

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, JULY 29, 2024 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center. Present: Chairperson Running-Marquardt, Vice Chairperson Rogers and Supervisor Zumbach. Board members voting "AYE" unless otherwise noted.

Chairperson Running-Marquardt called the meeting to order.

Motion by Rogers, seconded by Zumbach to approve minutes of July 24, 2024 as printed.

Motion by Rogers, seconded by Zumbach to open public hearing for Waubeek Bluffs First Addition, case PP24-0001, request for a 4 lot preliminary plat of 63.88 total acres, located at 4390 Boy Scouts Road.

Brad Wylam, Planning & Development, stated that this case has been recommended for approval by the Planning & Zoning Commission. A final plat will come after this is approved. Proof of publication was presented. There were no oral or written objections.

Supervisor Zumbach asked if each parcel will have one house and Wylam stated yes noting that most buildings are being removed.

Motion by Zumbach, seconded by Rogers to close public hearing.

Charlie Nichols, Planning & Development Dir., presented a PowerPoint of an ordinance amending the Code of Ordinances, Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to Utility Scale Wind Energy Conversion Systems. He highlighted the five changes that were made between the 1st and 2nd considerations that include: setback reduction; increase noise allowance; strengthened debris cleanup requirements; specified maintenance procedures for grounding equipment; and local labor encouraged. Nichols shared feedback he received from MidAmerican Energy stating that a 50 percent contingency on top of the decommissioning bond was excessive and would be a financial burden on the company.

Supervisor Zumbach added that he is good with 55 decibels and testing every 5 years. He referenced 2 wind turbines in Mechanicsville that were both hit by lightning and the fiberglass that was strewn across the farmers and neighbor's properties.

Vice Chairperson Rogers stated that was an isolated incident, but these projects differ from large scale solar installations with how they're disposed of and the cleanup costs. The worsening frequency of severe weather warrants strong cleanup language. The Board needs to ensure there is a balance with protections for landowners to ensure that there's financial incentive for the owners and operations to act in good faith. They've made a commitment in Linn County to renewable energy. Their main focus is on protection of the county in the future so taxpayers aren't left holding the bag for entities and that the land can be used again.

Chairperson Running-Marquardt stated that she visited the Mechanicsville farm to see the wind turbine debris on a windy day when the fiberglass was blowing around the property. She added that it was remarkable how vast the debris field was. Running-Marquardt is committed to renewable energy in Linn County but they have to do it in a way that protects Linn County residents and neighbors. Linn County can be a renewable energy hub for not only the state but the Midwest.

Motion by Running-Marquardt, seconded by Rogers to approve upon second consideration an ordinance amending the Code of Ordinances, Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to Utility Scale Wind Energy Conversion Systems.

Jessie Black, Admin. Spec., stated that this conveyance was discussed last week for the Iowa Department of Natural Resources of Linn County-Owned Real Property located within Palisades-Kepler State Park near Mount Vernon, Iowa legally described as: Lot 16 Irr Sur NE Sec 23 TWP 82 R6 & Lot 17 Irr Sur SE SW Sec 14 TWP 82 R6. Two parcels were identified that have no use or value to Linn County. There is a resolution, Quit Claim Deed and Offer to Donate that need to be signed.

Chairperson Running-Marquardt added that this project has been in the works the last year or so. She thanked everyone for their work on it.

Motion by Zumbach, seconded by Rogers to adopt Resolution 2024-7-114
A RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF LINN COUNTY-OWNED REAL PROPERTY BY QUIT CLAIM DEED AND AUTHORIZING THE EXECUTION OF SAID DEED
WHEREAS, Iowa Code Section 331.361 authorizes and empowers the Linn County Board of Supervisors (the "Board") to dispose of an interest in real property; and
WHEREAS, Linn County, Iowa (the "County") is the title holder to certain real property (the "property") located within Palisades-Kepler State Park near Mount Vernon, Iowa legally described as:
Lot 17, Irr Sur SE SW, Section 14, Township 82, Range 6 (Bertram Twp)
Lot 16, Irr Sur NE, Section 23, Township 82, Range 6 (Bertram Twp)
WHEREAS, the Iowa Department of Natural Resources desires to obtain whatever interest the County may have in the property and accepted an Offer to Donate Real Estate, from Linn County, Iowa; and

WHEREAS, the Board published a notice of the time and place of the public hearing on the proposal to convey the property in the Cedar Rapids Gazette on July 16, 2024, in accordance with Iowa Code Section 331.305; and

WHEREAS, in accordance with the above-described notice and Iowa Code Section 331.361, the Board conducted a public hearing on July 22, 2024, on its proposal to convey the property to the Iowa Department of Natural Resources at which time any interested person had the opportunity to appear to file a written or oral objection to the proposal.

BE IT THEREFORE RESOLVED by the Board as follows:

The Board determines that there is no further public use by the County for the property.

The Board determines that it is in the best interest of the County to convey the property to the Iowa Department of Natural Resources by quit claim deed.

The Board hereby authorizes the Chairperson of the Board to execute the quit claim deed conveying the property to the Iowa Department of Natural Resources and all other documents required to finalize the conveyance of the property.

Darrin Gage, Dir. of Policy & Admin., discussed proposed revisions to Board of Supervisors Policy Number PM-001, Cell Phone Authorization and Use. Rhonda Betsworth and Gail Tenney, Auditor's Office, brought this to Gage's attention. Clarifications were made to the policy about who qualifies as well as substantial need; taxable vs. nontaxable; formatting and aligning with IRS guidelines. The Board will approve Wednesday.

Andy Whiting, National Czech and Slovak Museum, discussed a letter of support for REAP grant funding for the National Czech & Slovak Museum & Library's Orloj Clocktower project landscaping. He added that this is a \$300,00 grant they are applying for and the City of Cedar Rapids is the applicant. They would appreciate the Board's support for this project.

Chairperson Running-Marquardt stated that this is going to be really exciting for tourism and pride for the Czech immigrants in the area and she is very proud to be a part of this.

Motion by Rogers, seconded by Zumbach to authorize the Chairperson to sign a letter of support for REAP grant funding for the National Czech & Slovak Museum & Library's Orloj Clocktower project.

Gage stated at the request of Supervisor Running-Marquardt, he put together this letter with unanimous support for the Cedar Crossing Casino & Entertainment Center's gaming license application. The county did this similarly with the first application in 2013.

Motion by Rogers, seconded by Zumbach to authorize the Chairperson to sign a letter of support for the Cedar Crossing Casino & Entertainment Center's gaming license application.

Public Comment: Kelly Merta, 4194 Quail Ridge Rd., Center Point, thanked the various departments for their hard work and research on this wind energy ordinance language. Linn County is not short on wind energy projects or opportunities. They can and should be selective on how they use their land and disrupt rural areas. Merta asked the Board to engage in dialogue about where the true balance and protection lays. The Supervisor's have said ordinances are not set in stone and she has seen ordinances that incorporated lessons learned. She asked that the Board not let billion dollar corporate entities come in who are here to make money and be the ones who identify how their ordinances should be written. Merta also asked that the Board not let lobbyists sway their thoughts and not let the union jobs make them forget about the residents living in the project area. The work for them is short term but their lives as residents who live amongst these projects are not patchwork and they want to be able to continue to live there. She asks that they leave the setbacks and noise language as originally proposed for their protection.

Matt Resor, 423 Truman St, Lisbon, thanked the Board for taking the input and recommendations from the citizens of Linn County. He feels all of the changes and tweaks are common sense and all in the best interest of those that live and work in the area especially the labor. They have a ton of local people working with the solar projects. If and when these projects come to Linn County, they would like to continue that.

Mike Carberry, Iowa City and Bright Future Iowa, thanked the Board for the second consideration of the wind energy ordinance and thanked Nichols and his entire staff for their hard work. Good projects come from good policy and good policy comes through compromise. The Board and staff have listened to the public and come up with an ordinance that is workable. When Carberry talks to developers, he talks about responsible solar and responsible wind to do projects that are responsible but also beneficial, so everyone wins. There's a lot of money in projects and sometimes developers need to make less money by doing a better project. Linn County now has an ordinance that protects the landowners, non-participating landowners, the taxpayers, the ratepayers and everyone wins. Carberry thanked the Board again for their diligent and thoughtful work on this ordinance and looks forward to the third and final passage.

Motion by Rogers, seconded by Zumbach to approve Employment Change Roster (payroll authorizations) as follows:

<u>INFORMATON TECHNOLOGY</u>		
Tech Infrastructure Mgr	Dominic Roberts	Termination/deceased 7/24/24
<u>PLANNING & DEVELOPMENT</u>		
Intern	Ben Schmidt	Termination/internship complete 8/9/24
<u>COMMUNITY SERVICES</u>		
Financial Mgmt Dir.	Staci Meade	Termination/resignation 9/27/24
<u>JUVENILE DETENTION</u>		
Intern	Sparkle Melton,	Revised termination date 6/16/24
<u>VETERAN AFFAIRS</u>		
Intake Technician	Kaleigh Gallagher	End of probation8/28/24_55A \$21.24–55B \$22.28
<u>ENGINEERING</u>		
Clerical Specialist	Kelly Kelly	Termination/resignation 8/9/24

Moton by Rogers, seconded by Zumbach to enter into closed session pursuant to Iowa Code Section 21.5.1.j to discuss the purchase or sale of real estate.

VOTE: Zumbach – Aye Running-Marquardt – Aye Rogers – Aye

Motion by Zumbach, seconded by Rogers to go out of closed session.

VOTE: Zumbach – Aye Running-Marquardt – Aye Rogers – Aye

Adjournment at 10:57 a.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Amanda Hoy, Deputy Auditor

APPROVED BY:

KIRSTEN RUNNING-MARQUARDT, Chairperson
Board of Supervisors