

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, JULY 31, 2024 10:00 A.M.

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

Chairperson Running-Marquardt called the meeting to order and led the Pledge of Allegiance.

Randy Walker, Cedar Rapids, spoke with regard to the third consideration of the wind turbine ordinance and difficulties with wind turbine utility size farms. He stated that in 2024, 14 wind turbines were toppled and several more were damaged by 100+mph winds and two caught fire in the state of Iowa. The fire was very difficult to contain with the two that caught fire because of the remote access and the 200 gallons of burning oil. By the year 2030, the demand for copper will outpace the ability for copper production to increase, so zero net gain utilities are a fantasy. He continued to provide statistics of copper production in the next 30 years worldwide. He continued to say that there is no feasible way for the copper demand on this planet can be met for a zero net gain, so that's a fantasy. The very low reliability of wind turbines in cold weather where there is freezing rain and icing, and it is problematic when wind gusts are over 35-40 mph. He also asked if the ordinance addresses what an acceptable failure rate is. He stated that they take 10 times the area and how much land are they willing to sacrifice and explained what has happened in Germany.

Motion by Running-Marquardt, seconded by Zumbach to approve minutes of July 29, 2024 as printed.

Motion by Zumbach, seconded by Running-Marquardt to approve claims for accounts payable - checks dated 7/31/2024 #71015132 to 71015166 in the amount of \$1,201,071.12; and ACH in the amount of \$2,160,239.36; for a total of \$3,361,310.48.

Motion by Running-Marquardt, seconded by Zumbach to approve Consent Agenda as follows:

Receive and place on file the Auditor's Quarterly Report for the quarter ending June 30, 2024, in the amount of \$1,084.56. The total Auditor transfer fees deposited by the Recorder with the County Treasurer in the amount of \$11,130.

Resolution 2024-7-115 A Resolution approving a Preliminary Plat for Waubeek Bluffs First Addition... The following description is a summary of Resolution 2024-7-115 as passed and approved by Linn County Board of Supervisors, effective July 29, 2024.

Waubeek Bluffs First Addition to Linn County, Iowa, (PP24-0001) a subdivision of real estate described as a parcel located at 4390 BOY SCOUTS RD in the NE NW Section 17, Township 85 North, Range 5 West, Linn County, Iowa described as follows: Part of the Government Lot 2, part of Government Lot 3 and Parcel A, Plat of Survey No. 1121, all located in Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, described as follows: Beginning at the North Quarter Corner of Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian; thence N87°57'04"E, 324.00 feet to the Northeast Corner of Parcel A, Plat of Survey No. 1121; thence S15°39'56"E along the easterly boundary of said Parcel A, 57.70 feet; thence southeasterly 173.67 feet along said easterly boundary of said Parcel A and the arc of a 1145.92 foot radius curve, concave northeasterly, chord bears S20°00'26"E, 173.50 feet; thence S24°20'56"E along said easterly boundary of said Parcel A, 90.84 feet; thence southerly 365.65 feet along said easterly boundary of said Parcel A and the arc of a 477.46 foot radius curve, concave westerly, chord bears S2°24'36"E, 356.78 feet to the Southeast Corner of said Parcel A; thence S87°57'04"W, 437.76 feet to the Southwest Corner of said Parcel A; thence S1°11'11"E along the east line of Government Lot 3, a distance of 481.26 feet to the centerline of Boy Scouts Road; thence S44°42'11"W along said centerline, 200.63 feet to the south line of said Government Lot 3; thence S89°36'03"W along said south line to the Left Bank of the Wapsipinicon River; thence northerly and northwesterly along said Left Bank to the north line of said Government Lot 3; thence S89°47'48"E along said north line to the point of beginning. Said parcel contains 63.88 acres, subject to easements and restrictions of record.

The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Resolution 2024-7-116 Residential Parcel Split for REC Milburn Road Addition...The following description is a summary of Resolution 2024-7-116 as passed and approved by Linn County Board of Supervisors, effective July 31, 2024. REC Milburn Road Addition (Case # PF24-0009) to Linn County, Iowa, containing one (1) lot, numbered lot 1, a subdivision of real estate located in the NW SE of Section 3, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 25; thence North 1° 38' 43" West 490.90 feet along the East line of said Northwest Quarter of the Southeast Quarter; thence South 87° 31' 29" West 34.80 feet to the point of beginning; thence continuing South 87° 31' 29" West 519.51 feet; thence North 1° 32' 52" West 420.16 feet; thence North 87° 31' 29" East 494.51 feet; thence

South 47° 00' 41" East 35.07 feet; thence South 1° 32' 52" East 395.16 feet to the point of beginning, containing 5.00 acres subject to covenants, easements and restrictions of record. For the purpose of this description the East line of the Northwest Quarter of the Southeast Quarter of said Section 25 is assumed to bear North 1° 32' 52" East.

The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Resolution 2024-7-117 RESOLUTION SETTING A DATE FOR A PUBLIC HEARING ON A PROPOSAL TO CONVEY AN EASEMENT, AND PROVIDING FOR PUBLICATION OF NOTICE

WHEREAS, the Board of Supervisors, Linn County, Iowa ("Board"), is owner of real property in the name of Wantatee Park and the City of Marion, Iowa owns real property adjacent to Wanatee Park, and WHEREAS, the Board wishes to grant an easement to the City of Marion, Iowa to facilitate the construction of a sanitary sewer at Wanatee Park, and WHEREAS, Iowa Code Section 331.361 requires counties hold a public hearing prior making a determination to grant said easement: NOW, BE IT THEREFORE RESOLVED by the Board as follows: 1. The Board will hold a public hearing on the proposal to grant an easement on the 14 day of August 2024, at 10:00 in the Formal Board Room of the Linn County Public Service Center located at 935 2nd St. SW, Cedar Rapids, Iowa, at which time any interested person may appear and comment on the proposal, and after hearing comments, the Board may proceed with conveyance of said easement. 2. The Board hereby authorizes and directs the Publication of a notice of a public hearing on the Proposal at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in one or more newspapers which meet the requirements of Iowa Code Section 618.4.

Resolution 2024-7-118 A Resolution approving a Residential Parcel Split for Stallman Farm Addition. The following description is a summary of Resolution 2024-4-118 as passed and approved by Linn County Board of Supervisors, effective July 31, 2024.

Stallman Farm Addition (Case # PPS24-0008) to Linn County, Iowa, containing four (4) lots, numbered lot 1, Outlot A, and lettered lots A and B has been filed for approval, a subdivision of real estate located in the NW of Section 25, Township 84 North, Range 08 West of the 5th P.M., Linn County, Iowa, described as follows: STALLMAN FARM ADDITION TO LINN COUNTY, IOWA is the Northwest Quarter of the Southeast Quarter of Section 25, Township 84 North, Range 8 West of the 5th P.M., Linn County, Iowa, EXCEPT Lot 1, REC Milburn Road Addition to Linn County, Iowa.

The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Approve and authorize the Chair to sign a Linn County FY25 Provider and Program Participation Amendment for Substance Abuse Commitments between Linn County and Unity Point St Lukes Hospital effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Linn County FY25 Provider and Program Participation Amendment for Substance Abuse Commitments between Linn County and Mercy Medical Center, Cedar Rapids, Iowa effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Linn County Children's Mental Health Assistance FY25 Provider and Program Participation Agreement between Linn County and Four Oaks Family and Children Services effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Linn County Children's Mental Health Assistance FY25 Provider and Program Participation Agreement between Linn County and Mercy Medical Center, Cedar Rapids, Iowa effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Linn County Children's Mental Health Assistance FY25 Provider and Program Participation Agreement between Linn County and Abbe Center for Community Mental Health effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Baker Group Contract for the annual maintenance contract for card access and door controls in the amount of \$9,845 at the following locations: Community Services Building, Correction Center, Court House, Election Depot, Fillmore, Juvenile Justice Center, Mental Health Access Center, Public Service Center, and the Sheriff's Office effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Baker Group Contract for the annual maintenance contract for the card access and door controls in the amount of \$4,159 for the Dr. Percy and Lileah Harris Building effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Baker Group Contract for the annual maintenance contract for the card access and door controls in the amount of \$15,558 for the Juvenile Detention Center effective July 1, 2024, through June 30, 2025.

Approve and authorize the Chair to sign a Renewal Memorandum of Understanding (MOU) between Linn County Family Transformation Services and Iowa Family Support Credential to provide free consultation to the Nurturing Parent Program and Promoting Safe and Stable Families home visit programs, effective Aug. 2024, through July 2025.

Approve and sign a 28E Agreement with the City of Cedar Rapids for the replacement and installation of a new guardrail along shared portions Ellis Road NW.

Approve and sign a 28E Agreement with the City of Cedar Rapids for the repair and overlay with hot mix asphalt (HMA) on the existing pavement along shared portions of Ellis Rd NW.

Approve and authorize the Chair to sign a contract for DCAT4-25-018 Linn County Protective Program for Linn County Board of Supervisors on behalf of Linn County Community Services and Iowa Department of Health and Human Services in the amount of \$60,000, effective Aug. 5, 2024 through June 30, 2025.

Approve and authorize the Chair to sign a contract for DCAT4-25-019 Cedar Rapids Service Area (CRSA) Flex Funds for Linn County Board of Supervisors on behalf of Linn County Community Services and Iowa Department of Health and Human Services in the amount of \$135,000, effective Aug. 5, 2024, through June 30, 2025.

Approve Contract Change Order No. 1 for the Linn County Correctional Center Isolation Cell Buildout Project with Garling Construction, Inc. in the amount of \$1,258.42 for cutting steel beams to allow for installation in existing building conditions.

Approve Contract Change Order No. 2 for the Linn County Correctional Center Isolation Cell Buildout Project with Garling Construction, Inc. in the amount of \$1,897.51 to grout existing concrete masonry unit walls to allow for the attachment of steel beams.

Approve Contract Change Order No. 3 for the Linn County Correctional Center Isolation Cell Buildout Project with Garling Construction, Inc. in the amount of \$12,852 to grout existing concrete masonry unit walls.

Approve Contract Change Order No. 4 for the Linn County Correctional Center Isolation Cell Buildout Project with Garling Construction, Inc. to deduct \$45,141.90 to replace the construction of glazed block walls in the showed area with concrete masonry unit walls coated with epoxy paint.

Approve an Application for Display Fireworks permit for Ron Hoover to conduct a display at 3225 Lafayette Rd, Alburnett on August 31, 2024, or September 1, 2024, with a rain date of September 2, 2024, noting all conditions have been met.

Approve Class C Retail Alcohol License for Indian Creek Nature Center, 5300 Otis Rd SE, Cedar Rapids, noting all conditions have been met.

Approve the amended Cell Phone Authorization and Use Policy, Policy Number PM-001.

Charlie Nichols, Planning & Development Dir., presented a Resolution correcting the legal description of the resolution approved last week conveying approximately 17 acres of the Dows property.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2024-7-119

A RESOLUTION APPROVING AND AUTHORIZING THE SALE OF LINN COUNTY- OWNED REAL PROPERTY BY CORRECTIVE SPECIAL WARRANTY 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 by sale; and

WHEREAS, Linn County, Iowa (the "County") is the title holder to certain real property (the "property") located along the north side of Mount Vernon Road SE, Cedar Rapids, Iowa between Dows Road and Wanatee Creek Road and legally described as:

Parcel A, Plat of Survey No. 2694, and

Parcel A Plat of Survey No. 2808, and

WHEREAS, Dows Agri Community Development LLC desires to obtain whatever interest the County may have in the property and submitted a Purchase, Sale and Development Agreement (the "Purchase Agreement") between Linn County, Iowa and Dows Agri Community Development LLC, which is on file in the Board's office at 935 2nd Street SW, Cedar Rapids, Iowa; and

WHEREAS, the Board passed and approved Resolution No. 2024-7-104 on July 8, 2024, which sets forth its proposal to sell and convey the property by sale to Dows Agri Community Development LLC; and WHEREAS, the Board published a notice of the time and place of the public hearing on the proposal to sell and convey the property in the Cedar Rapids Gazette on July 11, 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 sell and convey the property by sale to Dows Agri Community Development LLC 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: 1. The Board determines that there is no further public use by the County for the property. 2. The Board determines that it is in the best interest of the County to sell the property to Dows Agri Community Development LLC by corrective special warranty deed. RESOLUTION NO. 2024 - 7 - 2 of 2 3. The Board approves and authorizes the sale of the property by corrective special warranty deed to Dows Agri Community Development LLC subject to the terms, conditions, and contingencies listed in the Purchase Agreement. 4. The Board hereby authorizes the Chairperson of the Board to execute the corrective special warranty deed selling the property Dows Agri Community Development LLC and all other documents required to finalize the sale of the property.

Nichols also presented for third 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. He stated that there have been no changes since Monday and summarized the five main changes due to public feedback. He stated that they started the process well over a month ago and stated that it reflects an overall attitude to try to balance renewable energy while protecting landowners.

Supervisor Zumbach stated that they did a good job taking private property owners into consideration.

Chairperson Running-Marquardt stated that Linn County is able to find a good balance of being a leader in renewable energy while making sure they are being good neighbors. They want a county that people want to move to and renewable energy is a piece of that while at the same time being respectful and open.

Public Comment: Mike Carberry, Bright Future Iowa, stated that good projects come from good policy and good policy comes from compromise. Nobody got everything they wanted but everybody got a little bit and the public got a lot (jobs and economic development). He thanked the Board and staff and encouraged them to support the ordinance.

Motion by Running-Marquardt, seconded by Zumbach to approve upon third and final consideration Ordinance #3-7-2024, 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.

Public Comment: Supervisor Zumbach stated that he supports the ordinance which is far better than the previous ordinance. It does respect people's private property rights (those that are participating and those that are not participating). It keeps the bonds separate for clean-up and decommissioning. That is extremely important because the infrastructure (wiring, roads, cement) is still in place in Mechanicsville. It allows for the noise to be measured and results will be made public. He has driven around the parking lots out by Palo and he is pleased to report that most of the vehicle plates are from Iowa and he's proud of that. He does not want anyone to get the wrong idea, however. His support for the ordinance is not changing his view that wind, solar and pipelines are all a result of taxpayer money being given out to companies in the form of tax credits and in many cases in the energy sector, it's then sold back to the people at a guaranteed profit. He has a hard time with that. He'd also like to say that he is in no way in favor of eminent domain (pipelines) and he believes that what the Iowa Utility Board did is just wrong.

Adjournment at 10:18 a.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Rebecca Shoop, Deputy Auditor

APPROVED BY:

KIRSTEN RUNNING-MARQUARDT, Chairperson
Board of Supervisors