

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, AUGUST 29, 2022 11:00 A.M.

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

Chairperson Rogers called the meeting to order.

Motion by Rogers, seconded by Zumbach to approve minutes of August 24, 2022 as printed.

Motion by Rogers, seconded by Zumbach to open a public hearing to determine whether Linn County will convey to Elaine Novotny Living Trust, whatever interest Linn County may have in vacated right-of-way described as the east half of the alley lying adjacent to the west line of Lots 93, 94 and 95 of said Town of Western and the north half of Sycamore Street lying adjacent to said Lot 93 and the alley lying between said Lots 94 and 95. Proof of publication was presented. There were no oral or written objections.

Motion by Rogers, seconded by Zumbach to close public hearing.

Motion by Rogers, seconded by Zumbach to open a public hearing to determine whether Linn County will convey to Timothy K. Grissel Jr., whatever interest Linn County may have in vacated right-of-way described as the east half of the alley lying adjacent to the west line of Lots 85 and 86 of said Town of Western and the south half of the alley lying adjacent to the north line of said Lot 86. Proof of publication was presented. There were no oral or written objections.

Motion by Rogers, seconded by Zumbach to close public hearing.

Heather Meador, Public Health, presented a Vacancy Form requesting a Temporary Nurse for the Public Health Department for the next three months to assist with the Monkeypox vaccinations which will alleviate the burden on existing staff. The position will be funded through a grant. The Board will approve on Wednesday.

Charlie Nichols, Planning & Development, presented a Software as a Service Agreement between Linn County and BSA Software, Inc. effective early 2024 for the amount of \$138,035. This is an upgrade to the permitting software and is included in the budget. The Board will approve on Wednesday.

Supervisor Zumbach asked about how this will affect online permitting for small towns and Nichols explained that there is a fee they are already paying.

Darrin Gage, Dir. of Policy & Admin., presented a Resolution to Provide for a Notice of Public Hearing on the Proposed Plans, Specifications, Form of Contract, and Estimated Total Cost for the Linn County Secondary Road District #1 Shop - Phase I Project, and for the Taking of Bids on Said Project. Gage explained that this is Phase I of a larger project for a shop near Palo. It specifically consists of site improvements, dirt work, demolition, and clearing in hopes to have site ready for a building in the spring of next year.

Sarah Coleman, Martin Gardner Arch., explained project and the estimate of \$491,000 for Phase I.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2022-8-134 A RESOLUTION TO PROVIDE FOR A NOTICE OF PUBLIC HEARING ON THE PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED TOTAL COST FOR THE LINN COUNTY SECONDARY ROAD DISTRICT #1 SHOP - PHASE I PROJECT, AND FOR THE TAKING OF BIDS ON SAID PROJECT

WHEREAS, the Linn County Secondary Road Department proposes that the Linn County, Iowa Board of Supervisors (the "Board") authorize the construction of the public improvement(s) as described in the proposed plans, specifications, and form of contract prepared by Martin Gardner Architecture (the "Project Architect"), which may be hereinafter referred to as the "Linn County Secondary Road District #1 Shop - Phase I Project", or the "Project"; and

WHEREAS, the proposed plans, specifications, form of contract, and estimated total cost for the project (the "Contract Documents") are on file with the Board; and,
WHEREAS, it is necessary to set a time, and place for a public hearing on the Contract Documents, to publish a Notice of Public Hearing on the Contract Documents, and to advertise for sealed bids on the Project.

BE IT THEREFORE RESOLVED by the Board as follows:

1. The Board hereby approves the proposed contract documents referred to in this Resolution, as prepared by the Project Architect, in their preliminary form.
2. The Board hereby determines that the Project is necessary and desirable for Linn County (the "County"), and finds that it is in the best interest of the County to proceed toward the construction of the Project.

3. The Board will hold a public hearing on the proposed contract documents on the 26th day of September, 2022 at 11 o'clock am in the Formal Board Room of the Linn County Public Service Center located at 935 - 2nd Street SW, Cedar Rapids, Iowa, at which time any interested person may appear and file objections to the proposed Contract Documents, and, after hearing objections, the Board may proceed with approval of said Contract Documents.
4. The Board hereby authorizes and directs the publication of a notice of public hearing on the Contract Documents for the Project at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in one or more newspapers that meet the requirements of Iowa Code Section 618.14.
5. The Board hereby delegates to the Linn County Purchasing Director and/or his designee(s) the duty of receiving bids for the construction of the Project until 2 o'clock pm on September 23, 2022, at the Jean Oxley Linn County Public Service Center in Cedar Rapids, Iowa.
6. The Board hereby sets September 26, 2022, at 11 o'clock am in the Formal Board Room of the Jean Oxley Linn County Public Service Center as the time and place that the Board or its designee will open and announce the bids received for construction of the Project, and that the Board will consider said bids.
7. The Board hereby fixes the amount of the bid security to accompany each bid at five (5) percent of the amount of the bid.
8. The Board hereby authorizes and directs advertisement for sealed bids for the Project in accordance with Iowa Code Section 26.3.

Motion by Rogers, seconded by Zumbach to approve Employment Change Roster (payroll authorizations) as follows:

INFORMATION TECHNOLOGY

Desktop Tech Nicholas Distler Step increase/contract 08/24/22 60C \$32.93 – 60D \$34.77

HUMAN RESOURCES

Intern Elizabeth Bagby Termination/end of internship 08/12/22

FACILITIES

Custodian Ashley Charles Termination – did not complete pre- employment requirements 08/22/22

SHERIFF'S OFFICE

Sergeant Steven McElmeel Transfer to Patrol 09/03/22

Senior Account Clerk Savanna Hutchins Transfer to Recorder's Office 09/09/22

Secretary Wendy Leonard Termination/retirement 01/13/23

LIFTS

LIFTS Driver Rudy Rodriguez Termination/resignation 08/28/22

LIFTS Director Carter Baldwin New hire – FT 09/19/22 \$95,000/annually Replaces T. Hardecopf

PUBLIC HEALTH

Environmental Hlth. Spec. Matt Dobler Step increase/contract 08/22/22 39C \$33.53 – 39D \$35.28

ENGINEERING

Temp Road. Mtc. Wrkr. Daniel Cook Termination/temp position ended 09/01/22

Temp Road. Mtc. Wrkr. Kelly Malone Termination/temp position ended 09/01/22

Temp Road. Mtc. Wrkr. Joe Carper Termination/temp position ended 09/07/2022

Discussion: Supervisor Walker stated that he will not be supporting the payroll roster today for procedural reasons. The new LIFTS Director's position is included and he noted that this is not a personal grievance and he wishes this person the best. However, after learning that the LIFTS Director position was coming available, he stated that there was an individual in the community that would be a good fit. Walker stated that he wanted to be a part of the process (serve on the committee) so that this person was given a fair shot at the job. He expressed his interest and met with the HR Director twice in person. It was through an email exchange that he learned that Supervisor Zumbach would be on the hiring committee. Offers were made to put another person of color on the committee (should be standard practice). It was his opinion that since this would be a person that would report directly to the Board, board members should at least see all of the individuals who applied and the Board should make the decision. Supervisor Walker continued to say that it is his hope that going forward when this Board has a Director's position open that reports directly to them, that the Board needs to seriously consider the process. This person does not report to the HR Director. The Board is currently placed outside of the process when it comes to determining the salary and the job description. He also noted that he is sure this person is qualified and he is sure the hiring committee made a good decision. His critique is the procedures and how it came down. He hopes that this does not happen again.

Supervisor Zumbach clarified that he thought it would be important for him to serve on the committee as Supervisor Walker will not be on the Board next year and Supervisor Rogers has an opponent this fall for his position. He felt it was important that if he is the senior Supervisor after the election that he serve on one of those committees at least once. That's all it was about.

VOTE: Rogers and Zumbach - Aye

Walker - Nay

The Board recessed at 11:17 a.m. and reconvened at 6:00 p.m. at the Palo Community Center, 2800 Hollenbeck Road, Palo, IA.

Chairperson Rogers extended his appreciation to the City of Palo for the use of their facility and extended his apologies for the unfortunate oversight last week.

Motion by Rogers, seconded by Walker to open the following Public Hearings:

Public Hearing for rezoning case JR22-0004, request to rezone property located north of Palo along Palo Marsh Road, McClintock Rd, Daec Road, and Mather Ln from AG (Agricultural) district to RE-AG (Agricultural with a Renewable Energy Overlay) district and CNR (Critical Natural Resource) to RE-CNR (Critical Natural Resource with a Renewable Energy Overlay), approximately 316 acres, Elizabeth Sharyl Mather, FPL Energy Duane Arnold LLC, NextEra Energy Duane Arnold, LLC et al, NextEra Energy Duane Arnold, LLC, R&G Bull Farms LC, owners, Duane Arnold Solar LLC, petitioner.

AND

Public Hearing for rezoning case JR22-0005, request to rezone property located north of Palo along Palo Marsh Road, Lewis Access Rd, Power Plant Road, and Lewis Bottoms Rd from AG (Agricultural) district to RE-AG (Agricultural with a Renewable Energy Overlay) district and CNR (Critical Natural Resource) to RE-CNR (Critical Natural Resource with a Renewable Energy Overlay), approximately 815 acres, David E. Nemecek, Lewis Bottoms Farms Revocable Trust, Lewis Bottoms Farms Revocable Trust et al, Dennis W. Bizek, Kibbie Family Farms, LLC, Melvin M. Young, Potts Family Irrevocable Trust, Tabitha Andrews, FPL Energy Duane Arnold LLC, FPL Energy Duane Arnold LLC ETAL, R&G Bull Farms LC, ITC Midwest LLC et al, Charles A. Stodola Revocable Trust ETAL, ITC Midwest, LLC, Lewis Family Revocable Trust, owners, Duane Arnold Solar II LLC, petitioner.

Proof of publication was presented.

Deb Yates, 2362 Young Rd., Palo, read Article 1-Bill of Rights, Section 24 of the State of Iowa Constitution re: protection of farmland as well as the Iowa State Univ., CALT Legal Issue Brief. The Duane Arnold Solar leases have an initial term of 30 years then the "Operator" has the right to extend the term for 10 years. She also noted that the Renewable Energy Overlay code enacted while the developer (herself) was a member of Planning & Zoning (P & Z) included LESA. Yates continued to say that the developer stated at the July 28, 2022 P & Z meeting that their team began targeting land that was 65 CSR or less. LESA was developed to protect high value farmland. Linn County's staff report shows that 76% of the project will be on Moderate to Highest production soil.

Swati Dandekar, Bright Future Iowa, stated that she has additional signatures of Linn County residents that stand solidly for solar for a total of 5,093 residents. She urged the Board to approve the rezoning cases for a brighter future, new jobs and cleaner energy.

Gregg Geerdes, Iowa City lawyer representing several opponents of the solar projects, presented two documents for the record. 1) 28E Agreement dated 2012 and signed by the city of Palo and Linn County (Strategic Growth Plan) and the Linn County Rural Land Use Plan that was in existence in 2000. He referred to the 28E agreement noting that a solar farm does not meet requirements and instead of protecting valuable land, they are ruining sensitive valuable resources. It all comes down to what is the best site for this project and why are they using prime farmland when there is lower quality land that can be used. Geerdes continued to say that the renewable overlay zone allows for the generation of electricity by solar and other renewable energy mechanisms but it does not allow for the storage of electricity. He assured the Board that legal challenges will be made if expanded beyond that. He also stated that there are parcels of property that are not zoned Ag. or Critical Resource Areas and the overlay zone is only permitted in those two zones. The Board can expect controversy and legal action over that point as well. Finally, he asked the Board to look at their current Comprehensive Plan, which states that they are to direct development away from prime Ag. areas.

Brett Mason, Candidate for County Supervisor, stated that there is a lot at stake tonight. There are people that are excited by the added revenue and people that are afraid the cities have no place to grow and wondering if the Board will listen to them. Over the past year and a half, the Zoning Commission has voted 10-4 to not approve the solar projects but yet the Board is doing it. There are 230,000 residents in Linn County and 5,000 are in favor. He asked the Board to pay attention.

Jo Pearson, 1210 Starry Dr., Marion, asked the objectors to think outside the box and think of others besides themselves. Think of their children and grandchildren. It is not all about them. Arguments include that people do not want it in their backyard and do not want to look at panels for 30 years. She has heard that property values may decline and they should not take farm ground out of production and use it for battery storage. There is no greater problem than global warming and climate change. The outcome is that humans will no longer be able to inhabit the planet. They are at a

point where just individual action alone is no longer feasible from keeping the globe from warming.

Nancy Patrilla, 3716 Alice Rd., Toddville, stated that she is not in favor of a solar farm. These solar panels are planned to last 20-25 years. How can the technology not be outdated by then. This is a sales job for the NextEra staff. They will go home to homes that are most likely not located next to a large solar farm, but for rural residents of Linn County, this is very personal and something they have to live with for the rest of their lives. She asked if they are taking into account that when they take highly productive Ag. land out of commission in 2043 or later, it will drastically hurt the farming community, seed companies, farm equipment manufacturers, Ag. companies, etc. She asked how long the decommissioning will take and asked the Board to take a vote of rural Linn County residents to see if they are in favor of living next to solar farms. With regard to the 5,000+ signatures in favor of solar, that represents only 2% of the population. She also does not agree that every adjacent landowner has been notified (her son was not contacted). How do they know that trees will be available for planting and what happens when they run out of trees. NextEra has promised to use local labor to build the solar farm and she understands that the union people who are solidly in favor of this are basing their decision on trusting they will be that labor. How will building the solar farm help the local economy? If labor is local, there should not be more demand for hotels, restaurants, etc. She reminded everyone that NextEra had 600 jobs at DAEC that were heavily union as well as veterans. They closed down DAEC instead of keeping it running. That hurt the local economy a great deal. Where was the NextEra loyalty then? She asked why this is being rushed through. It should not all be about the money.

Carolyn Peterson, 4808 Olde Mill Ct. NE, Cedar Rapids, stated that before moving to Iowa, she worked for many years as an environmental consultant and explained her duties and credentials. She pointed out various errors in the Duane Arnold Solar application and spreadsheet calculations in the decommissioning cost estimate and explained her findings.

Rick Hannen, 3942 Hannen Rd., Center Point, stated that he is a retired farmer and noted three points. 1) Property rights. Unfortunately, his land is not close enough to this project because he would make a lot more money. 2) Economics. Why would they import power and export all money from land rentals, salaries and jobs. 3) Environmental ethics. They have a responsibility to the environment and the rest of the world. His legacy is important and he wants his grandkids to know that he spoke up to do the right thing for the environment. He closed with a quote from Winston Churchill.

Jeffrey Cook, 4600 Ford Ave. NW, Cedar Rapids, stated that he is a union electrician and someone who will benefit from this. He thanked the Board.

Steve Myres, 3372 64th St. Dr., Palo, explained data and statistics regarding the battery monitoring system and when high temperatures or overvoltage's are sensed. He continued to explain several examples of BESS explosions due to their release of the stranded energy. The mindset of the developer is that the chance of an event is so remote that they consider worst-case scenario is one cell in one module will cause only one module to have damage. There is no plan for this type of event other than watch it burn. Poisonous gasses can be omitted and multiple explosions could occur. This would be happening about a half-mile from one of the major switchyards in Iowa. It would also be occurring about a half mile from 45 years of spent nuclear fuel from the former nuclear plant.

Laura Myres, 3372 64th St. Dr., Palo, asked where the ordinance or code is that governs the installation of the BESS (Battery Energy Storage System). She referred to Linn County's Renewable Energy Overlay and that it does not mention energy storage or batteries. Citizens and the Planning & Development Dir. asked for a moratorium and it was denied. She referenced the Energy Storage Action Plan dated May 2019 authored by the Iowa Energy Office and developed by the Iowa Economic Development Authority speaks to the BESS being in the "developmental" stages. Since they do not know what battery NextEra intends to install, it is speculative to state the dangers the BESS may pose. They do know that batteries tend to catch fire, off gas toxic gas, and could explode. The current intent is to "let it burn". She continued to address rural voluntary firefighters and the lack of water sources. How would a fire be contained so that it does not spread to non-participating land/homeowners when there is no onsite water supply. The BESS needs its own ordinance.

Gary Scott, 124 3rd Ave. NW, Mt. Vernon, stated that he is a retired engineer and a technical person. He has solar panels and two electric cars. Neighbors complain about his panels on his roof. He toured Minneapolis area solar farms and saw happy sheep grazing under solar panels, native plants, beekeepers working flowers and selling honey. It was a beautiful place. He has that kind of dream for Linn County and Palo is a big part of it. Everyone will be seeing electric cars and he hopes that they are charged by solar panels. He continued to say that there are vegetables that grow best under solar panels (kale, cabbage).

Don White, 602 Blue Heron Crt., Cedar Rapids, thanked Linn County staff for working on the overlay and he is excited that they now have an application to consider. He pointed out that the DAEC was scheduled to be decommissioned and it was accelerated by the Derecho. Solar and battery storage is the right decision. Power is needed for charging cars and vehicles. He noted that a Palo Planning Commissioner has a conflict of interest. He also stated that county owned land that is not included is losing revenue by not being included. They could have gotten \$900/acre. That is a dereliction of duty by the Board of Supervisors. He continued to speak about the economic benefits and how renewable energy attracts employers, federal funding for infrastructure and puts Linn County on the map in a good way.

Don McClusky, 703 Vinton St., Palo, stated that electric cars are the wave of the future. It is a value to have the ability to charge a car from solar and to not be dependent on a gas station. He resents this being called a nuisance.

Eric Van Kerckhove, Mayor of Palo, stated that he understands how challenging public office can be at times and he was once told by a fellow elected official that you are never going to be able to make everyone happy. They all understand that no matter what the Board's final decision is next week that not everyone will be happy. He shared highlights from Palo's unanimous resolution regarding NextEra's rezoning requests in the hopes of by sharing, Palo may be able to help lessen some of the burden associated with the decision making process. On May 16, 2022, in accordance with Palo's 28E Agreement with Linn County, the Palo City Council unanimously voted in opposition of NextEra's application citing five key concerns. 1) A massive solar array and battery storage will have a negative impact on property values in and around Palo. 2) These projects are contrary to Palo's culture and identity as the gateway to the outdoors. 3) Solar I & II will develop an unsightly massive barrier between the City and Pleasant Creek State recreational area which is regularly used by residents and non-residents of Palo. 4) Solar I & II are positioned directly in the path of Palo's growth. 5) The consensus of the citizens of Palo is that the community is opposed to the development. In summary, the city of Palo strongly opposes the rezoning of the area surrounding Duane Arnold Energy Plant to facilitate the development of Solar I & II projects. The city of Palo respectfully requests the Board to deny NextEra's requests and applications for rezoning. He has heard the Board state before that they value and respect local leadership. It is his hope that his comments, Palo's resolution and the collective voice of the community have provided context and added value to the discussion and ultimately hope to make the Board's job a little easier in the coming days.

Marc Franke, 205 Visa Rd. Ely, stated that he supports the leasing and non-leasing residents when it is done right. NextEra said they would comply with the changes made for the Coggon project (300' setback, 1000'screening, etc.). On August 4, he toured a solar farm in Minnesota (operated since 2017) and described what he saw (solar sheep grazing; bee keeping outside the fence; and dirt berm screening with prairie blossoms). He gave public comment to the Board and stated that grazing saves money over mowing and is practiced in 20 states. After 30 years, the land is certified organic. Two contract-grazing companies exist in Linn County. A 6' dirt berm provides immediate screening.

Hazel Grimm asked that everyone take a moment of silence to recognize veterans and farmers. She stated that she is a military veteran. Her kids will receive her land (fourth generation farm). This is taking away their heritage. The land has been in the family over 100 years and to think about all the food this land produced over the last 100 years.

Julie Tabor, 7471 Commune Crt., Palo, stated that she recognizes and understands concerns about solar. She is in favor but understands that it affects those differently that are directly affected. She has lived in the shadow of the Nuclear Plant and this risk seems tiny compared to that. There is never a perfect solution but this seems like a good solution. She noted that when talking about taking farmland out of production, making ethanol is not food production and ethanol is not a good return on investment. She greatly respects those that are opposed but the benefits outweigh the negatives.

David Maier, 323 Crescent St. SE, Cedar Rapids, stated that he typically does not support rezoning because often times the land and impact is worse than the benefit. However, he does support this rezoning. He learned a lot tonight from folks that are not receptive to this change. He trusts that the Board will consider the concerns of folks directly impacted by any zoning changes and solar panels. It is the right thing to do going forward.

Fred Hubler, 9422 Deer Ridge Dr., Cedar Rapids, stated that the shutdown of the nuclear plant was planned prior to the Derecho. The nuclear plant was not generating Co2 emissions, it was generating clean energy. Now they are replacing that plant with 20% of nameplate capacity. This proposal is not going to reduce Co2 emissions or reduce electric rates. Alliant Energy had already reached an agreement for this project with consumer advocacy and environmental groups to increase electric rates. Sen. Grassley (two years ago) asked why solar gets 250 times the investment tax credits as nuclear. It is hard to believe that the nuclear plant was closed for any other reason than to harvest investment tax credits using the existing transmission lines. Closing not only resulted in a permanent loss of jobs but even though they now

have no fuel costs, another rate increase has been granted. While it may be true wind and solar reduce fuel costs, it is not free especially when they have to pay landowners to use their land to harvest the sun. Now a lot of people that are advocates for this project rationalize it on the basis of property rights. That does not make it okay to raise everyone's electricity rates so that the wealthy investors can harvest massive tax credits.

Nikki Wilcox, Cedar Rapids Metro Economic Alliance, stated that they are always pushing for economic development. The voice of businesses is to thrive and grow and they need to be competitive. Linn County needs to move forward with these types of projects as some new companies insist on renewable energy.

Steve Hershner, 100 4th Ave., Cedar Rapids, stated that his grandchild will turn one year old on Sunday and they have not done nearly enough to ensure that his generation does not suffer from the inaction of addressing climate change. They need to take immediate steps locally and nationally to try to reduce the release of climate-warming gases into the Earth's atmosphere. This project will expand Iowa's solar capacity that has so far taken a back seat to wind energy in renewable energy investments. In addition, this project has an energy storage component, which is another key factor in meeting the energy demand needs. This project will allow reuse of some existing electrical distribution and infrastructure that was associated with the previous nuclear plant. Now that he is retired, his prior career was focused on clean water and they should not ignore the downstream water quality benefits from taking hundreds of acres out of row crop production. He asked the Board to support both phases of this project.

Mike Carberry, Bright Future Iowa, 2029 Friendship St, Iowa City, stated that he grew up 13 miles from Palo and his dad was a veterinarian in Newhall. Things are moving in the right direction. He was a Johnson County Supervisor, was an environmental consultant and agricultural lobbyist for over 20 years and stated that this project hits a lot of sweet spots. Battery storage is a wonderful thing; using existing infrastructure is key; and to look at the grid as an interstate highway. A landowner should be able to lease their land for harvesting the energy of the sun to make electricity. He applauded the Board and asked them to move forward.

Bruce Lindholm, 316 Forest Dr. SE, Cedar Rapids, stated that he has been an engineer for 44 years. The most effective green energy is nuclear, however, the country is pushing green in other ways. He is not crazy about solar or wind being the solution but he supports the project. The Linn County Sustainability Committee is trying to improve the numbers in Linn County. This is a temporary solution and he supports it.

Elliott Meyer, 106 W. Harrisen St., Edgewood, stated that he supports the project on behalf of the Iowa Land & Liberty Coalition. This is a benefit to landowners as it is a reliable income for farmers. He urged the Board to support.

Thomas Bean, 4660 Leprechaun Lane, Cedar Rapids, stated that he supports the solar project because landowners have the right to use their land however, they want. The project is a boost to Linn County and will help fund schools and roads. He urged the Board to approve.

Jason Snell, 3105 Alleghany Dr. NE, Cedar Rapids, IA, stated that his comments were sent via email. He and Sunrise members are in support.

Mary Benion, 3657 Lewis Bottoms Rd., Palo, stated that she is not against solar, but is against large industrial solar. She built her forever home in the middle of Phase II. She moved to the country for the space, the beauty, and the nature all around and definitely not to be surrounded by solar panels, the hum of invertors and disrupt to the wildlife. If the solar project is so good, why are they offering \$900/acre to lease the land? If this is such a great project, why is it that once the lease is signed you cannot back out. Can NextEra be trusted? Is this just another company saying what you want to hear? NextEra joined with other utilities in 2016 to curb rooftop solar in Florida. If they are all about solar, why would they attempt to block small scale solar? An activist group mailed out a flyer stating that the money they will be paid by leasing their land will help them save the family farm. NextEra is about power, not the environment. The city of Palo has an ordinance against anything happening within a 2-mile radius outside of the city limits. Is the Board going to honor that? What will be done to protect the gravel roads and how soon will they be repaired if damaged? Will there be dust control? Will NextEra be held accountable for any unkept promises? There are too many unknowns. Is it about energy or about being the first large solar farm in Iowa? She stated that sometimes it's ok to say No and let's not be the county that makes a 30 year mistake.

Steve Emerson, 3880 Lewis Bottoms Rd., Palo, referred to Critical Natural Resource and the purpose is to protect "high-value" natural resource areas. It is shocking that utility scale solar is allowed, even as an overlay. He stated that he has been on the Conservation Board for several years and feels that he understands CNR. Rereading the purpose and rationale to impose CNR on all of the landowners very much parallels what they strive to do on the Commission. They have tended to conservation better than any other county in Iowa. You must have a minimum of 35 acres of CNR land in order to build a single-family residence. So, it's odd that utility solar was snuck into this table. One of his favorites is "discourage non-agricultural uses in the agricultural

areas of the county: discourage scattered leapfrog development. Phase II is a perfect example of leapfrog development. He opposes utility solar. It's ugly. The arguments that the County shouldn't tell people what to do with their land. The County does that all the time. There are laws, zoning and rules that tell them what they can and cannot do, even with your own land.

Cindy Golding, 7000 Tower Terrace Rd., stated that she lives on a farm in rural Linn County. The Board is her only representation. There is no city council. There are two city councils in rural Linn County that requested to not surround them with solar and there is a 28E agreement they should honor. She is in favor of solar on rooftops. She owns a Tesla and she looked at solar at her farm. It would be a 22 yr. payback and it was recommended that they not do it. If they want to put solar up, put it on rooftops where there is existing infrastructure. How many electronics does anybody have after 30 years and are still using. What is the actual cost of decommissioning? With regard to property rights, she owns farms all over Linn County and she is told all the time what she can and cannot do with her land. Her property rights are limited. She stated again that it is the Board's responsibility to represent those who live in rural Linn County. People in Cedar Rapids will sign off that they are in favor of solar but they don't know it's being put on farm ground. She urged the Board to encourage solar on rooftops so those dollars go to property owners who can create their own energy.

Cheryl Valenta, 2409 C. Ave. NE, Cedar Rapids, stated that she is a member of the Kirkwood sustainability Club. She pointed out that this project is using current infrastructure and it makes sense to put solar there. NextEra has donated lots of panels to Kirkwood for training students to fix panels. They are working on a plan for nonprofits to use the panels. She also hopes that the Board sticks with their climate action plan as it is very important for everyone's future. She asked the Board to move this project forward noting that there is no imminent domain.

Paul Iversen, 313 3rd Ave. SW, Mt. Vernon, stated that he supports the solar project. The Board is not being asked to set energy policy. The US is changing to renewable sources. The question before the Board is the use of land from people that own that land. Nothing he has heard is an overriding reason to tell them not to do what they want to do (valuable to the community to keep interconnection to the grid and substation that is there). It is good to have electricity generated here and there are a lot of things to like about the project. This is clearly an acceptable use of the property. He urged the Board to move forward with the project.

Mark Lebeda, 3697 Van Fossen Ln, Toddville, stated that he attended the Planning & Zoning meeting and after 5.5 hours, it passed. As always, rural Linn County does not have a voice. Iowa already produces more energy than they can use. He also stated that the people who want to lease their land to NextEra are not farmers. They traded their souls for the almighty dollar. He will not be able to hunt on his own property once the panels go up. The county has been telling people what they can do on their own property for years. There are rules and regulations to keep people from doing what they want on their own. Rural living is a way of life and they want to protect it (watch crops grow, watch cattle graze and wildlife live and roam in their natural habitat). Stay out of their backyards.

John Zakrasik, 531 Lawndale Dr. SE, Cedar Rapids and Dir. of Linn Clean Energy Dist., pointed out the importance of lowering emissions in Linn County. If properly handled, the farmland will be preserved. Batteries are critical and economic development is very important. This may be an opportunity later on for a fourth generation nuclear plant. He applauds the Board and Planning & Development for looking at the least amount of impact on neighbors.

Pam Mackey Taylor, 2200 S. 31st St., Marion and Dir. of the Iowa Chapter of Sierra Club, stated at they looked at this area. They believe NextEra has done a good job avoiding certain areas and they have listened to the concerns voiced during the Clenera (Coggon) project and addressed those concerns. They are not polluting and the project does not emit radiation. The landowners have consented to participate and are not forced (no imminent domain). The transmission infrastructure is present and they encourage supporting the project.

Tom Robinson, 2094 Linn-Delaware Rd., Coggon, stated that he would like to comment on one member of the Board who likened himself to the CEO of Linn County. That disturbed him. He was always taught that the Supervisors are employees of the citizens of the county and are elected to serve the best interests of their constituents. The actuality of this process is somewhat different. He referred to the informational meetings held in the summer of 2021. In preparation of those meetings, he contacted a firm based out of Arizona that specifically deals in industrial solar teardown and recycling. He told Linn County and Alliant of his conversations with them. The decommissioning process was described and he offered to share that information with Linn County but he was never approached. Robinson also referred to a Los Angeles Times article published in July 2022. His family spent several days in Des Moines talking to legislators about the direction/influence of "renewables" and in particular solar. He shared information about a conversation with a senator from the south side of Des Moines. He questions the integrity of those involved and the integrity of the system.

Laura Robinson, 2094 Linn-Delaware Rd., Coggon, asked the Board to reject the project. She is assuming Alliant/NextEra is much like its competitor Mid America - a for profit public utility. Utilities have a right to make a profit. Rates and policies are under the scrutiny of the IUB. She referred to a June 2022 Des Moines Register business page article about proposed solar and wind expansion investment. She continued to give statistics regarding return on investment of Mid America and Alliant. Cedar Rapids Business Club people have mentioned that this Palo project is so essential to the growth of the downtown of Cedar Rapids. It is insinuated that Facebook, Google, Twitter want to build there but there is not enough "green energy". These data cents employ minimal numbers of people. What they really want is cheap, subsidized electricity. The Wapello industrial solar site, approximately the same size as the proposed Coggon site, is running at 18% of its nameplate efficiency and Linn County wants to build more? Utilities are guaranteed a profit and taxpayers get the bill. Bright Future Iowa does not look very bright to her.

April Mead, 4061 Dalewood Ave. SE, Cedar Rapids, stated that she considers herself an environmentalist and climate change is the number one priority of earth and they all need to do their part to do what they can to mitigate climate change. She supports the project and hopes the Board does too.

Greg Bickal, 3653 Toddville Rd., Toddville, stated that he grew up in Palo and it's a beautiful day in the neighborhood for Mr. Rogers where it's okay to disenfranchise the majority of the landowners as they are not in his voting district. It's not a beautiful day in his neighborhood where his property will be surrounded on three sides by industrial solar with no guarantee that the fourth side won't also be surrounded. There was a farmer who lost his lease on 500 acres as he can't compete with utility companies and their anti-trust protection. Where is the protection for all the farmers to lease land and will no longer be able to farm. The Robinsons field will not drain due to damaged tile lines. There was clean energy with the Nuclear Power plant and good paying jobs. This is not about saving the planet, it is about greed. These solar panels don't just appear. They last 30 years and then they need to burn more coal and use more resources to make new ones. The Field of Dreams is not surrounded by solar, it's surrounded by corn. Corn can be made into ethanol and food for his Koi fish. Corn is 100% green, renewable and not made in China. Corn does not need a decommissioning plan and does not contain harmful chemicals.

Paula Robinson, 1127 Linn Delaware Rd., Coggon, stated that the Duane Arnold solar projects do not meet Linn County's Comprehensive Plan, specifically in the hazard planning section (which she read). They speak to the amount of Co2 that will be removed and will help mitigate climate change. What about toxic chemicals that those panels contain? What happens when panels break? Decommissioning will likely cause harm to the environment. CIPCO's panels in Wapello (the same to be used in the Coggon project) use lead solder. NextEra listed two possible panels for their choice for 5,000 panels to be installed on 1,000 acres along Cedar River watershed. What panels will NextEra use? Lead is highly toxic (there is no safe level of lead). There is talk of returning land to farmable condition at end of life. How will they be held accountable? There are lawsuits already pending against wind and turbine companies that are not properly disposing of them. She read in the Gazette about Bright Future and commends them for getting over 4,000 signatures on a petition in support of solar. She is getting mixed messages based on what was implied tonight.

Danny Henninger, 6215 Ridgewood Meadows Ln. NE, Cedar Rapids and Business Manager of Laborers Local 43 stated that this is a very valuable project and asked the Board to move forward. New businesses and manufacturing companies are looking for renewable energy and Iowa landowners have the right to use land as they want (harvest the sun opposed to harvesting crops). CIPCO in Coggon and NextEra are addressing concerns. It is time to commit to renewable energy. Local 43 is in favor.

Angela Davis, 3920 Lewis Bottoms Rd., Shellsburg, stated that the panels will be 320 ft. from the back of her house. It is hard to listen to people who do not live in the area talk about this project being a good idea. It is not a good idea. She gave examples of being pursued to sign lease paperwork and then people on her land without permission (including drones). She lives close to a natural area and Pleasant Creek State Park. Just because they found landowners to lease land to them does not mean it's the best place. She understands climate change is an issue but using farmland will create a new problem. Use the roofs of buildings in Cedar Rapids. She would like to think that the Board supports all Linn County residents. Her family is asking the Board to not place panels directly behind her house.

Mike Long, 3815 Terrace Hill Dr. NE, Cedar Rapids, stated that he hopes that the Board votes to approve the project. It is good for the environment, jobs, and everyone likes it when light switches turn on. Meetings aren't required to allow for growing beans, corn or hay.

Justin Voss, Alliant, stated that he believes in solar and he believes in this project. He asked for the Board's support to supply renewable energy. Alliant will own this project and it will go into their regular power grid. He has heard about being held accountable for decommissioning and he pointed to the company's strong track record. On behalf of hundreds of Alliant Energy employees, he asked for the Board's support.

Ansley Snyder, Palo, stated that she understands that the Board does not have an easy job. She was born and raised in Palo, is a realtor and her dad was on the Planning & Zoning Commission in Iowa City. She grew up around these types of conversations. She is on the Planning & Zoning Commission in Palo and her expertise is real estate. This will affect property values and already has. Setbacks need to be seriously looked at. This is industrial and will be changing the growth for Palo. The Board needs to answer to the citizens. Palo does not want it and she hopes the Board is listening.

Sara Alden, 4124 Greens Grove Rd., Center Point, stated that this consideration should be about what is best for the community, including Palo, and should support Linn County's Comprehensive Plan. The Comp. Plan states that Linn County is protecting natural resources, including farm ground. Natural resource preservation are the county's assets. This development's number one purpose is to generate electricity. Iowa does not have the solar radiation for this solar project. She asked the Board to think about value when assessing prime farm ground vs. solar. This is greed and politics. They are leasing land for \$900/acre and taking land out from under other farmers that want to rent. Alden presented several flyers that were mailed to residents.

Martin Smith, Cedar Rapids, stated that he supports Marc Franke's comments. There is a lot of land available to graze sheep. Panels suggested to go on roofs in Cedar Rapids is not feasible and is impractical. That is not a good substitute for this project. Nuclear power is priced out of the market in the US.

Kelly Merta, 4194 Quail Ridge Rd., Center Point, presented several questions about Planning & Development's document with regard to accountability, bond requirements and timeline, water service and fire protection, large scale removal of trees, clean-up of debris from storm damage and insurance. She also questioned why Public Health had no conditions to meet. Did they review BESS? Why didn't they incorporate DNR's suggestions for protection of sensitive areas?

Karen Balderson stated that she served on the Linn County Board of Adjustment and is familiar with the Linn County Comp. Land use Plan. She noted that the last meeting of Planning & Zoning, CSR was not met in all of this and she is amazed that the Planning & Development Dir. recommends approval. She asked the Board to go back to the drawing board and address some very serious issue. Palo's 28E Agreement is not going away either.

Motion by Rogers, seconded by Walker to close public hearing for rezoning case JR22-0004 (Duane Arnold Solar I), and rezoning case JR22-005 (Duane Arnold Solar II).

The Board recessed at 8:50 p.m. and reconvened at 9:00 p.m.

Charlie Nichols, Dir. of Planning & Development, gave a very lengthy and detailed presentation of the two Duane Arnold rezoning cases. The Planning & Zoning Commission voted 4-3 in favor of recommending approval of both cases at their July 28, 2022 meeting. Staff recommends approving the proposal subject to conditions of the staff report.

Supervisor Zumbach asked Nichols for clarification regarding screening (why different than Coggon), water brought to the facility (why different than Cedar Rapids facility), DNR obligations not met, dust control, and seek mix.

Kimberly Dickey, Duane Arnold Solar Project Dir., gave a lengthy and detailed presentation.

Board members asked various questions of the developer and Dickey asked that experts that were present speak to those questions including managing vegetation, minimizing potential environmental impact, off gassing during a fire, feedback from fire professionals, BESS, road repairs, storm cleanup and decommissioning.

Motion by Zumbach to consider a 1250 ft. setback with 950 ft. being negotiable. He still thinks that it is in NextEra's best interest in the long run. He has gotten several calls from different counties wondering what their setbacks should be. Supervisor Rogers seconded the motion.

Discussion: Supervisor Zumbach stated that as the only farmer on the Board, he has bought farms with homesteads and sold that off to someone. When he did that, he gave away his property rights. The person who bought that has rights also. The 1250' will still allow him, if he chooses, to have solar on his farm and will still allow his neighbor to be treated more fairly. That's how farmers are. They treat neighbors how they want to be treated. He explained how he received a call today from a woman wanting him to vote for this no matter what. After he explained that he wouldn't based on the 1250', she understood. He stated that it is important for his colleagues remember that they are all representatives of rural Linn County. They owe the people who live in this area a fair shake and protecting home values is something that can be done with minimal cost to Alliant Energy.

VOTE: Rogers and Walker Nay Zumbach - Aye

