

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, JANUARY 23, 2019 10:00 A.M.

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

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

Public Comment: Auditor Joel Miller spoke regarding the renewal of the Medical Examiner (ME) contract. He brought this issue up to the Board in a recent Elected Official meeting and does not think anything has changed. He is speaking specifically about page 3 of the contract regarding "costs for issuance of cremation permits not to exceed \$75.00". Miller's issue is with the ME keeping the \$75.00 fee noting that other county's remit the money to the Treasurer to deposit. Everything else in the contract is very definitive except where the ME gets to pocket the fee and not report it. The ME is appointed by the Board of Supervisors. Miller thinks it is wrong, unethical and this practice should stop. The Board has the ability to do that. He is not asking that the ME's compensation change simply that those fees be remitted to the County Treasurer. He referenced an example of charging schools for an election and then Miller pocketing the check for himself.

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

Receive and place on file the Recorder's Quarterly Report ending 12/31/18.

Resolution 2019-1-16

A Resolution approving a Residential Parcel Split to be named Bowers Farm First Addition.

The following description is a summary of Resolution No. 2019-1-16 as passed and approved by Linn County Board of Supervisors, effective January 23rd, 2019. Bowers Farm First Addition (Case # JPS18-0027) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A, has been filed for approval, a subdivision of real estate located in the NWNW of Section 19, Township 86 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the NW corner of said Section 19; thence N89° 24'32" E along the north line of said NW frl 1/4 NW frl 1/4, 996.50 feet to the NE corner of said NW frl 1/4 NW frl 1/4; thence S 01° 45' 14" E along the east line of said NW frl 1/4 NW frl 1/4, 289.61 feet; thence S 89° 24' 32" W, 600.79 feet; thence S 89° 48' 03" W, 399.96 feet to the west line of said NW frl 1/4 NW frl 1/4; thence N 00° 55' 02" W along said west line, 286.82 feet to the Point of Beginning, containing 6.63 acres which includes 1.06 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).

Resolution 2019-1-17

A Resolution approving a Final Plat to be named Jacob First Addition.

The following description is a summary of Resolution No. 2019-1-17 as passed and approved by Linn County Board of Supervisors, effective January 23rd, 2019. Jacob First Addition (Case # JF18-0014) to Linn County, Iowa, containing two (5) lots, numbered lot 1 and 2, lettered lot A, outlot A and outlot B, has been filed for approval, a subdivision of real estate located in the NESW of Section 26, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the center of said Section 26; thence S01°15'29"E along the east line of said NE 1/4 SW 1/4, 1027.14 feet to the centerline of E. Robins Road; thence N66°07'04"W along said centerline, 732.89 feet to the SE corner of Meadowknolls First Addition to said County; thence N01°16'54"W along the east line of said Addition, 460.36 feet; thence N00°46'33"W along the east line of said Addition, 267.00 feet to the north line of said NE 1/4 SW 1/4; thence N89°44'37"E along said north line, 661.51 feet to the Point of Beginning, containing 13.36 acres which includes 0.67 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).

Resolution 2019-1-18

APPROVING A REQUEST FOR PERMISSION TO USE A PORTION OF ELY ROAD FOR CONDUCTING AUTOMOBILE VEHICLE TESTING

WHEREAS, Cher Carney, Sr. Research Associate with the University of Iowa National Advanced Driving Simulator, has requested permission to use Ely Road between Wright Brothers Boulevard and 76<sup>th</sup> Avenue Drive SW in Linn County for the purpose of conducting autonomous vehicle testing on during February, March and April of 2019, 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: The personnel conducting the research will advise the participants to obey all traffic regulations as recommended by the Linn County Sheriff's Office and the Linn County Engineer.

The personnel sponsoring the research will oversee the proper conduct of the event.

That the applicant has provided a liability agreement to Linn County naming the University of Iowa as the responsible party to the extent permitted by Iowa Code Chapter 669, while such driving research is being conducted by the University of Iowa.

Approve and authorize Chair to sign the amended contract and Scope of Services with Reynolds Urban Design for Dows Farm Agri-Community Phase 2 Planning Services. The amendment reduces the contract amount from a not-to-exceed cost of \$250,000 to a not-to-exceed cost of \$225,000.

Approve and authorize Chair to sign the 2018 Linn County Cemetery Report.

Approve and authorize Chair to sign the 2018 Weed Commissioner's Report.

Approve and authorize Chair to sign the 2019 County Weed Commissioner Certification form.

Approve and authorize Chair to sign contracts for rock at the following shop locations:

- Alice Shop to Wendling Quarries, Inc. in the amount of \$192,000.00
- Drexler Shop to Weber Stone Co. in the amount of \$65,875.00
- Main Shop to Wendling Quarries, Inc. in the amount of \$133,500.00
- Morgan Creek Shop to Crawford Quarry in the amount of \$151,900.00
- Mount Vernon Shop to Moyna Materials in the amount of \$178,375.00
- Toddville Shop to Wendling Quarries, Inc. in the amount of \$203,375.00
- Walford Shop to Wendling Quarries, Inc. in the amount of \$69,550.00
- Whittier Shop to Weber Stone Co. in the amount of \$68,500.00

Approve and authorize Chair to sign contracts for the following rock contracts:

- 76th Ave SW to Crawford Quarry in the amount of \$74,900.00
- Tissel Hollow Rd., Maple Grove Rd., St. Patricks Rd., E. Cemetery Rd., Old Bridge Rd., Morgan Bridge Rd. SW to Crawford Quarry in the amount of \$128,400.00
- Gibney Rd., Linn-Benton Rd., McVay Rd to Crawford Quarry in the amount of \$83,460.00
- Midway Rd., East Otter Rd., St. Peters Rd., Arabian Rd., Old Quass Rd. to Wendling Quarries, Inc. in the amount of \$179,310.00
- Tissel Hollow Rd. to Wendling Quarries, Inc. in the amount of \$42,350.00
- Jansa Rd. to Moyna Materials in the amount of \$15,600.00
- Pleasant Hill Rd. to Moyna Materials in the amount of \$10,000.00
- McClelland Rd., Sailor Rd., Clear Creek Rd. to Moyna Materials in the amount of \$73,750.00
- Hoosier Rd. to Wendling Quarries, Inc. in the amount of \$24,200.00
- Irish Ln. to Moyna Materials in the amount of \$53,750.00
- Berry Rd. SE, Bloomington Rd. to Wendling Quarries, Inc. in the amount of \$88,740.00
- O'Connor Rd. to Moyna Materials in the amount of \$33,750.00
- Creekside Rd., Paralta Rd., Gracey Rd., Linn Jones Rd. to Wendling Quarries, Inc. in the amount of \$56,800.00
- Big Springs Rd., Jordans Grove Rd. to Weber Stone Co. in the amount of \$131,175.00
- Alderman Rd., Springville Rd. to Weber Stone Co. in the amount of \$174,060.00
- Jordans Grove Rd., Austin Rd. to Weber Stone Co. in the amount of \$151,200.00
- Anderson Rd. to Weber Stone Co. in the amount of \$39,150.00
- Rolling Acres Rd. to Wendling Quarries, Inc. in the amount of \$63,840.00
- Troy Mills Rd. to Wendling Quarries, Inc. in the amount of \$46,550.00
- N. Marion Rd. south of Burnett Station Rd to Wendling Quarries, Inc. in the amount of \$78,600.00
- N. Marion Rd. north of Burnett Station Rd to Weber Stone Co. in the amount of \$36,400.00
- Quality Ridge Rd. to Wendling Quarries, Inc. in the amount of \$33,410.00
- Sutton Rd., Seven Hills Rd. to Wendling Quarries, Inc. in the amount of \$84,870.00

Approve and authorize Chair to sign a contract between Linn County and Summerill Group, LLC in the amount of \$45,000 for consulting services to negotiate a new federal per diem rate for housing U.S. Marshals Service prisoners in the Linn County Correctional Center.

Approve and authorize Chair to sign the Linn County Medical Examiner Service Agreement with Donald J Linder, D.O., Linn County Medical Examiner.

Approve Class C Liquor License for the Columbus Club #5677, 810 Vernon Valley Dr., noting all conditions have been met.

Discussion: Vice Chairperson Rogers stated that he appreciates Auditor Miller reaching out to the Board about the ME contract. He reminded the Board that the Asst. County  
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Attorney wrote a formal letter to Miller regarding this that cited HIPAA issues related to permits. Rogers feels that it is Dr. Linder's discretion to take the money and he can be selective on whom he accepts money from.

Supervisor Oleson stated that he would be in favor of placing the ME contract on Monday's agenda noting that Dr. Linder does not make any money on this.

Chairperson Walker stated that legal opinions have been written about this. He feels that Miller should reach out to the County Attorney's civil division with specific questions of legality. In the event that there is an error in the agreement, the Board can revisit the contract at that point.

VOTE: All Aye.

Motion by Rogers, seconded by Oleson to add to the Regular Agenda an Emergency Item to approve the Employment Change Roster (payroll authorizations).

Motion by Rogers, seconded by Oleson to move Linn County Fair Association presentation from today's agenda to next Wednesday.

Carissa Johnson, Marketing Dir., gave a presentation on the Freedom Festival. Stephanie Lientz, Planning & Development, presented Ordinance Amendment and stated that no further oral or written comments have been received.

Motion by Rogers, seconded by Oleson to approve third & final consideration of Ordinance Amendment #1-1-2019, rezoning case JR18-0004, request by Bernita Jacobs, owner, to rezone 12.68 acres on property located at 2706 E Robins Rd. from AG (Agricultural) district to USR (Urban Services Residential) district.

At this time, Supervisor Oleson asked to continue the ME contract discussion with the Budget Dir.

Dawn Jindrich, Budget Dir., stated that the only change in the 2019 ME contract is the per case fee that does not go directly to Dr. Linder. The contract was originally established in the 1990's and has worked well for the county noting that it is legal with respect to the Code of Iowa. An Emergency Room doctor should not be running to the Treasurer's Office with multiple \$75 payments noting that it is his discretion whether to collect the fees or not.

Supervisor Oleson added that during the next audit perhaps this could be brought up and Jindrich responded that the Auditor's will typically refer back to the County Attorney.

Motion by Rogers, seconded by Oleson to approve claims #70606737-#70606791 in the amt. of \$89,020.60; ACH in the amt. of \$721,497.02 and ASAC in the amt. of \$1,489.10.

Motion by Rogers, seconded by Oleson to approve the Employment Change Roster, payroll authorizations as follows:

FACILITIES DEPARTMENT

Custodian	Jed Seeman	Bid Award to part time 1/28/19 10E \$19.65+\$.25 30 hrs/wk
Custodian	Sharmake Abdi	Step increase 2/29/19 10D \$18.25+\$.25-10E \$19.65+\$.25
Custodian	Ashley Jennings	Step increase 2/9/19 10D \$18.25+\$ 25-10E \$19.65\$.25
Custodian	Isaac Meister	Step increase 3/7/19 10D \$18.25+\$.25-10E \$19.65+\$.25
Custodian	Kim Humbles	Step increase 2/27/19 10C \$17.72+\$.25-10D \$18.25+\$.25
Custodian	Shelli Wilcox	Step increase 3/15/19 10C \$17.72+\$.25-10D \$18.25+\$.25

SHERIFF'S OFFICE

Deputy Sheriff	Mark Ranbarger	Termination/resignation 1/23/19
Deputy Sheriff	Devin Brooks	Termination/resignation 1/23/19

COMMUNITY SERVICES

Home Hlth Care Aide	Tiffany Schmidt	Termination/no longer available for on-call 7/28/17
Family Svc Worker	Molly Sexton	Termination/no longer available for on-call 12/15/17

Board Member Reports: Vice Chairperson Rogers stated that he participated in yesterday's Board meeting by phone since he was giving a presentation in Dubuque on Linn County's Access Center.

Chairperson Walker stated that he has been working with the SET Task Force and participated in the first interview for the Program Officer; working on a CEO roundtable regarding fair chance hiring; and working on a law enforcement roundtable to help build trust.

Supervisor Oleson stated that the scheduled MPO/DOT public hearing on Tower Terrace was cancelled and will be rescheduled.

Motion by Rogers, seconded by Oleson to appoint Ashley Balias as an alternate to the Heritage Area Agency on Aging Task Force.

The Board recessed at 10:30 a.m. and reconvened at 1:30 p.m. to review proposed FY20 budgets for the Emergency Management Agency and the Auditor. Also present: Steve Tucker, Finance Dir., and Dawn Jindrich, Budget Dir.

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Tom Hardecopf, LIFTS Dir., presented an Offer to replace tablets with current models in the amt. of \$7,500.

EMA - proposed appropriations equal Board guidelines.

Steve O'Konek and Dawn Nelson, EMA, presented their budget.

Motion by Oleson, seconded by Rogers to approve EMA FY20 appropriations in the amt. of \$566,245.

Auditor - proposed appropriations are over guidelines by \$4,545.

Steve Tucker highlighted what he considers to be issues in the Auditor's budget that he thought the Board should review in depth including: contract labor (Docuware); education and training (high compared to other departments); fraud hotline; capital outlay and compensation studies. Tucker's recommendations include reducing the Auditor's budget by \$198,246 (Auditor Admin.-\$18,545 and Elections-\$179,701).

Auditor Joel Miller explained his reasons for expenditures and a lengthy discussion continued regarding the above highlighted topics.

It was recommended by the Board for Auditor Miller to submit an offer for an Elections mobile trailer that was mentioned in the budget documents.

The Board will continue reviewing the Auditor's budget on Monday, January 28<sup>th</sup>

Adjournment at 3:51 p.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson  
Board of Supervisors