

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, APRIL 19, 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:

Supervisor Rogers stated that he volunteered to be a chaperone at his daughter's school today and may need to leave before the meeting is over.

The following comments were made regarding construction hours for Duane Arnold Solar I and II on today's Regular Agenda:

Laura Myres, 3372 64<sup>th</sup> St. Dr., Palo, stated that she has questions and concerns about NextEra's update on Monday, April 17<sup>th</sup>. She does not have access to county records and would like to know if the following have been completed prior to construction as agreed to by NextEra: has the final emergency management plan been submitted and when available for view; has existing subsurface drainage systems been submitted; and has a performance bond been posted and when may it be viewed. She continued to comment on the construction hours and the request to have them changed. She appreciates that the supply construction traffic will be directed on Palo Marsh Rd., south from Center Point, and she understands why NextEra may want 12-hour days (not agreed to in the rezoning conditions, noting there is a case-by-case exception provided for). Case-by-case, to her, does not mean for the duration of the project. She had questions regarding the construction supply vehicles and travel/arrival time. She stated that their reasoning as to the safety of school children, bus schedule and number of employees is not valid, and she gave examples. She asked the Board to realize that the rural residents will be impacted and longer hours to get it over with quicker is not the solution. She urged the Board to hold NextEra to their agreed upon hours. Too much noise is a form of torture and not good for their mental health.

Deb Gates, 2362 Young Rd., Palo, stated that she doesn't live within the solar project area but wanted to voice the concerns of rural residents. This is the first of many projects to come and at some point, it will impact her. The Board's decision on the construction hours today and other requests will set precedence. This is inflicting an industrial construction project in the middle of a rural area with a high population density. They will be subjected to non-stop noise all day and now construction is being asked to start at 6 a.m., which means traffic will start at 5 a.m. She cherishes her morning hours. The school bus issue is not important enough to be a written condition, noting that there were far more employees coming and going when the nuclear plant was in operation (road system was planned to handle that traffic). She gave examples of constant noise from the construction and the effects on farm animals. Zoning was created to alleviate issues just like this. Duane Arnold agreed to comply with the conditions of the rezoning. Why must her quality of life be degraded further for what is actually a financial gain for the developer. She urged the Board not to approve expanded work hours for the duration of the project.

Kelly Merta, 4194 Quail Ridge Rd., Center Point, stated that during technical review of the Duane Arnold Solar projects, the County Engineer encouraged meetings with local school districts to look at bus routes, etc. In August 2022, Kimberly Dickey signed an Acceptance of Conditions document that included construction being limited to the hours of 7 a.m. – 5 p.m. and the Board voted to approve the rezoning in September 2022 with the agreed upon conditions. The public hearings were full of community participation as well as input from the developer. There appeared to be transparency and expectation from both the developer and the residents of the county. Those conditions are what participants that walked away from the meeting anticipated would happen. She wants to better understand what a typical county process is for modifying conditions placed on a rezoning project (given the size of this project). How does the county evaluate when to approve or disapprove such a request and how will those at the public hearings know when conditions are changing after the fact. She is also curious about conversations that were had with school districts. If this is really about the safety of the children, what other provisions were discussed and agreed to. She referred to the construction traffic route from I-380 south from Center Point to lessen the impact on Palo, however, her kids bus routes travel within that area. That is riskier than workers traveling to their jobsite. While she is struggling to understand the true merit of this request, she appreciates their time today and looks forward to the discussion.

Swati Dandekar, Co-Chr. Bright Future Iowa, stated that she appreciates the concerns expressed this morning but when Kimberly Dickey and Charlie Nichols talked about the issues of children and their safety, to her, safety of children should have the utmost consideration. As a former school board member, they should always put the children first and asked the Board to consider changes because of the safety of children.

Traci Nelson, 3311 Pleasant Creek Rd., Palo, stated that she lives directly across from the solar project. She continues to contest the approval of the project because it was not done following the Iowa Code. She is concerned about the reasons for the requested changes and Ms. Dickey made it sound like it was such a noble thing to protect all the 1,000's of children and hundreds of buses that travel in the area before 7 a.m. There are 10-20 children and 3 buses and they are picked up between 7:15 & 7:30. If the

Board does approve the change, she hopes that they would not allow Saturday's because there is constant traffic in the area to the park. She also suggested requiring sound barriers (inexpensive and lightweight). She reminded the Board that there is no school in the summer (June-Sept.) , therefore, no need to change hours. She provided copies of sound levels and explained. She also presented a letter from Nancy Blanchard and Randy Banes, owners of Coco's Ranch, who could not attend the meeting and object to the change in construction hours.

Mike Sadler, Center Point, stated that he attended the meeting on Monday and listened to a presentation by NextEra. There are a lot of positives about the proposed changes and a 6 a.m. start is good for a lot of reasons. The building trades are behind this and the expanded hours.

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

Approve and authorize Chair to sign a Vacancy Form requesting up to 20 Detention Officers for the Sheriff's Office.

Approve and authorize Chair to sign a Vacancy Form requesting a Help Desk Specialist/Desk Top Associate for the IT Department.

Receive and place on file the Recorder's Quarterly Report for January 1 through March 31, 2023.

Receive and place on file Auditor's Quarterly Report for the quarter ending 3/31/23 in the amount of \$50,945.11. Total Auditor transfer fees deposited by Recorder with the County Treasurer in the amount of \$9,255.00.

#### Resolution 2023-4-59

A Resolution approving a Residential Parcel Split for Whispering Winds Estate Addition, case JPS22-0016. The following description is a summary of Resolution No. 2023-4-59 as passed and approved by Linn County Board of Supervisors, effective April 19, 2023.

Whispering Winds Estate Addition (Case # JPS22-0016) 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 NWSE of Section 15, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the Center of Section 15, Township 83 North, Range 6 West of the Fifth Principal Meridian; thence N89°33'54"E along the north line of the Southeast Quarter of said Section 15, a distance of 924.55 feet to the centerline of Bloomington Road; thence S35°19'47"E along said centerline, 594.26 feet; thence southeasterly 418.79 feet along said centerline and the arc of a 3000.00 foot radius curve, concave southwesterly, chord bears S31°19'50"E, 418.45 feet; thence S27°19'53"E along said centerline, 532.76 feet to the south line of the North Half of said Southeast Quarter; thence S89°22'51 'W along said south line, 1711.14 feet to the west line of said Southeast Quarter; thence N0°50'03'W along said west line, 1327.15 feet to the point of beginning.

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).

#### Resolution 2023-4-60

##### ESTABLISH ROAD CLOSURE AND DETOUR FOR PROJECT

WHEREAS: Linn County Project FM-C057(160)-55-57 bridge replacement project, on Coggon Road (D62) in Linn County will begin soon. WHEREAS: this project lies on a marked Farm-to-Market route, and WHEREAS: a detour must be established to close a marked route for longer than 48 hours, and WHEREAS: a map of the detour is attached hereto. NOW, THEREFORE, BE IT RESOLVED: that the Linn County Board of Supervisors hereby authorize and direct the Linn County Engineer to place the appropriate signs to establish the following detour: commencing at the intersection of Coggon Road (D62) and Troy Mills Road (W45) head south 6.5 miles to Central City Road (E16), then east 7.4 miles to Highway 13, then north 7.8 miles to end of detour. (See attached map)

Signs shall be placed when and as necessary to protect the work and the traveling public in accordance with the Manual on Uniform Traffic Control Devices and Chapter 306 of the Code of Iowa.

Approve and authorize Chair to sign a contract to provide Professional Consulting Services between Linn County and Cost Advisory Services, Inc effective July 1, 2023 through June 30, 2025 at a cost of \$10,800 yearly.

Approve and authorize Chair to sign a Service Contract between Mental Health/Disability Services of the East Central Region and Linn County LIFTS effective March 1, 2023 through June 30, 2025 to provide busing services to their clients at a rate of \$2.00 per ride paid by the Region.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$399.88 per month with Gordon Flesch Company Inc for the Linn County Attorney office.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$311.45 per month with Gordon Flesch Company Inc for the Linn County Attorney-Civil department.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$336.47 per month with Gordon Flesch Company Inc for the Linn County Attorney-Juvenile department.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$297.14 per month with Gordon Flesch Company Inc for the Linn County Corrections Center.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$166.96 per month with Gordon Flesch Company Inc for the Linn County Corrections Center.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$288.13 per month with Gordon Flesch Company Inc for the Linn County Corrections Center.

Approve and authorize Chair to sign a 36-month copier lease agreement at \$328.89 per month with Gordon Flesch Company Inc for the Linn County Planning and Development department.

Motion by Zumbach, seconded by Rogers to remove the following agenda item and place on Monday's agenda: Closed session pursuant to Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of real estate.

Motion by Rogers, seconded by Running-Marquardt to approve Claims for Ap checks #71010674-#71010730 in the amt. of \$74,412.13 and AP ACH in the amt. of \$766,577.30, for a total of \$840,989.43.

Motion by Rogers, seconded by Zumbach to approve payment of Supervisor Running-Marquardt in the amt. of \$240.00. VOTE: Rogers & Zumbach – Aye Running-Marquardt - Abstain

Kiley Miller, Nick McGrath and Molly Stuelke, Trees Forever, thanked the Board for Linn County's ongoing support to Trees Forever and gave a presentation.

The Board expressed their sincere appreciation for all the work they do and for them having their headquarters in Linn County. Supervisor Rogers especially expressed his deepest thanks for their part in a ceremony at the Jewish Cemetery and Chairperson Zumbach thanked them for the invitation at Camp Wapsi.

Deputy Auditor Betsworth recapped Monday's discussion regarding the township compensation resolution. Supervisor Zumbach stated that he must abstain as his wife is a Township Clerk.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-4-61  
RESCINDING RESOLUTION 2023-3-34 AND FIXING TOWNSHIP COMPENSATION EFFECTIVE  
1/1/2023

WHEREAS, the Board of Supervisors of Linn County, Iowa, fixed the compensation of township trustees and clerks with Resolution 2023-3-34; and WHEREAS, the Board of Supervisors of Linn County, Iowa, authorized an hourly rate of pay of \$15.00 per hour for township trustees and township clerks on March 4, 2020; and WHEREAS, Iowa Code Section 359.46.1 allows the county board of supervisors to establish a minimum daily pay rate for attending scheduled meetings; and WHEREAS, trustee per diem compensation is not subject to IPERS while trustee per hour compensation is subject to IPERS; now THEREFORE BE IT HEREBY RESOLVED by the Board of Supervisors of Linn County, Iowa, that Resolution 2023-3-34 is hereby rescinded; now THEREFORE BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that township trustee and clerk compensation be fixed as follows effective 1/1/2023:

1. Township Trustees will be compensated \$30.00 for each official meeting they attend. Trustees are expected to attend a minimum of three (3) meetings per fiscal year (Financial Report, Prebudget, and Budget). *Note: Trustee per meeting (aka per diem) rate is not IPERS eligible for appointed or elected trustees.*
2. Township Clerks will be compensated \$30.00 for each official meeting they attend. In addition, township clerks will be paid \$15 per hour for work sessions at which they update township receipts, disbursements, and other official records. *Note: Clerk per meeting (aka per diem) and work session hours are eligible for IPERS. Elected clerks may opt out within 90 days but appointed clerks may not.*
3. Township Trustees and Clerks shall turn in completed timesheets in a timely manner to the Linn County Auditor's Office on the provided timesheet form.

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

Ray Stepanek, Chair. of Compensation Board, presented the Compensation Board recommendation for Fiscal Year 2024 elected officials' salaries as follows: 10% - Treasurer, Recorder, Auditor, Board of Supervisors; 12% - County Attorney and Sheriff.

Charlie Nichols, Planning & Development Dir., presented background on the previously proposed Carbon Pipeline Ordinance including issues/concerns. Ordinance changes discussed included setback

requirements, pipeline planning area/consultation zones, increased ag. land restoration standards; emergency management response capacity provisions, avoidance and mitigation of damage to public infrastructure, increase construction inspection responsibility and application submittal requirements. The proposed next step is to take the amended pipeline ordinance back to the Planning & Zoning Commission.

Chairperson Zumbach stated that he has no problem starting over.

Supervisor Running-Marquardt stated that she looks forward to doing this the proper way, noting that they cannot outlaw a pipeline, but they can set parameters for the safety of citizens and balance that out with lessons learned across the state.

Supervisor Rogers stated that he also wants it done correctly, openly and transparently. The pipeline representatives asked for time on the Board's agenda to present their evidence and research. The public has asked for a two-way dialogue with the board and that has only been through public comment for now. He noted that this is a different issue than solar, and he wants to make sure they receive as much feedback as possible.

The consensus of the Board was to take the ordinance back to the Planning & Zoning Commission.

Nichols presented construction hours for Duane Arnold Solar Phases I and II which is 7 a.m. – 5 p.m. with exceptions on a case-by-case basis by Planning & Development. Kimberly Dickey came before the Board on Monday asking for construction hours to be 6 a.m. – 6 p.m. Monday – Friday. They will limit pile driving to 7 a.m. – 5 p.m. and will use the extra time to mobilize on site with construction activities that do not generate noise. The Board has heard from both sides.

Motion by Rogers, seconded by Running-Marquardt to approve construction hours of 6 a.m. – 6 p.m. for Duane Arnold Solar Phases I and II.

Discussion: Chairperson Zumbach stated that as a father who sent kids to school every morning, it is a safety issue for the kids. He understands that there is no school in the summer and as a farmer, his day starts early, and they will want the workers on site ahead of the kids. He will support this. The noise won't start until they get to the worksite.

Supervisor Running-Marquardt stated that she looked at the school district maps impacted (2) and she appreciates the County Engineer asking for the schools to be contacted. It is the safety of the kids for her and also workforce retention. Pile driving will not be earlier and she will support as well.

Supervisor Rogers stated that he appreciates hearing from the four that spoke earlier and all of the meetings they attended. They are helping to advise the Board with their concerns and he tries not to minimize their concerns. He takes safety seriously and that is why NextEra worked with the school districts and changed the time. He also addressed the noise from pile driving and the number of workers. He supports these hours to get the project done as expeditiously as possible.

VOTE: All Aye

County Attorney Nick Maybanks met with the Board to request additional parking spaces at the County Courthouse. He referred to a letter that he sent to the Board regarding a critical stage with respect to available parking at the Courthouse and the core facts of the current unsustainable parking predicament that they face. He presented an ultimate plan that he would like for the county to pursue, which is the underground Mays Island parking garage run by the city of Cedar Rapids (43 available parking spaces). He has made some initial efforts to contact the city and would like the Board's guidance and help. He noted that he knows of no other county employees that have to battle and struggle to get a parking spot.

Gayle Keiser, County Attorney staff, stated that she inquired about the cost of the spaces a month ago which was \$80/month, and it has to be a specific space for a specific person.

Chairperson Zumbach asked Maybanks to follow-up with getting a firm price and then the Board can assist in negotiating 13 spots.

Supervisor Running-Marquardt stated that the city of Cedar Rapids must pay Park CR for their employee parking spaces. Moving forward she asked Maybanks to firm up how many spaces are available now and if in the future more are freed up (after construction) what would that look like.

Supervisor Rogers stated that there have been conversations in the past about shuttling employees between parking lots under the interstate and other parking garages downtown. It may mean multiple locations. Since they have a relationship with the state, he would like conversations with them for state employees as well. They need to find the right balance because it will only be getting more congested with the Sheriff hiring civilian jailers.

Maybanks will proceed knowing that he has the Board's support as they have an interest in helping out employees.

Erin Foster, Mental Health Access Center, presented her quarterly update on the Linn County Mental Health Access Center. She stated that they are planning a grill out as a Mental Health Awareness Event on May 19<sup>th</sup>.

Supervisor Running-Marquardt thanked Foster for all of her hard work noting the people in the community that have families and the ripple effect. She also volunteered to help out with the grill out.

Supervisor Rogers stated that he also appreciates all of Foster's leadership as well as her team. This quarterly data and success stories have helped leverage funds from the Region.

Tamara Marcus, Sustainability Program Dir., recapped her meeting with the Board last week and brought details about the EPA's Climate Pollution Reduction Grant. This letter is a notice of intent to participate.

Motion by Rogers, seconded by Running Marquardt to approve submitting a letter of support on behalf of the Linn County Board of Supervisors for the EPA's Climate Pollution Reduction Grant (CPRG) Notice of Intent to Participate.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-4-62

A Resolution Relating to Fiscal Year 2024 Elected Officials Salaries

WHEREAS, the Linn County Compensation Board, in accordance with Iowa Code Sections 331.905 and 331.907, meets annually to review the compensation paid to the Linn County auditor, treasurer, recorder, sheriff, attorney, and supervisors, and comparable officers in other Iowa counties, other states, private enterprise, and the federal government; and,

WHEREAS, upon completing its review, the Compensation Board prepares a recommended compensation schedule for the county's elected officers for the succeeding fiscal year to submit to the board of supervisors for inclusion in the county's budget; and,

WHEREAS, the fiscal year 2023 compensation schedule for elective Linn County officers is: auditor, treasurer, recorder, and supervisors – \$124,967.15; sheriff – \$176,062.03; and attorney – \$199,712.11; and

WHEREAS, the Linn County Compensation Board met on January 30, 2023, at which time it voted to recommend an 12.0% increase in the compensation paid to the sheriff and attorney, and a 10.0% increase in the compensation paid to the auditor, treasurer, recorder, and supervisors for fiscal year 2024, which begins July 1, 2023.

WHEREAS, the Linn County Compensation Board submitted its recommended fiscal year 2024 compensation schedule to the Linn County Board of Supervisors; and

WHEREAS, the Board of Supervisors, upon receipt and review of the recommended fiscal year 2024 compensation schedule, determined that it will reduce the increases recommended by the Linn County Compensation Board by 59% and set the percentage increase at 4.92% for compensation paid to the Linn County Sheriff and Linn County Attorney, and 4.1% for compensation paid to all other Linn County elected officers in fiscal year 2024.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that the final fiscal year 2024 compensation schedule for Linn County elected officers is as follows:

Auditor	\$5,123.65 increase or \$130,090.80 total salary
Treasurer	\$5,123.65 increase or \$130,090.80 total salary
Recorder	\$5,123.65 increase or \$130,090.80 total salary
Supervisors	\$5,123.65 increase or \$130,090.80 total salary
Sheriff	\$8,662.25 increase or \$184,724.28 total salary
Attorney	\$9,825.84 increase or \$209,537.95 total salary

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Linn County Board of Supervisors, this date met in lawful session, that the salary for all elected officers of Linn County, Iowa, be increased according to the amount previously stated for fiscal year 2023-2024, and effective July 1, 2023.

Motion by Zumbach, seconded by Rogers to open a public hearing on proposed Fiscal Year 2024 budget. Proof of publication presented. There were no oral or written objections.

Sara Bearrows, Budget Dir., summarized the budget.

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

Motion by Rogers, seconded by Running-Marquardt to approve certification of Fiscal Year 2024 budget.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-4-63

A RESOLUTION APPROVING FISCAL YEAR 2024 PROPOSED BUDGET

WHEREAS, the Linn County Board of Supervisors have considered the proposed fiscal year 2024 county budget and certification of taxes; and, WHEREAS, a notice concerning the proposed county budget 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 budget was held on April 19, 2023, NOW, BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors as follows:

The county budget and certification of taxes for fiscal year 2024, as set forth in the Proposed Budget Summary, is hereby adopted, and the Board of Supervisors and County Auditor are hereby authorized to sign the approved fiscal year 2024 county budget.

Public Comment: Traci Nelson, 3311 Pleasant Creek Rd., Palo, stated that she watched yesterday's board meeting and spoke with regard to not being notified of the Duane Arnold Solar projects as she lives within 500 ft. of the projects. She contests the fact that Duane Arnold did not notify her, and no notice was posted. She was told that it wasn't necessary as there was enough notice by social media and posting at the county building. Charlie Nichols said they should have sent the letter but didn't mail it. The Iowa code requires a four-day notice of the meeting and that didn't happen. The original first meeting was illegal. The county is jumping the gun by allowing a change in conditions as there are other legal issues not settled by the court.

Adjournment at 11:29 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson  
Board of Supervisors