

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, JANUARY 3, 2018 10:00 A.M.

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

Chairperson Oleson called the meeting to order and led the Pledge of Allegiance.

Public Comment: Auditor Joel Miller stated that on September 6, 2017, Supervisor Oleson introduced a Board resolution favoring one local casino proposal over another local casino proposal. He questioned whether "the fix was in" in referring to one proposal. He asked, "Are the citizens being dealt a fair hand?" He said, "I want to be sure the process is open and fair." At the end of fiscal year 2009, Linn County's bond debt was zero. At the end of fiscal year 2017, it was \$24M. In November of 2016, the voters approved a \$40M bond for conservation efforts, which if those bonds were sold, the county would be \$64M in debt. Along comes the Harris Building and the liability is set to increase to \$95.5M - just shy of \$100M. Per the latest Financial Report, the per capita indebtedness is \$105 so at the end of the next fiscal year, the per capita indebtedness could be as high as \$400 per person. "Are the citizens being dealt a fair hand?" On December 20, he emailed a list of questions to Darrin Gage, the Director of Policy & Administration related to the Harris Building. He copied Supervisors Harris and Rogers. Frankly, he had little interest in the Harris Building at that time, but that changed when Supervisor Oleson responded: "Darrin, please do not respond to Joel any further without Board Authorization. Board members, all responses will come from the Board as whole not individually". Remember Supervisor Oleson's quote: "I want to be sure the process is open and fair". He has asked lots of questions in almost 11 years. At no time does he recall anyone publicly telling a County employee to not answer his questions like Oleson did. So he went from disinterested, to 100% focused, and he started with Oleson's question: Are the citizens being dealt a fair hand? Supervisor Harris pointed him to Oleson's State of the County speech on April 19th when Oleson said of the Harris Building, "This is a \$20 million-plus project that will be built by local labor. I promise you that, despite what the legislature thinks it has done to us with their anti-PLA and anti-build local legislation, I've got a work-around to this legislation and my professional bricklayers, plumbers, electricians, and other craftsman can have faith that I will always go to bat for them when we do infrastructure projects". That doesn't sound like the citizens are being dealt a fair hand. That sounds like the fix is in. That sounds like one group of citizens is going to receive special benefits that citizens at-large are not going to receive. So who are these professional bricklayers, plumbers, electricians, and other craftsman Oleson wants to ensure receive special benefits? They appear to be the ones who line Oleson's campaign coffers. Since November 2010, 59% of Oleson's campaign contributions have come from unions; 47% of Houser's all time contributions have come from unions; and 35% of Rogers all-time contributions have come from unions. It's legal, but is it ethical? The Board approved a Code of Ethics about a month ago and among many directives, one stands out: Employees shall act impartially and not give preferential treatment to any private organization or individual. Are the citizens being dealt a fair hand? Or is the fix in? During the public hearing, he wants to hear from the following individuals and he wants them to answer a question or two so they have it in the public record. The question is: Are the agreements the Board of Supervisors is considering that are on today's agenda in the best economic interests of the taxpayers of Linn County? Explain your answer. Every employee reporting to the Board is supposed to be a professional and not a political appointee, which means their fiduciary responsibility is supposed to be to the residents of Linn County ... because they are professionals. He requests that the following employees answer his question during the public hearings: Steve Tucker - Director of Finance; Dawn Jindrich - Budget Director; Britt Hutchins - Purchasing Director; Darrin Gage - Director of Policy & Administration; Robert Hruska - Civil Division Chief representing the Office of County Attorney - a county-wide office. Are the citizens being dealt a fair hand? Is the process open and fair? Is going to bat for the bricklayers, plumbers, electricians, and local contractors going to cost taxpayers more money? Or is the fix in?

Kirsten Running-Marquardt, 3515 Fieldstone SW, and State Representative for Southwest Cedar Rapids and downtown area, stated that public health has always been an incredible important topic in the lives of many people in Linn County. Today with the passage of the building moving forward, she had to come to speak because what happens with this great building moving forward is that the west side public clinic will be closed. She has for 10 years been a champion of public health. In 2016 she was the State of Iowa Public Health Legislator of the Year. She has worked really hard to pass legislation to promote good public health in the area and across the State of Iowa. It's not just legislation but she has worked to try to solve problems that are not

needing legislation. She is all for local workers working on this project and all for a new building that proudly has Dr. Harris' name on it. During the last several years there have been meetings that she has been a part of where this has been proposed and talked about. She has not only supported the flexibility needed that the Board is using for the Harris Building and also not worked against it. During this time there has been things said to her (early on) that there would still be a public health clinic presence on the west side. A month and a half ago, at the last meeting she was told "If there is extra money (a rarity) they would then possibly come up with a mobile health clinic that could possibly have time on the west side of Cedar Rapids". She asked the Dept. of Public Health to pull some numbers and indeed the majority using the clinic are west siders. Transportation for that population is absolutely an issue. This is not west side vs. east side because they would have lost that battle long ago. There are two hospitals on the east side, numerous clinics, free medical clinics and quite a bit of access points in the medical district for those receiving those types of services and even an abundance in that one area of health care services for Linn County residents. She stated that she is at the meeting today not to be an obstructionist; she's not trying to run for higher office or asking for attention by bringing up the issue. What she is doing is asking and pleading again (like she has at several Public Health meetings) to have a plan to keep that vital access point on the west side open and available. She doesn't know what kind of form that it will look like but she does understand that the building has fallen upon hard times. She hopes that in the future, no matter what public health buildings look like, that the Board does not allow buildings under their control to fall under such disarray as what has been stated. She is begging because something is better than nothing. Centralizing all health care services, while it seems smart at first, creates medical healthcare deserts in different places in the county. She concluded by saying that she is not trying to stop the project from moving forward but publicly please leave something in the form of an access point for health care on the west side of Cedar Rapids. People need it and she hopes that the Board will consider doing the right thing.

Chuck Swore, 2609 Iris Ave. NW, stated that he first wanted to commend the Board for using the construction process that they are proposing. As a customer they will have more control over costs than any other process out there. They won't get "Oh, that's what you meant"? Having bidders take plans and bid off of the internet doesn't work, it's not right and what the Board is doing with the construction process is the right thing. Secondly, as an alumni of the old original Fillmore School, when they built the new Fillmore School he cannot imagine it has a lifecycle that has already expired. Those same craftsman that will benefit from the new facility are available to make an evaluation (the Board's been told it can't be saved). Ambroz Center is how old and it's going to be saved. He urged the Board to please see to it that they have a medical facility on the northwest side of Cedar Rapids which will be used at the same kind of pace that it is now. He guarantees the Board that those that use that facility will not have access to the great new center that they are proposing. He asked the Board to please give some consideration on how they can go back to the new Fillmore Building and take a look at what can be done; use some imagination and figure out a way to keep that facility functioning on the northwest side.

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

Resolution 2018-1-1

BE IT RESOLVED, that the Board of Supervisors, Linn County, Iowa, hereby designate the following named newspapers as the Official County Newspapers pursuant to Chapter 349, Code of Iowa:

The Gazette Company  
The Marion Times  
The Linn Newsletter  
The Sun

The Gazette Company is to receive compensation based on one full designation and the three weekly newspapers will share equally in the remaining two designations.

Resolution 2018-1-2

WHEREAS, Section 331.323(2d), Code of Iowa, provides that the Board of Supervisors is authorized to order a county officer to destroy records in the officer's possession which have been on file for more than ten (10) years and not required to be kept as permanent records.

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson of the Board of Supervisors, Linn County, Iowa, be is hereby authorized to order the County Auditor to destroy all Assessor's books, assessment rolls, tax lists, county vouchers, cancelled warrants on file in the office of the County Auditor for more than ten (10) years and order the County Treasurer to destroy all duplicate tax receipts on file in the office of the County Treasurer for more than ten years.

Resolution 2018-1-3

BE IT RESOLVED by the Board of Supervisors, Linn County, Iowa, that the County Auditor is authorized to issue warrants when said Board is not in session for the following purposes provided for in Section 331.506 (2 & 3) , Code of Iowa, and that all bills paid under said Section shall be passed upon by the Board of Supervisors at the first meeting following such payments. For fixed charges including, but not limited to, freight, express, postage, water, lights, telephone service or contractual services previously approved by the Board of Supervisors, after a bill is filed with the Auditor. For salaries and payrolls if the compensation has been fixed or approved by the Board of Supervisors, under whose direction or supervision the compensation is earned. For rent assistance and insurance settlement payments. For refunds due caused by an overpayment of fees to any Linn County office or department or for return of payment due when payment has been made for a service, license or permit that will no longer be performed or issued.

Resolution 2018-1-4

WHEREAS, a Residential Parcel Split of Petrick Farms First Addition (Case # JPS17-0024) to Linn County, Iowa, containing one (1) lots, numbered lot 1 has been filed for approval, a subdivision of real estate located in the SESW of Section 5, Township 82North, Range 05West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the N <sup>1</sup>/<sub>4</sub> corner of said Section 8, thence SOI <sup>0</sup> 2212 <sup>i</sup> E along the east of said NE <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub>, 328.02 feet to the SE corner of said Parcel A, thence S88 <sup>0</sup> 26'03"W along the south line of said Parcel A, 32.86 feet; thence N78<sup>0</sup> 57'26 'lW along said south line, 173.37 feet; thence NOI <sup>0</sup> 5346"W, 349.98 feet; thence N42 <sup>0</sup> 41 <sup>i</sup> 45"E 52.59 feet; thence S89 <sup>0</sup> 54'36"E, 92.29 feet;

thence **S80°13'28"E**, 77.84 to the east line of said SE <sup>1</sup>/<sub>4</sub> SW <sup>1</sup>/<sub>4</sub>;  
thence SOI <sup>0</sup> 42' 14"E along the east line of said SE <sup>1</sup>/<sub>4</sub> SW <sup>1</sup>/<sub>4</sub>, 85.59 feet to the Point of Beginning,

WHEREAS, said plat is accompanied by a certificate acknowledging that said subdivision is by, and with the free consent of the proprietors, and is accompanied by a certificate dedicating certain property to the public, as shown on the plat; and WHEREAS, said plat and it's attachments thereto have been found to conform to the requirements of the comprehensive plan and the subdivision ordinance; and the requirements of other ordinances and state laws governing such plats; and WHEREAS, the following conditions as listed on the Planning and Development Staff Report of October 18, 2017 as last amended on November 20, 2017 have been addressed: LINN COUNTY ENGINEERING DEPARTMENT - Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article 4, Sec. 8B. One entrance per parcel is allowed. An additional access may be allowed with justification and permit. Dedication of road rights-of-way, County Standard Specifications, Sec. 5. 40' of right-of-way on Irish Lane adjacent to development shall be dedicated to the County for road purposes. Road agreement for conditions applicable to residential parcel split cases. County Standard Specifications, Sec. 1. IOWA DEPARTMENT OF TRANSPORTATION - Not within the jurisdiction of the Iowa Department of Transportation. LINN COUNTY PUBLIC HEALTH DEPARTMENT - Existing water system must be reviewed by Linn County Public Health for compliance. Well rehabilitation may be required. Existing sewage disposal system must be reviewed by Linn County Public Health for compliance or if the property is being sold, a Time of Transfer septic inspection must be submitted. If no permit is recorded for this property, a septic contractor must: Show evidence of septic tank by uncovering the tank and pumping it out to determine the volume. Show evidence of the absorption field by uncovering the ends of the trenches or by probing five to ten areas over the trenches and verifying a dead-end. Health Department must be present to verify. Existing house must be reviewed by Linn County Public Health for compliance. NATURAL RESOURCES CONSERVATION SERVICE - No conditions to be met. LINN COUNTY CONSERVATION DEPARTMENT - No conditions to be met. LINN COUNTY PLANNING AND DEVELOPMENT - ZONING DIVISION - All side and rear yard setbacks must be met for all structures involved in this proposal. Various revisions to the site plan and final plat. Complete requirements from Minimum Housing inspection provided by the Linn County Health Department, including obtaining appropriate permits, inspections and final approval from the Building Division. Prior to approval of the final plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report. This plat lies within the 2 mile jurisdiction of the City of Mount Vernon. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies. The proposed subdivision name and proposed names of all roads, streets and lanes shall be

submitted for review and approval by the Linn County Auditor's office prior to approval of the final plat. One original and 3 complete copies of the final plat bound documents that must include the following:

Owner's certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County title to all property intended for public use, including public roads. Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located. Surveyor's certificate. Auditor's certificate. Resolution of the Planning and Zoning Commission. Resolution of the Board of Supervisors. Resolution of approval or waiver of review by applicable municipalities Treasurer's certificate. Agricultural Land Use Notification. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article 5, Section 1, § 8 of the Unified Development Code. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument. Three (3) copies of the surveyor's drawing A covenant for a secondary road assessment. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before NOVEMBER 20, 2018 as per Article 4, Section 8A(7), and shall be recorded within 1 year of that approval, as per Article 4, Section 8B, § 6, of the Unified Development Code. NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat. NOW, THEREFORE BE IT FURTHER RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by January 3, 2019 to be valid.

Resolution 2018-1-5

WHEREAS, a Land Preservation Parcel Split of Rollinger Second Addition (Case # JLPS17-0006) to Linn County, Iowa, containing one (1) lots, numbered lot 1 has been filed for approval, a subdivision of real estate located in the NWSW, 04-85-5 have been addressed: LINN COUNTY ENGINEERING DEPARTMENT - Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article 4, Sec. 8B. One entrance per parcel is allowed. An additional access may be allowed with justification and permit. Road agreement for conditions applicable to land preservation parcel split cases. County Standard Specifications, Sec. 1. IOWA DEPARTMENT OF TRANSPORTATION - Not within the jurisdiction of the Iowa Department of Transportation. LINN COUNTY PUBLIC HEALTH DEPARTMENT - Existing water system must be tested for compliance. NATURAL RESOURCES CONSERVATION SERVICE - Show approximate location of natural drainage ways and a note restricting building within the natural drainage way should be shown on the final plat. Contact the NRCS office for widths and building restriction requirements. Submit erosion and sediment control plan for review and acceptance. Submit storm water pollution prevention plan for review and acceptance prior to approval of plat and / or any site grading activities. LINN COUNTY CONSERVATION DEPARTMENT - There is a significant forest resource present that should be protected by maintaining natural woodland vegetation on steep slopes. LINN COUNTY EMERGENCY MANAGEMENT - No conditions to be met. LINN COUNTY 911 COORDINATOR - No conditions to be met. LINN COUNTY PLANNING AND DEVELOPMENT - ZONING DIVISION - All side and rear yard setbacks must be met for all structures involved in this proposal. Various revisions to the site plan and final plat. Prior to approval of the final plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies. Outlot A will require a Land Preservation Parcel Split deed restriction. As a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County Zoning Ordinance and will require the note: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed" on the plat. An access easement providing access to proposed Lot 1 shall be included with the bound documents, or referenced by the associated Recorder's book and page on the final plat. A Certificate of Occupancy for the dwelling on Lot 1 must be issued before case JLPS17-0006 can be recorded. The proposed subdivision name and proposed names of all roads, streets and lanes shall be submitted for review and approval by the Linn County Auditor's office prior to approval of the final plat. One original and 3 complete copies of the final plat bound documents that must include the following: Owner's certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County title to all property intended for public use, including public roads - Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or

encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is Resolution of the Planning and Zoning Commission. Resolution of the Board of Supervisors. Resolution of approval or waiver of review by applicable municipalities. Treasurer's certificate. Agricultural Land Use Notification. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article 5, Section 1, § 8 of the Unified Development Code.

Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument. Three (3) copies of the surveyor's drawing. A covenant for a secondary road assessment. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before OCTOBER 16, 2018 as per Article 4, Section 8A(7), and shall be recorded within 1 year of that approval, as per Article 4, Section 8B, § 6, of the Unified Development Code.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by January 3, 2019 to be valid.

Authorize Chair to sign Release of Mortgage of December 28, 2012, made and executed by the East Central Iowa Council of Governments, in association with Linn County's Single Family New Construction Grant, regarding property commonly known as 2151 Westminster Circle, Coralville, Iowa.

At this time Chairperson Oleson reminded those present that when speaking during the public hearing that they keep to the specific topic; no political campaigning; and no personal integrity comments of public servants.

A public hearing was called to order on a proposal to enter into a lease purchase agreement in a principal amount not to exceed \$31,500,000 for the Dr. Percy and Lileah Harris Building Project. Proof of publication was presented.

Chairperson Oleson submitted 12 questions provided by a Linn County citizen and the Board's answer to each question. He submitted the document for filing.

Auditor Joel Miller, 375 Phaeton Dr., Robins, approached the Board with petitions containing 129 signatures requesting the Board to hold an election to decide if Linn County should enter into a lease or lease-purchase agreement for up to \$31.5M for construction and to furnish the proposed Harris Building. He also submitted an item as correspondence supporting the petition.

Chairperson Oleson stated that they will mark Petitions as received.

Miller stated that he had a list of questions submitted about a week ago that Board staff was directed not to answer. He went through the minutes to try to find the answers himself so he presented the questions that he hopes are answered during the discussion and decision on this item:

*Who is issuing the notice to bidders?*

*Who approves the design and the contract documents?*

*Who oversees the bid letting?*

*Who is the authority that will be exercising the contracts / signing the contracts for construction?*

*Who issues / issued the Request for Qualifications and the Request for Proposals?*

*Who determines the RFQ and RFP criteria?*

*Who will be in the room during the contractors' presentations?*

*Who ultimately has the authority to determine the winner / entity with whom the contract will be awarded?*

*Is the project bonded?*

*Does the contract elude to Iowa Code Chapter 73A (Bonding)?*

*What protections are provided in the event of a contractor default (and who is left holding the bag)?*

*Is Linn County afforded the protections of Chapter 73A if we are not building the public improvement?*

*The Community Services Building is an 80-90,000 square foot building with about 200 employees in it including about 10 Public Health employees. The number of LCCS employees in the CSB is likely to decline in 2018. Did the Board consider re-purposing it for Public Health? If not, why not? If it did, where is the analysis? On 1/12/2016, Chelsea Keenan, a reporter for The Gazette wrote that the cost for the new Public Health and Daycare building was projected to be \$10M. Who gave her that*

*dollar figure and what was it based upon?*

*When the cost was \$10M, the levy increase was projected to be an additional 6 cents on the County's tax levy per Darrin Gage. Now, the cost could be up to \$31.5M and Supervisor Oleson on 12/26/2017 says the levy will be the same. How can the estimate triple and the tax levy remain the same?*

*On 4/19/2017, Supervisor Oleson, said the Harris Building would cost \$20M plus. Where did you get that dollar figure and what was it based upon?*

*On 5/22/2017, Dave Sorg of OPN Architects told the Board that the Harris Building will cost \$24M. On December 26<sup>th</sup>, Mitchell Schmidt of The Gazette wrote that Supervisor Harris said the cost should be \$21M-\$22M. Yesterday on TV, Supervisor Oleson said the building will cost \$28M. Why are there some many different dollar amounts? Where are those dollar amounts coming from? Are those architectural estimates or political estimates? What is today's estimate for the building? Furnishings? And "soup to nuts?" And if that's less than \$31.5M, why is the Board asking for \$31.5M? And if the additional funds are for contingencies, please name some of the realistic contingencies that could be encountered when construction begins.*

Supervisor Harris, on 7/12/2017, after your meeting with Marion City Manager Lon Pluckhahn about lease purchase options for the Harris Building, you said of the LPA, "... it adds a time delay and they are going to be up against losing the current construction season. It also takes away some of the control the county would normally have on this project for those reasons. The lease purchase option will cost the county more money as compared to the competitive bid process". You were correct about the delay in construction - groundbreaking was to occur in October 2017 and now it's scheduled for March 2018. Congratulations! You voted NO. Why did you vote No? Do you still believe the lease purchase option will cost more than traditional bidding? Why? And how much more do you estimate the cost will be? Will we ever know what this building should have cost us using the traditional bidding process?

On 12/26/2017, Supervisor Oleson said the bond or loan will come with a 2 percent interest. The City of Marion will pay 2.20% interest on the bond for their Police Station in 2018 and the interest increases to 2.8% in 2020.

At this time Chairperson Oleson informed Auditor Miller that his five minutes had expired.

Supervisor Rogers stated that traditionally the Board had stood by the five minute rules for public hearings.

Chairperson Oleson stated that the lease purchase agreement is not something Linn County has done but is not foreign to Linn because Marion used it successfully for their police station and that is why he got interested in it. It's a PLA of sorts and the legislature banned PLA's after their successful use at Linn County after the flood. Linn County did something to rebuild their public infrastructure and put people to work in the community. They came up with a way called Project Labor Agreements (PLA) to ensure that construction company's drew workers from the local community and they built their own public projects. It had nothing to do with unions. He told them that they may benefit from it but that is not why he or Ron Corbett are doing it (they want to put people to work here). They did five of them successfully and all were at or under budget. He was told horror stories about PLA's, that they showed favoritism and led to the explosion of costs. In review, the county's five projects were built by the local labor shed and built by experienced professionals that live and work in the community. Contractors made a decent profit and that is what they are in business for. Workers were paid the prevailing wage. Everybody won so of course they had to ban PLA's. Can't do PLA's so the county has elected to find a unique way of making it happen and they looked at other statutory provisions to make it happen. All of the questions that Miller asked are addressed in the statute. He stated that it's not going to be built by somebody from Minneapolis with some contractors scattered all over Illinois who are paid and take that money back to their communities. No amount of bullying or misinformation will change the Boards mind. They have been doing this for two years and to have one person swoop in and throw rocks is a joke.

Supervisor Walker thanked all of the many members of the public for being interested in the project and Rep. Kirsten Running-Marquardt for her advocacy and efforts. He spoke to her yesterday regarding her concerns about access points for the west side and he assured her that he would be working with the Health Dept. Director to see if there are any possible alternatives. He has correspondence from the Director about alternatives and potential costs (even things from providing a shuttled service and operating a mobile site). He also thanked Chuck Swore for his comments as well. The Dr. Percy and Lileah Harris Building which will the house Health Dept. and a division of community services is an extraordinary net positive for Linn County. The current clinic is in disrepair and they are badly in need of a new site. It will be located approximately 2.3 miles away from the current location on land that the county owns in the Oakhill Jackson neighborhood (a neighborhood with an abundance of need). County facilities are meant to serve all individuals in Linn County. Their goal is to do the greatest amount of good, causing the least amount of harm while protecting the taxpayer dollars. This building has come over two years of careful thought and

dialogue with those in government and individuals in the community. The architects involved and Linn County met with individuals in the community to solicit feedback and the entire plan was wholeheartedly endorsed. It was truly a group effort and he is proud to be a part of it. It is an appropriate and fitting omage to Dr. Percy and Lileah Harris. He continues to support the project and the financing method and is an extraordinary net positive for the community.

Supervisor Houser stated that he was involved in the original five projects from the flood rebuild which came in without any issues. He did his homework and visited with Lon Pluckhahn from Marion and got the outlay of how they did their projects. Both were successful and had high remarks. He did his due diligence and is behind the process.

Supervisor Harris stated that he has not changed his mind since he voted not to go with the lease purchase process. His reasons for voting no the first time (quite some time ago) was that he feared there would be a delay in timing and increased costs. He is coming to grips with the cost now and the building itself is \$21.5 million. Things that came up while planning the building (increasing it another foot or two, additional parking, secondary power supply and furnishings) brought it up to \$26 million. He also believes that part of the number that Chairperson Oleson stated is additional costs related to going with a lease purchase. He is still not in favor of it because fewer tax dollars could get them a building that is acceptable and he will vote against a lease purchase. However he understands that his colleagues are very much in favor of the process and he will respect the outcome of the vote and will do everything he can to try to keep costs down the best he can.

Supervisor Rogers thanked Miller for his questions and comments and hopefully he will receive answers. He also thanked Rep. Kirsten Running-Marquardt who is a fearless advocate and appreciates those concerns as well from Chuck Swore. The location of this new building is the old Options location. They have sat on that property knowing that they had future space needs of Public Health and the Fillmore Building. They kept the land so that they could build with disaster recovery bonds and are now using urban renewal bonds. He is in favor because of past successes with PLA's. It's not union or non-union. It's about local workers and from what every expert told them, a project of this size will bring in contractors from other states. They typically low bid and then make it up with change orders. A leased purchase agreement gives counties more control. The architect specifications are already done. This is a turnkey building so when they say it is complete, the county gets the keys. The \$31.5 million is a never to exceed amount and doesn't see it going to that amount. They were told to ask for that amount and won't be charged for what they don't use. The amount has increased due to elevation, parking and furnishings. He understands that there are different views and he appreciates the dialogue. This is a building that will serve the Oakhill Jackson neighborhood very well, the Child Development Center and populations that use the Public Health clinic very well and they will hopefully create partnerships so that a clinic resides on the west side.

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

Motion by Houser, seconded by Rogers to adopt Resolution 2018-1-6  
Resolution taking additional action to enter into a Lease Purchase Agreement WHEREAS, the City Council of the City of Cedar Rapids, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of Code of Iowa, has established the Consolidated Central Urban Renewal Area (the "Urban Renewal Area") within the City and has adopted an Urban Renewal Plan for the Urban Renewal Area, which Urban Renewal Plan has been amended from time to time by the City, including by Amendment No. 8, at the request of Linn County (the "County"), to identify the undertaking by the County of the Dr. Percy and Lileah Harris Building Project (hereinafter defined) as an "urban renewal project" under the Urban Renewal Plan; and WHEREAS, pursuant to the provisions of Chapters 331 and 403 of the Code of Iowa, the County proposed to enter into a General Obligation Urban Renewal Lease Purchase Agreement (the "Lease Purchase Agreement") in a principal amount not to exceed \$31,500,000, for the purpose of paying the cost, to that extent, of an urban renewal project within the Urban Renewal Area consisting of the acquisition, construction, improving, furnishing and equipping of a building to house the Linn County Public Health and Linn County Child and Youth Development Services (the "Dr. Percy and Lileah Harris Building Project"); and WHEREAS, the County has instituted proceedings to enter into the Lease Purchase Agreement under the provisions of Sections 331.301, 331.441, subsection 2.b.(14) and 331.442, subsection 5 of the Code of Iowa, by causing a notice of such proposal to be published setting January 3, 2018 at 10 o'clock a.m. at the Linn County Jean Oxley Public Service Center as the time and place at which the County Board of Supervisors would meet to institute proceedings and take action for authorizing and entering into the Lease Purchase Agreement, including notice of the right to petition for an election; and WHEREAS, such hearing was held at such time and place and no petition has been filed with the County asking that the question of entering into the Lease Purchase Agreement be

submitted to the registered voters of the County.

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Linn County, Iowa, as follows: Section 1. The Board hereby determines that it is in the best interest of the County to enter into the Lease Purchase Agreement to provide for the construction of the Project and this resolution constitutes "additional action" with respect to the Lease Purchase Agreement.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

VOTE: Oleson, Rogers, Houser, Walker - Aye            Harris - Nay

A public hearing was called to order on the proposal to lease certain real property for a term of approximately fifty years in connection with the Dr. Percy and Lileah Harris Building Project. Proof of publication was presented. Chairperson Olson asked that the 12 questions and answers submitted last public hearing be applied to this public hearing as well.

Auditor Miller stated that they are taking property that the county owns and leasing to someone, do they know who they are leasing to and has that been decided? Linn County is not a poor county and they don't have to lease. They lease copiers. They don't lease voting machines or borrow money for e-poll books. Linn County is a rich county whose valuation is increasing every year which gives the Board the ability to not raise the tax levy (except maybe for this). They have the ability to buy whatever they need. They don't lease cars and they buy everything outright yet they are taking a piece of property and leasing to somebody else who then supposedly subleases it to a contractor. When the building is finished that cancels the lease and is given back to the Trustee and they hold up to 50 years. What is the period of time they are bonding for? Oleson asked why didn't they petition sooner. In order to do a petition they needed to name a dollar amount which has been hard to come up with. He heard all the comments supporting the Harris Building and he is on record that he supports the purpose for the Harris Building. He is not questioning the purpose but he does question why they are not looking at the Community Services Building and repurposing it. No one answered the question. Is this process going to cost more? They are going through extra steps. They were supposed to break ground last October, now it's March. It's been delayed six months and additions have been made. When things are added to processes, there are added costs. Is this a good deal for the taxpayers of Linn County? No one has answered the question. Supervisor Harris said it's going to cost more money. Rep. Marquardt wants an access point on the west side. Maybe if they would do the public bidding on this they would have enough money left over to put an access point on the west side. They will never know what the building costs because they are going through this process. The Board is going to pick and choose who they want. Supervisor Oleson doesn't want Tricon even though they sent an RFP. There are another 20 plus major commercial general contractors in the area that could be bidding. They were excluded. The Board picked who they wanted. They picked seven and excluded how many? They are picking winners and losers. If the public bidding process was used then maybe they would have money for an access point on the west side for those with transportation challenges. He asked the Board, in terms so that Gazette readers can understand, why they are taking property that they own, leasing to someone else who is leasing to someone else who then is building something on it and borrowing against it and the county is paying the interest and will pay for the building in the end. Answer the question - Is this process good for the taxpayers from a cost standpoint? Will it cost more money doing this than the competitive bid process?

Chairperson Oleson read the 12 questions submitted with answers as follows:

**Who is issuing the notice to bidders?** There is no notice to bidders required. The county is using the lease-purchase process provided for in subsection 10 of Section 331.301 of the Iowa Code. Under this process the Project is built by a General Contractor, purchased by a Trustee at the end of construction and leased to the County under a lease purchase agreement between the Trustee and the County. Subparagraph I of subsection 10 of Section 331.301 of the Iowa Code provides in part: "A contract for construction by a private party of property to be leased or lease-purchased by a county is not a contract for a public improvement under section 331.341, subsection 1." Accordingly, the competitive bidding procedures in chapter 26 of the Iowa Code are not applicable. The General Contractor is being chosen through a Request for Proposals (RFP) process.

**Who approves the design and the contract documents?** The Board of Supervisors has approved the design and the lease purchase agreement and related documents.

**Who oversees the bid letting?** No bid letting is required. The County is using an RFP process. The Board of Supervisors oversees the RFP process.

**Who is the authority that will be exercising the contracts / signing the contracts for construction?** The County, acting as agent for a Trustee will sign the Purchase Agreement wherein the Project will be purchased for a Lump Sum Price at the end of construction.

**Who issues / issued the Request for Qualifications and the Request for Proposals?** The Request for Proposals (RFP) was issued by the County, i.e. Board of Supervisors.

**Who determines the RFQ and RFP criteria?** The RFP criteria was determined by the County, i.e. Board of Supervisors.

**Who will be in the room during the contractors' presentations?** County officials and representatives determined by the Board of Supervisors.

**Who ultimately has the authority to determine the winner / entity with whom the contract will be awarded?** A contractor will be chosen to construct the Project by the Board of Supervisors through the RFP process. A Purchase Agreement will provide for the purchase of the Project at the completion of construction.

**Is the project bonded?** Performance and Payment Bonds and Bonds covering maintenance of the Project for two years after construction are required in the RFP.

**Does the contract elude to Iowa Code Chapter 73A (Bonding)?** Chapter 73A is not applicable.

**What protections are provided in the event of a contractor default (and who is left holding the bag)?** Performance and Payment Bonds are required by the RFP.

**Is Linn County afforded the protections of Chapter 73A if we are not building the public improvement?** Chapter 73A is not applicable. However, the County has required the contractors to provide bid bonds in an amount equal to 5% of the Lump Sum Price and Performance and Payment Bonds and Bonds covering maintenance of the Project for two years after construction.

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

Motion by Houser, seconded by Rogers to adopt Resolution 2018-1-7

Resolution determining to lease certain real property for a term of approximately fifty years in connection with the financing for the Dr. Percy and Lileah Harris Building

WHEREAS, Linn County, Iowa (the "County") owns or will acquire certain real property (the "Property") which is described as follows:

All of Block 17, Carpenter's Third Addition to the Town of Cedar Rapids, Linn County, Iowa, together with all easements and servient estates appurtenant thereto, and subject to covenants, easements and restrictions of record and

Rear or NE-ly 1/2 of Lot 1 Block 18, Carpenters Third Addition to the Town of Cedar Rapids, Linn County, Iowa Subject to Covenants, Conditions, Restrictions and Easements of record and

SW 70 feet of Lot 1, Block 18 Carpenters 3rd Addition to the City of Cedar Rapids, Linn County, Iowa and

LOTS 2 AND 3 AND THE NW-LY 7 FEET OF LOT 4, CARPENTER'S THIRD ADDITION TO THE TOWN OF CEDAR RAPIDS, LINN COUNTY, IOWA.

WHEREAS, the County proposes to lease the Property to a state or national bank or trust company with trust powers (the "Trustee") for a term of approximately fifty years, in connection with the acquisition, construction, improvement, furnishing and equipping of a building to house Linn County Public Health and Linn County Child and Youth Development Services (the "Project"); and

WHEREAS, in connection with the Project and pursuant to the provisions of Section 331.361 of the Code of Iowa, the Board adopted a Resolution on December 13, 2017 (the "Proposal Resolution") setting forth its proposal to lease the Property to the Trustee for a term of approximately fifty years to facilitate the financing of the Project and held a public hearing on the proposal to lease the Property as set forth in said Resolution on January 3, 2018 and it is in the best interests of the County to make a final determination to lease the Property as aforesaid in connection with the Project; NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Linn County, Iowa as follows:

Section 1. That it is hereby finally determined that the County shall lease the Property to the Trustee for a term of approximately fifty years as provided in the Proposal Resolution in connection with the acquisition, construction, improvement, furnishing and equipping of the Project and the aforementioned leasing of the Property to the Trustee is hereby approved.

Section 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Discussion: David Claypool, Dorsey & Whitney, explained the lease purchase process.

Supervisor Rogers stated that Linn County has a history of using PLA's successfully as their projects all came in under budget, on time and are high quality. He is also pleased with the fact that Lon Pluckhahn was incredibly pleased with Marion's leased purchase agreement and he hopes that taxpayers see the benefit of a Lease Purchase

agreement. He feels more confident with this than a bidding process. The county takes possession of the building when they are satisfied. He stated that they were in the Public Service Center building and still working on a punch list. The keys get handed off when the county is satisfied. He hopes it yields a phenomenal product built by workers in the local labor shed.

Dave Sorg, OPN Architect, stated that they have already designed the building and Marion did not do that. This allows every contractor to bid the plans noting that there have been two years of very thoughtful work put into the project. As far as the cost, they don't know if it is more or less cost. The process will maintain the integrity of what has been done over the last two years. OPN and the county held community input sessions (3-4) at St. Wenc Church. There was a lot of dialogue with the open process. Sorg explained that the construction cost is \$21.45 and then furniture, fixtures, equipment are added into the total project. The contingency for construction is 2.5% for unknowns.

Chairperson Oleson stated that he thinks it will be great for the taxpayers, noting that it is the same as a PLA. He stated that the list of 12 questions almost looks like it came from Master Builders of Iowa but came from a citizen. He will put money and his reputation on the line to say that this is the very best deal they will get and the most important decision is who will build it. They have had professionals engaged in this and also went through a process to select OPN. They have considerations beyond price and it's important to hire from the community. Everyone on the Board feels they are doing the very best they can for the citizens of Linn County. He stated that he and Harris don't agree but they also don't question the integrity of each other.

VOTE: Oleson, Rogers, Houser, Walker - Aye                      Harris - Nay

Jon Gallagher, Soil & Water Conservation, met with the Board to discuss a potential grant opportunity for Linn County Soil Conservation. He stated that he met with members of the Watershed Management Authority and they feel that is a great opportunity to identify concerns for the Indian Creek Watershed. This would pay for a fulltime Linn County staff member for three to five years. No additional resources are required by Linn County going forward after the grant is completed. The Board will approve next week.

Tom Hardecopf, LIFTS Dir., discussed an invoice from ECICOG for local match of two new Freightliner buses in the amount of \$45,246.54. The funds are in the budget and the Board will approve next week.

Gary Jarvis, Asst. County Atty., presented an Agreement to Assign Certificate of Purchase at tax sale #PB2-14 (510 Church Street, Fairfax, IA) to the City of Fairfax.

Atty. Graham Karl, representing the city of Fairfax, stated that the city is requesting the assignment and once notice is given and the tax deed is acquired, the city will make the sale of the lot to a local contractor so that a house can be built and placed back on the tax rolls.

Motion by Houser, seconded by Rogers to approve an Agreement to Assign Certificate of Purchase at tax sale #PB2-14 (510 Church Street, Fairfax, IA) to City of Fairfax and authorize Chair to sign said agreement.

The Board recessed at 11:15 a.m. and reconvened at 11:38 a.m.

Motion by Rogers, seconded by Houser to approve minutes of Dec. 19 and 20, 2017 as printed.

Motion by Rogers, seconded by Oleson to name John Harris as Chairperson and Jim Houser as Vice Chairperson.

Motion by Rogers, seconded by Houser to approve Employment Change Roster (Payroll Authorizations) as follows:

TREASURER'S OFFICE

Universal Clerk	Amy Speed	Bid to Recorder's Office_ 01/05/18
Universal Clerk	Heather Tripp	New employee – FT 01/08/18 56A \$19.19/hour Replaces A. Speed

COUNTY ATTORNEY'S OFFICE

Criminal Prosecutor I	Jennifer Erger	New employee – FT 01/08/18 Grade 27 Beg \$2,661.57/biweekly Replaces Powers/Belcher
Criminal Prosecutor I	Ryan Decker	New employee – FT 02/05/18 Grade 27 Beg \$2,661.57/biweekly Replaces Speth/Jarvis

Criminal Prosecutor II	Cory Speth	Amended effective date 01/03/18
Juvenile Prosecutor I	Valerie Clay	Amended effective date 01/03/18
Investigator	Alan Steil	Step increase/contract 12/21/17 58C \$25.05 – 58D \$26.33
Asst Co Atty	Lance Heeren	Promotion Juv Div Head 01/03/18 Grade 30 > Mid \$3,769.82 – \$4,932.89 Replaces Belcher

FACILITIES

Custodian	Simone Mally	Increase in hours 12/18/17 25 hrs/week Replaces D. Smith
Custodian	Sienna Nawaz	Existing employee selected to fill vacancy – Article 11 01/08/18 10A \$16.65 + \$.25 20 hrs/week

SHERIFF'S OFFICE

Secretary	Judy Wery	Bid to LCCS 12/29/17
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LIFTS

Mobility Coord.	Terry Bergen	Step increase/contract 01/03/18 37B \$24.65 – 34C \$25.97
LIFTS Driver	Dawn Stout	Termination 12/22/17

COMMUNITY SERVICES

Income Maint Worker	Judy Wery	Bid Award 12/30/17 55E \$21.92 – 57C \$23.02 Replaces E. Pecinovsky
Options Counselor	Christina Johnson-Barger	Step increase/contract 12/18/17 56C \$21.30 – 56D \$22.44

JUVENILE DETENTION

Intervention Counselor	Christina Betts	Step increase/contract 01/19/18 36C \$24.22 – 36D \$25.55
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ENGINEERING

Light Equipment Operator	Clinton Stratton	End of Probation 01/02/18 17A \$20.54 – 17B \$21.30
Heavy Equipment Operator	Nathan Greene	End of Probation 01/04/18 19A \$22.07 – 19B \$22.95
Light Equipment Operator	James Pinckney	End of Probation 01/09/18 17A \$20.54 – 17B \$21.30
Light Equipment Operator	Mark Phillips	Termination/retirement 02/01/18

JUVENILE DETENTION

Youth Counselor	William Wright	New employee – FT 12/18/17 36A \$21.91 + \$.25 Replaces S. Watson
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FACILITIES

Sr Custodian	Juan Capitan	Step increase/contract 12/21/17 11C \$17.82 + \$.25 – 11D \$18.44 + \$.25
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Motion by Rogers, seconded by Walker to approve payment to Arleen Zahn Houser in the amt. of \$1,917.68 and Jim Houser in the amt. of \$127.29.

VOTE: Oleson, Rogers, Harris, Walker - Aye Houser - Abstain

Motion by Rogers, seconded by Houser to approve Claims #70599857-#70599883 in the amt. of \$324,992.55; Wire Checks in the amt. of \$1,706,301.50; ACH in the amt. of \$18,927.25; Claims #70599935-#70600116 in the amt. of \$402,773.08 and ACH in the amt. of \$1,437,266.37.

Public Comment: Chris Nosbisch, Mt. Vernon City Admin., stated that in 1998 Mt. Vernon embarked on a process to build a community wellness center (\$7.8 million) and they plan to move forward with the project. A former Cornell graduate will match dollar for dollar up to \$500,000. The city is being encouraged to apply for a CAT grant to be submitted by January 15<sup>th</sup>. They are requesting \$10,000 – \$20,000 from Linn County, noting that anyone in Linn County can use the facility and won't be charged differently. The Board will place on next week's agenda.

Supervisor Oleson stated that they have been through a lot this year and there was debate among people New Years Eve whether 2017 would go out with a whimper or a bang. There were thought's about today's meeting if it would be concluded with a whimper or a bang and that was clear. It was clear because of the hard work by all board members on the Harris Building. From the naming of the building and making it special to the constant meetings with staff down to the workflow, elevators and every technical thing throughout that entire process. At the end it was tried to be made into some huge fiasco and it went out with a whimper because of everyone's hard work and foresight that was brought to this in a unique and perspective way. He was pleased with how that was portrayed to the public today.

Motion by Rogers, seconded by Walker to receive and place on file petitions submitted by Auditor Miller.

The Board recessed at 11:45 a.m. and reconvened at 1:30 p.m. Supervisor Oleson participated via phone. Also present: Steve Tucker, Financial Dir., Dawn Jindrich, Budget Dir., David Thielen, LCCS Dir. and Sue Novak, LCCS Financial Mgmt. Dir.

The Board discussed and reviewed the LCCS FY 19 appropriation which meets the Board's guidelines.

Jindrich presented the FY 19 MH-DD Budget Summary - After amending the original 28E agreement, the East Central Region (ECR) no longer requires member counties to levy at the maximum allowable amount. As a result of Senate File 504, each individual member of the ECR must have a fund balance of no more than 20% of expenditures at year-end fiscal 2020. The annual MHDS levy rate should be eliminated in fiscal 2019.

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January 3, 2018

Novak presented the LCCS budget on the general fund and the special revenue fund (Options) and an Offer for Options which is to request that the chargeback from facilities of \$205,400 be removed from the FY 19 Budget. Discussion continued regarding the tiers and that it looks like 25% of clients were placed in the wrong tier which affects the reimbursement rates.

Motion by Rogers, seconded by Houser to approve LCCS FY 19 expenditures in the amount of \$22,389,312 and revenue in the amount of \$6,940,838 for a net \$15,448,474.

Adjournment at 2:26 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor  
By: Amanda Hoy, Executive Assistant  
and Rebecca Shoop, Deputy Auditor

Approved by:

BRENT OLESON, Chairperson  
Board of Supervisors