



The Iowa County

June 2019

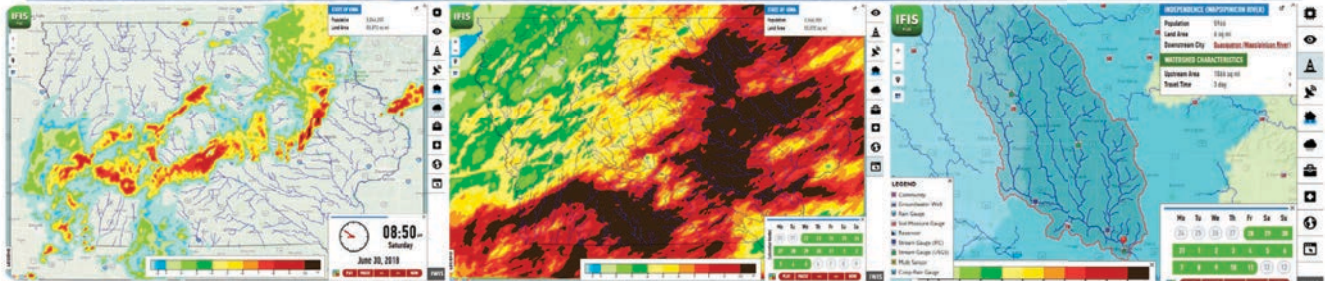
Wind in Iowa

ISAC Excellence in Action Award
Nomination Form





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The Iowa County

June 2019 * Volume 48, Number 6

The Iowa County: The official magazine of the
Iowa State Association of Counties

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Iowa State Association of Counties

ISAC's Mission:

To promote effective and responsible county government for the people of Iowa.

ISAC's Vision:

To be the principal, authoritative source of representation, information and services for and about county government in Iowa.

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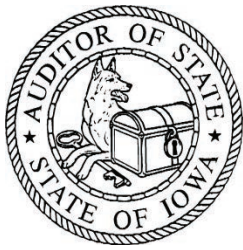
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Iowa Auditor of State



Help Iowa Save Taxpayer Money!

The Iowa Auditor's office serves as the State's Taxpayer Watchdog. The Financial Audit Division conducts financial audits and the Performance Investigation Division investigates embezzlement, fraud, and corruption. The State Auditor also has legal authority to promote efficiency and identify areas where cost-saving practices can be enacted.

With local and county budgets tight across the board, and likely becoming more restricted, local and county government deserves a partner that can assist them in locating and enacting practices to shave waste out of their budgets.

So, for the first time, the State Auditor will make cost-saving innovation and efficiency reviews a part of its regular work. Our office's new Public Innovations & Efficiencies (PIE) Checklist, serves to guide Iowans as well as state and local government entities on the steps they can take to save money and promote efficiency. It can be found at <http://www.auditor.iowa.gov/pie/>. The checklist includes common sense, operational, technological, and energy-saving ideas. But we want to hear from you. We want, if you will, your PIE recipes.

PIE is a growing initiative. Our office recognizes that the best work is done on the ground, and we want to help promote that. If you have feedback on the current checklist OR would like to provide additional ideas, innovations, and efficiency recommendations, please submit them using our feedback forms on our website. It can be located here: <http://www.auditor.iowa.gov/pie/>.

During the last weekend in April, I launched a Statewide Town Hall Tour. I visited 13 counties across the state. At these town halls, I promoted the importance of saving taxpayer dollars using the Public Innovation & Efficiency (PIE) Checklist by meeting the public where they are at, and meeting with many local and county elected officials to hear their feedback on our effort.

At each location, I explained the purpose of the checklist and answered questions from the public. Most importantly, however, I requested feedback regarding the current checklist as well as any additional ideas to include in the document. I emphasized how the public's feedback will continue to help develop the checklist by including innovative practices for government to be more efficient and cost-effective. Every year, every government body being audited or examined will be asked to fill this out. The online submission form will not only save time and expense, but submissions will automatically be uploaded to a database of progress and comparison. Each entity will be able to download a PDF version of the checklist ahead of time, so that they can read through it and prepare. Once each submission is made, the auditor of state's office will have immediate access to clearly formatted data. This data will allow the office to analyze progress across government entities and identify and recognize leaders. Most Improved? Most Efficient? It will be, if you will, our annual PIE Contest. In addition, we will be able to see which practices were followed. We will be able to identify those items on the checklist that are not being used, in order to then determine what need be done to help make them realities.

Not only does this initiative promote a productive partnership between the auditor's office and local governments, but it promotes transparency in implementing penny-pinching practices. "I think it's a good idea that helps push counties to do the right thing," Doreen Pliner Webster County Auditor said, "and this will have a great impact on Webster County." With each additional recommendation the office adds to the checklist, our team will give each public entity credit by providing their contact information to help others understand the genius of each practice and to put it to use themselves. "Having a free playbook to making sure you're saving the most money possible every year, as a rural county, really does mean the world," says Meghann Cosgrove Whitmer, Ida County Attorney.

We want this office not to be an insular government agency, but rather an open and transparent partner with counties, towns, public officials, and citizens. We know that no solution is 100% perfect the first time around, and we want to be active in engag-



Rob Sand

Iowa Auditor of State

www.auditor.iowa.gov

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Feature - Wind in Iowa

Wind in Iowa

Iowa's national leadership on wind energy has brought substantial economic and environmental benefits to the state. These benefits include well-paying jobs, investments, and tax revenues in rural Iowa, and a large decline in air emissions over time – to name just a few.

Iowa's success can be attributed to supportive public policies, decision-makers, businesses, and organizations. Adoption of federal tax incentives, spearheaded by Senator Grassley, helped spark the industry in Iowa more than two decades ago. State leaders have set wind energy goals and challenged the utility industry to shift from fossil fuels to renewable energy. Just as important are the local policies and decisions in Iowa counties to make wind development a reality.

Almost every county in Iowa has a wind resource that is good enough to support development, especially as technology has improved. About half of Iowa counties have an operational wind project today, and the other half can look forward to potential future development.

The Iowa Environmental Council's support for wind energy goes back to the start of our work on energy issues in Iowa in 2003. At that time, Iowa relied on coal – imported from other states – to generate up to 90% of its electricity. Coal has been a top source of toxic air pollution and carbon emissions in Iowa and across the country. We saw a future where wind could help replace coal and, in doing so, improve Iowa's economy – especially in rural Iowa.

Iowa now generates more than one-third of its electricity from wind, which is among the highest percentages of any U.S. state. We are proud of this accomplishment but recognize that substantial wind development is needed in the coming years to continue reducing fossil fuel use. As has been the case so far, local governments will play a key role in these energy developments and local jurisdictions also have a lot to gain.

Wind Offers Big Benefits to Counties

Wind projects offer a range of benefits to Iowa counties, including property tax revenue, local jobs, and easement payments to landowners who host wind turbines.

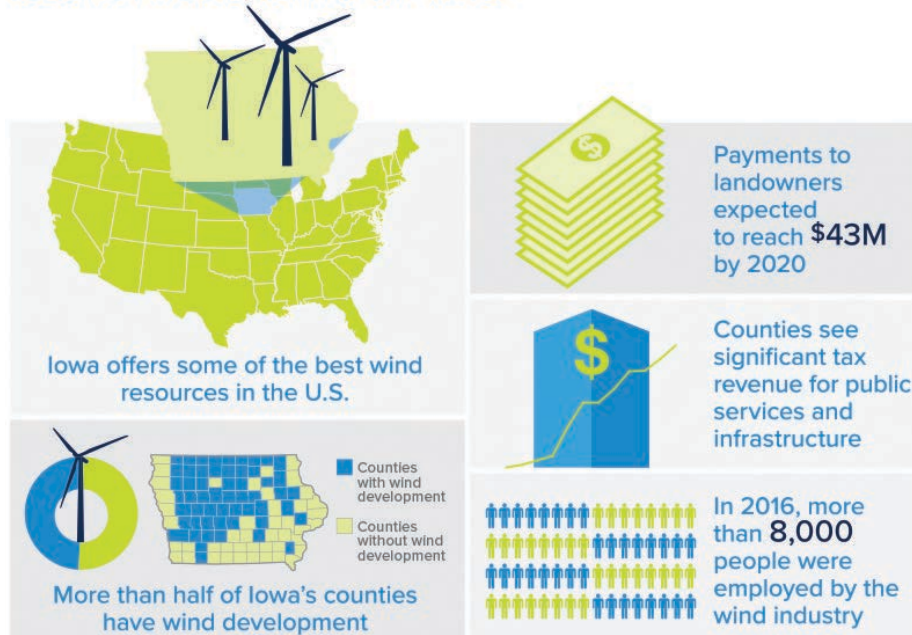


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ECONOMIC BENEFITS OF WIND



Property Tax Revenue: In Iowa counties with significant wind development, property tax revenue is substantial and can be one of the top revenue sources. Iowa law provides for a seven-year period to phase in the value of wind turbines for tax assessment purposes. Counties with wind development adopt an ordinance to implement this policy. Typically, wind turbine value is phased in at 5% annual increments over seven years until the valuation caps at 30%.

Counties spend the revenue in two major ways. The majority of counties allocate revenue across five to 10 taxing authorities. School districts typically receive about half of the funding with the balance going to hospitals, community colleges, agri-

Feature - Wind in Iowa

culture extension services, fire departments, and the county's general services. For example, Pottawattamie County received more than \$2 million in property tax revenue in fiscal year 2015-2016 from 102 wind turbines built in 2008. Pottawattamie allocated about \$930,000 of this revenue to schools and more than \$930,000 to county services, including roads. Community colleges received more than \$140,000, and townships received more than \$60,000, which supports fire departments and cemetery maintenance. Pottawattamie was expecting this revenue to grow to more than \$2.3 million as the phase-in of valuation was completed the following year.

Some other counties use the anticipated revenue to support tax-increment financing for infrastructure such as road and bridge construction or improvements and pay back the investment over time using wind property tax revenue.

Jobs, Investment, and Easement Payments : Through 2018, the total capital investment in wind projects in Iowa totals \$16.3 billion. This investment forms the basis of the property tax revenue discussed above. In aggregate in 2018, that revenue accounted for \$58 million across Iowa.

In addition to tax revenue to counties, wind projects provide annual lease or easement payments to county residents who host wind turbines on their property. These lease payments provide a steady and predictable stream of revenue typically for the 40-year initial expected life of a wind turbine. Iowa landowners are currently seeing about \$25 million annually in lease payments, an amount that is expected to grow to as much as \$43 million annually by 2020.

Individual wind projects also contribute temporary local construction jobs as well as some long-term operations and maintenance jobs. Iowa's wind industry supports a range of jobs in the supply chain, including manufacturing of wind turbine components, blades, and towers at businesses across the state. In 2018, there were between 9,000 and 10,000 jobs directly tied to the wind industry in Iowa.

Making it Happen

County Wind Siting Ordinances: In order to generate these local benefits from wind, Iowa counties have an important role in reviewing and approving individual wind projects. Iowa's home rule policy provides counties with the power over siting and approval of wind projects, and counties have used a range of approaches in creating siting ordinances. The Council has reviewed many of these ordinances and, in 2018, published a paper identifying successful best practices for wind siting ordinance among Iowa counties. The paper, *Successful County Wind Siting Ordinances in Iowa*, is available on the Council website at <https://www.iaenvironment.org/news-resources/publications/energy-publications>.

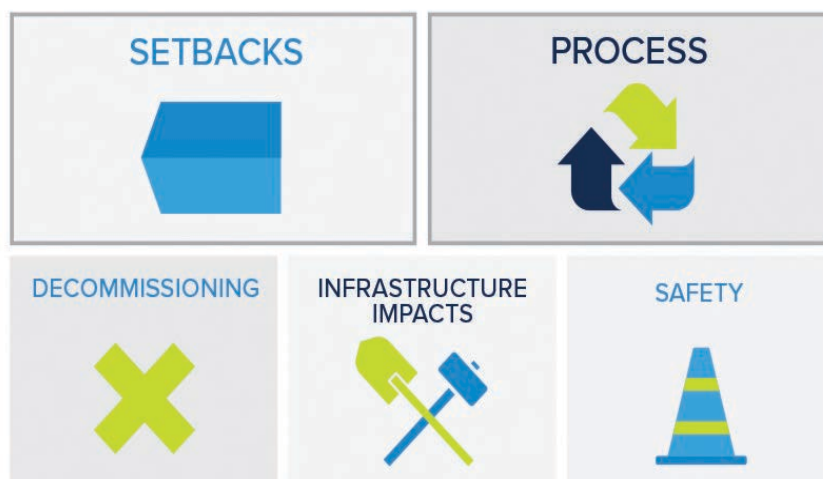
A well-designed wind siting ordinance will support cost-effective wind development while protecting the health and safety of the county and its residents. An overly restrictive siting ordinance will eliminate some or all of the best sites for wind turbines. This raises the costs of wind projects that get built and limits - perhaps severely - the investment in wind in the county. That means fewer construction jobs, less tax revenue, and fewer easement payments to county residents. Ordinances can also go in the

other direction and, for example, allow wind turbines to be too close to homes or other types of property. Many Iowa counties have already achieved an appropriate balance of these interests with their ordinance, and our guidance document is intended to help more counties achieve this balance.

Key components to a wind ordinance include appropriate setbacks, a clear approval process, a decommissioning plan, a process for handling impacts to roads or other infrastructure, and some basic safety requirements.

Setbacks: We recommend setbacks from residential dwellings between 1,000 and 1,250 feet. This distance provides ample separation to minimize sound and visual impacts while

BEST PRACTICES OF WIND SITING



Feature - Wind in Iowa

still allowing sufficient sites for wind development. We recommend a property line setback of 1.1 times the turbine height, which is now around 550 to 600 feet.

These setbacks are based on extensive experience siting wind farms across Iowa, as well as research from the American Planning Association. These setbacks protect against the extremely rare but possible scenario of a wind turbine falling, as well as more common concerns about sound or visual impacts. We also suggest counties consider similar setbacks for natural areas, roads, and certain types of unoccupied structures. Finally, counties should provide clear waiver provisions that allow for landowners and wind developers to voluntarily agree to reduce the required setbacks.

Approval Process: We recommend that counties establish a clear application and review process with well-defined steps and conditions for approval. This allows wind developers to clearly identify the application requirements that, if met, will result in county approval. The public will also benefit from knowing these requirements upfront as well as the opportunities for public input and engagement. In addition, we suggest that the board of supervisors, rather than the board of adjustment, review and approve the final application. Kossuth and Union counties have used this approach.

Decommissioning: In practice, few wind projects in Iowa have undergone decommissioning and removal. Most wind projects in Iowa are still in the 30 or 40-year period for initial useful life and older wind projects are being repowered, which extends a turbine's useful life by 20 years and improves performance. Even so, we suggest that counties address decommissioning in their ordinance. Decommissioning plans ensure that the wind developer bears the cost of eventual turbine removal, rather than the county or its residents, and all parties have the same expectation about the decommissioning process.

Basic Safety Requirements: There is a set of standard safety requirements that counties should incorporate into an ordinance to protect health and safety at wind project sites. This includes things like locking turbine doors, preventing anything that could allow unauthorized climbing of turbines, and posting appropriate warnings and emergency contact information at locations throughout a wind farm.

Road Impacts: The heavy equipment, vehicles, and components involved in wind project construction can impact county roads and other infrastructure. Counties can require that wind developers work with county officials to conduct pre-construction and post-construction surveys of roads used for construction, which can be used to address road repairs after construction is complete. Separate from this provision, counties should recognize that wind turbine property tax revenue can provide a long-term stream of revenue for road and infrastructure improvements.

The benefits of wind to Iowa are many and diverse. A clear and balanced ordinance can attract wind development and its economic rewards while allowing residents to live peacefully alongside this clean energy resource.

Continued...Iowa Auditor of State

ing our partners to refine and improve solutions all the time. We will continue to travel around the state, add new ideas, and do everything in our power to make the program the best it can be with your help. Saving taxpayer money is about more than the dollars that get added to a bank account. There is a human component. If your county or town saves money, that can mean a tax cut for the citizens giving them a little more spending power on Main Street, or maybe it means adding a new sheriff's deputy and improving public safety in your area. These are decisions that you get to make. We just want to help you get there.

To learn more about and contribute to the Iowa Auditor of State's Public Innovation & Efficiency (PIE) Checklist, visit: <http://www.auditor.iowa.gov/pie/>.

Feature - Wind in Iowa

Iowa's Leadership in Wind Energy

Iowa has a long, proud history of wind energy leadership and had the honor of being the #1 state in the nation for percentage of wind power for many years. Iowa's wind industry has several manufacturing facilities, employs 9,000 people and benefits local communities through \$16 billion in direct investments across the state.

Iowa currently ranks as the #2 state for percentage of total electricity generated by wind, with 33.7% of our total power output coming from wind. (Note 1). We moved down to second place just this past year. Just take a moment to let that sink in fully, one third of our power comes from the wind. When you flip on the light switch, power up your electronics, charge your car, and run your business – wind power is there.

How did a small state like Iowa, in middle-America no less, end up leading the nation? It was by taking bold early action. The rise of the wind industry was driven by a mix of economics, good public policy, technology, and geography.

Iowa is an agricultural powerhouse. We have an economy and heritage built around farming and livestock on 33.4 million acres, or 92.6% of our state's 36 million acres is land in farms (Note 2). Back in the 1980's we were hit hard by the farm crisis and we saw an exodus of people leave the farm and rural communities. The country as a whole was still reeling from the 1970's oil crisis and had a general sense of energy concern, if not downright insecurity. Was there a solution in wind energy?

Let's look at our state's wind energy resources. Iowa is situated in the great plains of North America. This vast open landscape is the right geography for reliable wind. Anyone who has spent much time in our state can personally vouch for the power and consistency of our winds. From a wind energy development standpoint, we have a reliable wind resource that makes economic sense to harvest. We are ranked fifth in terms of wind resource (Note 3).

Wind energy production and farming are complementary practices. Private landowners interested in wind payments for their property can diversity their farm income by entering into a wind energy easement. As commodity prices fluctuate, the stability of a 25-year wind payment is welcomed by farmers. A typical wind turbine takes less than a half acre of land out of production with no effect on production (Note 4). Iowa has many landowners receptive to other sources of farm income, such as wind energy.



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Under the backdrop of rural economic angst and national energy concerns, the stage was set for Iowa's political leaders to take action. They chose to invest in wind energy. Iowa created and passed the nation's first Renewable Portfolio Standard (RPS) in 1983. This was signed into law by Governor Terry Branstad during his first term and called for investor-owned utilities (IOU's), which are for-profit utilities, to install 105 MW of wind energy (Note 5). This action established Iowa as a national leader, and the modern wind industry found fertile soil in Iowa. Since that time, 20 other states have followed our lead and passed similar measures.

Feature - Wind in Iowa

There was action at the federal level. Our own Senator Chuck Grassley, known as the grandfather of wind energy, championed federal legislation that granted a federal tax credit of 2.3 cents per kilowatt-hour of wind energy produced. This Production Tax Credit (PTC) law was first passed in 1992, and extended several times (Note 6). Unlike other power generation technologies that benefited from tax breaks and subsidies, wind energy did not have economic development tools before Senator's Grassley's legislation.



Support for projects at the county level was also crucial. As rural population declined, new jobs and county tax revenue has become critical for rural revitalization. Iowa counties pay for a vast secondary road network that has faithfully served our agrarian economy. Residents want well-kept roads, safe bridges, great schools, and low taxes. Wind energy's ability to add to the tax roles, rather than increasing taxes, is a great benefit to these counties.

Counties can take the proactive step of adopting the Wind Energy Conversion (WECS) ordinance. The state of Iowa passed the WECS bill, which allows counties to set a common tax structure (Note 7). Counties who adopted this ordinance get the attention of wind energy developers who are seeking new places to invest.

Where are we today? Sixteen billion dollars has been invested in wind energy projects: \$20 to \$30 million in annual landowner payments; \$58 million in county taxes; 4,859 wind turbines; and 8957 MW of installed capacity - enough electricity to power the equivalent of more than two million average American homes (Note 8). Many of these 9,000 jobs are in rural communities where good paying jobs are scarce.

By all measures, Iowa's wind energy industry has been a tremendous economic success to Iowans. But where do we go from here? What other opportunities does Iowa have to lead the nation. Here is a hint, the next phase of growth in the electric grid will be energy storage. State leaders are already looking towards energy storage. Wind generation and energy storage are a powerful combination. The Iowa Economic Development Authority just released its Iowa Energy Storage Action Plan (Note 9). Can this be the beginning of another bold leadership moment that will drive further economic prosperity?

About the author: John Boorman has 25 years' experience in the global energy industry. Fifteen years in oil and gas, and 10 years in renewable energy including wind, solar, and energy storage. Mr. Boorman is currently an independent technical consultant in renewable energy and recently participated in the Iowa Economic Development Authority's 2019 Energy Storage Plan advisory committee.

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Feature - Wind in Iowa

Powering Up: Linn County Partners on Wind Farm Guidance Tools

If you have ever looked at a wind resource map for Iowa, you know that the highest average annual wind speed is found in northwestern Iowa, and consequently, the highest concentration of wind farms is predominantly located in that part of the state. However, with advances in technology, wind developers are beginning to look eastward. For instance, in April 2018, Black Hawk County (northwest of Linn County) approved a special permit for a 35-turbine wind farm.

In light of this trend, Linn County proactively partnered with the University of Iowa Office of Outreach & Engagement and The University of Iowa Graduate School of Urban & Regional Planning to prepare a Wind Farm Siting Analysis to aid staff and county officials in the review of potential utility-scale wind developments in rural Linn County. While wind energy is a popular option for sustainable power, it also requires the placement of large wind turbines that are expensive, can be logistically challenging to site, and that are facing increased public scrutiny of their impacts.

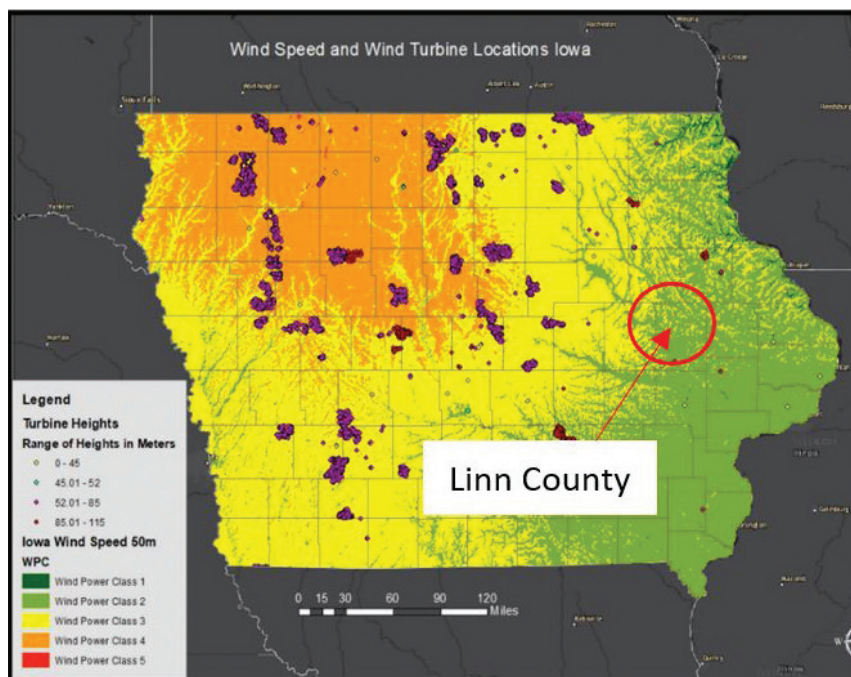
The Linn County project includes policy and best practices research, a decision-making guide, a survey conducted regarding public attitudes toward wind energy, and a Geographic Information Systems (GIS) parcel-by-parcel analysis of rural Linn County of regulatory, suitability, and compatibility factors for wind development projects.

The GIS analysis of regulatory factors shows where wind developments can legally be sited based on current Linn County zoning regulations such as setback requirements from property lines and separation buffers from residences. The suitability factors determine the suitability level of a potential site for supporting wind energy infrastructure, and the compatibility factors determine the extent to which a potential site would be compatible with surrounding land uses. The locations with both high compatibility and high suitability ratings are therefore the anticipated locations for future applications.



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The project also includes an application review guide tied to the zoning standards for approval. The guide will aid the examination of anticipated site-specific and community impacts of wind farm placement and construction.

The major findings of the analysis are as follows:

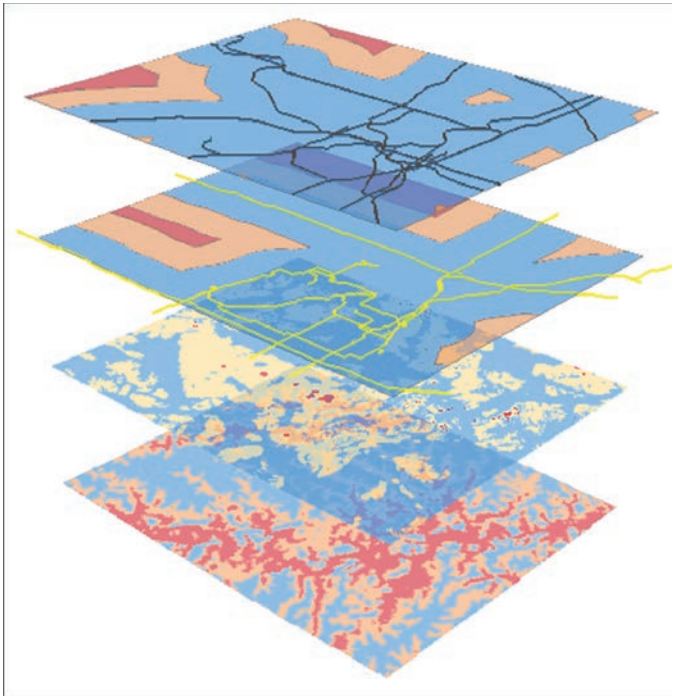
- Linn County has the necessary wind resource to sustain utility-scale wind energy developments and over 116,000 total rural acres that can legally host them, based on the regulatory (zoning) requirements.
- Of the land where wind developments are legal, the analysis determined nearly 74,000 acres (63%) have high compatibility, nearly 36,000 acres (31%) have medium compatibility, and nearly 7,000 acres (6%) have low or very low compatibility.

Feature - Wind in Iowa

- Of the land where wind developments are legal, the analysis determined 63,491 acres (54%) have high suitability, 48,357 acres (42%) have medium suitability, and 4,782 acres (4%) have low suitability.
- Although residents' general attitudes toward renewable energy are favorable, the majority of survey respondents stated they would dislike utility-scale wind energy developments in their or their neighbors' land.

Based on these findings, Linn County can expect to receive applications for utility-scale wind energy developments in the future, although they will likely face opposition from nearby residents.

This project is another piece to Linn County's wide-ranging approach to alternative and renewable energy policies and programs. In 2012, the Iowa Utilities Board designated the county as a Small Wind Innovation Zone, just one of three such designations in Iowa. The Linn County Comprehensive Plan, adopted in 2013, includes seven plan elements grounded in the Iowa Smart Planning Principles. The Alternative and Renewable Energy plan element was the second-highest priority in public opinion polling, behind only the Resource Protection plan element. In 2017, the Linn County Board of Supervisors adopted a "We're Still In" resolution "...honoring the objectives of the Paris Agreement and to the principles of energy efficiency, energy conservation, and sustainability." Also in 2017, the county partnered with the City of Cedar Rapids and the Midwest Renewable Energy Association on a Solar Group Buy initiative, allowing home and commercial property owners access to lower prices for solar installations through the power of volume purchasing.



STANDARDS FOR REVIEW		FACTORS	HIGH	MEDIUM	LOW
Site Compatibility	Future Land Use Classification				
			"AA"	-	Other
	City/County Strategic Growth (distance from municipal boundary)				
			> 2 mi	-	< 2 mi
	Airport Proximity				
			> 20,000'	-	< 20,000'
	Visual Impact (distance from historic landscape district)				
		52-55m turbine	> 3.1 mi	1.6-3.1 mi	< 1.6 mi
		70m turbine	> 3.7 mi	1.9-3.7 mi	< 1.9 mi
		95m turbine	> 4.7 mi	2.5 - 4.7 mi	< 2.5 mi

Feature - Wind in Iowa

Public Siting and Zoning for Wind Farms

Franklin County has been working with developers on wind energy for over 12 years. For our county, the process that would need to be followed for each wind tower or a met tower is:

- 1) Apply for a conditional use permit and potential variance from the Board of Adjustment.
- 2) The Board of Adjustment meets and may set conditions (setbacks, etc.) to approval.
- 3) If approved at a public meeting, the applicant applies for a building permit for each structure.
- 4) If the permit meets all conditions set by the Board of Adjustment and other requirements in our ordinance such as no flood plains, we issue a permit for each structure.

Our Ordinance allows for wind energy generators as a conditional use in our A-1 Agricultural District. Specifically, in the ordinance, we require that a site plan be submitted to the county that includes the height of the structure, dimensions of the property, location of the structure on the property, location and approximate height of overhead power or transmission lines, and location of principal and accessory structures on the applicant's property as well as surrounding properties. Any windmill or wind energy generator must be located on a lot or property so that if it falls, it will not fall on any neighboring structures which are not owned by the person operating and owning the windmill or wind generator.

Since it is a conditional use, the board of adjustment can put any other appropriate conditions on the towers. One common condition is the reconstruction or repair of roads and bridges used during construction to at least the condition that they were in prior to construction.

Why should counties care about siting and zoning of wind farms? The answer is the same for any conditional use in our rural area. Development of one's property should not infringe on the ability of another to enjoy their property. Specifically, our requirements state that:

- 1) The requested conditional use approval will meet the general purpose of this ordinance of promoting public health, safety, comfort, order, and general welfare.
- 2) The conditional use approval would be in keeping with the general character of the surrounding area, the purpose as stated for that zoning district, and the land use plan of the county.
- 3) The conditional use approval would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties.
- 4) The conditional use approval would not create any amounts or types of traffic that may be detrimental to others.
- 5) The conditional use approval would not create objectionable noise, dust, smoke, or odor for nearby properties.
- 6) The conditional use approval would provide adequate parking area so as not to create congestion of public streets and roadways.

The board of adjustment, to be consistent, has applied the same conditions to all applications for conditional permits for wind farms. Issues that we have addressed in Franklin County and the way we have dealt with them are as follows:

- 1) The requested conditional use approval will meet the general purpose of this ordinance of promoting public health, safety, comfort, order, and general welfare.

Public Health and Safety: Public health, safety, comfort, order, and general welfare are concerns in design, construction, and operation of a wind farm, and modern wind turbine generators are generally safe and environmentally friendly machines. Many issues are raised by the public about this topic. They range from health issues to matters of convenience. Detailed are some specific issues.

- Hazardous Wastes: Operation of a wind farm will generally not produce any air emissions or hazardous wastes, so this has not been an issue we have had to deal with.



Russell Wood

Director, Planning and Program
Development

Franklin County

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Feature - Wind in Iowa

- **Ice Throws:** During certain times of the year and under certain weather conditions there could be ice accumulation on the turbine blades. Once the wind turbine begins to operate, there exists the possibility that accumulated ice can be thrown from the blades. In Franklin County, we require turbines to have setbacks of at least 1,200 feet from occupied residences (except with owner consent to build closer). If someone builds a house after the turbine is there, we do not enforce this provision on the setback of the house as the assumption exists that the builder can see the tower and can decide based on due diligence on their part.
- **Blade Throws:** On modern wind turbines blade throws have occurred very rarely and only when the turbine was in the direct path of extremely high winds or severe lightning strikes. When blade throws occur, most pieces will be found within 500 feet of the tower. Setbacks from occupied residences and roadways minimize dangers associated with blade throws.
- **Tower Failure:** There have been few modern tower failures. Towers are designed to withstand wind speeds more than 150 mph. As a safety measure, setbacks are structured so that if one falls, it will not fall on any neighboring structures or public roads. Franklin County requires a setback of foot per foot from the hub height to property lines, public roads, and non-occupied structures. (A variance can be applied for to build closer to a property line if both land owners agree).
- **Air Traffic:** Wind Farms must abide by FAA regulations. Our approach to ensuring this was to require written documentation from the FAA to ensure they did. We did have to upgrade our equipment at our primary airport to allow for the siting of some of the windmills. Aviation lighting is also required by the FAA.

Comfort, Order, and General Welfare: The Wind Farm is carefully designed to avoid any adverse impacts on the comfort, order, and general welfare of people living in the area. Nevertheless, following are brief discussions of noise, shadow flicker, and electromagnetic interference.

- **Noise Mitigation:** The best mitigation for wind turbine noise is to place the wind turbines at the appropriate distance from residences. This is why we went with 1,200 feet.
 - **Shadow Flicker:** Shadow flicker is the periodic bright shadow pattern produced by the rotating turbine blades intermittently blocking the sunlight. Some mitigation strategies for this are (1) planting of trees and other vegetation; (2) installation of awnings; or (3) possible operational restrictions during certain lighting conditions.
- 2) The conditional use approval would be in keeping with the general character of the surrounding area, the purpose as stated for that zoning district, and the land use plan of the county. Wind turbines are consistent with agricultural uses and are generally best located in open areas with few nearby houses. The low-profile access roads constructed in farm fields to provide access to the turbines are heavy duty enough that they can be used by semi-trailer trucks for convenience in hauling grain and to move farm equipment.
 - 3) The conditional use approval would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties. Generally, wind farms have no adverse effect on property values. To the contrary, the value of the property on which the turbines are located tends to rise due to the increased income from the turbines.
 - 4) The conditional use approval would not create any amounts or types of traffic that may be detrimental to others. In normal operation, turbines are monitored remotely and checked weekly on site. During construction, appropriate public officials design safe haul routes, provide safety signage, and minimize interference with existing traffic patterns.
 - 5) The conditional use approval would not create objectionable noise, dust, smoke, or odor for nearby properties. Wind turbines create no dust (except during construction) and no smoke or odors, so this has not been an issue for us.
 - 6) The conditional use approval would provide adequate parking area so as not to create congestion of public streets and roadways. Aside from heavy traffic during construction, wind farms do not generate significant traffic. Private access roads and graveled areas surrounding the turbines meet the need for parking during maintenance.

Before any wind farm is developed, the developer also does environmental impact studies, looks at migratory bird patterns, evaluates raptor populations, looks at floodplains, and other issues.

In approving the siting of windmills, the request should have no adverse effect on public health, safety, comfort, or order. This is the role of zoning in county government. Without it, the conditions that are established either in ordinance or by your board of adjustment are not there. Development can occur when and where the developer may want to do so. It can infringe on landowner rights and can adversely affect the ability of county government to provide for the orderly development of rural areas.

Feature - Wind in Iowa

Legal Considerations to Protect your County with Wind Turbines

There are lots of potential legal considerations when counties are interacting with wind turbines. In this article I want to touch on a few that I've had questions on and then provide some information on ways for a county to protect itself from unnecessary costs. This is by no means an exhaustive list of legal considerations (and of course there are lots of policy issues to weigh as well), so as always, but particularly in these situations, get your county attorney involved early and often.

Road Damage

This is one of the first issues I heard about related to counties with wind turbines moving in, so it's been several years ago that this first came up. I think counties are getting a handle on how to address this one, but it's worth mentioning here. If wind turbines are installed in your county, that's going to involve large trucks, heavy machinery, and big equipment being hauled on the county's secondary roads. If your county addresses wind farms in your zoning ordinance (typically as a part of a conditional or special use permit), then you can include provisions in your ordinance for the wind farm to work with the county on addressing road use and damage issues. Several examples can be found online (a search tip: wind farms are commonly referred to as wind energy conversion systems or (WECS) in the zoning ordinances). Items to consider include:

- Have the applicant identify routes and equipment that will be used for installation and require that they obtain all necessary weight and size permits for such use;
- Set up a process for the applicant to work with your county engineer to determine road conditions that exist before installation and how interruptions or problems during installation will be addressed;
- Require a bond from the applicant for any damage that may occur; and
- Consider how all these items work again in the event that maintenance work on the wind turbines becomes necessary.

Decommissioning

This is becoming more of an issue as some of the original wind turbines put in the state are becoming older and/or some of the original smaller companies that set up the wind turbines may go out of business. What happens if wind turbines are abandoned in your county? How does the county address the problem, and where does it get the funds to deal with abandoned wind turbines? These issues should be considered at the front end of the arrangement, addressed in the county's ordinance on wind farms, and handled through the permitting process. Again, you can find various examples of how counties in Iowa have handled this, with the most common practice appearing to be to require a bond from the applicant for any expenses the county may incur in decommissioning abandoned wind turbines. It's important to define how it will be determined that a turbine is abandoned. I spoke with Seth Hyberger, Black Hawk County's Zoning Administrator, and he also suggested that an outside consultant be used to outline the steps that would be needed to decommission the tower and then prepare a cost summary estimate for removal.

On May 3, 2019, the Iowa Supreme Court issued an opinion in *Mathis v. Palo Alto County Board of Supervisors*, which challenged the Palo Alto County wind turbine ordinance and challenged the decision of the board of supervisors to approve a particular wind project. The Court sided with the county on all counts, finding no basis to set aside the ordinance and finding that the decision of the board of supervisors to approve the wind project was not arbitrary or capricious. Of note, one of the reasons the plaintiffs claimed the approval was arbitrary and capricious was by arguing that the decommission cost was not nearly enough. The Court found:

"Lastly, the plaintiffs insist that the Board acted illegally, arbitrarily, and capriciously in accepting PAWE and Invenergy's \$33,480 per-turbine cost figure for decommissioning. The Ordinance requires each application for permit to include a decommissioning plan 'outlining the anticipated means and cost of removing each Wind Energy Device at the end of its serviceable life or upon becoming a discontinued use.' The Ordinance further requires the cost estimate to be performed by a professional engineer licensed in Iowa, and it requires the owner/developer to enter into a binding decommissioning and removal agreement. We do not find the Board acted improperly in relying on the only cost estimate that came from a licensed professional engineer."

While this opinion sided with the county, it is further evidence that decommissioning should be considered and policies should be followed closely, as these decisions will likely continue to be scrutinized.



Kristi Harshbarger
ISAC General Counsel
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Feature - Wind in Iowa

Board of Adjustment Acting in Quasi-Judicial Capacity

The above considerations are largely related to issues that can be addressed in a county's zoning ordinance within its conditional or special use permitting process, but another large part of considering wind farms in your county is the actual rendering of a decision on the permit application process within the confines of the ordinance. This is where we are seeing more and more litigation and it will likely continue in that direction so long as wind farms become more controversial. As your county considers an application, it needs to be aware of whether the acting body (likely the board of adjustment or the board of supervisors) is acting in a legislative or quasi-judicial capacity. Very generally, legislative decisions are those that involve making policy, and quasi-judicial decisions involve applying policies. Work with your county attorney on this, but making decisions on permit applications are very likely of the quasi-judicial variety.

Why does this matter? Different procedural standards and rules must be followed when a board is acting in a quasi-judicial capacity, because it is more like rendering a court decision. The Midwest Planning Blog by Iowa State University Extension and Outreach has a nice summary of these distinctions in terms of zoning actions, which you can read here: <https://blogs.extension.iastate.edu/planningBLUZ/fact-sheets/legislative-v-quasi-judicial-land-use-decisions/>. If a quasi-judicial decision is being made, "proceedings must follow basic standards of due process, including:

- Proper notice of the hearing
- Providing everyone with an interest in the proceedings an opportunity to be heard and to hear what others have to say
- Full disclosure to everyone of the facts being considered by the decision-making body (i.e., no ex parte contacts)
- An impartial decision-maker free from bias and conflicts of interest
- Decisions based on the facts of the case, not on political pressure or vocal opposition."

The third bullet point can be difficult to remember for county officials that are used to listening to their constituents' concerns in all sorts of different settings and by various mediums. But if a quasi-judicial decision is at issue, concerns need to be addressed only in ways where all parties are present.



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Feature - Wind in Iowa

Wind Turbines and Health

Some Iowa residents have voiced concerns about wind farms, attributing adverse health to living in proximity to turbines. As professors at the College of Public Health at the University of Iowa, we take such claims seriously. Thus, our organizations – the Environmental Health Sciences Research Center at the university and the Iowa Policy Project - joined with the Iowa Environmental Council to investigate claims of compromised health from noise emanating from wind turbines.

There is an extensive research literature on the subject that evaluated both audible sound and infrasound, sound waves that are below the level of human hearing but that otherwise might be perceived. We focused our attention on two authoritative, peer-reviewed panel reports on the topic of wind turbines and health. One was a 2015 review by the Council of Canadian Academies, and the second was a 2014 report led by Robert J. McCunney, a professor at the Massachusetts Institute of Technology (MIT), with several other authors.

In the Canadian study, an expert panel of nine university professors and an engineering firm CEO evaluated available scientific studies. While the expert panel found sufficient evidence that wind turbines can cause annoyance, they also noted that current evidence is not sufficient to establish whether the level of annoyance is related to sound from the turbines, the visual impact of the turbines, or other factors such as personal attitudes.

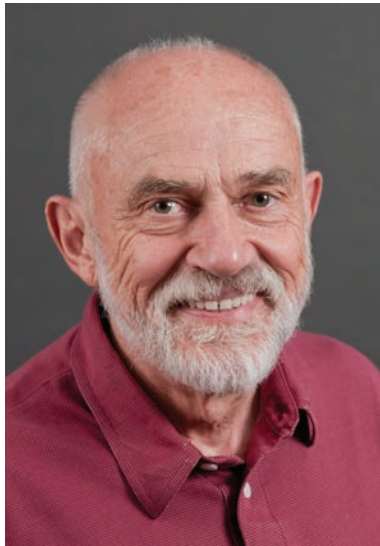
The authors of the Canadian review said studies completed so far do not measure noise independently from these factors. There is also a lack of data about baseline levels of annoyance without the turbines, the size of the annoyance effect, and how the impact changes in different wind and weather conditions. That is an important point since one needs to be able to separate the scientific evidence of exposures that relate to symptoms from an effect associated with psychological factors or an individual's perspective.

The MIT review found no evidence that people residing close to wind turbines experience disease outcomes but did find that some people experienced annoyance with the turbines or turbine noise, similar to the findings in the Council of Canadian Academies review. However, this review also found that the proportion of panel study participants expressing annoyance varied. Those who received compensation for having turbines on their land reported little annoyance. Additionally, according to authoritative papers cited in this review, study participants who were shown websites and videos purporting to show that turbines could cause health problems were more likely to report symptoms. Study participants who were shown favorable videos were less likely to report symptoms.

After a thorough examination of the literature, we concluded there is no authoritative evidence that either audible sound or infrasound from wind turbines represents a risk to human health among neighboring residents.

Furthermore, our paper concludes that, "Given the evidence... and the well-documented negative health effects and environmental impacts of power produced with fossil fuels, we conclude that development of electricity from wind is a benefit. We have not seen evidence that wind turbines pose a health threat to neighbors."

The Wind Turbines and Health report is available on our websites: www.ehsr.org, www.iowapolicyproject.org, and www.iaenvironment.org/windhealth.



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Feature - Wind in Iowa

At MidAmerican Energy, we strive to be obsessively, relentlessly at your service in every interaction – whether it’s installing new service to homes or businesses, in upgrading our systems to ensure that they continue to operate safely and while volunteering in our communities, to name a few. That work ethic is the promise we make and follow through on every day. We view our relationship with our customers, and the communities they are part of, as our partners. Together, we can work to achieve the goals that matter to both of us.

One area of daily focus is how we can continue to deliver affordable, reliable energy to our customers in a way that is environmentally friendly. We understand that environmental stewardship is an important part of many businesses’ and communities’ goals, and it’s an important part of ours, too.

“MidAmerican Energy has been leading the revolution of Iowa’s energy landscape – drastically reshaping it from what it was in 1990 when energy efficiency spending was first mandated,” Adam Wright, MidAmerican Energy’s president and CEO, said. “Thanks to major investments in renewable energy generation, nearly half the energy provided by MidAmerican Energy now comes from wind. This, in turn, has helped make Iowa the nation’s leader in the percentage of electric generation coming from wind – playing a critical role in keeping rates in Iowa among the lowest in the country and making it an attractive place to live and do business.”



Kathryn Kunert
Vice President of Economic
Connections and Integration
MidAmerican Energy Company
www.midamericanenergy.com

MidAmerican Energy is committed to leading the revolution of Iowa’s energy landscape, helping to make it the nation’s leader in the percentage of electric generation coming from wind. That plays a critical role in keeping rates in Iowa among the lowest in the country – giving businesses a competitive advantage in building and maintaining a sustainably responsible footprint. That also means a leg up for communities who are working to attract those green-focused companies to their area.

While MidAmerican Energy was the first investor-owned utility in the country to announce a 100% renewable energy vision, we are also positioned to be among the first to deliver on that promise. MidAmerican Energy’s wind projects, including the Iowa Utilities Board-approved Wind XII project, would allow MidAmerican Energy to generate renewable energy equal to 100% of



its customers’ usage on an annual basis. Most of that renewable energy comes from wind – something Iowa has an abundance of. It is good for the environment, of course, but the benefits it delivers to MidAmerican Energy customers makes it a win-win.

To help identify and quantify those benefits, MidAmerican Energy launched the GreenAdvantage™ program. When MidAmerican Energy produces renewable energy, instead of selling or trading Renewable Energy Credits (RECs) on the open market, the company retires them on behalf of its Iowa customers. The Iowa Utilities Board verifies the amount of renewable energy produced and delivered on an annual basis. That means our customers – residential, business, and industrial – can quantify and track the renewable energy that they consume, helping to meet sustainability goals.

The Iowa Utilities Board verified that MidAmerican Energy provided its Iowa customers 50.8% of their electricity from renewable sources for the year 2017. We are proud to deliver this renewable energy to you at no additional cost. And, it means businesses don’t have to expend additional dollars to build or install renewable energy or purchase RECs to meet green goals. For communities in MidAmerican Energy’s Iowa territory, this is an economic development sales tool, giving them another mark in the positive column.

Together, we can achieve a 100% renewable energy future that keeps rates low, is great for the environment and is important for our economy.



EXCELLENCE IN ACTION AWARD

A competitive awards program that seeks to identify and recognize innovative county government employees, programs, and ISAC affiliates.

The Excellence in Action Award committee will rate each application based on the following seven attributes: creativity, innovation, cost savings, replication, leadership, increased efficiency, cooperation with others, and perseverance. Awards will be presented at the 2019 ISAC Annual Conference General Session on August 21 in Des Moines, recognized on the ISAC website, and in a statewide news release.

- ✓ **INNOVATION AND CREATIVITY**
- ✓ **LEADERSHIP**
- ✓ **REPLICATION**
- ✓ **COST SAVINGS**
- ✓ **EFFICIENCY**
- ✓ **COOPERATION**
- ✓ **PERSERVERANCE**



CRITERIA

- Programs nominated must be innovative and do one or more of the following:
 - Offer a new service to county residents, fill gaps in the availability of existing services, or tap new revenue sources.
 - Improve the administration or enhance the cost effectiveness of an existing county government program.
 - Upgrade the working conditions or level of training for county employees.
 - Enhance the level of citizen participation in, or the understanding of, government programs.
 - Provide information that facilitates effective public policy making.
 - Promote intergovernmental cooperation and coordination in addressing shared problems.
 - Provide a model from which other counties or affiliates may learn.
- Nominated individuals must demonstrate exemplary service to citizens, staff, or stakeholders.

JUDGING

The Excellence in Action Award committee will rate each application based on the following seven attributes: creativity, innovation, cost savings, replication, leadership, increased efficiency, cooperation with others, and perseverance.

GUIDELINES

- Nominated programs must have become operational after January 1, 2018.
- Individual nominations should reflect the individual actions of the last 24 months.
- Nominations should be made using the application form below.
- A narrative of the county program or individual's action must be included (three-page limit).

AWARD PRESENTATION

Awards will be presented during the 2019 ISAC Annual Conference General Session on August 21 in Des Moines. Winners will also be recognized on the ISAC website and in a news release sent to statewide media. When appropriate, an ISAC staff member will also attend the board of supervisors meeting to present the award.

QUESTIONS

Contact: Jacy Ripperger
jripperger@iowacounties.org
515.244.7181

Lucas Beenken
lbeenken@iowacounties.org
515.244.7181

NOMINATION FORM

- Attach a narrative of the county improvement/project/program/individual (three-page limit).
- Return all nominations by July 1, 2019 (postmarked date) to:
Iowa State Association of Counties
Attn: Jacy Ripperger
5500 Westown Parkway, Suite 190
West Des Moines, IA 50266
- OR email your application form (containing all the information on the form below) to jripperger@iowacounties.org.

Please fill out each field completely:

Please indicate nomination type: Individual ____ Program ____

Name of individual/program: _____ County or affiliate: _____

Name of nominator: _____ Title: _____

Nominator's phone: _____ Nominator's email: _____

Summary of Minutes - ISAC Board of Directors - April 25, 2019

ISAC President Eric Stierman called the meeting to order and led the Board in the Pledge of Allegiance.

The meeting minutes of the February 7, 2019 ISAC Board of Directors and March 14, 2019 ISAC Spring Conference General Session were unanimously approved.

Brad Holtan reviewed highlights of the financial report ending on March 31, 2019 including the ISAC General Fund, Health Insurance Fund, and the Dental Program. Brad reported that ISAC has signed contracts to provide financial administration for the Iowa Community Services Association, the Iowa State Association of County Supervisors, and the Iowa State Association of County Auditors including its State Election Administrators Training (SEAT) program. The financial report was unanimously accepted as presented.

Brad reviewed and the Board unanimously accepted the March 31, 2019 ISAC quarterly investment report.

Brad reported that our three-year contract for audit services with McGowen, Hurst, Clark and Smith PC ended after the FY 2018 audit and recommended adoption of the new McGowen proposal. The Board approved the recommended three-year proposal as presented.

Brad reported that he is seeking approval of the ISAC 990. After waiting for guidance from the IRS regarding parking as an employee benefit which did not come, the auditors have recommended to file without parking. ISAC will file per their recommendation upon approval. The ISAC 990 was unanimously approved.

Beth Manley reported for informational purposes that there was a possible HIPAA breach of ISAC employee participant information of the Balanced Habits program by Balanced Habits. ISAC sent a notification letter to the three people that it affected. ISAC will no longer be working with Balanced Habits in the future.

Kristi Harshbarger reviewed a memo regarding the gift law related to the ISAC Scholarship Golf Fundraiser. She also gave updates on friend of the court briefs in which ISAC participated.

Bill Peterson reviewed the NACo steering committee and presidential appointment nomination processes.

Bill reported that Barry Anderson, Clay County Supervisor, was nominated and his nomination was accepted to attend the NACo County Leadership Institute this summer.

Rachel Bennett reviewed the schedule for the 2019 NACo Annual Conference including the Iowa Caucus Meeting that is being held from 5:00 pm – 6:00 pm on Saturday, July 13.

Bill Peterson reported that the ISAC Board appoints the ISAC NACo Board Representative which is a three-year term with a term limit of three terms. ISAC received one application which came from the current representative, Melvyn Houser, Pottawattamie County Auditor. Melvyn does an excellent job as our representative. Melvyn was unanimously appointed to another term as ISAC NACo Board Representative.



Summary of Minutes - ISAC Board of Directors - April 25, 2019

President Stierman recessed the ISAC Board of Directors meeting and reconvened the meeting at the conclusion of the ICTS Board of Directors meeting.

Mark Rathbun, Lacy Covarrubias, and Crystal Edwards from Community State Bank (CSB) gave introductions and discussed their services and banking philosophies. They gave an overview of benefits and answered questions. Bill and Brad reported that ISAC currently utilizes CSB for the new affiliate accounts and recommended that we move ISAC's banking to CSB. ISAC would retain Wells Fargo for investments. The Board accepted the proposal as presented.

Jamie Cashman and Lucas Beenken gave updates on ISAC's priorities, objectives, and other bills of interest to counties. Rachel Bennett gave an update on the #MentalHealthMattersIA campaign.

Kelsey Sebern reviewed the survey responses from the 2019 ISAC Spring Conference which were very good. She will be working with the Hilton on parking issues that were experienced. Jacy Ripperger reported an increase of 10 exhibit booths over last year's conference and good reviews from exhibitors. She also reviewed app data for the read-only app that ISAC tried for the first time during the conference. There were more users, and we didn't hear any complaints. Overall, the app was considerably less expensive, and we will continue to use it for future conferences.

Beth reported that the 2019 ISAC HIPAA Training was a success with around 30 members in attendance.

Kelsey reported that registration has begun for the 2019 ISAC Scholarship Golf Fundraiser that is being held on June 12 at Toad Valley Golf Course in Pleasant Hill.

Kelsey reviewed the 2019 ISAC Annual Conference agenda including the Legislative Policy Committee meeting being held on Tuesday, a full-day Flood Track being held alongside educational seminars and a mobile tour on Wednesday, and a conference-wide I-Cubs game on Wednesday evening. The Keynote speaker for the General Session is Steve Cannon who recently completed the Iditarod Trail race on his bicycle.

President Stierman reviewed the schedule for the ISAC Board Retreat which is being held in Dubuque County September 18-20, 2019.

Rachel reviewed the nomination process for the 2019 Golden Eagle. ISAC is currently accepting nominations.

President Stierman recognized Joe Neary for his services on the ISAC Board (pictured top right).

Richard Crouch gave an update on the flooding in south-west Iowa.

The meeting was adjourned following board members sharing issues, concerns, ideas, and achievements with other board members.

Correction from Summary of Minutes - ISAC Spring Conference General Session - March 14, 2019 in the May 2019 issue: The District 4 winner was Connor Shipley from Adams County (pictured bottom right).



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2019 calendar

June

- 6 Registration Opens - ISAC Annual Conference
- 5-7 Records Summer School
(Council Bluffs)
- 12 ISAC Scholarship Golf Fundraiser
(Toad Valley Golf Course, Pleasant Hill)
- 13 Hotel Registration Opens - ISAC Annual Conference
- 18-21 ITAG Conference
(Sheraton, West Des Moines)
- 26 ISAC Board of Directors Meeting
(ISAC Office)

July

- 11-15 NACo Annual Conference
(Clark County, Nevada)
- 17-19 Auditors Annual Conference
(Burlington)

August

- 20 ISAC LPC Meeting
(Veterans Memorial Community Choice Credit
Union Convention Center, Des Moines)
- 21-23 ISAC Annual Conference
(Veterans Memorial Community Choice Credit
Union Convention Center, Des Moines)

September

- 15-18 ISSDA Jail School
(Holiday Inn Airport, Des Moines)
- 18-20 ISAC Board of Directors Retreat
(Dubuque County)
- 26 ISAC LPC Meeting
(ISAC Office)

October

- 6-9 Assessors Fall Conference
(Airport Holiday Inn, Des Moines)

November

- 20-21 ISAC Board of Directors Meeting
(ISAC Office)

December

- 8-10 ISSDA Winter School
(Airport Holiday Inn, Des Moines)
- 11-13 2019 Iowa County Engineers Conference
(Veterans Memorial Community Choice Credit
Union Convention Center, Des Moines)

If you have any questions about the meetings listed above or would like to add an affiliate meeting to the ISAC calendar, please contact Kelsey Sebern at ksebern@iowacounties.org.

2019 ISAC Preferred Vendors

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representing ICAP and IMWCA
Kingston Life and Health

Elite Preferred Vendor

IP Pathways

Endorsed Platinum Preferred Vendor

Iowa Public Agency Investment Trust
(IPAIT)

Platinum Preferred Vendors

Community State Bank
D.A. Davidson Companies
Election Systems & Software
Henry M. Adkins and Son

Hopkins & Huebner, P.C.
ISG
MidAmerican Energy
Northland Securities, Inc.
Schneider Geospatial
Tyler Technologies

Endorsed Gold Preferred Vendors

Wellmark Blue Cross Blue Shield of
Iowa

Gold Preferred Vendor

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Delta Dental
DEVNET, Inc.
Dorsey & Whitney LLP
Forecast5 Analytics
Houston Engineering Inc.

InfoTech, Inc.
ITC Midwest, LLC
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Purple Wave Auction, Inc.
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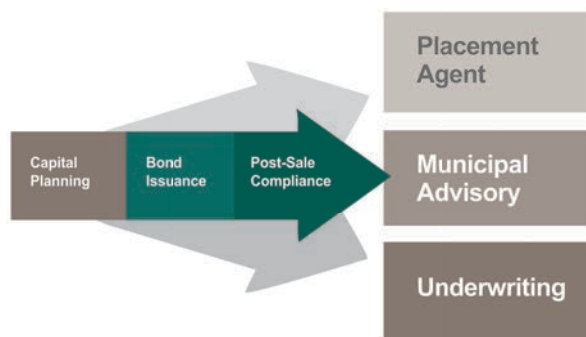
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