

**Board of Supervisors Minutes**  
**September 22, 2025**

The Tama County Board of Supervisors met at 8:30 a.m. September 22, 2025. Present: 1st District Supervisor, Curt Hilmer; 2nd District Supervisor, David Turner; 3rd District Supervisor, Heather Knebel; 4th District Supervisor, Mark Doland and 5th District Supervisor, Curt Kupka. Also, Tama County Auditor, Karen Rohrs, Detective Killian, and members of the public.

The Pledge of Allegiance was recited.

Motion by Turner, seconded by Hilmer to approve the agenda. Discussion: None. All voted aye. Motion carried.

Public Comments: Public comments were heard from Karen Murty, Craig Sash, Richard Arp, Jim Smith, and Janet Wilson. Public comment time closed at 8:43 am.

Motion by Turner, seconded by Knebel to approve the minutes of the September 15<sup>th</sup> regular meeting. Discussion: Knebel stated she would like the minutes changed on page 3 to remove the comments each supervisor made.

Motion by Knebel to amend the minutes to remove each supervisor's comments, seconded by Kupka. Discussion: None. Hilmer, Knebel, Kupka voted aye. Turner voted nay. Motion carried. All ayes to approve the minutes as amended.

The Board met with Ben Daleske, Tama County Engineer, to get a road projects report. The Board discussed with Daleske if a resolution to temporarily reduce the speed limit on 190<sup>th</sup> Street was necessary since the temporary change would only be for 2-4 days. It was decided a temporary change was not needed. Daleske also had a utility permit for the board chairman to sign. The permit is for Poweshiek Water Association. Motion by Kupka, seconded by Turner to approve the permit and for the board chairman to sign the utility permit. Discussion: None. All voted aye. Motion carried.

Doland stated he was checking with the county attorney to see if the board of supervisors should be approving a corporate resolution regarding credit card usage by public health or if it should be approved by the Board of Health who oversees public health. Motion by Turner to postpone action on this resolution until next week, seconded by Doland. All voted aye. Motion carried.

The auditor noticed that there was a conflict in the time the October 13<sup>th</sup> public hearing for the Zoning Ordinance Fee was to be held due to another public hearing that same day. Motion by Turner, seconded by Knebel to approve holding the October 13<sup>th</sup> public hearing regarding the Zoning Ordinance Fee at 9:30 am. Discussion: None. All voted aye. Motion carried.

Motion by Turner, seconded by Kupka to approve the claims for payment as presented in the amount of \$102,059.83. Discussion: None. All voted aye. Motion carried.

The Board recessed at 9:11 am for a short break. The Board came out of recess at 9:15 am.

Doland stated the board will go into closed session for discussion and possible action per Iowa Code 21.5.1 (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent. Motion by Turner, seconded by Knebel to go into closed session per Iowa Code 21.5.1 (c). Roll call vote: Hilmer, aye. Knebel, aye. Doland, aye. Kupka, aye. Turner, aye. The Board went into closed session at 9:16 am. Those present were Supervisors: Curt Hilmer, Heather Knebel, Mark Doland, Curt Kupka, David Turner, and Karen Rohrs, Auditor, and attorney Eric Updegraff with Hopkins & Huebner, P.C. Motion by Knebel, seconded by Turner to go back into open session. The Board came out of closed session at 10:07 am. Roll call vote: Hilmer, aye. Knebel, aye. Doland, aye. Kupka, aye. Turner, aye. Those present were Supervisors: Curt Hilmer, Heather Knebel, Mark Doland, Curt Kupka, David Turner, and Karen Rohrs, Auditor, and attorney Eric Updegraff with Hopkins & Huebner, P.C.

The Board recessed at 10:07 am for a short break. The Board came out of recess at 10:19 am.

Motion by Hilmer, seconded by Kupka to label the resolutions with the correct numbers.  
Discussion: None. All voted aye. Motion carried.

There was a short discussion prior to a motion being made of how the Board felt regarding the proposed agreements. Motion by Turner, seconded by Knebel to approve the Salt Creek Wind II Project Road Use Agreement, Decommissioning Agreement, Settlement Agreement, and Resolution 9-22-2025C. Discussion: None.

#### **RESOLUTION 9-22-2025C**

**WHEREAS**, Salt Creek Wind II, LLC (“Salt Creek Wind II” or “SCWII”) is developing a wind energy conversions system in Tama County, Iowa known as the Salt Creek Wind II Project (the “Project”).

**WHEREAS**, on or about December 20, 2024, SCWII applied for a Conditional Use Permit for a Commercial Wind Energy Conversion System (“CUP”) under Tama County’s Wind Energy Conversion System Ordinance passed in 2010 (“C-WECS Ordinance”).

**WHEREAS**, the Tama County Board of Adjustment has not scheduled a hearing to consider the SCWII’s application for a CUP (“Application”) to date.

**WHEREAS**, Salt Creek Wind II, LLC has indicated that it will likely initiate legal proceedings against the County to enforce its rights related to the Project.

**WHEREAS**, the BOS seeks to resolve any disputes between Tama County and Salt Creek Wind II.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Tama County, Iowa that:

1. The Moratorium Resolution does not apply to the Project and that the terms of the C-WECS Ordinance apply to the SCWII Project, CUP application, the Project substation, any met towers, any LIDAR towers, ADLS systems, Zoning Certificates, permits needed for entrance, right-of-way crossings, utility in rights-of-way, work within rights-of-way, oversize/overweight permits to transport loads on county roads, and any other permits required to build the Project.
2. The Application may be amended or supplemented by SCWII at any time prior to the time at which a final determination is made on the Application.

3. The terms included in Section 3 of the attached Development Agreement (“Development Agreement”) shall act to supplement the Application and should be considered in making a final determination on the Application.

4. The threshold to establish vested rights for the Project has likely been met by SCWII pursuant to the CUP application, the C-WECS Ordinance, studies, activities, and expenditures by SCWII to date and that will be ongoing in the future.

5. SCWII has, through the Application and additional compromises made in the Development Agreement, substantially met or exceeded the requirements of the C-WECS Ordinance.

6. For the avoidance of any doubt:

a. As long as SCWII selects a final turbine model for the Project and notifies the BOS of the same, at least sixty (60) days prior to commencement of construction on the Project, and said model is in compliance with all other portions of the C-WECS Ordinance, the Project will be in compliance with any provisions of the C-WECS Ordinance requiring the model to be specified.

b. Assuming all of the example models included in the Application show that the Project is compliant with the C-WECS Ordinance, it can be assumed the final turbine model chosen will be compliant with the C-WECS Ordinance.

c. The wake effects study required pursuant to the C-WECS Ordinance is only required to take into account projects that were constructed operational at the time the Application was submitted.

d. Field wetland delineations do not need to be conducted until thirty (30) days prior to commencement of construction.

e. Any studies related to the Project conducted within the past six years are deemed to still be valid and relevant. Denial of any permit or certificate due to the alleged staleness of the studies is unsupported by the C-WECS ordinance and would be unreasonable.

f. The engineer’s certificate required pursuant to the C-WECS Ordinance must be provided prior to commencement of construction, but does not need to be provided until the final turbine model is selected.

7. The Tama County Zoning Administrator and the Tama County Engineer are hereby directed to facilitate and ensure the timely issuance of all required permits, certificates, and approvals necessary to construct the Project. For the avoidance of any doubt:

a. The Tama County Zoning Administrator is hereby directed to promptly review and, if the applicable ordinance requirements are met, approve any Zoning Certificate applications for the Project, including any reasonable requests for extensions for the same.

b. The Tama County Engineer is hereby directed to promptly review and, if the applicable ordinance requirements are met, approve any road right-of-way crossing permit applications, utility in right-of-way permit applications, work within right-of-way permit applications, and any other permits SCWII deems necessary for the Project, including any reasonable requests for extensions of the same.

8. SCWII will have established use within the meaning of Tama County's ordinances for any and all Zoning Certificates for the Project upon completion of vertical erection of a wind turbine generator at any one zoning certificate site, provided the vertical erection occurs within one year of issuance of the Zoning Certificates.

9. Once SCWII has established the use under any or all Zoning Certificates for the Project, the Tama County Zoning Administrator is directed to take no action to the contrary.

10. This Resolution shall be deemed the final determination on the Application, as amended and supplemented by the Development Agreement.

11. The Board of Supervisors hereby approves, and authorizes the Chair of the Board of Supervisors to execute, the attached Development Agreement with Salt Creek Wind II, LLC, on behalf of Tama County and the Tama County Board of Supervisors.

Roll Call Vote: Hilmer, aye. Turner, aye. Knebel, aye. Doland, aye. Kupka, aye. Motion and resolution passed and adopted this 22<sup>nd</sup> day of September 2025. Mark Doland, Chairman, Board of Supervisors. Karen Rohrs, County Auditor.

Motion by Knebel, seconded by Turner to approve the following resolution to clarify intent of CWECS moratorium on Resolution 1-6-2025B not applying to CWECS Conditional Use Permit Application submitted prior to 1-6-2025. Discussion: None.

**RESOLUTION 9-22-2025D**

*On the Tama County Board of Supervisors Moratorium relating to WECS projects  
passed in January 2025*

**WHEREAS** the Board of Supervisors of Tama County, Iowa is the body constituted under Iowa Code chapter 331 to perform certain prescribed governing duties on behalf of Tama County, Iowa, including the passage of a moratorium concerning Wind Energy Conversion Systems. ("WECS"),

**WHEREAS** Salt Creek Wind II (“SCWII”) is the owner and developer of a WECS project in Tama County, Iowa,

**WHEREAS** the Board of Supervisors previously passed a resolution adopting a moratorium on development of WECS projects in January of 2025,

**WHEREAS** the SCWII filed an application for a conditional use permit to develop a WECS project in December 2024,

**WHEREAS** there has been some controversy regarding whether the moratorium passed in January of 2025 applied retroactively and, therefore, prevented consideration of the SCWII conditional use permit application by the Tama County Zoning Board of Adjustment,

**WHEREAS** the Board of Supervisors did not and does not intend for the moratorium to apply retroactively to projects that filed for a conditional use permit prior its passage in January 2025,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Tama County, Iowa sitting in session this 22nd day of September, 2025, that it hereby states that the moratorium passed in January 2025 does not apply to the SCWII WECS project and its application for a WECS conditional use permit. The Tama County Zoning Board of Adjustment may consider that application at its earliest convenience.

Roll Call Vote: Hilmer, aye. Turner, aye. Knebel, aye. Doland, aye. Kupka, aye. Resolution passed and adopted this 22<sup>nd</sup> day of September 2025. Mark Doland, Chairman, Board of Supervisors. Karen Rohrs, County Auditor.

Motion by Turner, seconded by Kupka to designate Tom Henderson as attorney for Tama County Board of Adjustment and to review it from month to month. Discussion: None. All voted aye. Motion carried.

Motion by Turner, seconded by Hilmer to approve board chairman to sign a rental agreement for the Tama County Board of Adjustment to reserve the Toledo Reinig Center for a public hearing to be held on October 14<sup>th</sup> at 6:00 pm. Discussion: None. All voted aye. Motion carried.

Public Comments: Public comments were heard from Richard Arp, Bob Vokoun, Jim Smith, and Karen Murty. Public comment time closed at 10:48 am.

Chairman Doland adjourned the meeting at 10:48 am.

These minutes are intended to provide a summary of the discussions and decisions made during the Board of Supervisor meeting. For the most accurate and comprehensive record, please refer to the audio recording of the meeting that can be provided upon request at the auditor’s office.