

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MARCH 22, 2017 10:00 A.M.

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

The meeting was called to order and Pledge of Allegiance led by Chairperson Oleson.

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

Authorize Chair to sign New Position/Vacancy Form for a GIS Intern for I.T./GIS.

Authorize The Area Substance Abuse Council to submit an application for renewal of a Byrne Justice Assistance Grant for a marijuana prevention program.

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of February 2017.

Resolution 2017-3-49

WHEREAS, Dean Paup, petitioner; Larry Hess, owner; Case JTU17-0003, has requested the Linn County Board of Supervisors' permission to operate a seasonal campground located in the 900 & 1000 Block of Lnenicka Lane, within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 82, Range 6 & the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 82, Range 6.

AND WHEREAS, the Board of Supervisors makes the following Findings of Facts:

The campground will operate from April 1, 2017 through October 30, 2017 located at the Hess property located in the 900 & 1000 Block of Lnenicka Lane, Cedar Rapids, Iowa. The campsite area is zoned Recreation-Agricultural (REC-AG) and is located within the floodway. The campground will include 1:1 ratio: (1 camper site allowed per identified cabin site), for a maximum of 8 campsites. The campground visiting hours are from Thursday through Sunday and during holidays. Campground leasees have full-time use. Campers shall have the waste pumped from their camper on a monthly basis by a certified company. One handicapped accessible portable restroom facility is on site for the duration of the Temporary Use. Vehicle trips are estimated to increase by 4 or 5 per day.

AND WHEREAS, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;

AND WHEREAS, the Temporary Use application has been examined by the Linn County Board of Supervisors at a public meeting on March 20, 2017, all interested persons having been heard

NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application, Case JTU17-0003, subject to the following conditions:

LINN COUNTY PLANNING & DEVELOPMENT (Zoning & Building Divisions). The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met. Existing electrical services for campers shall be tested for proper grounding and function and repaired/replaced as necessary by a licensed electrician. Provide our office a current list of the campsite leasees, including mailing addresses and phone numbers. Dean Paup shall be the designated Campground Manager and shall be responsible for notifying/warning campers in the event of a flood warning. The designated Campground Manager shall be responsible for relocating RV's outside of the flood hazard area in the event of a flood warning; in addition, Campground Manager shall provide proof of ownership or access to a vehicle capable of removing/ towing the RV's out of the flood hazard area. All RV's shall be operable, fully licensed with up-to-date registration. No permanent or semi-permanent tie-downs or anchors shall be installed that would prevent prompt removal of the RV from the site in the event of a flood threat. Maintain campground 1:1 ratio: (1 camper site allowed per identified cabin site), for a maximum of 8 campsites. Adhere to campground visiting days: Thursday through Sunday, holidays (campground leasees are allowed fulltime use). Portable toilet and individual camper waste receptacles will be maintained and clean. The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval and maintain current insurance throughout the Temporary Use. The petitioner shall sign an "Acceptance of Conditions" form which provides assurance that all conditions will be met prior to the Board of Supervisors Resolution of Approval, and specifically agrees to hold Linn County harmless from any and all damages or claims for damages that might arise or accrue by reason of approval of the Temporary Use permit by the Linn County Board of Supervisors. Further, by signing the "Acceptance of Conditions" form, the petitioner shall agree to allow employees of the County reasonable access to the property for inspection and for submission of documents to verify any additional information.

LINN COUNTY ENGINEERING. Rock the private lane to county standards by placing 5" of Class A road stone 16' wide (0.4 tons per foot of roadway length). Maintain to private lane standards. Mark private lane with white on blue street sign and cabin sites with white on blue address signs placed in accordance with county standards. Maintain and replace signage as needed by applying at the Secondary Road Department.

IOWA DEPARTMENT OF TRANSPORTATION. No conditions to be met. Not within jurisdiction.

LINN COUNTY PUBLIC HEALTH DEPARTMENT. Campers must have self-contained waste that is properly disposed at a municipal sewer plant or an approved on-site septic system. Septic tanks at the flooded structures deemed non-habitable must be properly abandoned per Linn County Ordinance Chapter 24. Any structure that is not habitable, debris, and junk, etc. must be properly removed to prevent safety hazards.

Comments: Prior to using any existing water well, LCPH recommends testing to determine if water is potable. If any well is not in use, it should be properly abandoned and plugged per Linn County Ordinance Chapter 22.

LINN COUNTY SHERIFF'S OFFICE. Camper sites must be identified.

LINN COUNTY EMERGENCY MANAGEMENT. A tone alert weather radio is required to be on site. Procedures to provide shelter for campers during severe weather shall be identified in a Severe Weather Plan and this information shall be provided to each camper.

WHEREAS, failure to comply with any of the above conditions in a timely manner will void this temporary use permit.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said temporary use is hereby approved.

Resolution 2017-3-50

WHEREAS, Scott G. Byers LC & Craig M. Byers LC, owners; SAS Construction % Shane Schrader, petitioner, Case JTU17-0001, has requested the Linn County Board of Supervisors' permission to operate a portable concrete crushing plant to be used for recycling concrete to use for road base material, located in the 2700 Block of 80th St. SW, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 83, Range 8.

AND WHEREAS, the Board of Supervisors makes the following Findings of Facts:

The portable concrete plant will operate from March 24, 2017 and end by December 31, 2019. A temporary concrete plant is permitted under the provisions of Article 5, Section 3, §3(a) of the Linn County Unified Development Code. The property is located in the 2700 Block of 80th St. SW, Cedar Rapids, IA. The property is zoned AG (Agricultural) is 36.57 acres in size. Approximately 2.0 acres will be used for the temporary use. The owners of the property are Scott G. Byers LC & Craig M. Byers LC. The operator of the portable concrete crushing plant will be SAS Construction % Shane Schrader. The plant may operate between the hours of 7:00 AM to 5:00 PM, Monday through Friday. Two portable toilets and one hand washing station will be accessible on-site for the duration of the operation of the plant. The applicant estimates an increase of a maximum of 25 vehicle trips per day due to the operation of the portable concrete plant.

AND WHEREAS, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;

AND WHEREAS, the Temporary Use application has been examined by the Linn County Board of Supervisors at a public meeting on March 20, 2017, all interested persons having been heard;

NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application, Case JTU17-0001, subject to the following conditions:

LINN COUNTY PLANNING & DEVELOPMENT (Zoning Division)

The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met.

All building, electrical, mechanical, plumbing and zoning permits will be obtained as necessary.

Adhere to the operating hours indicated in the temporary use application; 7:00 AM to 5:00 PM, Monday through Friday.

The temporary use permit period will be begin March 24, 2017 and expire no later than December 31, 2019.

Restrooms are required to be available during the hours of operation.

The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval.

The petitioner shall sign an "Acceptance of Conditions" form which provides assurance that all conditions will be met prior to the Board of Supervisors Resolution of Approval, and specifically agrees to hold Linn County harmless from any and all damages or claims for damages that might arise or accrue by reason of approval of the Temporary Use permit by the Linn County Board of Supervisors. Further, by signing the "Acceptance of Conditions" form, the petitioner shall agree to allow employees of the County reasonable access to the property for inspection and for submission of documents to verify any additional information.

LINN COUNTY PLANNING & DEVELOPMENT (Building Division)

An electrical permit is required for new electrical services and/or the installation of non-cord and plug electrical equipment associated with the concrete crushing plant. The temporary job trailer must be tied down. Two permanent or portable restrooms shall be on-site and serviced for the duration of the operation of this concrete plant.

LINN COUNTY ENGINEERING. Entrance permit for temporary use. Placement of 6" thick macadam stone (or other clean crushed product approved by engineer) pad for aggregate stockpiles.

LINN COUNTY HEALTH DEPARTMENT. Approval from the Air Quality Division for Air Quality Construction Permit. Submit Notice of Relocation to Linn County Public Health at least seven (7) days prior to moving the equipment to the proposed location.

NATURAL RESOURCE CONSERVATION SERVICE. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources. Submit erosion and sediment control plan for review and approval.

LINN COUNTY SHERIFF'S OFFICE. Supply an after-hours call list to the Sheriff's Office (must have more than 1 contact person).

LINN COUNTY EMERGENCY MANAGEMENT. Applicant shall submit a Severe Weather Plan for Special Events or Venues to the Linn County Emergency Management Agency for review and approval.

LINN COUNTY E-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.

WHEREAS, failure to comply with any of the above conditions in a timely manner will void this temporary use permit.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said temporary use is hereby approved.

Resolution 2017-3-51

WHEREAS, a Residential Parcel Split of ROBERTSON FIRST ADDITION (Case # JPS16-0006) 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 of Section 25, Township 86North, Range 06 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the SE corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$;

thence S 88°55'41" W along the south line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, 279.30 feet;

thence N 02°05'22" E, 579.89 feet;

thence S 89°20'26" E, 340.98 feet;

thence S 01°25'54" E, 170.72 feet;

thence S 25°51'36" W, 144.97 feet;

thence S 01°34'24" E, 268.76 feet to the south line of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30;

thence S 88°55'41" W along said south line, 31.27 feet to the Point of Beginning

containing 4.22 acres which includes 0.28 acres of road right of way.

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 June 15, 2016 as last amended on JULY 18, 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 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 Edgerly 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. Require a housing agreement since the house will become a storage structure and will not be occupied. The agreement must state that the structure is not habitable by having the plumbing disconnected. This department must verify the disconnection. A Time of Transfer (TOT) septic inspection is required when a property is transferred. The TOT report must be submitted to this department.

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. 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 parcels will each contain less than 35 acres. Either combine the remaining land to an adjacent parcel by deed restriction to total 35 acres or more, or include the remaining land as part of the final 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 JULY 18, 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 22, 2018 to be valid.

Award bid and authorize Chair to sign contract and associated documents for L-CIMARRON DR(17), HMA overlay on Cimarron Drive and Cimarron Court, to Hansen Asphalt in the amount of \$117,752.00 for the Secondary Road Department.

Authorize Chairperson to sign Linn County Sheriff's Office FY 17/18 Contracts for Law Enforcement Services in the amount of \$34.00/hour as follows: Fairfax - 18 hrs.; Prairieburg - 10 hrs.; Ely - 25 hrs.; Center Point - 21 hrs.; Springville - 19 hrs.; Bertram - 26 hrs.; Palo - 20 hrs.; Central City - 21 hrs.; Walker - 14 hrs.; Alburnett - 9 hrs.; and Coggon - 40 hrs.

Authorize Chair to sign purchase order #5350 for \$110,662.00 to Erb's for server replacement equipment for the IT department.

Approve Class C Liquor License for A Touch of Class, 5977 Mt. Vernon Rd. SE, noting all conditions have been met.

Motion by Houser, seconded by Rogers to approve minutes of March 20, 2017 as printed.

Chairperson Oleson asked for unanimous consent to remove discussion of membership of the Temporary County Redistricting Commission until a time when Supervisor Walker and the County Attorney have a chance to comment. The Board concurred.

BOARD MEMBER REPORTS: Supervisor Rogers met the ASAC Board; met with several individuals regarding homelessness and mental health and has more committee meetings next week.

Supervisor Harris attended a small group of owners meeting for the new Public Health/Child Development building and will attend the Hawkeye Downs Board meeting.

Supervisor Houser met with a former employee of the Linn County Treasurer's Office on an issue that she wanted to make the Board aware of; attended a Town Hall meeting sponsored by Republican legislators; attended the Labor Alliance meeting, Early Child Iowa Finance Committee meeting, Roadside Management Committee meeting and Solid Waste Management.

Chairperson Oleson stated that he was asked by Auditor Miller about the State of the County format. Oleson stated that he intended to not follow the same format as last year but after giving it some thought, he will meet with Auditor Miller and offer 10 minutes to him regarding relatable issues. His intentions to not follow last year's format was not personal or political.

LEGISLATIVE UPDATE: Darrin Gage, Dir. of Policy & Admin., stated that the Preemption bill is before the Senate today; the traffic camera ban has been resurrected; and the gun bill and worker comp. bill are waiting for Senate action.

Supervisor Rogers asked who was sponsoring HF 486 (requiring counties with population os 130,000 and over to be required to have supervisor districts).

Gage stated that it is Rep. Kaumann (Cedar County and parts of Johnson Co.) and there is also an amendment to that bill to include counties with the population of 100,000 and over.

Supervisor Rogers stated that he has been contacted by a constituent that has concerns about the redistricting committee asking for per diem or mileage reimbursement. This person does not want any unnecessary expenses. Gage stated that there is a provision for actual expenses.

Supervisor Oleson stated that his only objection is mandating counties to what they can and cannot do. He noted that Rep. Zumbach as well as other legislators prefer Plan 3.

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Supervisor Houser stated that he is going to Des Moines today for a Hwy. 30 Coalition meeting. He contacted the county's lobbyist and will check in on bills.

Motion by Rogers, seconded by Houser to approve Checks #70594642-#70594724 in the amt. of \$210,317.36; ACH in the amt. of \$423,636.71 and payment to Auditor Miller in the amt. of \$446.63.

Motion by Rogers, seconded by Houser to approve payment to Supervisor Oleson in the amt. of \$293.50. VOTE: Rogers, Harris, Houser - Aye Oleson - Abstain

Motion by Rogers, seconded by Harris to approve payment to Supervisor Houser in the amt. of \$118.00. VOTE: Rogers, Harris, Oleson - Aye Houser - Abstain

Adjournment at 10:11 a.m.

Respectfully submitted,

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

Approved by:

BRENT OLESON, Chairperson
Board of Supervisors