

Working Session-February 26, 2026

Board of Supervisors

Wapello Building 110 E. Main St., Ottumwa, IA

Roll Call: Chair Darren Batterson; Vice Chair Carrie Teninty, observing; Supervisor Bryan Ziegler, Eric Updegraff, Attorney with Hopkins & Huebner; Chad Drury, Ottumwa Courier; Matt Eberl, Apex; Miranda Bailey, Planning and Zoning; Jeffrey Hamann, Planning and Zoning; Kevin Holzhauser; Mary Stewart; Deb Schlechter; David Helgerson; Bryan Pearson, JCG; Dennis Willhoit; Carson Smith; Vicki Rudd; Jim Rudd; Corey Eberling; Terry Willhoit; Roberta Neff; Duane Heisdorfer; Craig Sylvester; Don Phillips, Sheriff; Lorraine Uehling; Dennis Willhoit; Susan Sylvester; Marlys Breon-Drish.

1:07 p.m. Work Session Meeting called to order by Chair, Batterson. Motion by Chair Batterson; seconded Supervisor, Ziegler. All ayes. Motion Carried.

Eric Updegraff went through the ordinance with Chair Batterson and Supervisor Ziegler, making recommendations in a few areas where the setbacks weren't clearly agreed upon.

The meeting discussed the ordinance for regulating wind turbines, focusing potential legal challenges. Key points included the need for rational basis for regulations, the impact of vested interests, and the potential for bad faith challenges. The ordinance includes provisions for interim use permits, setback requirements, and commercial general liability insurance. Specific metrics were debated, such as a 2500-foot setback, a 10-million-dollar insurance policy, and the feasibility and number of wind turbines within five years. The discussion also covered the importance of clear, objective criteria and the potential for legal challenges to overly restrictive regulations. The discussion focused on wind turbine setback requirements, highlighting the challenges of defining safe distances. Key points included the need for 1500 feet or two times the turbine height, whichever is greater, from utility lines and public roads. The conversation also covered a one-mile setback from public hunting areas and state parks. The height requirement was recommended to be set at 700 feet, with a minimum blade height. Noise levels must be below 45 dBA, and shadow flicker should not exceed 30 hours annually. The meeting also addressed liability for water pollution and the need for clear, enforceable regulations.

The meeting discussed enforcement mechanisms for zoning ordinances, including municipal infractions with fines per day and contempt actions. The ordinance includes requirements for road use agreements, drainage system repairs, and setbacks for wind turbines and solar panels. Specific setbacks for wind turbines were debated, with a height

setback from non-participating homes. Concerns about the environmental impact of wind turbines and battery storage systems were raised, along with the need for clear decommissioning plans and the potential for legal action against non-compliant landowners. The discussion also covered the impact of setbacks on buildable land and project viability.

4:00 p.m. a motion for the work session to close was made by Chair Batterson; seconded by Supervisor Ziegler. All ayes. Motion Carried.

Minutes submitted by: ksw