

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, MARCH 29, 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.

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

Approve and authorize Chair to sign a Vacancy Form requesting an Accounting Analyst for the Treasurer's office.

Approve and authorize Chair to sign a Vacancy Form requesting 10 part-time Courthouse/Transport Security Officers for the Sheriff's office.

Approve and authorize Chair to sign a Vacancy Form requesting an Elections Systems Administrator for the Auditor's Office.

Approve and authorize Chair to sign a Vacancy Form requesting a Harm Reduction Coordinator for Public Health.

Approve and authorize Chair to sign a Vacancy Form requesting 3 temporary part-time Direct Support Staff for Community Services-Options department.

Resolution 2023-3-44 A RESOLUTION APPROVING FINANCIAL INSTITUTIONS AS DEPOSITORIES FOR LINN COUNTY FUNDS

WHEREAS, Iowa Code Section 12C.2 states, "The approval of a financial institution as a depository of public funds for a public body shall be by written resolution or order that shall be entered of record in the minutes of the approving board, and that shall distinctly name each depository approved, and specify the maximum amount that may be kept on deposit in each depository. "BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that pursuant to all applicable provisions of Iowa Code Chapter 12C, the financial institutions listed below are approved as depositories for Linn County, Iowa public funds for the deposit limit specified for each respective financial institution.

<u>Depository Name</u>	<u>Home Office Location</u>	<u>Deposit Limit</u>
Bankers Trust	Cedar Rapids, Iowa	\$200,000,000
BankIowa	Independence, Iowa	\$ 30,000,000
Bridge Community	Mechanicsville, Iowa	\$ 1,500,000
Cedar Rapids Bank and Trust	Bettendorf, Iowa	\$ 10,000,000
Central State Bank	Elkader, Iowa	\$ 7,500,000
Community Savings Bank	Edgewood, Iowa	\$ 10,000,000
Exchange State Bank	Springville, Iowa	\$ 1,500,000
Fairfax Savings Bank	Fairfax, Iowa	\$ 1,500,000
Farmers and Merchants Savings	Manchester, Iowa	\$ 15,000,000
Farmers State Bank	Marion, Iowa	\$ 15,000,000
GreenState Credit Union	North Liberty, Iowa	\$ 25,000,000
Heartland Bank and Trust Company	Central City, Iowa	\$ 7,500,000
Hiawatha Bank and Trust	Hiawatha, Iowa	\$ 4,500,000
Hills Bank and Trust	Lisbon, Iowa	\$ 25,000,000
Iowa Public Agency Investment Trust (IPAIT)	Des Moines, Iowa	\$ 5,000,000
Kerndt Brothers Bank	Cedar Rapids, Iowa	\$ 5,000,000
Linn Area Credit Union	Cedar Rapids, Iowa	\$ 10,000,000
Mount Vernon Bank and Trust	Mount Vernon, Iowa	\$ 3,000,000
Ohnward Bank	Cascade, Iowa	\$ 1,500,000
Security State Bank	Springville, Iowa	\$ 1,500,000
Solon State Bank	Solon, Iowa	\$ 1,500,000
<u>Depository Name</u>	<u>Home Office Location</u>	<u>Deposit Limit</u>
US Bank	Des Moines, Iowa	\$200,000,000

BE IT FURTHER RESOLVED Linn County officials are hereby authorized to deposit Linn County funds in amounts not to exceed the deposit limit as listed above for each respective financial institution.

Resolution 2023-3-45

A Resolution approving a three-lot Land Preservation Parcel Split for DB Broulik Addition, case JLPS22-0003. The following description is a summary of Resolution No.2023-3-45 as passed and approved by Linn County Board of Supervisors, effective March 29, 2023. DB Broulik Addition (Case # JLPS22-0003) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A, and outlot A, a subdivision of real estate located in the SENW of Section 21, Township 83 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Parcel A, Plat of Survey #403 as recorded in Book 3335, Page 527 of the records of the Linn County, Iowa Recorder on May 22, 1996, being a part of the E ½ NW ¼ and the W ½ NE ¼, both in Section 21-83-5, 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](http://www.linncountyiowa.gov).

Authorize Chair to sign a Memorandum of Understanding (MOU) between the Mental Health/Disability Services of the East Central Region of Iowa and Linn County regarding reimbursement from MH/DS of the East Central Region for County Employees for the period of July 1, 2023 through June 30, 2024.

Approve purchase order PO455 for \$19,874.00 to DPT Mechanical LLC for fill replacement for the cooling tower at the Community Services Building.

Approve purchase order PO456 for \$14,988.49 to Siemens Industry, Inc for panic Buttons at the Harris Building.

Approve Purchase Order PO457 for \$9,529.44 to HP, Inc. for computers for the Elections Department.

Approve Purchase Order PO458 for \$17,534.16 to HP, Inc. for computers for the Treasury Department.

Approve Liquor License for Kernels Concessions – Prospect Meadows, 1850 Prospect Drive, noting all conditions have been met.

Motion by Zumbach, seconded by Running-Marquardt to approve minutes of March 27 & 28, 2023 as printed.

Motion by Rogers, seconded by Running-Marquardt to approve Claims for AP checks #71010423 - #71010474 in the amt. of \$102,095.13; AP ACH in the amt. of \$348,571.63 for a total of \$450,666.76; and AP voided (not reissued) checks in the amt. of \$501.82.

Charlie Nichols, Planning & Development, presented a Resolution Extending the Renewable Energy Overlay Rezoning Moratorium from 3/31/23 until 6/30/23. He summarized Monday's update to the Board.

Supervisor Rogers stated that during last week's department head update from Nichol's, he indicated that even though they were approaching the March 31 deadline, there is wisdom in continuing the Moratorium so that the process could play out and applicants would know the rules. Continuing the process allows the committees to make their recommendations and any future applicant will know exactly what Linn County's conditions are. Rogers continued to say that he considers this a strategic pause, noting that they are learning as they go and taking into consideration all the feedback which has been a learning opportunity. They are at the finish line now and he values those who volunteered their time on the committees to help inform the Board and the community.

Supervisor Running-Marquardt stated that she appreciates all the work that has been done by Nichol's and his staff and she looks forward to going through the information that will be provided to them. She noted that taking a pause to gather information will make sure they do it right. She also recognizes all the work that has to be done once the committee work wraps up by Nichol's department and the Board. Personally, she does not think they will need the whole three months.

Chairperson Zumbach stated that he agrees with his two colleagues and he too wants to complete the steps in order to make applicants aware of what is expected from Linn County.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-3-46  
A RESOLUTION EXTENDING THE MORATORIUM ON ACCEPTING REZONING APPLICATIONS FOR THE RENEWABLE ENERGY OVERLAY DISTRICT IN ACCORDANCE WITH PROVISIONS IN LINN COUNTY CODE OF ORDINANCES CHAPTER 107, ARTICLE VII  
WHEREAS, the Linn County Board of Supervisors ("Board") on October 12, 2022, duly adopted Ordinance No. 17-10-2022 entitled, "An Ordinance Amending the Code of Ordinances, Linn County, Iowa by Amending Provisions in Chapter 107, Article VII Relating to the Enactment of a Moratorium on Accepting Rezoning Applications for the Renewable Energy Overlay District"

("Moratorium Ordinance"); and WHEREAS, the passage and publication of the Moratorium Ordinance as prescribed by Iowa Code enacted a new subsection 107-149(h)(1) in the Linn County Code of Ordinances that states, "The County shall not approve any request to rezone property to the Renewable Energy Overlay District for a period or periods as described in Sections 107-149(h)(2) while the Board of Supervisors reviews and possibly revises language in this chapter related to utility-scale solar and wind installations;" and WHEREAS, the passage and publication of the Moratorium Ordinance as prescribed by Iowa Code further enacted a new subsection 107-149(h)(2)(a) that stipulates that Subsection 107-149(h) shall be repealed automatically on December 31, 2022, unless extended before that date by Resolution of the Board of Supervisors until no later than March 31, 2023; and WHEREAS, upon the request and recommendation of the Linn County Planning and Development Director, the Board finds and determines that it is necessary, desirable, and in the best interests of Linn County to extend the moratorium deadline of March 31, 2023, as established by Linn County Code of Ordinances Section 107-149(h)(2)(a), to provide for additional time for the review and possible revisions of language in Linn County Code of Ordinances Chapter 107 related to utility-scale solar and wind installations. NOW, THEREFORE, THE LINN COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES that the moratorium on requests to rezone property to the Renewable Energy Overlay District, as established by Linn County Code of Ordinances Section 107-174(h)(2)(a), is extended from March 31, 2023, until June 30, 2023, unless extended before that date by Resolution of the Board of Supervisors.

Charlie Nichols gave a recap of a proposed Code that he brought before the Board in December to regulate CO2 pipelines. Based on concerns presented to the Board at that time, the Code was postponed to allow for additional information to be researched. He stated that Wolf/ADM has been in contact and have provided input.

Patrick Brierley and Tracey McDanel, Wolf Carbon Solutions, gave an update on the Mount Simon Hub and Carbon Pipeline Consultation Zone.

Chairperson Zumbach noted that the Board had individual meetings yesterday with the Wolf Carbon Solutions representative and he has some questions from that meeting. He asked if their product will be moved one way or another (trail, trucking) and full disclosure, he stated that he has two pipelines through his farms. He asked that the representatives talk about landowner concerns with safety and restoring the ground and eminent domain.

Brierley stated that these companies are getting pressured to decarbonize and to find a better use for the CO2. The pipeline is the safest and most efficient alternative.

McDanel walked the Board through the process once a landowner signs off which includes a checklist (tile lines, adequate ground cover, fertilizer, etc.). She stated that they have never used eminent domain and that is a feather in their cap. They do everything in their power to keep that feather in their cap.

Chairperson Zumbach asked Tom Ulrich and B.J. Dvorak, Emergency Management (EMA), to give an update of their meeting with Wolf Carbon.

Ulrich stated that Linn County EMA and EMA managers from other counties that will be affected by the pipeline met with Wolf Carbon and their questions were answered. They did not see any smoking mirrors going on with the meeting. Their Emergency Plan was provided to him this morning and they were impressed with the document. He is still gathering facts on this type of pipeline and noted that there will be a need to acquire detection equipment and training.

McDanel indicated that there is grant money available for equipment and she is committed to working with EMA's in Iowa to access that money.

Supervisor Running-Marquardt thanked EMA for meeting with Wolf, noting that the citizens of Linn County should be very proud to have them at the helm watching and putting people and safety first. She appreciates that they have more work to do and she sincerely appreciates the input from Ulrich on what an ordinance will look like. There have been conversations about mass casualty events. They are coming in with a 20" trunk and ADM and Clinton will use 20%. There are indications that other pipelines will come off of the truck. They need to work to make sure that the ordinance can balance out the safety concerns and still support carbon reduction.

Supervisor Rogers stated that as an ex-firefighter who had training on hazmat issues, he knows that training is invaluable as it relates to real world disasters (floods, derecho, threats of other flooding). They need to look into the news and review other pipeline incidences. Training and communication in a disaster is valuable and he advocates for that. He values the extent that Wolf and ADM have communicated openly and have demonstrated a partnership in the community.

Ulrich continued to discuss plumes after a pipeline leak/rupture and what models tell emergency responders regarding whether to shelter in place or evacuate. They rely on local resources to figure out where the plume is going.

Supervisor Running-Marquardt stated to Wolf representatives that she had some significant concerns about older maps where the pipeline was going that didn't show schools or large buildings that employed people and she appreciates them moving off the school (College Community) and moving further away. That was a positive thing. She reminded people that the county has the power to say where pipelines can go but the county is not able to make an ordinance that would completely outlaw pipelines. Long term, she wants to make sure the ordinance is done right and the county has a voice in it. She also wants to make sure that they execute their power to make sure the safety of Linn County residents is taken into consideration as well.

Charlie Nichols presented a Resolution of Support for Applications to the Department of Management Office of the Chief Information Officer's Broadband Intervention Zone Invitation to Qualify. He noted that the Invitation allows communities to apply for broadband funds. The Resolution includes waiving utility application permit fees for construction in county right of way.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-3-47  
A RESOLUTION OF SUPPORT FOR APPLICATIONS TO THE DEPARTMENT OF MANAGEMENT, OFFICE OF THE CHIEF INFORMATION OFFICER'S BROADBAND INTERVENTION ZONE INVITATION TO QUALIFY WHEREAS, on March 1, 2023, the Department of Management, Office of the Chief Information Officer ("OCIO") announced the opening of the Application Acceptance Window for Broadband Intervention Zones Invitation to Qualify #001; and WHEREAS, although the Invitation to Qualify ("ITQ") is not a grant opportunity, it is a way for communities to demonstrate the need for high-speed internet by identifying impediments to work, education, health monitoring, and other activities and to designate unserved or underserved geographic areas of concern as Broadband Intervention Zones; and WHEREAS, responding to the ITQ is a way for communities to qualify for future grant funding by proposing Broadband Intervention Zones that should receive broadband grant funding and for decision makers to prioritize future funding for those designated Broadband Intervention Zones; and WHEREAS, high-speed internet is an essential infrastructure system that connects all Linn County residents to businesses, schools, medical facilities, and other institutions where they live, work, learn, and play; and WHEREAS, Linn County officials recognize that closing the digital divide between people who have access to high-speed internet and those who do not is invaluable and will provide longterm and far-reaching community benefits that include the ability to engage fully in the digital economy, access educational and medical services, expand economic opportunities, and bridge the economic divide; and WHEREAS, Linn County officials and the OCIO have identified areas geographic areas of concern in the County where residents, businesses, and institutions are unserved or underserved by broadband; and WHEREAS, Linn County officials believe it is in the best interest of Linn County residents to support applications to the ITQ and subsequent grant funding applications. BE IT THEREFORE RESOLVED the Linn County Board of Supervisors hereby endorses applications to the OCIO's ITQ for Broadband Intervention Zones within the County. BE IT FURTHER RESOLVED, Linn County will provide technical assistance for ITQ applications when available and needed and will waive right-of-way permit fees for broadband providers working in a Broadband Intervention Zone.

Discussion: Supervisor Running-Marquardt stated that she appreciates Nichol's talking to communities and thanked him for understanding the importance of these communities having a greater chance of having broadband. This would allow for state funds to come to these areas.

VOTE: All Aye

Treasurer Brent Oleson presented a Resolution Approving the Contract and Performance and/or Payment Bonds for the Linn County Treasurer's Office Glazing and Millwork Project and noted that everything is in order.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-3-48  
A RESOLUTION APPROVING THE CONTRACT AND PERFORMANCE AND/OR PAYMENT BONDS FOR THE LINN COUNTY TREASURER'S OFFICE GLAZING AND MILLWORK PROJECT WHEREAS, the Linn County Board of Supervisors ("Board") on March 22, 2023 awarded a contract for the "Linn County Treasurer's Office Glazing and Millwork Project" ("Project"), to Unzeitig Construction Co. ("Contractor") and fixed the amount of the performance and/or payment bonds required for the Project; and, WHEREAS, the contract for the Project is duly signed by the Contractor, and the contract appears to be in proper form; and, WHEREAS, the Contractor filed satisfactory performance and/or payment bonds in the amount fixed by the Board. BE IT THEREFORE RESOLVED that the Board hereby approves the aforementioned contract and performance and/or payment bonds, authorizes the Board chairperson to execute said contract, and declares the contract and performance and/or payment bonds binding upon the parties thereto.

Dawn Jindrich, Finance Director, gave a recap of Monday's discussions regarding Linn County elected officials and elected officials' deputies' salary increases for Fiscal Year 2024. A decision needs to be made today regarding the Comp. Board's recommendation of 10% for the Auditor, Recorder, Treasurer, Supervisors and the deputies of the elected officials. 12% for the Sheriff and County Attorney. The Board has the ability to either accept the recommendation or make across the board reductions. She was asked to put together different scenarios including a 59% cut which would result in 4.1% for the

Auditor, Recorder, Treasurer, Supervisors and the deputies of the elected officials and 4.92% for the Sheriff and County Attorney. This would bring the total increases close to what has been put in the proposed budget (4.5%).

Motion by Rogers, seconded by Running-Marquardt to approve a 59% cut in the Comp. Board recommendation resulting in 4.1% for the Auditor, Recorder, Treasurer, Supervisors and the deputies of the elected officials and 4.92% for the Sheriff and County Attorney.

Discussion: Chairperson Zumbach stated that he is disappointed that Comp. Board's recommendations are not made keeping the budget in mind. He has a real issue that they don't have to look at finances. He does appreciate the motion and he will support it. He had suggested earlier that they lower the number, however, deputies of elected officials are affected by the increase as well.

Supervisor Rogers stated that these are always complicated negotiations and the Board must make a decision based on the Comp. Board's recommendation. The Board raised the levy 11% in order to balance the budget for 2024 and then at the last second, they had to cut \$1.7 million because the legislature miscalculated the rollback. The 59% reduction demonstrates the ability to compromise while being fiscally prudent.

VOTE: All Aye

Motion by Rogers, seconded by Running-Marquardt to open a public hearing on SF 634, fiscal year 2024 maximum property tax dollars.

Sara Bearrows, Budget Dir., presented proof of publication and stated that she has received no comments, questions or feedback. She explained that this hearing is required if they go over 2% of the prior year's levy.

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

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-3-49 A RESOLUTION APPROVING FISCAL YEAR 2024 MAXIMUM PROPERTY TAX DOLLARS  
WHEREAS, the Linn County Board of Supervisors have considered the proposed fiscal year 2024 county maximum property tax dollars for both General County Services and Rural County Services; and, WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on the county web site and/or social media accounts; and, WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 29, 2023, NOW, BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that the maximum property tax dollars for General County Services and Rural County Services for fiscal year 2024 shall not exceed the following:

General County Services	\$ 70,206,052
Rural County Services	\$ 4,875,270

The maximum property tax dollars requested in either General County Services or Rural County Services for fiscal year 2024 represents an increase of more than 102% from the maximum property tax dollars requested for fiscal year 2023.

Motion by Rogers, seconded by Running-Marquardt to set public hearing for proposed FY24 budget for April 19, 2023 at 10:00 a.m. and to publish proposed budget.

Public Comment:

Chris Riley, Dir. of State Government Relations of ADM, spoke in support of Wolf Carbon Solutions pipeline project which they believe will bring significant environmental and economic benefits to Linn County and Cedar Rapids. ADM is a global leader in nutrition and agricultural processing with a 50 year track record of operating in Cedar Rapids. They interact with thousands of people in the Linn County region as employees, suppliers and customers. He continued to demonstrate how they contribute to the local community and reducing their environmental footprint in advancing decarbonization across their operations and supply chain worldwide. That is why they are working with Wolf Carbon Solutions that will develop a pipeline that will capture, compress, and transport carbon dioxide produced at their ethanol facilities in both Clinton and Cedar Rapids (stored underground and sequestered). The pipeline will have spare capacity to serve not only ADM, but other third parties who are looking to decarbonize their operations and products. The pipeline will complement and enhance ADM's potential plans to begin developing a sustainable aviation fuel in Linn County which will further bolster the county's economy and it's place in the low carbon. They also understand that safety is a paramount concern and that is why they have chosen Wolf Carbon Solutions as their partner and explained why. He continued to say how they will compensate landowners fairly and transparently for the privilege of building and operating the pipeline across their property and will take responsibility for all maintenance and restoration expenses. He urged the Board to support the project as an endorsement for making a positive difference with the community, the county and the planet. He also appreciates the collaboration they have had over the past year and looks forward to continuing to do so.

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Adjournment at 11:05 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson  
Board of Supervisors