

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, FEBRUARY 9, 2026 10:00 A.M.

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

Vice Chairperson Scheetz called the meeting to order.

Public Comment: Fairfax Mayor Jo Ann Beer, 300 80th St. Ct., Fairfax, invited the Supervisors to attend one of the upcoming Fairfax City Council Meetings to discuss the possible Solid Waste Agency expansion and to provide information regarding the possible appointment to a working group. The earliest opportunity is tomorrow evening, followed by March 10th.

Charlene Larson, 3528 Timber Ridge Trl., Cedar Rapids, shared that she is strongly opposed to the rezoning request and conditional use permit for 3541 Todd Hills Road. The proposed zoning category does not exist anywhere nearby and there are no compatible neighbors. Larson expressed concern over potential future development not needing public review. She feels that approving this request would require the Board to disregard both the Linn County Unified Development Code and Hiawatha's long-range land use plan. There are over 100 signatures from neighbors that are against this rezoning, with more that have submitted letters. Light and noise pollution, periodic emergency vehicles responding to calls, and an increase in traffic are major concerns. She respectfully asks the Board to deny the rezoning request.

Cheryl Miller, 4523 Timber Ridge Trl., Cedar Rapids, discussed the potential major change to the neighborhood. She expressed concerns over light pollution, increased traffic potentially causing accidents, and wildlife being displaced. The County can't guarantee that a high-density apartment won't be built on the land.

Brett Larson, 3528 Timber Ridge Trl., Cedar Rapids, strongly opposes the rezoning request. He feels this is driven by a business model, not sound land use practices. The staff report evaluated only the proposed memory care use and did not consider the long-term implications of changing the zoning itself – he believes the LESA score would have been much different if they had. Zoning must be decided on the use of the land around the area, and not just a potential project on a piece of land. He expressed concern over future development not needing a public hearing. Larson believes the applicant has a longer-term plan that has not been shared with the Board. He cited the recent 3-2 vote against rezoning by the Planning & Zoning Commission. He respectfully asks the Board to deny.

Dr. Kelly Kellen, 3020 Edgewood Rd., Cedar Rapids, has lived in the area for 50-some years. Her family owns the SW corner near the intersection of I380 and County Home Rd., and she shared her experience of rezoning the land with the cities of Hiawatha and Robins. Kellen discussed the surrounding commercially zoned properties. She expressed concern over the noise pollution, extra traffic, and disruption of wildlife. She believes there should not be spot zoning in the middle of a residential area, especially with so much commercial land already zoned in the area. The fact that this land could be rezoned or having something else go in there is terrifying.

Motion by Running-Marquardt, seconded by Scheetz to approve minutes of February 2, 3 and 4, 2026 as printed.

Supervisor Meisheid read the Proclamation for Government Communicators Day, February 20, 2026.

Motion by Meisheid, seconded by Scheetz to adopt said Proclamation.

Garret Reddish, Asst. Engineer, discussed the Iowa Department of Transportation (IDOT) Federal-aid Agreement for a City Highway Bridge Program Project between Linn County, the City of Bertram, and IDOT. The bridge replacement is located on Big Creek Road over Big Creek. Project no. BROS-0575(604)—8J-57. A \$1.5 million dollar grant was awarded to replace the bridge, and the County has agreed to design the bridge and inspect the construction of it. This is being done in cooperation with the City of Bertram. Reddish assured that this project will utilize the current staffing levels and current payroll budget.

Supervisor Meisheid pointed out that this is a city grant, and not a county grant. The City of Bertram needs Linn County's assistance on this project as they are a small town with limited resources. Meisheid is very grateful for the work that Reddish has done on this project to keep the funds in Linn County.

The Board will approve Wednesday.

Motion by Running-Marquardt, seconded by Scheetz to open a public hearing on a request to rezone 11.68 acres located at 3541 Todd Hills Road, from Rural Residential 3-Acre (RR3) to Urban Services Residential - Multi-Family (USR-MF).

Brad Wylam, Planning & Development, gave a presentation on the case. Proof of publication was presented. The proposal does meet the Minimum Levels of Service (MLS) and Land Evaluation and Site Assessment (LESA) score. Planning & Zoning Commission gave a recommendation of denial. This has a

conditional use permit for a memory care residential facility with a proposal of 14 residents. If approved, this would proceed to the Board of Adjustment. Wylam received 22 comments through email, as well as a petition that has 133 signatures in opposition to the case. A lot of the comments center around compatibility, business use vs. residential, allowed uses in USR-MF, annexation, and spot zoning. Part of the standards of the assisted living use is the ability to hook up to city services. The applicant has come to an agreement with the City of Hiawatha who will grant them access to the services in exchange for voluntary annexation. Planning & Development staff feels this would not be a spot zoning situation, the use is in alignment with the future land use map of Linn County, and it's an allowed use in the Metro Urban Services Area (MUSA) land use. Staff recommends approval.

Supervisor Scheetz asked for clarification on what spot zoning is and requested that Wylam outline how the staff concluded that this is not spot zoning.

Wylam responded that spot zoning is generally more of a theory than anything that is in an ordinance. It is rezoning a piece of land for specific use that is not in conformance with any other plans that exist. Staff came to the conclusion due to Linn County's comprehensive plan having a MUSA in this location with the USR-MF being one of the zoning districts that is allowed in that area.

Jerry Horak, 3259 150th St., Riverside, & Natalie Ramirez (Architect), presented their application to the Board. The request for rezoning is for allowing 14 residents with dementia or Alzheimer's to be cared for 24/7 in a residential care facility. It is a unique model for those patients, allowing them the benefits of feeling like they are in a single-family home environment instead of a hospital. There is a need for this type of project in Iowa, with around 2,000 Linn County residents being diagnosed. This project nearly doubles the required minimum criteria, is in line with providing diversity of housing types in the area and provides a different level of service to the community. They are proposing the bare minimum as far as upgrades to the site. There would not be a parking lot, just an increased apron at the street as most cars would be from staff, loved ones, and friends of the patients. The house would have cosmetic upgrades done, no expansion of the building footprint rather than a deck area. Currently it is a vacant single-family home.

Public Comment: Charlene Larson, 3528 Timber Ridge Trl., Cedar Rapids, wanted to add in response to the presentation, that yes this is being proposed as a memory care unit, but it opens the door for future development like a sports complex or daycare center, which is why she is really opposed to the rezoning.

Brett Larson, 3528 Timber Ridge Trl., Cedar Rapids, continued from his original comment and shared the definition of spot zoning. He finds it interesting that the staff recommends approval after the commission was against it. The two commissioners who supported rezoning focused on intended use as justification. The zoning stays forever while the use changes over time. A commissioner stated that they couldn't have a better neighbor than this – but that business could grow, change or sell. This property is not a new development; this is in an established neighborhood. Every homeowner purchased their property based on zoning that already existed around them. Changing the zoning at this point undermines the very purpose of the planning and zoning. With the long-term development risks, the inconsistencies with zoning plans, and Planning & Zoning Commissions recommendation to deny, Larson respectfully asks the Board to deny this rezoning request. The decision today will shape his neighborhood for decades. He asks the Board to vote to protect the long-term character, safety, and stability of his neighborhood.

Lisa Halverson, 3567 Todd Hills Rd., Cedar Rapids, opposes the rezoning application. Halverson gave the Board a map of all of the neighbors that signed the petition against the application and advised that the document is on the case file site. There are currently 133 signatures on the petition which are almost all of the surrounding properties. She wants to make sure everyone comprehends and understands that the applicant's planned use is immaterial to what can happen as permitted by right through Linn County Urban Service Residential Classification and it requires no further review or approval by Linn County in any shape or form. There could be multi-family dwellings which are apartments, single-family zero lot line townhouses, two family dwellings like duplexes and condominiums, community centers, or a bank, credit union, savings & loan, or a brokerage. None of those things are in alignment with the present single family residential use in all of the surrounding area. All of the properties on the north side are more than an acre, all of the properties on the south side that are part of Hiawatha, are in the R1 category of 1-4 parcels per acre. She disagrees with Wylam that this is not spot zoning, it is by definition a significantly higher use than what is currently in the area. In contrast, Hiawatha has identified that when they annex they will do an R1 which is a very narrowly defined and limited scope of use in comparison to the USR-MF – it allows only for one family unit detached, or family home that is licensed as a residential care facility, but is specifically and exclusively not for more than 8 persons. Under R3 which it is currently zoned, the applicant could actually do an 8-person facility which is consistent with Hiawatha's R1 which is what it will be after annexation. These permitted uses under Linn County Urban Services Residential are fundamentally incompatible with Hiawatha's stated intent to zone the property R1 upon act of annexation. This was stated by Dennis Marks, the Hiawatha City Manager, to Supervisor Scheetz in a letter dated January 29th which is on the case file. In that letter it was stated that Hiawatha's comprehensive plan designates this area as low-density residential, which assumes a 1-4 residents per acre. Given the classification for the surrounding development of Todd Hills, Hiawatha staff supports a larger lot zone classification of R1 and anticipates annexation to occur in 1-2 years. Rezoning the property to USR-MF under Linn County jurisdiction would directly conflict with Hiawatha's future land use and undermine orderly municipal development and should be denied. A voluntary annexation agreement has been

processed and pursuant to Iowa code 368.7 Voluntary Annexation of Territory with extending of the city services, they cannot withdraw from that as the time has elapsed and the annexation consent cannot be withdrawn, so the subject property must now be considered under the planning and development jurisdiction of Hiawatha and as such, their authority supersedes Linn County and they should not be acting on this.

Discussion ensued amongst the Board and Planning & Development staff on the ability for Hiawatha to potentially rezone if annexation were to occur.

Dr. Kelly Kellen, 3020 Edgewood Rd., Cedar Rapids, stated that it is definitely spot zoning when dealing with the Cities of Hiawatha and Robins and Linn County. Her family owns the property off of County Home Rd. in the SE corner of the interstate, and it is already zoned commercial. When Kellen's family tried to zone it in with Linn County, it was not allowed because it was spot zoning and Linn County did not want to get in the cross hairs of Hiawatha. So it shouldn't be that way that the County would go in and do that, it would be something that would be further down the line if they're going to annex into Hiawatha, which is a voluntary annexation at this point.

Greg Epping, 3524 Timber Ridge Trl., Cedar Rapids, has been an attorney for over 40 years and practices primarily in real estate. Regarding spot zoning, it is not a theory but a legal requirement. It is very well established under Iowa Law and is recognized in a number of cases that deal with spot zoning. It occurs when a specific parcel or small area of land is reclassified with zoning uses and regulations that differ significantly from surrounding properties. This reclassification almost always benefits a private owner allowing a use inconsistent with the established character of the larger, uniformly zoned surrounding area. Page 1 of the staff report clearly shows that the surrounding properties are uniformly single-family residential properties. Spot zoning is discouraged in Iowa is subject to legal standards that aren't addressed in the staff report. Under Iowa Law, the validity of spot zoning is dependent on 3 factors that must be met: whether the Board has the authority or jurisdiction to consider the rezoning – which clearly Linn County does, whether the spot zoning is consistent with the comprehensive plans and other plans that might be on file – which others have already spoke on today, and the most important prong, which is whether there is a substantial and reasonable basis for making a distinction between the spot zoned property and surrounding property. The staff report and recommendation is totally silent about why this particular person is justified in having rezoning to allow this business to move forward? The reasonable basis for making a distinction between the spot zoned property and surrounding properties is not because it benefits a single owner, but what does it do for the community at large and surrounding neighborhoods. The basis must be that it somehow benefits everybody and benefits the neighborhood. There is absolutely nothing in the staff report or application documents that justify changing this property to one that would allow a business. Absent some reason - and there has to be a reason - if there is no reason, then this is an arbitrary decision. It is Epping's belief that approval of this rezoning as currently requested would be an arbitrary decision on the part of the Supervisors and would constitute unlawful spot zoning.

Cheryl Miller, 3523 Timber Ridge Trl., Cedar Rapids, added that this application is based on this business alone, nothing else, and there is no guarantee that this business will be there, but they will have to live with it the rest of their lives, and whoever inherits their homes will have to live with this decision. The applicant can't guarantee there won't be a parking lot or a large building. They are only speaking of what they're planning right now. The Board can't just look at now, you have to look at what future implications are. There is not a neighbor that is in support of this. Miller also agrees that this is spot zoning. She bought her house thinking that she wanted to be in the county, not the city limits, they do not want to be annexed. With this property being annexed into Hiawatha, the City will keep pushing. She wants to keep the neighborhood as it is. They bought their homes based on the neighborhood that it is. The applicant thinks it won't get any bigger, just a small parking lot and not that many lights. They can't guarantee that. In 3 years, there could be more lighting and traffic. It is not just the facility and patients, but what it could be. She asks the Board to look at the future as well, not just right here and now – what will be the implications in this neighborhood. This is not fair for one person to pursue this.

Motion by Running-Marquardt, seconded by Scheetz to close public hearing.

Charlie Nichols, Planning & Dev. Dir., answered the Board's zoning questions, including the definition of spot zoning and how his department came to the conclusion that this instance does not fall under that definition.

Supervisor Scheetz asked if this would be the first multi-family use zoning district in the county and Nichols confirmed that it is.

Supervisor Running-Marquardt spoke on other pending and passed rezoning cases within the county, as well as the concerns that those requests face. She noted that the Board must take into consideration the entire county and look at if a zoning request falls into the comprehensive plan. Since it meets the required criteria, she does not see it as spot zoning nor as detrimental to the quality of life. She will be supportive of the first consideration.

Supervisor Meisheid concern lies in the potential future use. She acknowledged it could turn into anything at any point in time if it fits within the requested new zoning code like a sports complex. For that reason

and the long-term implications it could have to the community, she chooses to not be supportive of the rezoning.

Supervisor Scheetz thanked the public for the input the Board and Commission have received. He feels this is a noble application that won't fundamentally change the nature or character of the neighborhood. He does not feel the spot zoning argument is accurate for this case. Scheetz expressed the Board's need to consider the entire county, noting that this memory care facility would help elderly residents. He is very supportive of this application and rezoning.

Motion by Running-Marquardt, seconded by Scheetz to approve upon First Consideration of a request to rezone 11.68 acres located at 3541 Todd Hills Road, from Rural Residential 3-Acre (RR3) to Urban Services Residential - Multi-Family (USR-MF).

VOTE: Running-Marquardt & Scheetz – Aye Meisheid - Nay

Supervisor Scheetz discussed a Proposed Memorandum of Understanding (MOU) between Linn County, the City of Cedar Rapids, the City of Marion, and the Cedar Rapids/Linn County Solid Waste Agency (SWA) regarding the future of Solid Waste Management in Linn County. This is an exciting development for the county and region. It would be a proposal to start discussing the future of solid waste management with the Cities and SWA. Scheetz elaborated that this establishes a working group that would meet and have a very specific criteria of things to consider. It would allow the entities to decide together as a region how to go forward and think through some of the challenges facing their areas. For example, the site 2 landfill at the SWA has had its timeline drastically accelerated because of natural disasters. This does not commit any of the entities, it is just framework for the groups to discuss next steps. He supports the MOU.

Supervisors Meisheid and Running-Marquardt both expressed their excitement at these entities collaborating as a region to look at the future of solid waste management. It is important to keep this accessible and affordable for all of the residents of Linn County. They are both supportive of the MOU.

Motion by Running-Marquardt, seconded by Scheetz to approve the Proposed Memorandum of Understanding (MOU) between Linn County, the City of Cedar Rapids, the City of Marion, and the Cedar Rapids/Linn County Solid Waste Agency regarding the future of Solid Waste Management in Linn County.

Darrin Gage, Dir. of Policy & Admin., discussed a Resolution Approving the Contract and Performance and/or Payment Bonds for the Linn County Courthouse Interior Remodeling Project. Garling Construction has submitted the required paperwork.

Motion by Running-Marquardt, seconded by Scheetz to adopt Resolution 2026-2-22
A RESOLUTION APPROVING THE CONTRACT AND PERFORMANCE AND/OR PAYMENT BONDS FOR THE LINN COUNTY COURTHOUSE INTERIOR REMODELING PROJECT
WHEREAS, on December 17, 2025, the Linn County Board of Supervisors ("Board") awarded a contract for the Linn County Courthouse Interior Remodeling Project ("Project") to Garling Construction, Inc. ("Contractor") and fixed the amount of the required performance and/or payment bonds; and
WHEREAS, the Contractor has duly executed the contract for the Project, and the contract is in proper form; and
WHEREAS, the Contractor filed satisfactory performance and/or payment bonds in the amount fixed by the Board.
NOW, THEREFORE, BE IT RESOLVED by the Linn County Board of Supervisors that the Board hereby approves the contract and performance and/or payment bonds referenced above, authorizes the Board Chairperson to execute said contract, declares the contract and performance and/or payment bonds to be binding upon the parties thereto, and further authorizes the Board Chairperson to execute a Notice to Proceed.
PASSED AND APPROVED this 9th day of February 2026.

Public Comment: Fairfax Mayor Jo Ann Beer, 300 80th St. Ct., Fairfax, appreciates the collaborative efforts between the Cities of Cedar Rapids and Marion, and Linn County Supervisors. She again extended the opportunity for Supervisor Running-Marquardt to attend a Fairfax City Council meeting in order to share the proposed SWA agreement and extension, allowing the council to hear it and consider becoming a member of the working group. The next meeting is tomorrow, February 10th or the next opportunity is March 10th.

Motion by Scheetz, seconded by Meisheid to approve payroll authorizations (detail is available upon request).

Legislative Update: Darrin Gage, Dir. of Policy & Admin., did not have any updates but reminded the Board that Wednesday there will be several bills that the Public Health Dept. has requested the Board declare certain positions, as well as additional bills. He will get the Board those lists ahead of time.

Supervisor Running-Marquardt discussed upcoming funnel dates.

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Adjournment at 11:27 a.m.

Respectfully submitted,

TODD E. TAYLOR, Linn County Auditor
By: Ana Brunscheen, Executive Assistant

APPROVED BY:

KIRSTEN RUNNING-MARQUARDT, Chairperson
Board of Supervisors