY CREEK LAND IMPROVEMENT, LLC
29824 Hwy D65
Union, IA 50258
918-418-0506
razorback1977@hotmail.com

INVOICE

Date: 5/28/20

Bill To:
 Hardin County Drainage
 1215 Edgington Ave
 Courthouse – Eldora, IA 50627

RESEEDING QUOTE

Date	Description	Hours/ Quantity	Rate	Amount
	SEED \$80 PER ACRE			
	DRILL \$150 PER HR			
	LABOR \$50 PER HR			
	GROUND PREPARATION \$75			
	TIME IT WILL TAKE IS ROUGHLY 45 MINUTES			
	AREA WILL BE ROUGHLY 35 ACRES			
		3.5 ACRES	\$	\$280
		45 MINS	\$200	\$150
	THIS ESTIMATE IS FOR ALFALFA			
	TOTAL			\$430

Make all checks payable to Honey Creek Land Improvement, LLC

Thank you for your business!

Honey Creek Land Improvement, LLC

29824 Hwy D65 Union, IA 50258 Phone: 918-418-0506

email: razorback1977@hotmail.com

Hardin County Drainage Claim for Damages

Claim # 2020-5 District # 52 Work Order # 215

Township Tipton Section 33 Twp 87 Rge 21 Qtr Sec _____

Parcel Tax IDS 872133276001 _____

872133276002 _____

Name Tracy Below

Address 204 SOUTH STATE STREET

HUBBARD, IOWA 50122

Phone 641-485-3396

Email Address tracy below @ gmail. com

Landowner (if different) Shawn Piel/Piel Manufacturing

Claim Type: Crop Damage 2016
 Crop Year 2017
 Crop Year 2018, 2019
 Type of Crop ALFALFA
 # Acres Damaged 3.5
 Yield Per Acre _____

Fence Damage

Outlet Damage

Other: FLOODED FOR 24 YEARS, THEN DROVE UP, AND OPEN FOR 24 YEARS

Desired Compensation – Please note if payment should be split between landlord/tenant. TOXIC FOR 2020

Monetary Payment

Repair of Damages

Other: MAKE PAYMENT TO TRACY BELOW

Claimant Signature Tracy Below Date 3/16/20

For Office Use Only

Unit Value \$ _____/bushel Unit Value \$ _____/bushel

Crop Damages (Verified Acres X Yield X Unit Value) \$ _____ \$ _____

Total Amount Approved \$ _____

Approved Signature _____ Date _____

Hardin County Drainage Claim for Damages

Claim # 2020-4 District # 52 Work Order # 215

Township Tipton Section 33 Twp 87 Rge 21 Qtr Sec _____

Parcel Tax IDS 872133276001
872133276002

Name Tracey Below

Address 204 South State Street
Hubbard, IA 50122

Phone 641-485-3396

Email Address tracey below@gmail.com

Landowner (if different) Shaun Piel – 9768 Magnolia Blossom Drive, Tampa, FL 33626

Claim Type: Crop Damage

Crop Year Fall 2019-Spring 2020

Crop Year _____

Type of Crop Alfalfa

Type of Crop _____

Acres Damaged 3.5

Acres Damaged _____

Yield Per Acre _____

Yield Per Acre _____

Fence Damage

Outlet Damage

Other: _____

Desired Compensation – Please note if payment should be split between landlord/tenant.

Monetary Payment

Repair of Damages

Tracey Below requests payment be made to landlord Shaun Piel. Payment to be based off contractor estimate of reseeding 3.5 acres of alfalfa. Honey Creek Land Improvement has provided a quote in the amount of \$430.00

Claimant Signature _____ Date _____

For Office Use Only

Unit Value \$ _____/bushel Unit Value \$ _____/bushel

Crop Damages (Verified Acres X Yield X Unit Value) \$ _____ \$ _____

Total Amount Approved \$430.00 _____

Approved Signature _____ Date _____

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.