

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, SEPTEMBER 20, 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 Rogers, seconded by Zumbach to approve minutes of September 18, 2023 as printed.

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

Mike Moellers, 4571 Maureen Dr. SE, Cedar Rapids, stated that he has concerns about some of the things presented at last week's meeting regarding the solar farms and proposed rules. He highlighted that the speakers were from out of state and have no idea what type of weather Iowa has during the summer and winter. He asked if the panels will stand up to the weather. He questioned changing the county's guidance on native plant seeds. Allowing non-native plants can take over the ground cover which means the strong possibility of noxious weeds taking over plant life. He also questioned the effect of the solar farm materials can have on the Cedar River and Wapsipinicon watersheds because of the solar farm near Coggon. Would landowners have agreed to allow NextEra to use their land if NextEra had been fully open about their intentions? He is also quite concerned about the idea of power being stored using lithium-ion batteries. He questioned how solar panels will work if they are covered with ice.

Linda Moellers, 4571 Maureen Dr. SE, Cedar Rapids, asked about what happens to solar panels when they no longer work. She stated that solar panels destroy the soil and farmers cannot grow anything once they are removed. She added that solar panels kill birds. She addressed people from out of state in attendance at the meetings and that their voices were heard but who listens to the taxpayer's of Linn County? She asked who pays the Supervisors wages as their job is to serve the people of Linn County noting that their titles should be changed from Linn County Supervisors to Linn County Servants.

Ellis Vann read a statement prepared by and on behalf of Carolyn Petersen, Cedar Rapids, urges the Board to clarify the wording in (h)(8)b as the proposed wording was changed from the statement proposed by the Lifecycle Costs Committee and will not lead to the desired outcome. The desire of the committee was to require testing of each model of solar panel to be used at a utility solar project because solar panels may be hazardous. Knowing whether each model of solar panel to be used at a project is hazardous or not when the solar panels are first placed at the site is critical to an accurate decommissioning cost estimate. The issue with the currently proposed wording is due to the definition of hazardous waste under Resource Conservation and Recovery Act (RCRA) regulations. With the current wording, there will be no hazardous materials at the facility prior to any ground disturbance at the project site because, by definition, these materials are exempt. A specific requirement for testing the items of interest must be listed in the code. Petersen suggests that TCLP testing shall be performed on each model of solar panel to be used at the project site prior to any ground disturbance at the project site and during operations or repowering for any difference solar panel model. Financial surety was also addressed for BESS. Peterson asked that they modify section (j) (1) h.7 to read: financial surety is required as for utilities and utility scale solar installation in (h) (8) d. Vann thanked the Supervisors and Nichols for the deliberative process.

Swati Dandekar, 2731 28th Ave, Marion, thanked the Board for the work they have undertaken to update the ordinance and Nichols and Linn County staff as well for the countless hours of work and attention they have given to this matter. On behalf of Bright Future Iowa, she encourages the Board to support the final vote today with an enthusiastic yes vote. It's appropriate to return their attention to the big picture. Linn County has an opportunity to lead on solar in the state of Iowa with a responsible solar policy that protects landowner rights while inviting good projects that will build an important foundation for their future. Renewables provide clean, affordable energy, bring millions in private economic investment, help their local economy and farmers and open the opportunity to bring in new business and jobs.

Randy Walker, 7706 Pintail Dr. NE, Cedar Rapids, asked the following questions: if cameras or monitors are present to detect fires; what type of supplemental fire suppression systems are in place; what type of damage would occur if a vegetation fire took place and the same with brush fires; what monitoring will occur to protect aviary and upland game; what kind of noise pollution will result when the panel tracking systems are opening; what happens with the panels and infrastructure if the operation fails due to minimal or no return on investment; is there an escrow account established. He continued to discuss the large carbon footprint of material fabrication costs including the use of diesel and bunker fuel during the shipping of panels and other materials. Walker asked that the Board consider the questions that can have an adverse affect and feels they should put a moratorium in place until the questions are answered.

Phil Engen, 4913 Lincoln Heights Dr., Cedar Rapids, referred to resolution 2019-12-160 dated December 4, 2019 regarding the climate crisis and the greenhouse case study that was released on Monday by Linn County. He is concerned about the solar scorecard. Farmers would have to work hard to keep their soil healthy. They do not want negative side effects of their legislation. They also cannot use private property the way they see fit because they think the government can do better. Engen thinks it is a government reach and CSR should be removed from the scorecard.

Felicia Hilton, North Central States Regional Counsel of Carpenters, thanked the Board for being leaders on the possible solution for what could be best for landowner's and the future development of utility scale solar. She emailed the Board asking them to consider adding the National Maintenance Agreement as part of the scorecard to ensure that the work is local. All of the carpenter's and building trades are really excited about the opportunity to train the future workforce to be able to build, maintain, repair, decommission, etc. and want it to be done local. She is excited to talk about the installation of solar and to make sure they have the best craftsman in Linn County on the project. Hilton reiterated her request to the Board to consider including the National Maintenance Agreement on the scorecard.

Kimberly Dickey, 2601 Bever Ave. SE, Cedar Rapids, NextEra Energy, thanked the Supervisors for the opportunity to participate in these discussions. As a developer and local resident of Linn County, she is focused on developing safe, compliant, and cost competitive projects while balancing the needs of her community. As they wrap up their discussions, she wants to be clear that developing utility scale solar projects in Linn County under the previous ordinance was never easy and the changes incorporated into the new ordinance and scorecard presents more challenges and costs to their ability to develop quality, safe and cost competitive project. They are committed to this process and will rise to this challenge and remain open and look forward to further discussions with the Linn County community.

Justin Foss, Alliant Energy, thanked everyone who has worked hard to adopt this new solar ordinance. This is not the first solar ordinance they have watched or been a part of as they have worked with dozens and dozens of counties across the state to try and advance renewable energy here in Iowa. Each county they have worked with has a solar ordinance that they believe protects their residents while also protecting landowner rights and promoting renewable energy. While reviewing Linn County's ordinance, there are some things he does like but feels the county needs to understand that the new ordinance is quite cumbersome and will decrease Linn County's competitive advantage in the renewable energy transition moving forward. Linn County's ordinance while it protects landowner rights to some extent and does have protections to promote some renewable energy, it will make Linn County less competitive. They will continue to partner with Linn County or provide renewable energy as they are able and as what is determined cost effective moving forward. They appreciate the county's partnership in the past and as they look into the future.

Motion by Rogers, seconded by Running-Marquardt to approve claims for payable checks dated 09/20/2023 #71012280 - #71012328 in the amount of \$140,431.30 and ACH in the amount of \$1,399,774.85, for a total of \$1,540,206.15 and payable voided checks in the amount of \$40.48.

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

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of August, 2023.

Resolution 2023-9-122

SALE OF SURPLUS EQUIPMENT

WHEREAS, the Linn County Secondary Road Department is in possession of surplus equipment and vehicles that are of no further serviceable use to Linn County (See Attachment 1 – listing), and;
WHEREAS, it has been determined that disposal of the surplus equipment and vehicles is in the best interest of Linn County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors this date met in lawful session and; authorized the Linn County Secondary Road Department to conduct an online auction of surplus equipment and vehicles at www.publicsurplus.com.

Dated at Cedar Rapids, Linn County, Iowa this 20th day of September, 2023.

Attachment 1

2005 John Deere 772D – # 35008318
2002 Freightliner Single Axle Dump Truck – # 35028181
2002 Freightliner Single Axle Dump Truck – # 35178191
1,000 Gallon Fuel Tank #1
1,000 Gallon Fuel Tank #2
1,000 Gallon Fuel Tank #3
1,000 Gallon Fuel Tank #4
1,000 Gallon Fuel Tank #5
1,000 Gallon Fuel Tank #6
1,000 Gallon Fuel Tank #7
2001 Caterpillar D5C – # 35000229
17.5X25 Motor Grader Tires
11R22.5 Tires
20.5X25 Wheel Loader Wheels
Building Insulation
11R22.5 Wheels – USED
Trailer Axle with Wheels and 5.30-12 Tires
Tilt Deck Utility Trailer

Approve purchase order PO511 for \$7,665.00 to Center for Internet Security, Inc for internet security for Linn County Approve and sign Iowa Department of Transportation (IDOT) Final Contract Construction

Voucher for Project STBG-SWAP-C057(138)--FG-57, for a Portland Cement Concrete (PCC) overlay and roundabout at North Alburnett Rd on County Home Road from N Center Point Road to Bridge #2238.

Approve and sign Iowa Department of Transportation (IDOT) Final Contract Construction Voucher for Project STBG-SWAP-C057(142)--FG-57, for a Portland Cement Concrete (PCC) paving, grading, and replacement on County Home Road at C Avenue Extension roundabout.

Approve and authorize Chair to sign the Contract for Provision of Service Agreement Between Hawkeye Area Community Action Program, Inc. (HACAP) and the Linn County Child Development Center effective September 1, 2023 through August 31, 2026. HACAP will provide up to \$223,004.50 in annual funding for Head Start services and will provide up to \$74,885.96 in annual funding for Early Head Start services for Year One. Funding for subsequent years will be determined by the amount of the Cost of Living Adjustment (COLA).

Approve and authorize the Chair to sign a 2023-24 host site agreement between Linn County and Green Iowa AmeriCorps Approve and authorize Chair to sign the Iowa Department of Transportation (IDOT) Federal-aid Agreement for a County-State Traffic Engineering Program (C-Step) Project, project no. CST030-7(221)--4C-57, construction of an offset right turn lane from eastbound US 30 to Cedar River Road.

Approve a Five Day Class C Retail Alcohol License for Peach Cart Co. LLC for Mom's Night Out at Bass Farms, 840 Bass Lane.

Approve Class C Retail Alcohol License for Dharma's, Troy Mills, noting all conditions have been met.

Approve and authorize Chair to sign a Vacancy Form requesting a Senior Account Clerk for the Linn County Community Services Core Services department.

Approve a request from the Human Resources Department to carry forward \$13,600.00 from the Fiscal Year 2023 budget to the Fiscal Year 2024 budget.

Approve a request from the Sheriff's Office to carry forward \$393,063.93 from the Fiscal Year 2023 budget to the Fiscal Year 2024 budget.

Lisa Powell, HR Dir., continued discussion from Monday on the request from the Human Resources Department to carry forward \$20,000 from the Board of Supervisors Fiscal Year 2023 budget to Fiscal Year 2024 budget for the Exceptional Contribution Program. They did not spend all of their budget last year and typically the money moves into the new year if they have new awards.

Chairperson Zumbach stated that he was not in support of this request on Monday due to upcoming unbudgeted items.

Dawn Jindrich, Budget Dir., stated that unforeseen things have come up like the Medical Examiner's budget and they do not have control over the deaths that take place. High interest rates will cause recording fees to be lower since there is not an incentive for people to refinance. They are looking at opportunities where carry forward money could be reallocated instead of rolling into their budget.

Supervisor Rogers expressed that he would like to retain the money for unforeseen expenses.

Supervisor Running-Marquardt concurred. She added that she appreciates Powell bringing the request before the Board.

Motion by Zumbach, seconded by Rogers to deny request from the Human Resources Department to carry forward \$20,000 from the Board of Supervisors Fiscal Year 2023 budget to Fiscal Year 2024 budget for the Exceptional Contribution Program.

Rhonda Betsworth, Deputy Auditor, and spokesperson for the Ceridian/Dayforce Project Team, continued discussion from Monday regarding the three-year extension to the Ceridian Software agreement from 9/19/2023 to 7/31/2026.

Motion by Rogers, seconded by Running-Marquardt to approve a three-year extension to the Ceridian Software agreement from 9/19/2023 to 7/31/2026 in the amount of \$198,000.

Tamara Marcus, Sustainability Dir., discussed a request from the Sustainability Department to carry forward \$20,000 from the Fiscal Year 2023 budget to the Fiscal Year 2024 budget noting that this is chip sales from the Derecho. Tree planting programs in the cities of Palo and Walker would be a great use of funds and focus on smaller communities.

Jindrich added that the large ARPA award for Sustainability cannot be used to plant trees but that award could replace some or all of the \$20,000 for the Sustainability projects.

Supervisor Rogers is supportive of this request due to the restricted uses of the ARPA award funds and

Supervisor Running-Marquardt concurs.

Motion by Rogers, seconded by Running-Marquardt to approve request from the Sustainability Department to carry forward \$20,000 from the Fiscal Year 2023 budget to the Fiscal Year 2024 budget for tree planting programs.

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

Charlie Nichols, Planning & Development Dir., presented a PowerPoint regarding the solar ordinance highlighting the changes requested by both the Board and staff that have been made from the previous two readings.

Supervisor Running-Marquardt feels that it is really important to have language regarding decommissioning. There are some really good things in this ordinance that will move renewable energy forward, but also balance concerned citizens and their needs.

Supervisor Rogers praised Nichols for his exceptional work on this process and his quality of work. Rogers is comfortable with this ordinance. He is proud that Linn County is a leader in this controversial issue. It's an issue they are trying to take a more balanced approach to.

Chairperson Zumbach concurs with Rogers comments. He regrets that this was not done for the other projects. He supports this ordinance as well as the scorecard noting that few things in life are perfect but it's a good start. Zumbach also thanked Nichols for all of his hard work.

Motion by Rogers, seconded by Running-Marquardt to approve third and final consideration of Ordinance 10-9-2023 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.

Nichols presented a PowerPoint with highlights of the Linn County Utility-Scale Solar Scorecard. There are a few changes from last week's meeting but the categories are the same.

Supervisor Rogers stated that he is not a fan of CSR rating on the scorecard and it could have unintended consequences toward the footprint. They don't want to discourage a landowner from entering into negotiations for a solar field and don't want to take more land out of production to conform to the CSR scorecard requirement.

Chairperson Zumbach stated that he is not in support of changing the point system on the scorecard. He provided explanation of how CSR works and why it changes. There are plenty of ways to get the minimum 100 points that are needed.

Supervisor Running-Marquardt stated that she thinks it is fair and reasonable but would like to add 5 more points for agreement to source labor locally (10 points to 15 points).

Supervisor Rogers added that the nature of farming and the environment are changing. The Board is allowing these projects and want to make sure the landowners have the opportunity to negotiate as much as they can.

Nichols gave an example of a scorecard with land that has a 75 CSR rating and how they still met the 100 points.

Motion by Zumbach, seconded by Rogers to adopt resolution for the Linn County Utility-Scale Solar Scorecard.

Discussion: Supervisor Running-Marquardt stated that she would like to add 5 points to source labor locally and she is willing to have a discussion about negative points under CSR.

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

Supervisor Rogers is in favor of adding 5 more points for sourcing local labor, but he will not die on a hill for CSR.

Chairperson Zumbach stated that he can live with adding 5 points to sourcing local labor but would like to see CSR stay the same.

Supervisor Rogers stated that there are 220,000 acres of ag zoned land in Linn County and they are talking about a fraction of a percent of the land available that will be returned to its native state. This won't impact the ability to raise cattle or be a leader in fuel. They are trading one energy source for another and want to see it happen in Linn County.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-9-123 (add where there are CSR areas with negative points to make them in half and add 5 points in source labor locally area).

A RESOLUTION ADOPTING A SCORECARD FOR UTILITY SCALE SOLAR PROJECTS IN LINN COUNTY

WHEREAS, the Linn County Board of Supervisors ("Board") on September 20, 2023, duly adopted Ordinance No. 10-9-2023 entitled, "An Ordinance Amending the Code of Ordinances, Linn County, Iowa by Modifying Provisions in Chapter 107: Article VI Section 107-117 Regarding Utility Scale Solar Installations and Battery Energy Storage Systems, and Article VII Section 107-149 Renewable Energy Overlay District, and Article VIII Table 107-147-1 Regarding Battery Energy Storage Systems, and Article IX Section 107-180 Definitions Related to Utility-Scale Solar and Battery Energy Storage Systems" ("Utility Scale Solar Ordinance"); and

WHEREAS, the passage and publication of the Utility Scale Solar Ordinance as prescribed by Iowa Code enacted a new subsection 107-117(h)(3) that stipulates "all projects shall meet the minimum passing threshold in the Linn County Utility Scale Solar Scorecard, as established by the Board of Supervisors" and

WHEREAS, the intent of the Linn County Utility Scale Solar Scorecard is to aid the Board of Supervisors in balancing the elements, goals, and objectives of the 2013 Linn County Comprehensive Plan; and

WHEREAS, the Linn County Utility Scale Solar Scorecard awards points for project components that align with Comprehensive Plan elements, goals, and objectives and deduct points for components not alignment with those same elements, goals, and objectives; and

NOW, THEREFORE, THE LINN COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES that the Linn County Utility Scale Solar Scorecard as shown in Attachment A is created for use in evaluating utility scale solar projects proposed in Linn County. The scorecard may be amended from time to time by Resolution of the Board of Supervisors.

PASSED AND APPROVED this 20th day of September, 2023.

Discussion: Chairperson Zumbach stated that he can talk until he is blue in the face and it won't change anything but wanted to add that there is a misconception about farming and the corn in the fields is not for human consumption (it's not Iowa sweet corn). There are also thousands of pork and cattle producers. When you have your hamburger today, remember the Iowa farmers.

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

Adjournment at 11:39 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors