

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
MONDAY, OCTOBER 18, 2021 11:00 A.M.

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

Chairperson Walker called the meeting to order.

Public Comment: Jason Wright, Exec. Dir. History Center, spoke with regard to the Legacy & Community Attraction grant that will be discussed today. He stated that there are also two board members in attendance as well.

Susan Erem, Sustainable Land Trust (SILT), spoke with regard to the Dows Farm discussion on today's agenda. She stated that the vision of the Dows Farm is that it is a permanently protected farm (accessible to farmers trying to compete with area housing development). SILT will protect it. She stated that SILT was not involved in conversations that have occurred over the last few weeks regarding protection of the farm and she was notified Friday that all of that discussion has been taken off the table. A restrictive covenant is now being discussed. That is not sufficient under Iowa law. There will be no one in place to enforce the covenant or renew it (it will expire in 20 years). She stated that if the Board does decide they do not want a land trust, then she would strongly support a conservation group to protect the farm in perpetuity. She stated that houses being built will pay a premium (30%) to live next to a farm but in 20 years that protection is gone (the premium that the homeowner paid is now worth nothing). She stated that she hopes the Board will protect the integrity of the original plan.

Les Beck, 3406 Sycamore Crt. NE, echoed Erem's comments. The vision for the Dows Farm is an agri community which rests very heavily on the farm piece of the development. There are three pieces: development, conservation and farm. The vision for the ag. piece has long been to permanently protect it for ag. production. A conservation easement is in perpetuity and a restrictive covenant expires after a period of time. Beck wanted to encourage the Board to put the long term vision for this development at the forefront as they make their decisions. If SILT is not the entity that the Board chooses, the real key is protecting the farmland in perpetuity for food production to fulfill the vision.

Motion by Rogers, seconded by Zumbach to approve minutes of October 13, 2021 as printed.

Charlie Nichols, Planning & Development Dir., discussed Farmland Conservation/Protection Mechanisms for Dows Farm. He stated that there are several representatives present to address this issue today as well. Nichols explained that he brought the SILT agreement to the Board in August and it was put on hold to explore additional options. He presented three options and explained the pros and cons of each.

- SILT Easement
- Soil & Water Conservation District Easement
- Restrictive Covenant

Nichol's recommended the Restrictive Covenant.

Chairperson Walker commended Nichols for his efforts addressing this complex issue and his troubleshooting is admirable. There are many people that are passionate about this subject and he believes that SILT could probably be best helpful if they can figure out a way to do that. He noted that he read an unfortunate email from a passionate stakeholder and asked that if they are going to arrive at a consensus, they need to give every stakeholder the benefit of the doubt. He asked that everyone be thoughtful about moving forward.

Joe Ahmann, Ahmann Co., stated that he is the proposed developer for Dows Farm. He agrees with the restrictive covenant which gives more flexibility and ability for the stakeholders (developer, homeowners, Linn County) to be involved. He noted that it seems odd that Linn County would own the farm but give up their rights in perpetuity. He stated that the original SILT agreement had too many unknowns and voiced concerns with the fees. Another concern is how decisions are made and there is no mechanism to challenge. A restrictive covenant would allow Linn County to have ultimate control over everything. He also noted that the 20 years can be extended (one year at a time). There will be a lack of oversight if given to SILT.

Supervisor Zumbach asked Mr. Ahmann if the fees issue could be a deal breaker and Ahmann responded that yes, it would. He would be concerned about the direction it could go. This agreement puts in place a gigantic obstacle with no mechanism to remove it.

Susan Erem clarified one of Nichol's comments. She stated that there is a misunderstanding about the on-going costs and explained the fee structure. It is simply fees of doing business. If they insert a restrictive covenant, it will create an unpredictable situation for a farmer, and there is already a small list of them. There are so many parties involved and she had not met with any attorney's (developers and county's). They could sit down face to face and solve their differences and go through the incredibly complex document.

Chairperson Walker stated that he appreciates Erem's pointing out that a lot of conversations occurred without SILT's involvement and he would like that to change. He would like to see if they can identify the problem and have a conversation to see if it can be solved. SILT deserves to be in the room for those conversations. He added that SILT also needs to be open and up front with the county about costs. He stated that he can appreciate the complexity of this issue but gives pause to hear a developer making a case on behalf of the county's interest. The county needs to be concerned about other county interests in this project.

Jon Gallagher, Linn County Soil Conservation, stated that he is speaking on behalf of the Linn County Soil District Commissioners (a legal subdivision of state government.)

He stated that they serve many hats and their primary goal is assisting those in the ag. and urban community on conservation efforts that improve water and soil. The district has expressed an interest to assist the county in any fashion needed through this process. The district also has a local stock in this as their office is located 2-3 miles up the road and has a long standing partnership with Linn County. The district has a willingness to work with the county in a collaborative effort.

Dennis Goemaat, Conservation Dir., also offered their expertise, primarily with conservation easements (they hold a number of conservation easements). They also do inspections annually and have templates to offer.

Atty. Dean Spina, representing Ahmann Co., stated that the restrictive covenant is a proposal that follows language inserted in the development agreement. A conservation easement approach is complex. The 20 years of a restrictive covenant is different for this situation because the homeowner group (over 200) will be looking to make sure farming is going on. Spina also stated that he does not know where the 30% "premium" came from and they do not believe that is the case.

Les Beck stated that he appreciates everyone's input and it is clear that everyone wants this to succeed.

Chairperson Walker stated that he would like this issue delayed for seven days to allow him time to talk to staff and stakeholders.

Supervisor Zumbach stated that his concern is giving away county assets. The vision has changed, it is more enhanced. He wanted to stress that they are trying to do what is best for Linn County and that their assets remain assets. He is comfortable with the extension of 2 years, one year at a time. At the end of the day, it is a private/public partnership and he is in favor of the restrictive covenant.

Supervisor Rogers thanked Nichols for his leadership on this issue and his ability to balance a lot of competing needs and interests. He stated that he met with Nichols, Mr. Ahmann and his attorney Mr. Spina. Rogers asked for clarification regarding SILT's fee of \$15,000.

Nichols clarified that it is a one-time fee and then there is a requirement for a third party organization fee of \$500-\$1,000/yr. If there is a disagreement, then legal fees could be assigned to the county.

Chairperson Walker stated that given the fact that Supervisor Zumbach has been the collector for a lot of information as this project has evolved, he is asking for seven days to drill down on this a bit more and get details from others invested in the project. They are all there to make this work and see it as a success. The primary rub right now is the unpredictability of the fee structure and control of the project. This topic will be placed on next week's agenda. Chairperson Walker will get with Nichols and different parties.

Brent Oleson, Deputy Dir. of Policy & Community Relations, presented applications received for scoring and selection for award of up to five (5) Legacy & Community Attraction grants. The following four (4) projects were recommended for a total of \$140,000: African American Museum - \$25,000; Linn County Fair - \$40,000; Linn County History Center - \$50,000 and Trees Forever - \$25,000.

The Board indicated their support for the four projects and noted that there is \$10,000 remaining. Discussion continued regarding the same groups getting grant awards year after year, noting that they do not want to begrudge nonprofits from seeking out funds. The Board will make a decision on Wednesday and continue discussions regarding the remaining \$10,000.

Chairperson Walker left meeting at this time (12:10 p.m.).

Darrin Gage, Dir. of Policy & Admin., presented a proposed Agreement for Services with Terracon Consultants to conduct a Phase 1 Environmental Site Assessment on property located at 1017 12th Avenue SW in the amount of \$2,300. The Board will approve on Wednesday.

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

TREASURER'S OFFICE

Universal Clerk	Koby Helmle	Termination during probation 10/14/21
Universal Clerk	Staisha Federick	Termination/resignation 10/22/21

FACILITIES

Custodian	Jeanine Nyarasafari	Increase in hours – PT 10/23/21 10C \$18.90 + \$.25 20 hrs/wk - 30 hrs/week
Replaces S. Banner		
Custodian	Robert Mumma	Termination 10/15/21

JUVENILE DETENTION

Tracker	Alyssa Dygert	New hire – FT 11/01/21 56A \$20.95 New position
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ENGINEERING

Heavy Equipment Oper.	James Pinckney	Transfer/promotion 10/18/21 19D \$26.95 Replaces J. Williams
Light Equipment Oper.	Chad Wendt	New hire – FT 11/01/21 17A \$22.42 Replaces M. Schmidt

Motion by Zumbach, seconded by Rogers to approve claims for payroll deduction checks #71004615 - #71004630 in the amt. of \$339,563.91; payroll deduction ACH in the amt. of \$27,669.68; and payroll wires in the amt. of \$2,046,169.19.

Adjournment at 12:11 p.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors