

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MARCH 8, 2017 10:00 A.M.

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

Supervisor Rogers explained that Supervisor Houser is in Des Moines attending ISAC meetings; Chairperson Oleson is attending a MEDCO meeting and Supervisor Harris is on vacation.

The meeting was called to order and Pledge of Allegiance led by Supervisor Rogers.

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

Resolution 2017-3-36

WHEREAS, Raymond & Barbara Novey, property owners, have filed for the approval of a preliminary plat of FEATHER RIDGE HEIGHTS ADDITION to Linn County, Iowa, (Case # JP17-0001) a subdivision of real estate described as a parcel located at in the SW SE 23-84-08, Linn County, Iowa, approximately 29.94 acres.

WHEREAS, said plat is by, and with free consent of the proprietors.

WHEREAS, on FEBRUARY 21, 2017 the Linn County Planning and Zoning Commission recommended approval subject to staff report and conditions being met, conditions listed below:

LINN COUNTY ENGINEERING DEPARTMENT: Road and other improvements as required in the Unified Development Code, Article 4, Section 8B. Daylight corners shall conform to County Standard Specifications, Fig. 11. Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article 4, Sec. 8B § 9(e). 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, Section 5. Final plat will not be approved until the road plans are approved as required in County Standard Specifications and Unified Development Code, Article 4, Section 8B, Subsection 6 (n). Road agreement for conditions applicable to preliminary plat cases. County Standard Specifications, Section 1. IOWA DEPARTMENT OF TRANSPORTATION: Not within the jurisdiction of the Iowa Department of Transportation.

LINN COUNTY PUBLIC HEALTH DEPARTMENT: Prior to construction, a septic permit is required for each lot at which time a site survey will be conducted to determine the most suitable system. A percolation test will be required as part of the permitting process. If soil conditions are altered during development and construction, the septic area may be affected. Heavy equipment (large trucks, trailers, and all construction traffic) will compact soils and may void a previously approved on-site septic absorption site. A non-conventional / alternative system may be necessary due to soil conditions, compaction or addition of fill material. NATURAL RESOURCES CONSERVATION SERVICE: See conditions on case JF17-0001. LINN COUNTY CONSERVATION DEPARTMENT: No conditions to be met. LINN COUNTY EMERGENCY MANAGEMENT: No conditions to be met. LINN COUNTY 911 COORDINATOR: E-911 address sign is required to be located at driveway entrance. Street designation signs and E-911 address signs to be applied for at Linn County Secondary Roads Department, 319-892-6400. LINN COUNTY PLANNING AND DEVELOPMENT - ZONING DIVISION: Various revisions to the preliminary plat. Prior to approval of the preliminary 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 Cedar Rapids, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review. 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 preliminary plat.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said preliminary plat is hereby approved.

Resolution 2017-3-37

WHEREAS, a Residential Parcel Split of LORENC FARMS FIRST ADDITION (Case # JPS16-0010) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and Outlot A, has been filed for approval, a subdivision of real estate located in the SW SW of Section 34, Township 82 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the Southwest corner of said Section 34, said corner being the POINT OF BEGINNING;

thence N01°55'41"W, 1325.97 feet along the west line of the Southwest Quarter of the Southwest Quarter of said Section 34;

thence N88°49'11"E, 1329.25 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 34;

thence S01°55'01"E, 1326.12 feet along the east line of the Southwest Quarter of the Southwest Quarter of said Section 34 to a point in the centerline of a county road (Linn Johnson Road);

thence S88°49'35"W, 1329.00 feet along the south line of the Southwest Quarter of the Southwest Quarter of said Section 34 and the centerline of said road to the POINT OF BEGINNING.

Said described parcel contains a total of 40.46 acres.

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 its 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 AUGUST 17, 2016 as last amended on SEPTEMBER 19, 2016 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 allowed per parcel. Dedication of road rights-of-way, County Standard Specifications, Sec. 5. 40' (from road centerline) of right-of-way on Linn Johnson Road adjacent to development shall be dedicated to the public 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 either be reviewed by Linn County Public Health for compliance, or if the property is being sold, a Time of Transfer inspection must be performed by a licensed septic contractor with the report submitted to this department. Existing house must be reviewed by Linn County Public Health 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. Wet soils may adversely impact possible home and septic site(s). Clarify plans for subsurface drainage with USDA Natural Resources Conservation Service (NRCS). Applicant shall develop and implement a conservation plan to be filed with the Linn Soil and Water Conservation District on remaining agricultural land associated with this case. LINN COUNTY CONSERVATION DEPARTMENT: No conditions to be met. 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. 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 Cedar Rapids, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies. The remaining land of the parent parcel will result in a parcel of less than 35 acres. The remaining land is included as a part of the final plat, and 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. 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 SEPTEMBER 19, 2017 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 MARCH 8, 2018 to be valid.

Resolution 2017-3-38

Resolution relating to financing of certain proposed projects to be undertaken by Linn County, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

BE IT RESOLVED by the Board of Supervisors (the "Board") of Linn County, Iowa (the "County"), as follows: Section 1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the County for project expenditures made by the County prior to the date of issuance.

(b) The Regulations generally require that the County make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing and that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within a certain period after the payment of the expenditure or the date the projects are placed in service; and

(c) The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified. Section 2. Official Intent Declaration.

(a) The County proposes to undertake the following projects and to make original expenditures with respect thereto prior to the issuance of bonds, notes or other obligations (the "Bonds") and reasonably expects to issue the Bonds for such projects in the maximum principal amounts shown below: Maximum Amount of Bonds
Project Expected to be Issued for Project Conservation Legacy Bond Projects
Bradley Land Acquisition \$250,000 Grant Wood Trail - trail construction
and surfacing from Highway 13 to Oxley Road \$875,000

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as herein defined) or (ii) expenditures made not earlier than sixty days prior to the date of this Resolution or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the aforesaid projects have heretofore been made by the County and no expenditures will be made by the County until after the date of this resolution.

(c) This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations. Section 3. Budgetary Matters.

As of the date hereof, there are no County funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the projects, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 4. Reimbursement Allocations.

The County's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make payment of the prior costs of the projects. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the Bonds from any restriction under the bond resolution or other relevant legal documents for the Bonds, and under any applicable state statute, which would apply to the unspent proceeds of the Bonds. Section 5. Repealer.

All resolutions, parts of resolutions, or actions of the Board in conflict herewith are hereby repealed, to the extent of such conflict.

Resolution 2017-3-39

Setting date for public hearing on designation of the Linn County Urban Renewal Area and on Urban Renewal Plan and Project.

WHEREAS, a proposal has been made which shows the desirability of designating certain property within Linn County as the Linn County Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board of Supervisors under which an area within the description set out in Exhibit A and shown on the map in Exhibit B would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a proposed urban renewal plan for a project within that proposed urban renewal area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and project;

NOW, THEREFORE, be it resolved by the Board of Supervisors of Linn County, Iowa, as follows: Section 1. This Board of Supervisors will meet at the Linn County Jean Oxley Public Service Center, Cedar Rapids, Iowa, on the 27th day of March, 2017, at 9:00 o'clock a.m., at which time and place it will hold a public hearing on the designation of the proposed Linn County Urban Renewal Area described in the preamble hereof and on the proposed Urban Renewal Plan and Project for said Area.

Section 2. The County Auditor is hereby directed to publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Linn County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing. Section 3. The proposed plan is hereby directed to be submitted to the County's Planning and Zoning Commission, in accordance with Section 403.5 of the Code of Iowa, for the Commission's review and determination that the proposed plan is in conformity with the general plan for the development of the County.

Resolution 2017-3-40

WHEREAS, the following intersection located in Linn County has been reviewed by the Linn County Secondary Road Department, and
WHEREAS, it is deemed appropriate to place traffic control signing.
NOW THEREFORE BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the Secondary Road Department place a stop sign at the following location.
Stop northbound traffic on McClelland Road at the intersection with Light Road in section 23-82-5.
The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Resolution 2017-3-41

WHEREAS, the following intersection located in Linn County has been reviewed by the Linn County Secondary Road Department, and
WHEREAS, it is deemed appropriate to place traffic control signing.
NOW THEREFORE BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the Secondary Road Department place a stop sign at the following location.
Stop westbound traffic on Andre Road at the intersection with Hoosier Road in section 12-82-5.
The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Authorize Chair to sign contract and associated documents for L-CENTRAL CITY RD(17), PCC paving on Central City Road from Marion Road to the fairgrounds, to Eastern Iowa Excavating & Concrete, LLC in the amount of \$132,834.97. Project is funded by the City of Central City with Linn County administering the project.

Authorize local match payment of \$64,389.52 to ECICOG (East Central Iowa Council of Governments) for two Linn County LIFTS buses.

Approve and sign 28E Agreement between Linn County and the Linn County Conservation Board for HMA paving on Alice Road and the Cedar Valley Nature Trail.

Approve and adopt revision 5 of the Fugitive Dust Control Policy. Major changes include: Safety chloride will now be applied to roads on the 3-mile grid with greater than 100 vehicles per day. It was previously 150 vehicles per day. Added section with approved materials and requirements of applicators.

Authorize Chair to sign the Urban Renewal Agreement between Linn County and the City of Marion. This includes approximately 495 acres of land located generally southeast of Squaw Creek Park, west of Highway 13, north of Mt. Vernon Road, and east of Dows Road / Squaw Ridge Road.

Authorize Chair to sign Iowa Department of Transportation Secondary Road Budget and Construction Program amendment #1.

Authorize Chair to sign a purchase order to purchase reflectorized beads for traffic painting, through IDOT contract #7208, to Potters Industries, LLC in the amount of \$6,360.00 for the Secondary Road Department.

Authorize Chair to sign purchase order for a truck chassis with a multi-purpose body to Southco Industries in the amount of \$66,000.00 for Secondary Road Department.

Authorize Chair to sign purchase order for a 25-ton tag trailer to Martin Equipment in the amount of \$23,650.00 for Secondary Road Department.

Authorize Chair to sign purchase order for a tracked excavator to Scott Van Keppel in the amount of \$163,933.21 for Secondary Road Department.

Authorize Chair to sign purchase order for a single axle truck to Truck Country of Iowa in the amount of \$176,757.00 for Secondary Road Department.

Authorize Chair to sign purchase order for three tandem axle trucks to Truck Country of Iowa in the amount of \$590,379.00 for Secondary Road Department.

Authorize Chair to sign 36-month lease agreement at \$194.00 per month with Cedar Rapids Photo Copy for a copier for the Attorney's (Civil) Office.

Authorize Chair to sign 36-month lease agreement at \$315.22 per month with Cedar Rapids Photo Copy for a copier for the Correctional Center.

Approve Premises Update for the Indian Creek Nature Center for A Touch of Class to provide bar tending services for Alliant Energy's event on May 22, 2017.

Motion by Walker, seconded by Houser to approve minutes of March 6, 2017 as printed.

Motion by Houser, seconded by Walker to approve second consideration for Case JR17-0001, a request to rezone the property located in the 9000 block of Feather Ridge Rd, Outlot A Novey First Addition from RR3 (Rural Residential 3 Acre) district to USR (Urban Services Residential) district. Barbara & Raymond Novey, property owners; DK Land Services, LLC., Petitioner.

BOARD MEMBER REPORTS: Supervisor Walker attended a meeting with department heads to discuss spacing issues at the new Public Health & Child Development building; attended a Linn County Diversity Committee meeting; met with the HR Director and Sarika Bhakta to discuss how best to leverage diversity in Linn County; met with a constituent starting a nonprofit organization to assist single mothers; attended event at African American Museum; will attend Veteran Affairs Commission meeting; will meet with two constituents and will meet with OPN architects on the progress of the new Public Health & Child Development building; will meet with new Marion Police Chief and the Cedar Rapids City Manager.

Supervisor Rogers attended a meeting on homelessness (Public Affairs Committee on Continuum of Care); attended Cedar Rapids and Linn County Assessor Conference Board meetings; MHDD Advisory Comm. meeting and MHDD Regional Governance Board meeting; attended Iowa Citizen Action Network event in Johnston, Iowa; will attend ISAC, Board Learning Institute and Ted Garnett accountability action subcommittee meeting.

LEGISLATIVE UPDATE: Darrin Gage, Dir. of Policy & Admin., stated that the preemption bill will be debated today; the gun bill passed the House; the workers compensation bill survived the funnel; the voter ID bill is still alive and the Mental Health bill is funnel proof.

Motion by Walker, seconded by Houser to approve claims over one year old to the following: Barbara Chadwick - \$199.30, James Walton - \$40.00 and Daniel Patterson - \$40.00; ACH in the amt. of \$178,704.62; Claims #70594416-#70594505 in the amt. of \$175,837.24.

Motion by Rogers, seconded by Walker to approve payment to Supervisor Houser in the amt. of \$42.86. VOTE: Rogers, Oleson, Walker - Aye Houser - Abstain

Motion by Walker, seconded by Houser to approve payment to Supervisor Rogers in the amt. of \$159.33 VOTE: Oleson, Walker, Houser - Aye Rogers - Abstain

PUBLIC COMMENT: Supervisor Houser stated that he just found out that Rep. Louie Zumbach is promoting legislation requiring counties over 130,000 in population to be nominated and elected by districts.

Adjournment at 10:12 a.m.

Respectfully submitted,

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

Approved by:

BRENT OLESON, Chairperson
Board of Supervisors