

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, OCTOBER 3, 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.

The following comments were made regarding Solar Moratorium:

Public Comment: Chip Davis, 1811 Covington Rd, CR, stated that a year ago he toured a NextEra solar project and was the only one from Cedar Rapids to attend. He observed improved soil erosion and habitats for wildlife. He spoke with several people and they were celebrating what they are doing for energy generation for today and the future. Davis thinks that the people who are opposed to this are more wrapped up in their opposition than the facts. He offered to show people his findings noting that his family has been on their farm for over 100 years. Davis does not see this as someone who can tell him what he can or cannot do with his farm. People have the choice to not drive by his solar farm if they do not like it. The only thing he does not understand is why solar projects have taken so long. It is pretty simple and cut and dry.

Laura Myres, Palo, stated that she hopes if the Board agrees to the moratorium that they will also take a look at the process and find a way to make it palatable for the neighbors that live next door to it. The setback does not matter as all they will see are the solar panels. She suggested that the process be changed so that the developers don't come to them with all the voluntary easements and to involve the neighbors at the beginning as well.

Marc Franke, Ely, stated that before updating the ordinance they have learned a lot in one and a half years and issues have been raised by both sides. He hopes that the Board would learn from that. A moratorium would not take a year and they won't discover new issues in that year. The question is how to deal with issues in a good way.

Don White, Cedar Rapids, stated that clear and present danger is the reason for a moratorium. He has attended all of the public hearings and has not heard anything about a clear and public danger from the staff from Linn County. It is Linn County's job to do these things. If there are any red flags, the developers provide third party expertise to address any of those types of things. The danger is that the county is at a risk for power outages. There is acceleration of the decommissioning of carbon polluting the energy sources. They need to accelerate more of these types of projects, and it is just the starting point with Coggon and Palo. White provided the Board a printout of a study about information regarding the energy outages. He stated that more people will be getting electric vehicles online and they need charging structures. A moratorium is telling developers that they are putting the brakes on something that needs to be accelerated. Solar farms are so much more reliable and those in Linn County can start it. A moratorium will slow the process down that needs to be accelerated.

Mike Carberry, Iowa City, thanked the Board for the hard work that has been done on solar the last year and a half. Linn County has been a leader on solar and that comes from good policy. He stated that a couple of departments are overwhelmed and perhaps they need more staff. The HR Dept. could step in and do a salary study. He asked if the county is paying enough to retain and hire employees noting that there needs to be business certainty. Carberry is not sure if a year is needed but they do need to catch up. If they take too long of a break people will be out of a job and hundreds of people will be unemployed or looking for work. He encouraged the Board to put one foot in front of the other and keep moving forward.

Motion by Rogers, seconded by Walker to approve minutes of September 28, 2022 as printed.

Motion by Rogers, seconded by Walker to open public hearing for a 12-month solar moratorium.

Charlie Nichols, Planning & Development Dir., presented a 12-month moratorium on accepting rezoning applications for the Renewable Energy Overlay District. They are going to put balanced working groups together and take a look at specific parts of the code (ex. setbacks, vegetation, screening, agrivoltaics, etc.). Linn County has a good code but that does not mean they cannot make it better. There are more projects coming in the future and this would show that the county takes these projects very seriously. Nichols does not think 12 months is needed but 5 months would be the fastest the ordinance could be updated. Proof of publication was presented.

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

Discussion: Chairperson Rogers stated that he appreciates all the work and due diligence of the people in attendance today. He suggested that this process be done in 3 month increments as he is not comfortable with 12 months.

Supervisor Walker stated that the county has had time to evaluate solar and have received an incredible amount of feedback from the public, county staff and others and it has been very educational. He feels that it is a good idea to bring in more resident participation to solicit feedback. Walker also highlighted Carberry's suggestion to change staffing and he feels that the County's Planning and Sustainability Departments should be evaluated. He is in favor of a sunset at 3 months.

Supervisor Zumbach stated that people get hung up on the word moratorium and the 12 months or until the code changes are made. He agrees that changes need to be made but does not want to limit it to 3 months. Zumbach thinks the moratorium should have been done since the beginning but acknowledges that they have learned a lot.

Darrin Gage, Dir. of Policy & Admin., stated that subsection 2 of the ordinance can be updated to reflect the 3 month time frame and that the time can be extended each time by resolution instead of an ordinance.

Discussion continued regarding the 3 month moratorium that would provide a structure with check ins in progress. A December 31st deadline would allow the Board to decide on an extension before a new Board is sworn in on January 1st.

Motion by Rogers, seconded by Walker to amend ordinance subsection (2) to repeal automatically repeal on December 31, 2022 unless extended by Board of Supervisors.

Motion by Rogers, seconded by Walker to approve upon first consideration an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code, relating to a 12-month moratorium on accepting rezoning applications for the Renewable Energy Overlay District.

VOTE: All Aye

Motion by Rogers, seconded by Walker to open public hearing for amendment to Unified Development Code.

Stephanie Lientz, Planning & Development, presented an ordinance amending the Code of Ordinances by amending provisions in Chapter 107, Unified Development Code, relating to: measuring the rear yard setback on triangular lots; amending the distance between animal runs or exercise areas and property lines in some instances for the animal boarding/shelter/kennel use; and adding use categories for Historic Schoolhouses and Recreation Camps. Proof of publication was presented. No oral or written objections have been received.

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

Motion by Rogers, seconded by Walker to approve upon First Consideration an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code, relating to: measuring the rear yard setback on triangular lots; amending the distance between animal runs or exercise areas and property lines in some instances for the animal boarding/shelter/kennel use; and adding use categories for Historic Schoolhouses and Recreation Camps, case JA22-0003.

VOTE: Rogers & Walker - Aye Zumbach - Nay

Nichols presented a 28E Agreement between Linn County and the City of Lisbon for Property Maintenance and Rental Housing Inspection services noting that this is the first 28E for Linn County to provide services. They will be bringing additional 28E's forward for other cities as well. The Board will approve Wednesday.

Darrin Gage, Dir. of Policy & Admin. and Sarah Coleman, Martin Gardner, discussed a Resolution Awarding Contract for the Linn County Secondary Road District #1 Shop - Phase 1 project. Coleman stated that she spoke with the low bidder to ensure that they were confident with the project they put together due to a \$92k discrepancy.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2022-10-151

A RESOLUTION AWARDDING CONTRACT FOR THE

LINN COUNTY SECONDARY ROAD DISTRICT #1 SHOP - PHASE 1 PROJECT

WHEREAS, pursuant to notice duly posted as prescribed by resolution of the Linn County Board of Supervisors (the "Board"), and as required by state law, the Board received bid proposals for the "Linn County Secondary Road District #1 Shop - Phase 1 Project" (the "Project"); and,

WHEREAS, each bid submitted for the Project received careful consideration, and it is necessary and advisable to award the contract for the Project.

BE IT THEREFORE RESOLVED by the Board as follows:

The bid for the Project submitted by the contractor, and in the amount set out below, is lowest responsible bid received for the Project, and is fully responsive to the plans and specifications for the Project.

<u>Contractor</u>	<u>Bid Amount</u>
Connolly Construction-Peosta, Iowa	\$202,900.00

The Board hereby awards the contract for the Project to such contractor, and for the total estimated cost set out above, with final settlement to be made on the basis of

the unit prices set out in said contract, and on the actual final quantity of each class of material(s) furnished, and said contract is subject to the Notice to Bidders, the plans and specifications for the Project, and the terms of the bidder's written proposal.

The Board hereby authorizes the chairperson to execute and deliver, or cause to be delivered, a Notice to Proceed to such contractor listed above notifying said contractor to commence work on the Project.

The Board hereby fixes the amount of the contractor's performance and/or payment bonds at 100 percent of the amount of the contract.

PASSED AND APPROVED this 3rd day of October, 2022.

Discussion: Supervisor Zumbach confirmed with Coleman that they are good with this project and Coleman responded that they are confident with the project. The contractor has done good work for the county on previous projects.

Supervisor Walker asked about the potential for change orders and what happens if their low bid turns into more and Coleman responded that is the reason they had a discussion with the contractor. They also asked for unit prices as a safeguard since this is for earthwork.

VOTE: All aye

Brent Oleson, Deputy Dir. of Policy & Comm. Relations, presented the allocation of Legacy & Community Attractions grant funds. The Board will approve Wednesday.

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

FACILITIES

Senior Facilities Worker Jared Samuelson New hire 10/17/22 18A \$23.78 Replaces M. Creager

SHERIFF'S OFFICE

Communications Operator Samantha Jones Transfer to Juvenile Detention 10/14/22

Cook Desire'e Moore New hire 10/3/22 54A \$18.47 Replaces J. Gonzalez

Senior Account Clerk Alicia English New hire 10/17/22 55A \$19.92 Replaces K. Sergeant

VETERAN AFFAIRS

VA Commissioner Claire LeMay Termination/resignation 9/1/22

PUBLIC HEALTH

Public Health LPN Angela Shaffer Step increase/contract 10/5/22 56C \$23.78-56D \$25.06

Motion by Rogers, seconded by Walker to approve claims for payroll deduction checks #71008540-#71008561 in the amount of \$371,384.54, payroll deduction ACH in the amount of \$28,032.45 and payroll wires in the amount of \$2,132,099.86 for a total of \$2,531,516.85.

Motion by Rogers, seconded by Walker to approve the following appointments to the Child & Youth Development Services Advisory Committee: Susan Liddell, Ruth Mund, Helen Girard, Mamyna Munyakazi, Patrick Munyakazi for terms ending September, 2023; Ann Hearn, Tacora Steel-Gossitt, Andrew Gallagher for terms ending September, 2025.

Adjournment at 11:50 a.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Amanda Hoy, Executive Assistant

Approved by:

BEN ROGERS, Chairperson
Board of Supervisors