

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, JANUARY 25, 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 Kirsten Running-Marquardt. Board members voting "AYE" unless otherwise noted.

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

Public Comment: Don White, 602 Blue Heron Ct. NE, stated that he is speaking with regards to the renewable energy review committee update on the agenda. In October of 2022 the Board voted unanimously for approval of a temporary three-month moratorium for utility scale solar projects. The time was supposed to be used to form committees who would recommend updates to the Ordinance. His comments on that day expressed concerns about Moratorium being yet another delay tactic which is part of a national oppositions group's playbook for stopping utility scale solar projects (delay, delay, delay). The Board already approved an extension for the committees and now they are at the end of January and there are no ordinance updates submitted for the Board to approve. Each committee is stacked full of opponents, and some are actively out in the county drumming up support against utility solar. It's no wonder why nothing has been submitted. White stated that he has asked the Board multiple times to answer his questions for the public but there are no responses. He asked the Board to answer questions about the committee's processes and what does "done" mean. He asked the Board to get answers to his questions during the agenda item today.

Swati Dandekar, 2731 28<sup>th</sup> Ave., Marion, stated that she also has a few concerns about the path of the moratorium which is unacceptable. When this started, Supervisor Rogers called it a strategic pause to review and see if there was anything that needed updated based on lessons learned from the Coggon and Duane Arnold projects. In her view, a pause and review only works if there is action. For the first three months not a single thing has happened. Another month passed and the first meeting is finally scheduled for tomorrow. She has received lots of phone calls from community members saying that the committees are going to wrap up by April 30. This is unacceptable. Her question to the Supervisors is what jobs and potential investments are they missing by allowing this to go on. What message are they sending to the people of Linn County and the business community to allow deadlines to be missed. This is an open ended moratorium that is hindering economic growth. Dandekar urged the Board to ensure the committees finish their work on time and end the moratorium after 6 months. If the committees have recommendations for review, she knows that they will take them seriously and will decide what changes may or may not be needed. With regard to the Iowa Sunshine Law, they need to ensure they are allowing everyone to see the working of the government. It is critical that the doors are open for everyone to learn what they are learning (experts will be giving presentations). They are asking to be allowed to be there and they know they can't comment. They just want to listen and learn. She asked the Board to take their comments seriously.

Mike Carberry, Iowa City and Bright Future Iowa Outreach Dir., stated that he agrees with the previous comments. He wanted to talk about a question that came up the last time when he was at the meeting about the renewable energy committee and why someone from Johnson County was appointed to a Linn County review committee. The answer is they wanted subject matter experts on these committees. He gave his credentials and where he has lived and worked. Regarding the moratorium, he wanted to focus on the economic impacts of a long moratorium. The Board has passed 3 projects (Coggon and Duane Arnold 1 and 2). There will be a lot of hiring (local union jobs) and will be great for economic development in Linn County. He gave statistics of the Duane Arnold project and has information that there will be a Phase 3 & 4 as land has been secured to do that. He explained the consequences of a 9-12 month moratorium (layoffs). He doesn't think the Board Supervisors want to take that publicity hit. He encouraged the Board to keep the moratorium as short as possible.

Junior Lunesman, 4100 Woodridge Dr. NE, stated that he shares a lot of the same concerns as the others shared, especially the gaps in the projects and the retention of workers (delays and gaps in work will cause them to go someplace else). Part of his role as Business Manager of IBEW Local 405 is planning recruitment outreach for community colleges to try and find workers for the projects when they start. He is also on the Battery Storage Committee and is excited to start that. By not having the due dates of the reports aligned with the moratorium is premature. The committees haven't even met yet. It would be a wiser idea to discuss this after the committees meet tomorrow to address the issues. The Battery Storage Committee is addressing a new section where the other committees are picking apart an ordinance that is already there. The due date should not be pushed back past the end date of the moratorium.

Motion by Zumbach, seconded by Rogers to approve Consent Agenda:

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of December 2022.

Approve Iowa Department of Natural Resources Construction Evaluation Resolution relating to the construction of a confinement feeding operation structure.

Resolution 2023-1-5

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2023, and January 31, 2024 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF

LINN COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Resolution 2023-1-6

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the FM- C057(160)--55-57, hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as : a bridge replacement on Coggon Rd over Walton Creek; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Jim Schroeder Construction, Inc., in the amount of \$909,462.21 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Resolution 2023-1-7

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the FMC057(162)--55-57, hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as : bridge deck overlay on Boy Scouts Rd over Wapsipinicon River; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from PCI Roads LLC in the amount of \$263,623.25 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of the Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in

connection with the afore awarded construction project let through the DOT for this county.

Resolution 2023-1-8

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the FMC057(163)--55-57, hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as :a bridge deck overlay on Blairs Ferry Rd over Otter Creek; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Boulder Contracting, LLC in the amount of \$557,261.33 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Resolution 2023-1-9

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the BROS-C057(164)--8J-57, hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as :a Reinforced Concrete Box(RCB) Culvert - Twin on Waubeek Rd over tributary of Wapsipinicon River ; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Progressive Structures, LLC, in the amount of \$210,874.00 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Resolution 2023-1-10

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the STPS-C057(165)--5E-57, hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as :a Portland Cement Concrete(PCC) Overlay on Walker Rd from Betty's Grove Rd to Troy Mills Rd ; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Streb Construction Co., Inc in the amount of \$3,162,177.15 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after

receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Approve and authorize Chair to sign an American Rescue Plan Act (ARPA) Subaward Agreement between Linn County and The Academy for Scholastic and Personal Success for the We're Not Playing Project in the amount of \$650,000.00.

Approve and authorize Chair to sign a Host Site Memorandum of Understanding between Green Iowa Americorps and Linn County Sustainability for 2022-2023 program year

Approve and authorize Chair to sign the Title VI Non-Discrimination Agreement between the Iowa Department of Transportation and Linn County, Iowa.

Approve and authorize Chair to sign the US Department of Transportation Standard Title VI/Non-Discrimination Assurances form.

Award bid and authorize Chair to sign contract for Calcium Chloride application for dust control to Binns & Stevens in the amount of \$709,500 for the Secondary Road Department.

Award bid and approve purchase order P0434 for Liquid Asphalt Products to Bituminous Material & Supply in the amount of \$562,650.00 for the Secondary Road Department.

Motion by Rogers, seconded by Running-Marquardt to approve claims for AP checks #71009796 - #71009845 in the amt. of \$57,619.28, and Ap ACH in the amt. of \$933,634.01 for a total of \$991,253.29.

Erin Foster, Mental Health Access Center Dir., presented a PowerPoint update on the Linn County Mental Health Access Center (MHAC).

Supervisor Rogers praised Foster for doing an incredible job and gave an example of a story demonstrating how important the MHAC is and the ripple effect.

Supervisor Running-Marquardt expressed her sincere appreciation for what Foster does and the future of the detox work as well. It is incredibly important.

Chairperson Zumbach stated that yesterday he sent a text off to Rep. Meyer and he will forward to Foster. They will talk after she reads it.

Foster gave a PowerPoint presentation of an update on the Linn County (employee) Make it OK Campaign and Steering Committee. She asked that the Board approve another email and survey to county employees (similar to last year).

Motion by Zumbach, seconded by Rogers to approve a 2023 Make it OK Data Collection Survey to be sent out by Supervisor Rogers.

Discussion: Supervisor Running-Marquardt asked that something be included in the survey that informs the employees having trouble today, that there is information as to where they can connect with or contact somebody.

VOTE: All Aye

Charlie Nichols, Planning & Development Dir., gave an update on the Renewable Energy Review Committees. He stated that the first kickoff meeting is tomorrow and gave the layout of the process and what will be made available on the county's website. The committees will go through a research process and produce statements. Every statement will come before the Board to give staff direction. If staff is given direction to proceed, they will produce an amendment for the Board to consider with a public hearing and three readings. He gave the committee a hard stop by April 30 to have statements done. He feels that they are on track and on target with initial timeline (this extension will expire March 31, 2023). He explained that the committee meetings are an internal process, and the public is not invited.

Supervisor Rogers stated as a member of the Board who agreed on a pause, he felt it was needed (after 30 hours of meetings that got toxic and personal). Now there are several lawsuits and to keep going along with the same ordinance, not knowing what a judge will decide, it felt like they needed a pause. He stated that he resents comments made today from friends and supporters in this room about the delicacy of this project and that it is a delay tactic. If it is so fragile that it can't take a pause to make sure the ordinance is a better ordinance, then he'll take the criticism from friends and supporters because this is a substantial investment of time for Planning & Development staff and the Board. This has been exhaustive for the Board and Planning & Development staff and he makes no apologies for that. They have court challenges right now and they are taking feedback from people on various issues. It's easy to cast dispersions. Planning & Development has critical position vacancies and

the amount of time one application takes puts most of everything else on the back burner. They are proceeding with caution, and they know the end of this is coming. This was a strategic pause and still is. They should have a good ordinance that they are all comfortable with for utility scale solar in Linn County. The advisory groups are worth the investment of time. It was a unanimous vote for a strategic pause. He would like to see it done sooner than April 30<sup>th</sup> and hopefully closer to the end of March.

Chairperson Zumbach stated that he agrees wholeheartedly with Supervisor Rogers and his hope is that they have an ordinance that all three of them can vote yes on. The goal is to protect those that live by solar farms. Even if they have to extend the moratorium, it doesn't mean it has to take another three months. It can be done sooner.

Supervisor Running-Marquardt stated that she appreciates all of the hard work Nichols and his staff put in it to make sure it is right. She was not a part of the choices made by the previous Board, but sustainability is a priority and a timeline for the workforce is a strong priority of hers as well. She wants to have a better understanding. She wants to make sure that the workforce has an absolute strong voice in this and at the same time be good neighbors. She is excited about some of the projects moving forward and what that means for the future of Linn County in a fair and reasonable manner.

Public Comment:

Don White, 602 Blue Heron Ct. NE, clarified his previous comments regarding "delay, delay, delay". It was directed at the opposition and not the Board. He stated that the County needs to rethink growth noting that the most valuable resources on the planet earth are the rich, fertile land and drinking water. In Linn County, all municipalities are fighting to annex land for "future growth". This is urban sprawl. Once the land is developed for housing or commercial use, it will never be used to grow food. Urban sprawl also contributes significantly to flooding events and prevents aquifers from replenishing. He stated that the Board needs a way to have comments posted on the website and then read during the meeting.

Swati Dandekar, 2731 28<sup>th</sup> Ave., Marion, stated that the three of them got up to speak their concerns earlier because it is about other counties in Iowa. They all say how great Linn County's solar ordinance is and are using it as a template. She is concerned about how they make sure the workforce is taken into consideration as well as the business community. It was a concern and not a criticism. They do want to applaud Charlie Nichols for doing a great job but they also get frustrated because everyone says how great the Linn County ordinance is.

Mike Carberry, Iowa City and Bright Future Iowa, thanked the Board, Charlie Nichols and staff and wanted to apologize if his comments earlier seemed personal (that was not intended). This is business and if the Board took offense, it wasn't against the Board, it was about the process. He has worked with Planning & Development over the last year and they are under water. They don't have enough staff. He thanked the Board and Planning & Development for their work. It's not easy and there is a lot of criticism that can seem personal. For him, it's not personal, it's just business.

The Board received and place on file the Conservation Board's Annual Report 2022.

Motion by Rogers, seconded by Running-Marquardt to enter into a closed session to discuss pending litigation, pursuant to Code of Iowa 21.5(1)(c).

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

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

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

The Board recessed at 11:48 a.m. and reconvened at 1:30 p.m. to review proposed Fiscal Year 2024 budgets. Present: Dawn Jindrich, Finance Dir., Sara Bearrows, Budget Dir. and various elected officials and department heads.

Sara Bearrows gave the following recap:

1. They are able to present a break-even budget but will need to raise levy by 11 cents to make it work.
2. The Board asked her to make a list of discretionary items to possibly fill the gap.
3. She provided a list of Offers that could be funded with ARPA administrative money.
4. A list of vehicle requests was provided.
5. She made a change to the Veteran Affairs budget (found savings).

Bearrows stated that she would like to see the following decisions made today:

- Approve a list of departments that presented budgets in December before they knew that Health insurance rates went down (approve Column C of document).
- Approve list of Offers that are ARPA eligible.

- Approve placeholder for wages (4.5% that is there for management).

Motion by Rogers, seconded by Running-Marquardt to approve list of departments that presented budgets in December before they knew that Health insurance rates went down (approve Column C of document) in the amount of \$32,877,847.

The following Offers can be paid for with ARPA category A funds (those recommended for approval are in bold and underlined):

- HR online Learning Management System.
- Public Health phone, computer, camera
- Veteran Affairs office furniture
- **Recorder record restoration and digitizing - \$558,279 (\$289,000 is CIP)**
- **IT WiFi AP**
- **IT phone system replacement**
- **Board of Supervisors crisis communication plan**
- Board of Supervisors secure online forms

Motion by Rogers, seconded by Running-Marquardt to approve the following from ARPA category A funds: Recorder record restoration and digitizing; IT Wi-Fi AP; IT phone system replacement and Board of Supervisors crisis communication plan for a total of \$943,379.

Discussion: Supervisor Running-Marquardt stated that she would like to know more about the Board's secure online forms and perhaps revisit.

VOTE: All Aye

Discussion continued regarding the following:

- The importance of certain discretionary items and how not funding them would affect other organizations.
- The list of vehicles includes c two that are replacement (the remainder are new). Move the two replacement vehicles to CIP.
- Can training requests be moved to the HR budget?
- Do they leave the 4.5% management wage increase in the budget? If Comp. Board recommends more and the Board approves, departments will absorb the difference.
- Levy increase goal between 5 & 6.5 cents.

The Board agreed to have their list of discretionary funds form submitted to Finance & Budget by Friday morning for a decision Friday afternoon.

Jindrich gave a recap of the proposed new legislation noting that the Governor is supportive of the bill. The Auditor's Office will have 10 days after the order goes out to recalculate the Valuations Report. It has been suggested that the budget deadline be extended until May (from March). If legislation passes and the budget has been certified, they will have to come back and do some really heavy lifting. They are doing what they are supposed to be doing and if it passes, they will deal with it at that point in time.

Adjournment at 2:25 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor  
By: Rebecca Shoop, Deputy Auditor  
And: Amanda Hoy, Exec. Assistant

Approved by:

LOUIS J. ZUMBACH, Chairperson  
Board of Supervisors