

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, SEPTEMBER 13, 2023 10:00 A.M.

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

Chairperson Zumbach called the meeting to order and led the Pledge of Allegiance.

Motion by Zumbach, seconded by Rogers to move Proclamation re: Latino Festival Day to the beginning of the agenda.

Supervisor Running-Marquardt read Proclamation: Latino Festival Day--September 16, 2023.

Motion by Running-Marquardt, seconded by Rogers to adopt Proclamation: Latino Festival Day--September 16, 2023.

Chairperson Zumbach clarified that last week was a Public Hearing for the Ordinance for Renewable Energy, Utility-Scale Solar, and Battery Energy Storage Systems. Today is the second consideration of the Ordinance and those wanting to speak about it must speak under Public Comment.

Public Comment:

Jairo Murioz thanked the Board for the Proclamation and for just being aware. This means to them that they are seen and acknowledged as human beings and that is appreciated. He encouraged everyone to come to the festival on Saturday. He also referred to a book written by a Hispanic Iowan and encouraged everyone to read it.

The following Public Comments are related to the second consideration of the solar ordinance:

Swati Dandekar, 2731 28th Ave., Marion, stated that Bright Future Iowa has a simple mission which is to make Iowa a national leader in renewable energy. She stated that Iowans are already benefiting from reliable, affordable, and clean renewable energy and they lead the nation in wind power. As solar energy generation grows in Iowa, the benefits of renewable energy can be shared by greater numbers of Iowans as a safe source of revenue and economic growth. She continued to say that Linn County is a critical leader on renewable energy among Iowa counties. They believe that the foundation for a good ordinance is there, yet there is still work to be done. She continued to explain their concerns with the scorecard proposal and gave examples. In closing, she stated that scorecards are simply too rigid, and one-size-fits all is not the best way to serve the long-term interest of citizens.

Mike Moellers, 4571 Maureen Dr. SE, explained his education credentials. He suggested a moratorium be placed against solar and wind power for 30 years so they can see the long-term effects, noting that solar panel efficiency is lost over the years. He gave examples of incidents in other states where there was no backup power. He explained utilities and the return on investment on new projects. He said farmers are being shafted because of the potential for heavy metals from solar panels going into the soil. He also commented on a current project and the soil compaction and how they won't be able to grow crops for a long time. Farmers will be sitting there holding the bag and the utility will bug out. In closing, he encouraged the Board to read notes he submitted.

Michael Elmore, 1720 Applewood Place NE, stated that he will be speaking about Conservation, which is very important to him. He was born in Cedar Rapids and has lived in different parts of the country due to his employment. It saddens him to see many areas that he used to hunt are now overbuilt with apartments and structures. He is concerned about solar panels because they are taking away from the environment. He used to go pheasant hunting and he can hardly find a pheasant in Linn County. Animals such as rabbits and squirrels are threatened. He is also concerned about soil conditions, drainage and runoff. He respects people who want to provide clean energy but there are other options available, and he hopes the Board will consider them.

Linda Moellers, 4571 Maureen Dr. SE, asked about what happens to solar panels when they no longer work and what happens when the utility company skips town. She stated that solar panels destroy the soil and farmers cannot grow anything once they are removed. She also stated that solar panels kill birds. She asked why something like this does not come to the vote of the people so that they have a voice.

Bob Doebeck, 8508 C. St. Rd. SW, asked that the scorecard be changed to include local labor and he referenced the National Maintenance Agreement.

Randy Walker, 7706 Pintail Dr. NE, asked what happens to discarded solar panels and how much waste will be generated over time and noted that in some states, they are classified as hazardous wastes. He discussed landfill costs and the fact that none of them will reduce the cost of utility bills. He also talked about soil contamination due to heavy metals. Waker continued to discuss slave and prison labor to produce panels in China, noting that there are very few government watchdogs in China. He asked the Board to consider shutting down the use of solar panels in Linn County.

Bill Gerhard, 5134 Rabbit Creek Rd., Iowa City, stated that three years ago when a project showed up on the drawing board, their goal was to get involved to make sure that what happened in Louisa County, didn't happen in Linn County. They partnered with NextEra for local labor as well as CIPCO. He thanked the Board for working with NextEra to come up with an ordinance that is not discouraging of renewable energy. Last week a dozen workers that are working on the current project came to the meeting and showed their appreciation. They are making a great wage with health and retirement benefits.

Deb Yates, 2362 Young Rd., Palo, stated that she expressed her thanks at last week's meeting. She felt that the Board cared about safety, livability and making the comprehensive plan include preserving high quality farmland. As the meeting went on, however, she felt that once again the only opinions that mattered were the developers. Changes were made based on their request for changes. She continued to address seed mixes and the scorecard and the additional categories. The whole concept seems like nothing but coercion/bribery/hush money and they are going to give them incentive points for it. She asked the Board to remove the section that pretty much buys the developer that adjoining landowners have no grounds for complaints or lawsuits.

Susan Freund Opperman, Olsson Environ. Proj. Mgr., Omaha NE, stated that she specializes in solar vegetation management. At last week's meeting, Chairperson Zumbach provided comments on seed origin and concerns for introducing weeds to projects during seeding. She addressed that specifically because they also want to minimize weeds. She continued to address comments made at the Planning & Zoning Commission meeting of August 17th. Opperman continued to say that they propose a weighted average be used to calculate the scorecards metric. Using a weighted average would adjust for the coverage of native species of each seed mix to determine the percent native species across the entire site's vegetative cover, and more accurately, represent the ecological benefits associated with those species.

Taylor Guest, NextEra, Houston, TX, spoke last week regarding noise ordinances and made clarifications and proposed amendments. They are proposing that they clarify the original language to alleviate an applicant from being penalized for non-source noise, etc.

Annie Peters, NextEra, Florida, addressed the operation and maintenance plan, site specific.

Thomas Bean, Land & Liberty Coalition 4660 Leprechaun Ln., thanked the Board for taking into consideration proposed changes from last week, noting that it is important that Linn County is amenable to production. He asked that the current 24" height of the panel be moved to 18" for more flexibility and would encourage development. He also stated that the Corn Suitability Rating (CSR) should not be on scorecard at all (that should be between the company and the landowners).

Don White, speaking on behalf of Doug and Brenda Martins, Toddville (who could not attend). As a landowner who is leasing land for solar, when NextEra first talked to them, it was a 30' buffer for maintenance purposes and that was ok with them. Now it's a setback of 300' (the length of a football field). That is unfair because there is no setback for crops or livestock. A hog confinement does not have that setback and it is more intrusive than solar panels. Increasing the panel height causes a new hazard. They need to keep vegetation short to reduce the risks of fire. Landowners should also not be limited to soil quality (CSR). Landowners should have the right to use whatever CSR land they want. They signed up for solar for income for their family so they can provide for their family and to keep the land in their family.

John Zakrasek, 531 Lawndale Dr. SE, stated that he is pleased to see careful consideration given to all comments made. Amendments came in strong and changes show a positive direction with balance in mind. He added comments regarding the following: CSR, panel height and cost of screening compared to benefits.

Motion by Zumbach, seconded by Rogers to approve minutes of Sept. 11, 2023 as printed.

Motion by Rogers, seconded by Running-Marquardt to approve claims for payable checks dated 09/13/2023 #71012229 - #71012276 in the amount of \$181,688.11 and ACH in the amount of \$1,634,589.59, for a total of \$1,816,277.70.

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

Receive and place on file Sheriff's Quarterly Report for April 1, 2023 to June 30, 2023 for the amount of \$1,298,751.00.

Resolution 2023-9-119 A Resolution approving a Residential Parcel Split for ROSEBERRY FIRST ADDITION.

The following description is a summary of Resolution No. 2023-9-119 as passed and approved by Linn County Board of Supervisors, effective September 12, 2023.

ROSEBERRY FIRST ADDITION (Case # PLPS23-0004) to Linn County, Iowa, containing three (3) lots, numbered lot 1, Outlot A, and lettered lot A, a subdivision of real estate located in the NESW of Section 3,

Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:
ROSEBERRY FIRST ADDITION TO LINN COUNTY, IOWA, is Parcel B, Plat of Survey No. 2755 in the SW % NE % & NE % SE % of Section 26, Township 86 North, Range 8 West of the 5th Principal Meridian, 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.

Resolution 2023-9-120 RESCIND STOP SIGN RESOLUTION

WHEREAS, the Linn County Board of Supervisors previously adopted, by resolution dated November 5, 1974, the establishment of a stop sign for northbound traffic at the T intersection of Seminole Valley Road NE and 42nd Street, in section 12-83-8, and

WHEREAS, the investigation of the intersection by the Linn County Secondary Road Department has found that a stop sign is no longer warranted, and

WHEREAS, the Linn County Board of Supervisors desires to rescind the previous stop sign resolution dated November 5, 1974.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LINN COUNTY that the establishment of a stop sign for the northbound traffic at T intersection of Seminole Valley Road NE and 42nd Street, in section 12-83-8, be rescinded and the Linn County Engineer be directed to remove the stop sign.

Resolution 2023-9-121 ESTABLISH NO PARKING ZONE

WHEREAS, Section 26-50 of the Code of Ordinances for Linn County, Iowa provides that the Linn County Board of Supervisors may designate no parking zones upon recommendation of the Linn County Engineer, and

WHEREAS, the Linn County Engineer recommends a no parking zone on a portion of Seminole Valley Road NE from the railroad crossing south 1,635 feet to the end of County right-of-way jurisdiction, and

WHEREAS, traffic is parking on the road when attending Xavier High School sporting events, and

WHEREAS, Seminole Valley Road NE has a traffic volume that parked cars on both sides is unsafe, and NOW, THEREFORE BE IT RESOLVED by the Linn County Board of Supervisors that the east side of Seminole Valley Road NE, including all of the public rights-of-way adjacent thereto, shall be deemed no parking zones.

BE IT FURTHER RESOLVED, that the Highway Authority shall be responsible to erect signs as required by the ordinance and approved by the Linn County Engineer. See the attached location map.

Approve and authorize Chair to sign a Linn County Children's Mental Health Assistance Program Fiscal Year 2024 Provider Agreement between Linn County and Unity Point St Lukes Hospital effective August 1, 2023 – June 30, 2024.

Approve and authorize Chair to sign a Linn County Children's Mental Health Assistance Program Fiscal Year 2024 Provider Agreement between Linn County and Heart and Solutions LLC effective August 1, 2023 – June 30, 2024.

Approve and authorize Chair to sign 5884HC08 Amend 2 LCCS, between Linn County Community Services - Ryan White Program and Iowa Department of Public Health for an additional \$72.00 effective April 1, 2023 to March 31st, 2024 for a total amended contract equaling \$958,982.

Approve and authorize Chair to sign the Memorandum of Understanding (MOU) 06-JD22-23F for the provision of certain Fiscal Agent Services for Wrap Around and Staff Development Funds between Juvenile Court Services, 6th District and Linn County Community Services effective October 1st, 2023 through September 30th, 2024.

Approve and authorize Chair to sign a Service Agreement for scheduling software between Linn County LIFTS and TripMaster by CTS Software effective September 2023 through September 2028 for the total amount of \$153,950.

Approve and authorize Public Health Fiscal Year 2023 Carryover Request in the amount of \$192,177.00

Approve a \$50,000 carryover from the Fiscal Year 23 budget for Main Street funding and an allocation of \$16,666 each to the Czech Village, Marion, and Mount Vernon/Lisbon Main Street programs

Award bid and approve purchase order PO509 for sediment logs and wooden stakes to the Coleman Moore Company in the amount of \$5,362.00, for the Secondary Road Department

Approve purchase order PO510 for \$51,960.00 to Copy Systems Inc for two high speed envelope openers for Elections.

Approve Class C Retail Alcohol License for the Lighthouse Inn, 6905 Mt. Vernon Rd. SE, noting all conditions have been met.

Approve Class C Retail Alcohol License for BK's Bar, 803 Vernon Valley Dr. SE, noting all conditions have been met.

Charlie Nichols, Planning & Development Dir., stated that the Board requested changes between the first and second readings and explained those changes with a PowerPoint presentation (solar panel height would be 24"; noise measured from occupied dwelling instead of property line; and soil sampling required once every five years).

After comments and discussion at today's meeting, the Board is still exploring language surrounding requirements to repair public infrastructure such as drainageways and a requirement for developer to acknowledge/submit a plan for needed repair within a certain timeframe. They are also asking the County Attorney for the legality of requiring local labor.

Motion by Rogers, seconded by Running-Marquardt 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 Renewable Energy, Utility-Scale Solar, and Battery Energy Storage Systems. Page 2 of 59.

Discussion: The third and final reading comes back next week, so in the meantime, it is the expectation of the Supervisors to communicate to Nichols any feedback they receive. If it does not substantively change ordinance, it can be addressed then.

VOTE: All Aye

Nichol's presented for discussion a PowerPoint on a draft Resolution adopting the Linn County Utility-Scale Solar Scorecard. There are not a lot of changes from last week.

Supervisor Running-Marquardt reiterated that there be a discussion with the County Attorney to encourage the use of local labor and Supervisor Rogers asked for clarification on the wisdom of deducting points for a high CSR .

Public Comment:

Kimberly Dickey, NextEra Proj. Dir., stated that Duane Arnold #1 and #2 required a drain tile plan which includes a form that they are in the process of making available through their project website. If there is an issue with public drainage or if a private adjacent landowner discovers an issue, they can submit a form. This will allow acknowledgement of the problem and a plan can be put in place to address it. With regard to the noise issue, they recognize ordinance language will require a preconstruction noise study.

Ellis Vann, 421 Limerock Dr. NW, addressed the timeliness of repair and he advocates for 72 hours to make an acknowledgement. He stated that there was an issue with tile problems by the Coggon substation and there have been heated public discussions on that. He asked the Board to poke into that and look at requirements for timeliness of repairs.

David Osterberg, Mt. Vernon, stated that he missed the first meeting and it cannot be said enough, climate change is real. This is a chance for Linn County to participate in doing something about it. He stated that the Board is doing a good job in bringing in public comments and forming committees. Again, climate change is a reality and solar power will help to deal with that reality.

Adjournment at 11:35 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors