

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, JUNE 2, 2021 11:00 A.M.

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

Vice Chairperson Rogers called the meeting to order and led the pledge of allegiance.

Motion by Rogers, seconded by Zumbach to approve Consent Agenda as follows:

Resolution 2021-6-76 APPROVING A PROPERTY USE REQUEST FOR PERMISSION TO UTILIZE LINN COUNTY ROADS FOR THE PURPOSE OF THE 2021 PIGMAN TRIATHLON  
WHEREAS, Alex Syhlman, Race Director for the Pigman Triathlon, has requested permission to use McClintock Road, Lewis Bottom Road, Palo Marsh Road, and crossing over Blairs Ferry Road into Palo for the purpose of conducting the Iowa's Pigman Sprint Triathlon on Sunday, June 6, 2021, WHEREAS, the Linn County Engineer's Department, Linn County Sheriff's Office, and the Risk Management Department have recommended approval of this request, NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County, Iowa, that the above request is herewith approved subject to the following conditions: 1. The personnel sponsoring the Triathlon will provide three Law Enforcement Officers, with patrol vehicles, for traffic control at the intersection of Palo Marsh Road and Lewis Bottoms Road (McClintock Road) as required by the Sheriff's Office. The applicant will contact the Linn County Sheriff's Office Extra-Duty Scheduling personnel at 892-6176 to schedule these officers. 2. The personnel sponsoring the Triathlon will advise the participants to obey all traffic regulations as required by the Linn County Sheriff's Office and the Linn County Engineer. 3. The personnel sponsoring the Triathlon will oversee the proper conduct of the event. 4. That the applicant will have each participant sign a participant's release which has Linn County named on the release. 5. That the applicant agrees to save Linn County and its employees harmless from all liability and has a liability insurance policy in limits satisfactory to the Board of Supervisors.

Approve and authorize Chair to sign a proposed Fiscal Year 2022 Transit Purchase of Service Contract between East Central Iowa Council of Governments (ECICOG) and Linn County to provide public transit service for approximately \$175,000

Approve resuming fare collection on LIFTS public transit effective July 1, 2021

Approve and authorize Chair to sign a contract between Linn County and East Central Mental Health Region for formal designation of the Mental Health Access Center.

Approve purchase order #114 for \$25,529.25 to Pipe Pro Inc for the replacement of the air conditioning unit for the Courthouse.

Approve 5 Day Liquor License for Hy-Vee Cedar Rapids #1 for a wedding at the Indian Creek Nature Center, 5300 Otis Rd. SE, noting all conditions have been met.

Motion by Rogers, seconded by Zumbach to approve minutes of June 1, 2021 as printed.

Motion by Rogers, seconded by Zumbach to approve Claims for AP checks #71002516-#71002618 in the amt. of \$312,197.86; AP ACH in the amt. of \$1,757,970.54; and Area Ambulance in the amt. of \$7,881.00.

Vice Chairperson Rogers corrected the Regular Agenda regarding the Preliminary Plat of Norris Acres First Addition, noting that it is a Resolution.

Erin Foster, Mental Health Access Center Dir., gave an update on the Linn County Mental Health Access Center (opened doors three months ago).

Mike Tertinger and Stephanie Lientz, Planning & Development, stated that they have received no further comments since yesterday's board meeting on the following cases:

Motion by Rogers, seconded by Zumbach to approve upon second consideration for rezoning case JR21-0002, request to rezone property located in the 3400 block of N Center Point Rd, 07-84-07, from the AG (Agricultural) zoning district to the RR1 (Rural Residential 1-Acre) zoning district, approximately 0.69 acres, Bethel & Larry Sylvester, owners.

Motion by Rogers, seconded by Zumbach to approve upon second consideration for rezoning case JR21-0003, request to rezone property located at 3381 Schmickle Rd, 08-84-07, from the AG (Agricultural) zoning district to the RR1 (Rural Residential 1-Acre) zoning district, approximately 0.04 acres, Bethel & Larry Sylvester, owners.

The following description is a summary of Resolution No. 2021-6-77 as passed and approved by Linn County Board of Supervisors, effective June 2<sup>nd</sup>, 2021. Norris Acres First Addition (Case # JP21-0002) to Linn County, Iowa, containing four (4) lots, numbered lots 1, 2, 3 and 4, a subdivision of real estate located in the SW SW of Section 31,

The following description is a summary of Resolution No. 2021-6-77 as passed and approved by Linn County Board of Supervisors, effective June 2<sup>nd</sup>, 2021. Norris Acres First Addition (Case # JP21-0002) to Linn County, Iowa, containing four (4) lots, numbered lots 1, 2, 3 and 4, a subdivision of real estate located in the SW SW of Section 31,

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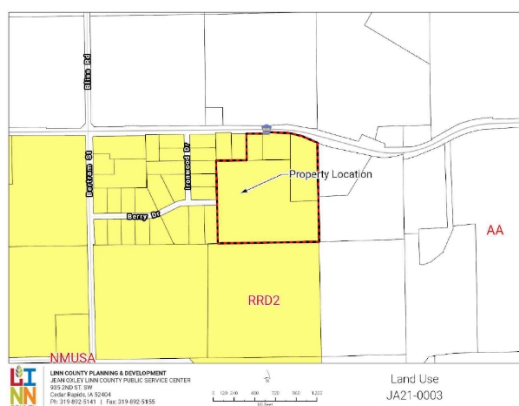
Township 85 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the NE Corner of Lot 1, Brosh's First Addition to Linn County; thence N89°44'44"E along the south line of Lot 2, Huff's First Addition to Linn County, 213.27 feet; thence N89°39'19"E, 457.94 feet to the eastline of said NW FRL ¼ SW ¼; thence S00°16'20"E along said east line and along the east line of SE ¼ SW ¼, 1777.64 feet to the centerline of North Center Point Road; thence N46° 25'50"W along said centerline, 927.96 feet to the east line of Lot 2, said Brosh's Addition; thence N00°22'08"W along said east line, 1134.36 feet to the Point of Beginning, containing 22.40 acres which includes 1.28 acres of road right of way. The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at [www.linncounty.org](http://www.linncounty.org)

Motion by Rogers, seconded by Zumbach to approve upon second consideration for rezoning case JR21-0004, request to rezone property located at 1636 Fox Hollow Rd, 15-83-06, from the AG (Agricultural) zoning district to the RR1 (Rural Residential 1-Acre) zoning district, approximately 0.11 acres, Kari Shetterly, owner, and Aaron Beik, petitioner.

Motion by Rogers, seconded by Zumbach to approve upon second consideration for rezoning case JR21-0006, request to rezone property located in the 500 block of Dows Rd, 20-83-06, from the AG (Agricultural) zoning district to the RR2 (Rural Residential 2-Acre) zoning district, approximately 37.84 acres, STACO Corporation, owners, and Lindsay K McGrath-Vasquez, petitioner.

Motion by Rogers, seconded by Zumbach to approve upon second consideration for rezoning case JR21-0005, request to rezone property located at 1622 W Mount Vernon Rd, NENE 27-83-06, from the RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district, approximately 3.39 acres, Tanager Place, owner.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2021-6-78 AN AMENDMENT TO THE LINN COUNTY 2000 RURAL LAND USE MAP BE IT RESOLVED by the Board of Supervisors, Linn County, Iowa, that the following amendment, Case JA21-0003, be made to the Rural Land Use Map of the Linn County Comprehensive Plan, dated July 19, 2013: Amend the Rural Land Use Map designation from RRD2 (Rural Residential Development 2-Acre Area) to AA (Agricultural Area) on the Linn County Rural Land Use Plan Map as shown below.



Dawn Jindrich, Finance Dir., and Paul Donna, Baird & Co. (via phone), presented the information, including the winning bidder at 1.62% fixed rate, to award the General Obligation Land and Water Legacy Bonds, Series 2021A (Linn County maintained their Aaa rating).

Motion by Rogers, seconded by Zumbach to approve the formal award of General Obligation Land and Water Legacy Bonds, Series 2021A.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2021-6-79 Awarding Sale of General Obligation Land and Water Legacy Bonds, Series 2021A

WHEREAS, Linn County, Iowa (the "County"), State of Iowa, has proposed to issue general obligation bonds, pursuant to the provisions of Chapters 76 and 331 of the Code of Iowa, for the purpose of financing projects for water and land conservation and park and outdoor recreation purposes; and WHEREAS, pursuant to advertisement of sale, bids for the purchase of General Obligation Land and Water Legacy Bonds, Series 2021A (the "Series 2021A Bonds") were received and canvassed on behalf of the County and the substance of such bids noted in the minutes; and WHEREAS, upon final consideration of all bids, the County's municipal advisor has determined that the bid of Northland Securities, Inc. (the "Purchaser"), is the best bid; NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Linn County, Iowa, as follows: Section 1. The bid of the Purchaser referred to in the preamble is hereby accepted, and the Series 2021A Bonds are hereby awarded to the Purchaser, in the principal amount of \$4,990,000, at the price specified in such bid, together with

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accrued interest. Section 2. The form of agreement of sale (the "Sale Agreement") of the Series 2021A Bonds to the Purchaser is hereby approved, and the Chairperson and County Auditor are hereby authorized to execute the Sale Agreement for and on behalf of the County. Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.  
Passed and approved June 2, 2021.

Board Member Reports - Supervisor Zumbach stated that they had a robust meeting last week regarding solar and the second meeting is tonight in Central City.

Vice Chairperson Rogers stated that he and Supervisor Zumbach will be in Central City tonight conducting the second Solar information meeting; attended training this morning sponsored by Human Resources re: the use of pronouns; attended several meetings yesterday re: American Rescue Plan Act; attended MHDD Regional Governance Board meeting.

The Board recessed at 11:39 a.m. and reconvened at 6:00 p.m. at the Linn County Fairgrounds, 201 Central City Road, Central City, at the Lynn Dunn Memorial Building. Present: Vice Chairperson Rogers and Supervisor Zumbach. Absent: Chairperson Walker (personal business). Also present: Jon Resler, Asst. County Eng., Amy Drahos, Public Health and Jon Gallagher, Soil & Water Conservation.

Supervisor Zumbach called the meeting to order and made introductions.

Charlie Nichols, Planning & Development Dir., gave a presentation on Linn County permitting process for Utility Scale Solar Projects.

Jon Gallagher addressed questions regarding steps the county will take to review the comprehensive impact on soil and water quality, water runoff, wildlife, flooding and pollinator impact.

Amy Drahos addressed question regarding any known public health impacts associated with utility-scale solar projects.

Jon Resler addressed question regarding the responsibility of maintaining the roads around a solar project and how the county will ensure the quality of roads impacted by travel from a solar project.

Greg Johnston, 3266 Midway Rd., Marion, asked about the procedure to get a referendum on the ballot to outlaw solar in Linn County and during the approval process, is the character of the company taken into consideration. He continued to say that NextEra has been fined over \$36 million since 2000 for violations including environmental and worker safety. They also have a problem with nuclear management (solar panels contain hazardous materials and chemicals). He speculated on what would have happened to those panels during the Derecho.

Nichols stated that Linn County in general is supportive of renewable energy, but if the Board of Supervisors wanted to change the solar ordinance, they could do so. He also stated that there is no specific standard that addresses character but the Board can take into consideration anything. Supervisor Rogers will check on the referendum question.

Ashley Rambo, 3986 Quail Ridge Rd., Center Point, along with her husband Ryan and four children, asked the Board to consider their story. They live in the country (surrounded by timber, rolling hills and pasture) and have a dream of living a different way of life. They care for the land and animals; children can play outside from sun up to sun down. This is a hobby farm and they dream of passing it onto their children. They have two buildable lots and asked what measures will be put in place to protect the farmland. They are stressed and afraid. She asked the Board that while they are considering this, there are 2500 individual landowners within the proposed area and encouraged them to visit each of them and their properties.

Nick Boeyink, 36<sup>th</sup> St., stated that like comments made last week, he too is concerned.

Iowa farms and landowners enter into voluntary leases on their land for this purpose (not one solar panel goes up without the landowner's approval). Linn County has requirements to keep them accountable. He stated that it is critical for landowners to

have the right to decide what happens to their land. He understands the "not in my backyard" concept, but good government was on display last week and this week for transparency. He urged the Board to honor the rights of landowners.

John Skaw, Benton County, stated that the same project is proposed in Benton County near Atkins. Solar panels have their place. His comments are based on large scale solar panels that require multiple acres of farmland. He found from his research that there were comments such as "regret", "too little too late", "eyesore", "ugly", "destroyed landscape" and "scary". He also shared his findings from other states regarding the negative impact on property value and fines against NextEra (\$36 million). He also found that solar panels in a tornado did not pass the hazardous waste test at the landfill.

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Don White, 602 Blue Heron Ct NE, stated that he watched the video from the last Board meeting in Palo and thanked everyone who prepared Linn County for this golden opportunity. The County's comprehensive plan is very thorough and he thanked the Board for being there and listening to why he supports the Duane Arnold Solar Project. He continued to share his thoughts regarding the volatile climate and how it has impacted trees; uncontrolled situations in rain forests; driving massive migrations north and severe to exceptional drought conditions. Industrial scale solar is way past due and they have to take bold action now.

Dorothy Landt, 2262 Ross Rd., Palo, reminded the Board of the Hanging Bog State Preserve, Chain Lakes Natural Area, Pleasant Creek State Park and Wickiup Hill Learning Center. All are within site of the potential solar project area. She too received a letter asking to lease her land. She challenged the Board to consider the global situation and local desires before considering a company doing this that is not vested in Linn County. She asked the Board how they could reach a conclusion to remove high CSR from production considering world hunger, drought and Iowa food production. The three Board members were elected to make wise decisions for the unincorporated area of Linn County. Transmission without generation is their problem, not Linn County's.

Seth White, 602 Blue Heron Ct., NE, stated that he is a college student and landscaper and has heard about climate change his whole life (hurricanes and wildfires). The Derecho did damage to his home and he has never seen such pain. If burning coal is the alternative, maybe this will not be his home anymore.

Jerry Rozeboom, rural Center Point, stated that he was a practicing physician in Cedar Rapids and a native Iowan that grew up on a farm. He retired and moved to rural Center Point. Iowa's greatest asset is nature's cropland (it cannot be replaced) and the county's overlay will forego the CSR (it will destroy topsoil). They will be taking prime farm ground out of production and why would they allow this on 3500 acres. This is crazy and it's nuts. Besides the \$36 million in fines, NextEra scored fourth from the lowest in the world. They will pay the fines and tie the county up in court (they are billionaires). They will not fix the problem; they will continue to pay the fines.

Warren McKenna, 1991 Angle Rd. SW, Kalona, stated that he is a retired utility manager. He helped to develop one of the largest solar farms and none of what people were saying happened. Where do people want power to come from? Landowners should have the choice.

Steve Mason, 6547 Benton Linn Rd., Palo, commented regarding a solar farm in Dessert City, CA (8 million panels, 15 permanent jobs). In April of 2015, a tornado damaged a solar farm owned by NextEra. He was also told that NextEra opened a local office in downtown Palo. Where is it? He also commented on Ag zoning overlay from 2013 and 2014.

Deb Yates, 2302 Young Rd., Palo, stated that she has been in contact with the Farm Bureau's staff lawyer. She asked that before entering into an agreement, learn about the developer (contracts are written by the developer); terms of solar energy agreements; payment amounts vary based on whether or not solar panel on the land. She asked the Board to consider these points.

John Zakrasek, 531 Lawndale Dr. SE, stated that he has 24 solar panels and has had a good experience with them. The prairie continues to thrive, there is no runoff or erosion, the prairie grass shields the panels and it is a savings to him and his family. There has been no disruption to wildlife around him. He can see the incentives to the farmers when they are making more from the lease than crops. Maybe there is a way for everyone to come together.

Neal Baty, rural Coggon, stated that most of his questions have been addressed. He is especially concerned about the environmental aspect of it and asked how many pollinators will make it through that intense heat.

Beth Dunkel, 3801 Williams Lake Rd., Center Point, stated that they built their forever home in the country and is now within the proposed solar area. The solar energy will be sent out of state, therefore not helping anyone in Linn County. She

also asked if the decommissioning plan will be available to the public and if Linn County residents will have a say whether or not they go into the landfill. She also asked about a setback greater than 50 ft.

Nichols stated that they can ask for screening and a larger setback. His guess is that the landfill will not be able to handle the panels and they will need a plan.

Randy Patton, 1041 Linn-Delaware Rd., asked about enforcement and his belief that his property value will go down. The Board was elected to take care of Linn County residents.

Anita Haugenbury, 103 5<sup>th</sup> Ave. Ct, Coggon, stated that she cringes every time she sees prime farm ground taken out of production for housing and noted that prime farm ground

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will be taken out of production for the solar projects. She has recently noticed all of the substations that are visible from Hwy. 13 and asked if Linn County is opening up a can of worms for more projects being proposed.

Greg Bickal, 2250 Coggon Rd., asked the Board not to sell out the prime beautiful Iowa farm grounds. It is not worth the profit.

Roger Kelley, 2135 Hillside Dr., Ely, stated that he attended last week's meeting and learned a lot. Fossil fuel is obsolete and solar and wind is next to come in but why destroy land to put solar panels in.

Marty Robinson, Windsor, Colorado, stated that he spoke last week and thanked the Board for the meeting. His opinion is that minds are made up. He implored the Board to show them that they are listening. There are so many things wrong with this project. He asked the Board to "google" solar panels and do research such as how they are produced (Chinese slave labor). This will be taking prime Iowa farm ground out of production to ship electricity out of state. There are better places to put this and he implored the Board to listen to their constituents.

Laura Robinson, 2094 Linn-Delaware Rd., Coggon, stated that her farm is directly adjacent to the solar site. Based on her research, "most solar developers won't be looking at prime farmland, instead sub-prime land not regularly used for production". According to an agronomist from Iowa State, her farm is in the top 9.5% of most productive fields in the State of Iowa. Solar company has stated that land will return to its original state after decommissioning. That is utterly impossible and she explained why. She never imagined she would have to protect her farm from a developer from Boise, Idaho. The value of her property will significantly decrease. Who wants to live next to an industrial solar project? There are currently two projects proposed in Linn County and she heard there are two more. It's like a virus.

A resident stated that her family has farmed over 150 years near Palo, the heart of Iowa. They feed America. She is pleading with the Board. They are farmers and care about what they make and do. She worked in a grocery store for years and is begging the Board to protect the Iowa farmer.

Tom Robinson, 2094 Linn-Delaware Rd., Coggon, stated that his land is adjacent to the proposed project. He stopped at the CIPCO office off Hwy. 13 and asked if anybody would be represented tonight. Office personnel didn't know what he was talking about. He shared his research regarding the decommissioning of solar projects and recommended a website for cleaning up hazardous waste. Hazardous waste disposal is horribly expensive.

Paula Robinson, Linn-Delaware Rd., Coggon, stated that she lives on the home farm and just moved from Florida back to Iowa. The 800 acres of solar panels will be in her front yard. She is forever opposed to the Coggon solar project. Her father (a fulltime farmer) was a valued member of North Linn and the Coggon community. She spoke about the top 8 hazardous chemicals in each panel and that there is no accountability plan for proper panel disposal and recycling. Energy will be provided outside Iowa. Lawsuits will come and possible tragedy from the amount of traffic.

Richard Marseau, Troy Mills, stated that neighbors and friends will be deeply affected. He called a friend that works at Duane Arnold (since 1985). There are 600 megawatts that go through the grid, so there is plenty of power, so why are they pursuing this? It's about the money - tax credits are massive. With these tax credits, why doesn't Linn County invest in putting panels on the property owner's land, they can have the access power to sell to the grid and they make the money.

Cheryl Valenta, 2409 C Ave. NE, stated that she is concerned about climate change. She empathizes with these people and she fought the pipeline in Iowa. She is very concerned about the climate and applauds the Board for having a plan to address it. Billions of dollars are being spent because of the Derecho. Her hope is that people will truly listen to the facts of what is being presented. A proposal hasn't even been made yet and blockades are being put up. Personally, she would love to see a large solar project.

Nichols addressed questions that he received via email.

Larry Germain, rural Center Point, stated that NextEra approached him and he said no. He was approached again about easements for powerlines above and below the ground. What is Linn County doing with these easements and what about imminent domain?

Nichols stated that Linn County has no involvement between the utility company and residents regarding easements.

Kelly Merta, rural Linn County, thanked the Board for their time and hoped to thank them for their decision. She also attended first meeting in Palo and composed an email to the Board with her concerns. She has not heard back. Her children asked her if she received a response. They also thought it was more important for her to come to

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tonight's meeting than to attend their first ballgame. She is also going door to door raising awareness in the community.

The Board indicated that they have not seen her email and that she should expect an answer within 48 hours of sending one.

Adjournment at 8:36 p.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson  
Board of Supervisors