

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
MONDAY, JANUARY 8, 2018 9:00 A.M.

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

Chairperson Harris called the meeting to order.

PUBLIC COMMENT: Auditor Joel Miller stated that he is speaking in regards to the Linn  
County Medical Examiners Agreement. He had a brief exchange on email and asked how  
much revenue was earned by the Medical Examiner as a result of signing cremation  
permits. Miller did not receive an answer. 331.902 of Iowa Code says "unless  
otherwise specifically provided by statute the fees and other charges collected by the  
Auditor, Treasurer, Recorder, Sheriff, Deputies and their employees belong to the  
county". He looked at an Attorney General's opinion from April 21, 1982: the fees  
collected by the Sheriff under 331.655 transferring prisoner's pursuant to court order  
not to be paid to the Sheriff as part of his or her salary but are to pass to the  
county under 331.902. The Board negotiated a contract and are about to sign it with  
the Medical Examiner in which they don't know what the dollar amount of the contract  
is. They basically gave the Medical Examiner a blank check when it comes to cremation  
fees which he charges \$75 each. According to Supervisor Houser's comment shared at  
previous meetings, the fee isn't shared with any of the Deputy Medical Examiner's.  
How do they negotiate a contract with someone when they don't know what the fees are  
and they let the Medical Examiner retain the fees. It is one thing to let the Medical  
Examiner retain the \$75 per cremation permit but why aren't those fees coming to the  
county and then the county writing the Medical Examiner a check for them? It seems to  
be the only case Miller is aware of in the county where a department or an individual  
is allowed to retain the fees earned by the result of an appointment by a legislative  
body for that person to be the Medical Examiner. It seems a strike back maybe a  
hundred years ago when magistrates retained fees when they have trials. Why are they  
doing this? It isn't just a paltry little sum they are talking about. Miller didn't  
get a call into the Department of Health or the State Medical Examiner or whoever it  
may be. According to national vital statistics, Iowa had 29,190 deaths in 2014. Linn  
County represents about 7% of the states population and cremation results in about 50%  
of how people are handled at death so that equals about 978 cremations in Linn County  
at \$75 for each cremation for a total of \$73,350. He went through the obituaries last  
night for the month of December and there were 163 reported cases of death in Linn  
County. If that's an average then they have about 2,064 deaths divided by 2 for  
cremations so 1,032 cremations times \$75 is \$77,400. The Board is signing a contract  
where they are handing the Medical Examiner tax free between \$73,000 and \$77,000 in  
addition to the contract and the charges the Medical Examiner charges within the  
contract that they are awarding him. That is a burden on the taxpayer's of Linn  
County and is truly a death tax. At least they could cut the taxpayer's a deal, maybe  
charge \$25 and the Medical Examiner charges \$50 instead of \$75. Miller asks the Board  
to not sign the contract until they establish the number of cremations that the  
Medical Examiner is signing per the contract.

Supervisor Walker discussed a letter of support addressed to Tom Schnell with the  
University of Iowa, in support of its application to the Unmanned Aircraft Systems  
Integration Pilot Program. This is a major research project that would allow eastern  
Iowa to be a testing zone.

Motion by Rogers, seconded by Oleson to authorize Chair to sign, retroactive to January  
3<sup>rd</sup>, a letter of support addressed to Tom Schnell with the University of Iowa, in  
support of its application to the Unmanned Aircraft Systems Integration Pilot Program.

Chairperson Harris discussed providing the City of Mount Vernon, for the purpose of  
supporting a Community Attraction and Tourism (CAT) grant for a community/wellness  
center, the amount of \$10,000 from FY 2019 Economic Development Funds, contingent upon  
receiving the CAT grant. A presentation was provided last week on this topic and the  
City of Mount Vernon believes that with support from the county they have a better  
chance of obtaining the CAT grant.

Supervisor Oleson stated that it is the county's history to support items like this.

Motion by Oleson, seconded by Rogers to approve providing the City of Mount Vernon, for  
the purpose of supporting a Community Attraction and Tourism (CAT) grant for a  
community/wellness center, the amount of \$10,000 from FY 2019 Economic Development  
Funds, contingent upon receiving the CAT grant.

Les Beck, Planning & Development Dir., met with the Board to discuss a Construction  
Evaluation Resolution relating to the construction of confinement feeding operation  
structures. This is an annual resolution that the county has adopted every year since  
it's inception. It states the intention of the county to review CAFO's that meet the  
threshold for the master matrix.

Supervisor Oleson added that in the past there have been groups that want the Board to  
sign letters and pressure to change the way these are done. The one thing the state  
has allowed is based on size and the issue is with the legislature and not the Board.  
The Board will approve Wednesday.

Gary Jarvis, Asst. County Atty., met with the Board to discuss the Linn County Medical Examiners Agreement for 2018. There was a 3% increase in the fee for deaths investigated with written report of findings and the fee paid for the Lead Medical Examiner Investigator services. Jarvis did note that in light of the previous comments made the \$75 cremation fee is a statutory maximum amount. There isn't a long line of people waiting to be a Medical Examiner (ME). Dr. Linder handles duties that aren't the most pleasant and is able to obtain and keep a staff of ME's. Dawn Jindrich periodically reviews what the county is paying out for these services versus other counties in Iowa.

Dawn Jindrich, Budget Dir., stated that two years ago Linn County was very competitive compared to the other counties in Iowa. Dr. Linder is forthcoming about what he is making and it was about \$60,000. He also waives the cremation permit fee in certain instances.

Jarvis stated that this is a business model where the ME and the Deputies are independent contractors and that keeps the overhead very low. Fees are being paid in line with what physicians demand in the economy. The county doesn't provide office space, they are not treated as county employees and they are paid on a per case basis and not a salary.

Supervisor Oleson stated that it was implied that the Board has been hoodwinked by the contract versus the duties the ME has. Two years ago the ME made a very good business case for the increase and they took three months to justify it before making a decision.

Jarvis provided an explanation of the various changes in the ME's scope of duties over the last few years. He stated that he resents the implication made that somehow Dr. Linder is abusing the taxpayer's of Linn County and Jarvis thinks it is just the opposite. It speaks well of Dr. Linder to be able to attract and maintain the staff of Deputy ME's that he does (one person can't perform these duties).

Supervisor Oleson stated that he too resents the implication. He knows Dr. Linder professionally and through work in the community. He hopes the Board isn't going to let comments like Auditor Miller's be used for campaigning and that's what this is. If the Auditor would do his job the valuation report would be done and he should be focused on that instead of allegations and conspiracy theories that everyone is fleecing the county. Miller needs to perform his essential duties and this is what happens when he does not do that. Personal information is put into jeopardy since Miller isn't paying attention to his office and then he hires his best friend from rotary and an ethics violation is filed against Oleson and Jerry Vander Sanden. Oleson resents it and hopes the Board puts Miller on notice.

Motion by Rogers, seconded by Walker to authorize Chair to sign the Linn County Medical Examiners Agreement for 2018.

Supervisor Rogers put this item on the agenda a few weeks prior to discussing the Mental Health Development Disabilities (MHDD) fund balance application language and process. He received a request to edit some language and some additions from a Board member. He will work with Joi Alexander and Britt Nielsen on a press release for January 15<sup>th</sup> and then send to different service providers. The Board will approve Wednesday.

PUBLIC COMMENT: Supervisor Walker stated that Supervisor Houser might be attending his mother's funeral and that is why he is not in attendance today.

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

RECORDER'S OFFICE

Clerical Specialist Jenny Whitney Revised effective date 1/3/18

COUNTY ATTORNEY'S OFFICE

Office Manager Gayle Keiser Promotion 1/8/18 \$2,085.46-Grade 26 Minimum \$2,177.7  
Repl D. Albers  
Civil Attorney Heidi Carmer Promotion 2/1/18 \$3,722.99-\$3,909.14 Repl Hruska  
Civil Division Head Gary Jarvis Termination/retirement 2/1/18

IT DEPARTMENT

Data Base Analyst John Zlabek Termination/retirement 1/12/18

FACILITIES DEPARTMENT

Custodian Sienna Mally Nawaz Corrected hourly rate 1/8/18 10A \$16.12+\$.25

SHERIFF'S OFFICE

Communications Oper Kathryn Hummel Termination/resignation 1/5/18  
Secretary Julie Hollan Bid Award 1/15/18 56E \$23.65+\$.25+\$.25-55E \$21.92  
Repl J. Wery

ENGINEERING DEPARTMENT

Light Equip Oper Joshua Brown New employee 1/8/18 17A \$20.54/hr Repl J. Frasher  
Light Equip Oper Scott Powers New employee 1/8/18 17A \$20.54/hr Repl N. Greene  
Heavy Equip Oper Jeffrey Hughes Bid Award 12/25/17 17E \$24.65-19D \$24.68 Repl M. Lala

PUBLIC HEALTH

Medical Asst                    Rosemary Berckes    Termination/pstn ended 1/3/18  
Medical Asst                    Jo Marie Elkema     Termination/pstn ended 1/3/18

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Signed outside of a regular Board Meeting:

Financial Mgmt Dir    Staci Meade            New employee 1/8/18 Grade 30, Level 1    \$3,167.30/biweekly  
Targeted Case Mgr    Anna Frey              Termination/retirement 1/5/18

Motion by Rogers, seconded by Walker to appoint the following: Lynda Black-Smith, Kristin Novak, Stacey Walker to the Public Art Commission for a three year term; Ben Rogers to ECICOG Board of Directors; James Houser, Brent Oleson, Stacey Walker, Les Beck and Steve Gannon as alternates to ECICOG Board of Directors; Susan Corrigan to ECICOG's Revolving Loan Fund Committee; Tom Hardecopf to ECICOG's Region 10 Passenger Transportation Advisory Committee; Tom Hardecopf as an alternate to ECICOG's Region 10 Transportation Technical Advisory Committee; Randy Burke to ECICOG's Region 10 Transportation Technical Advisory Committee.

The Board recessed at 9:32 a.m. and reconvened at 1:30 p.m. Present: Chairperson Harris, Supervisors Rogers, Oleson and Walker. Absent: Vice Chairperson Houser (personal business). Also present: Steve Tucker, Finance Dir., Dawn Jindrich, Budget Dir., Sheriff Gardner, Maj. Riniker, and Steve Estenson, Risk Mgr.

Sheriff - Proposed appropriation exceeds the Board's guidelines by \$196,815.

Major Riniker presented the budget and highlighted significant additional operational expenditures and revenue adjustments.

Sheriff Gardner discussed the potential consolidation of PSAP's (Public Safety Answering Points). He has reviewed the draft of the preliminary research and has requested some changes to be made. He noted his reservations about the consolidation including the cost for a new standalone center.

Discussion continued regarding the new dispatcher position that was approved in the FY18 budget process and why that position isn't included in the FY19 budget. The other jurisdictions (Robins, Hiawatha, Lisbon and Mt. Vernon) will be billed for this position at a later date. Tucker stated that they will need to come back to the Board with an amended budget to include the additional dispatcher.

Gardner provided feedback regarding overtime for his department. They provide services that will always have overtime, however, there comes a breaking point and they are at that point. The overtime is becoming burdensome on staff and they need to offset the overtime by applying the money to actual employees.

Motion by Oleson, seconded by Rogers to approve Sheriff FY19 expenditures in the amt. of \$23,111,218 and revenue in the amt. of \$5,881,032.

Gardner presented four Offers as follows: Correctional Center Deputies (3) - \$81,000 (\$60,000 reoccurring); Transport Deputy - \$50,000 (\$40,000 reoccurring); Sergeant - \$59,000 (\$50,000 reoccurring); and Patrol Deputy - \$85,000 (\$45,000 reoccurring).

Risk Management - Proposed appropriation exceeds the Board's guideline by \$2,800 due to an increase in copier costs related to the office relocation and pre-employment physicals.

Steve Estenson, Risk Mgr., presented his budget.

Motion by Rogers, seconded by Walker to approve Risk Management FY19 appropriations in the amt. of \$293,788 and revenues in the amt. of \$293,788.

The Board recessed at 2:49 p.m. and reconvened at 5:30 p.m.

A public hearing was called to order to establish a Secondary Road Assessment District to improve Federalist Road and Tory Lane.

Steve Gannon, County Engineer, and Brad Ketels, Asst. County Engineer, were also present.

Gannon stated that he has received a petition with at least 50% of the 17 residents asking for the assessment district (required by the Code of Iowa). Proof of publication was presented along with oral and written objections.

Ketels presented the Engineer's report.

Becky Tranter, 8400 Federalist Rd., asked if a culvert collapses and they don't complete the road whose responsibility is it to repair the culvert and Gannon responded that the county would fix it. Tranter stated that there is a lot of erosion when they have hard rains and it washes all of the rock into their yard and they no longer want to shovel that rock back onto the road. She noted that three homes are for sale so she couldn't get with the homeowner's for signatures on the petition as they are the ones who started the petition process to determine the cost and make their development look better.

Scott Evans, 8410 Federalist Rd. stated that his wife Jenny and himself are objecting to this assessment. Their property is at a low point and when they get heavy rains the water backs up in that area and it will not be able to flow through the culvert. It flows over the road surface and then slowly drains on Tory Ln. He feels that if

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they add to the asphalt it will cause the rain to drain even slower. Asphalt won't mitigate the drainage issues and will make it worse in the area he lives in.

Supervisor Oleson asked if Evans would still object if the drainage concerns were alleviated and Evans responded yes for cost reasons. He is content with the road as it is now having lived there for 8 to 9 years.

Paul Tranter, 8400 Federalist Rd., stated that the main problem with the road as it is now is the erosion issue in front of their house. The road is level with the shoulder and the snowplows scrape all of that away and it ends up in their yard. They talked to Ketels about raising up the road so that the snowplow would be above the shoulder so it doesn't peel up. The culvert is an issue but the cattails are even more important to fix. He understands the concerns with water and their property and appreciates the cost issue. He feels it is worthwhile and if nothing else their property would be more desirable when it comes time to sell and will add value. Roads are used everyday so he thinks it is a good investment. It is an opportunity to fix the road once and for all along with the drainage issues.

Jenna Ivanoski, 8440 Federalist Rd., stated that she wants to piggyback off of the drainage issue. She moved into her home November 2<sup>nd</sup> and within three weeks the sump pump and backup failed temporarily and caused water issues. She doesn't know if the road will fix the drainage issue. Adding more layers on top will cause water to back up more in the ditches instead of allowing the water to drain. Her biggest question is regarding the development of Tower Terrace and HyVee. When that happens, is there any information regarding the timing and would they be annexed in by Marion, Cedar Rapids or Robins. Would they then be required to tear up a brand new road and need a new sewage system to be part of the city?

Discussion continued regarding annexation requirements and the timeline which could be 15 to 20 years down the road.

Supervisor Rogers asked if this proposal is rejected if they can apply again and Gannon responded yes.

Samantha Ulmer, 500 Tory Ln., stated that about 10 years ago the cattail issue was addressed and she was told they weren't creating a problem with the water. They used to burn every year and if they don't put cement in it won't do anything. They have been there for 33 years and have loved it. The roads are fine for them and it is a beautiful neighborhood. She thinks there was some confusion signing the petition. They thought it meant that they could do the study and not that they wanted the road to be changed. She knows that she isn't the only one that was confused by it.

Charlene Zrudsky, 8500 Federalist Rd., stated that their cul-de-sacs have been very friendly and asked if the friendliness of their neighborhood will suffer?

Supervisor Oleson stated that he is not in favor of this assessment right now noting that they will never get 100% of people in agreement. He can support this when 80% of people agree that this is what they want to do.

Chairperson Harris concurred with Oleson. He feels that this might be premature.

Supervisor Rogers stated that opinions have been voiced and he doesn't live in the area but is sensitive to the friendly spirit of the neighborhood. If there isn't significant support it is hard to say that this is in their best interest. He thinks they should look at other drainage opportunities.

Supervisor Oleson added that drainage entails tearing things up and unattended consequences noting that the Engineer's Office are not landscaper's.

Supervisor Walker asked what the next steps are and Gannon responded that the petition has already been accepted but the Board doesn't have to establish the district and the neighborhood can come back with a new plan.

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

Adjournment at 6:20 p.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson  
Board of Supervisors