

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
TUESDAY, MAY 25, 2021 8:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center.  
Present: Chairperson Walker, Vice Chairperson Rogers (via phone) and Supervisor Zumbach. Board members voting "AYE" unless otherwise noted.

Chairperson Walker called the meeting to order.

Lisa Powell, HR Dir., presented and explained the following policies:

- Performance Evaluations for Bargaining Group Employees
- Group Insurance
- Post-COVID Telework Policy

Chairperson Walker stated that he is interested in correcting the fact that if the Board closes county buildings due to weather, it should not be incumbent upon the employee to use their PTO in order to get paid for that day (days). He also suggests that the Telework Policy allow five days a week rather than three.

Pramod Dwivedi stated that there are employees that absolutely cannot Telework and some that can and that creates morale issues.

Darrin Gage, Dir. of Policy & Admin., presented information regarding the reopening of county buildings on June 7.

Discussion continued regarding possible security or law enforcement presence at the Public Service Center to address COVID mitigation concerns. No county employee will be asked to make this a part of their job. Funding for security was also discussed as well as communication and signage for the public regarding expectations when buildings are reopened.

The Board received updates from the following Department Heads:

David Thielen, LCCS Exec. Dir. - Continue to work on Strategic Plan; no budget to review; General Assistance - overflow shelter closing May 31<sup>st</sup>. PATCH program through United Way to assist with Derecho recovery; ARPA subcommittee participation; OPTIONS - new Day Hab rules and subcommittee; MHAC - rainstorm and water issues; Juvenile Detention - Camera update is on hold until the server updates can be complete; participation in various groups and committees; and Early Childhood Iowa/DECAT Outreach efforts.

Pramod Dwivedi, Health Department Dir. - Accreditation every five years (delayed due to pandemic); focusing on Mental Health; working with management team on the KPI's; chosen to participate in meeting with Surgeon General and Vice President re: fight against COVID-19; working with public and private for vaccines; met with city of Cedar Rapids officials re: disparity in health; will participate in Freedom Festival Parade as Parade Marshall; this year's State of the County was exceptional; fielding phone calls from elected officials re: face coverings; work continues with COVID vaccine planning; vaccine statistics (behind but continue to move forward); air quality permits and safety inspections; Feed Iowa Garden and Grow Solar.

Jon Gallagher, Soil Conservation Dept. Head - majority of crops in the ground with timely rain; Morgan Creek and Indian Creek Watershed activities; final design on a wetland for Solid Waste Agency; attended webinar re: installations of saturated buffers and bioreactors; and fielding calls regarding solar farms.

Phil Lowder, I.T. Dir. - budget is underspent and three staff vacancies.

Jason Siebrecht, GIS Coordinator, gave a GIS presentation and the role they can play in various areas. The oblique imagery is available to internal users (those with an Eagleview Connect account) and they are scheduled to receive 3" mosaic imagery in late July.

Tamara Marcus, Sustainability Prog. Manager - the GIS system has mapped poverty information for her (might consider social vulnerability index); Communication: Linn County recognized in NACo publication for tree equity program; NAACP hosting a solar power hour; Polk County is considering hiring a Sustainability position (met with their supervisors); Assessment: received all comments from Sustainability Council for greenhouse gas inventory; Equitable adaptation: meeting with Public Health and Planning & Development representatives to talk about a new solar program (specifically gives access to solar). Working with Habitat for Humanity and Kirkwood to repair panels. Having conversation about a greenhouse at the Dows Farm; and American Rescue working group.

Motion by Rogers, seconded by Zumbach to approve minutes of May 24, 2021 as printed.

The Board recessed at 10:08 a.m. and reconvened at 6:00 p.m. at the Palo Community Center, 2800 Hollenbeck Road, Palo. Present: Vice Chairperson Rogers and Supervisor Zumbach. Absent: Chairperson Walker (personal business). Also present: Jon Resler, Asst. County Engineer; Amy Drahos, Public Health and Jon Gallagher, Soil & Conservation Dir.

Vice Chairperson Rogers called the meeting to order.

Charlie Nichols, Planning & Development Dir., gave a presentation on Linn County permitting process for Utility Scale Solar Projects. He clarified that there have been no applications received.

Gallagher addressed questions regarding soil and water runoff, flooding concerns, pollinator and vegetative components.

Amy Drahos addressed questions regarding a public health impact.

Jon Resler addressed questions regarding possible impact on roads during construction and the maintenance of roads after project is complete.

Jeff Ralston, 6007 33<sup>rd</sup> Ave. Dr., Shellsburg, stated that the presentation reassured him. He and his brother manage a farm near Palo. He likes living among wildlife and nature and living in the rural area. His overriding concern is that this is a large company with no vested interest in the community and motivated by profits. He asked that the Board adhere to the quality of life issue.

Kendra Aarhus, 111 Driftwood Cir., Palo, stated that she is very involved in the community and has had a small business. Her concern is for the countryside, views, future growth, quality of life, trails and impact on property values as this company works through the permit process for a large scale solar farm.

Eric Van Kerckhove, 111 Driftwood Cir. and Mayor of Palo, stated that this was a thorough presentation, but as Mayor, he is concerned about future growth of Palo and the ability for the community to enjoy the outdoors. What is the county planning to do to protect the growth of Palo?

Nichols responded that there is a Land Use Plan in place. If or when it comes to the Palo city council, they will have the ability to voice their concerns and the Board will take those into consideration.

Samantha Petersen, 3224 6<sup>th</sup> St., Shellsburg, stated that her family was approached in 2018 and her concern is the company taking responsibility for the obsolete panels at their end of life. She is also concerned that the expansion will continue and if the decommissioning is not complete, who will be stuck with a devastating situation.

Joe Kerner, 4394 Camp Rd., Palo, stated that this project has greatly expanded. His concern is with water runoff onto his property, flooding, the noise level, quality of life and the environmental aspect. He voiced concern for his sand point well and the value of his property going down. He asked the Board to consider the residents and not the dollar signs.

Matt Yates, 2362 Young Rd., Palo, stated that he is a 7<sup>th</sup> generation farmer and has a lot of concerns such as the expansion now involving 3,500 acres and land in Benton County. As farmers, they are stewards of the land and something like this is going to take out productive farm ground.

Danielle Hall, 2490 Hollenbeck Rd., Palo, stated that she and her husband own a century farm and are certified organic farmers less than a mile down the road. Their concern is for pollinators and noted that research shows that depending on the intensity of the sun and heat, the delicate wings of butterflies can very easily be singed and burned while flying over the panels. There is no sense to bring industrial solar projects to the county that are in conflict with bringing back pollinators, specifically the Monarch butterfly.

Steve Mason, 6547 Benton Linn Rd., Palo, presented information regarding the different types of fires caused from solar systems. He stated that the entire area is served with volunteer fire fighters. He also received a brochure from NextEra Energy.

Sallie Buelon, 3394 64<sup>th</sup> St., Palo, stated that her questions are about flooding, pollinators, and wanted to plead with the Board to take into consideration the people that live in the affected area. They enjoy the wildlife and surrounding countryside. This is also a mental health issue for more stress after COVID and the Derecho. She also argued that it is not clean energy when looking at the fabrication and process of construction, toxic chemicals and the issue if they would leach into the environment and then the recycling of them after 25 years. There will be fields and fields of 8 ft. barbed wire fence that will change the wildlife habitat.

Sara Alden, 4124 Greens Grove Rd., Center Point, stated that she is in the project zone. The presentation was very good but noted the recent storm damage from the derecho and what that would have done to the solar panels. The panels contain toxic materials and how are they planning to keep metals from going into their private wells. They also need to protect the character of the land. She started a petition and has 1900 signatures. Other counties are starting to establish more refined regulations. A strong solar ordinance would protect the county. This will have a multitude of generational impact. She asked the Board to create a solar ordinance addressing CSR rating and other criteria.

Mark Ralston, 3909 Lewis Bottom Rd., Palo, stated that he is a contractor and developer and is very involved in Palo. His concern is about the roads and hopes all

small communities can be involved in the process. The presentation answered a lot of his questions. He noted that he has been hired to demolish a property in Iowa City that has six solar panels. They cannot be recycled and it has been recommended that they go into the trash. In closing he stated that Palo is the gateway to the outdoors and they would like to keep it that way.

Terrin Anderson, 2923 73<sup>rd</sup> St., Newhall, stated that her main concern is how is the county going to hold this company accountable. A company of this size and with deep pockets can afford fines and these people cannot.

Wayne Buelow, 4646 Yates Rd., Palo, stated that he loves wildlife and the agricultural area. They have all been through a lot (tornado, Derecho, COVID) and he is sick and tired of fighting everything. Solar was made for the southern states, not states with rich productive farm ground. This is an absentee landowner with a get rich scheme with no connection to the community.

Jeff Hall, 2490 Hollenbeck Rd., Palo, stated that it took them 100 years to become a century farm and that can't be replaced. His home and his farm would be destroyed by this.

Frank Kintzle, 4851 Lakewood Dr., Cedar Rapids, stated that he was born and raised on a farm and opposes solar panels. What happens to the family farm and generations to follow. Proposed land has high CSR and it will destroy the appearance of the area and the habitat. The Board has an obligation and responsibility to consider and look at panels before approving them.

Marty Robinson, Colorado, stated that he does not believe that this is a serious process. It has already been stated that they are approved. Mr. Nichols has been meeting with these developers for months but yet supposedly it is "up for review". A recent Gazette article stated that Planning & Zoning will be hiring an outsider specialized to review this type of application. He continued to say that Linn County has chosen to ignore the use of high quality farmland. He senses that there is support for this from within the Linn County government.

Nichols responded that the news story about this already being approved was not true. They have done their best to contact the news stations and inform them that it has not been approved. He also explained that he has been talking to NextEra for months now but they have NOT submitted a concept plan or any documents. With regard to the specialized review of the application, it is true that they are considering hiring a third party if necessary to review panels. This all depends on the number of permits his department has to review.

Steve Meyer, 3372 64<sup>th</sup> St., Palo, stated that power is not needed in this general area and this solar power system will be connected to other areas in the country, therefore, it could be located anywhere.

Greg Butterfield, 3829 Williams Lake Rd., Center Point, stated that he is a farmer and a contractor. This greatly affects many people. He and his family, neighbors, girlfriend have all been harassed to sign contracts. The word "no" does not matter to them. This will take more farmland out of production and losing large amounts of tillable land to urban sprawl. This area will be changed forever. Instead of looking at miles of agricultural ground, they will be looking at miles of metal panels and chained fence surrounding the area. There will be constant buzzing and will have a domino effect that will happen to the community. As a contractor, he has been involved in the solar business and solar sites. There is a huge impact from noise. Stop this madness.

Melanie Bell, 3296 Midway Rd., presented a map of the proposed area for the solar fields and areas of future growth. The panels (impact zone) are proposed in a high dense residential area and this a gross misuse of the land and should not be allowed. Very inappropriate.

Trace Nelson, 3311 Pleasant Creek Rd., Palo, asked if Linn County has property that NextEra wants to lease and suggested that would be a conflict of interest. She also asked if NextEra has been offered tax incentives. She also provide statistics from a research paper from Austin, Texas regarding property impact from solar farms.

Supervisor Zumbach explained that Linn County owns property north of Palo that Conservation manages. They were asked by NextEra to be a part of the project. They have not seen the lease and have not met about it.

Nichols clarified that Conservation is in possession of the Lease Agreement and there are no local tax incentives.

Rick Hannen, 3942 Hannen Rd., Center Point, stated that he does not live in the area but he considers he and his wife low level environmentalist. They have a pollinator patch and solar on their machine shed. He worked at Duane Arnold for 30 years. People ask "why here". The reason is because Duane Arnold has a superhighway to the energy grid. This is a big social issue - climate change and global warming. Solar is a great benefit for displacing a lot of pollution. He has great empathy for those it will affect. Everybody wants it in somebody else's back yard.

Greg Johnston, 3266 Midway Rd., someone said money talks and someone had a map of 3,500 residents inside the impact zone. He also heard about property values going down. If all of these people's property values go down and they go to the County Assessor and asks that their assessment be lowered, what will that do to the county taxes? This will have a negative economic impact as well as an enormous amount of very unhappy people come election time.

Lisa Miller, 4637 Shellsburg Rd., stated that she has slowly come into this community. The first thing she thought of was "why?"

Julie Hoffmann, 3350 Pleasant Creek Rd., asked the Board how citizens can change the county's policy in order to prohibit solar in the future and how did it get adopted the way it is.

Nichols explained that he would need direction from the Board of Supervisors to make changes. He also explained the history of the current solar ordinance. Workshops were held. Applications were previously approved by an appointed group of citizens on the Board of Adjustment. It was recently changed to the Board of Supervisors who would be responsible for approving the applications.

Melodee Cunningham, 4325 McClintock, stated that they need to have a public vote on this instead of the Board of Supervisors making the decision.

Chuck Gates, Toddville resident, stated that this will displace animals and create habitat displacement. He has worked on solar farms and there is nothing green about it. The panels will condensate. He also heard rumors about imminent domain and he asked the Board if they were willing to put their jobs on the line if this isn't done right. As a contractor who has been doing this for 20 plus years, he can say that it is hard to dispose of the panels. He asked how they will be decommissioned and what happens to all of the concrete. It is all about the money.

Beth Dunkel stated that she purchased land in the proposed area just months before notice came from NextEra. She planned to enjoy the peace and quiet and nature. If they knew this was coming, they never would have bought the land. She questioned why they are putting it in an area that is best suited for farming plus they won't get the energy that is generated. This is extra stress for everyone. She hopes that the vote is no and they do not come back. She thanked the Board for their time.

Nichols read the following email questions through the Go To meeting:

Can the number of acres of land that has been leased be public record?

Nichols: Yes, once there is an application. This is the first of a series of public meetings.

Who are you waiting on for environmental issues?

Nichols: They are waiting for a completed project application to be submitted.

Can they forcefully take land?

Nichols: They have not asked for imminent domain but would go through Iowa Utility Board.

Does county ordinance address tiling systems?

Nichols: Yes.

To what extent do property values impact decision?

Nichols: Property values is not a part of the criteria but the Board of Supervisors could make their decision based on that.

During slide presentation it stated that local city council can make a recommendation but who has the final say?

Nichols: The Board of Supervisors and Iowa Utilities Board.

Is there a required distance that panels must be away from a residences?

Nichols: 50 ft. is the minimum but the Board of Supervisors can make it more.

Email comment: Congress had a hearing about this very thing. There are plenty of areas these could to go.

Email comment: Solar farm is a farm like any farm. There are pros and cons.

Brad Wilbach, resident in the proposed area, asked if Nichols could share how many people are online tonight?

Nichols: 230.

Eric Rausch of Center Point asked the Board what they considered were the top three benefits for Linn County passing this.

Rogers stated that this is unique in that they have not had a large-scale operator come to them before; it allows them to do a deep dive regarding what to allow or not allow.

Zumbach stated that he is confident it is being proposed in this area because of the infrastructure at the energy plan and the transmission lines are in place. He has not done the research on the benefits to the county or the state. The energy goes to CIPCO in Wapello Co.

A resident stated that he lives within the proposed area and asked at what point do they disclose this to potential buyers of their homes.

Supervisor Zumbach stated that based on the number of signs posted in the area, a potential buyer would get the message.

Tom Robinson, Coggon, asked about the current solar overlay ordinance and the timing. He referred to the proposed project near Coggon and the high CSR in that area. Drainage (tiles plugging) was a concern of his.

Ashley Rambo, rural Center Point, stated that her property is affected on three corners. She asked about Center Point and Palo having the opportunity to review. She also asked about public meetings and noted that she was grateful for tonight's presentation. She asked how the County can truly hold a company that has deep pockets and experts accountable for the plans they provide.

Nichols assured Rambo that if and when they apply, there will be public meetings. As far as keeping them accountable, it will involve a lot of due diligence including verifying and putting the information out to the public.

Brian Wilibach, rural Center Point, asked how this process can be slowed down.

Nichols explained that it will likely take county staff more than the standard one month review. Planning & Zoning may have more questions and not vote at their first meeting. The Board of Supervisors may have more questions and not vote at their first meeting in order to gain more information. Everything will be of public record and placed on their website.

The Board was asked who would provide experts on behalf of all of the residents knowing that NextEra will spend a lot of money to sell this.

Supervisor Rogers stated that their advocacy is something that money cannot buy. They have to show up to meetings. Make sure your elected officials know your stand on this. You elect people to make decisions on your behalf.

Sara Alden, a lot of this is profit driven, concern is what protection do they have if NextEra walk away?

Nichols stated that they must have a decommission plan. There may be a bond required.

Dan Butterfield, Toddville, stated that nearly all four of his grandparents are farmers. Since they can use eminent domain, how can the Board go to bed tonight knowing that his land can be taken away.

Deb Yates asked if NextEra has to follow the same zoning processes in Linn County as anyone else that wanted to build a home.

Nichols responded that the criteria is different.

Adjournment at 9:30 p.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson  
Board of Supervisors