

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, APRIL 11, 2018 10:00 A.M.

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

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

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

Authorize Chair to sign a request to change a Senior Account Clerk position to an Account Technician in the Secondary Road Department.

Authorize Chair to sign a Vacancy Form requesting a Radio Communications Operator for the Sheriff's Office.

Receive and place on file the Sheriff's Quarterly Report for July 1 to September 30, 2017 in the amount of \$1,388,475.00

Receive and place on file the Sheriff's Quarterly Report for October 1 to December 31, 2017 in the amount of \$1,516,391.00.

Receive and place on file Auditor's Quarterly Report for the quarter ending 3/31/18 in the amount of \$206,562.22. Total Auditor transfer fees deposited by Recorder with the County Treasurer in the amount of \$10,640.00.

Resolution 2018-4-46

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of ELDRED ADDITION (Case # JPS17-0003) 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 SE SW of Section 18, Township 86 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the South Quarter Corner of Section 18, Township 83 North, Range 5 West of the Fifth Principal Meridian; thence S87°38'01"W along the south line of the Southwest Quarter of said Section 18, a distance of 1110.90 feet to the centerline of Linn Ridge Road; thence westerly 38.40 feet along said centerline and the arc of a 2753.66 foot radius curve, concave southerly, chord bears N80° 1455"W, 38.40 feet to the point of beginning; thence continuing westerly 169.86 feet along said centerline and the arc of said 2753.66 foot radius curve, concave southerly, chord bears N82° 24'55"W, 169.83 feet; thence N84° 11 along said centerline, 77.89 feet; thence N2°22'46"E, 469.00 feet; thence S87° 37'14"E, 246.88 feet; thence S2°22'46"W, 489.08 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 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 JANUARY 18, 2017 as last amended on MARCH 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. Dedication of road rights-of-way, County Standard Specifications, Sec. 5. 40' of right-of-way (min.) on Linn Ridge Road adjacent to development shall be dedicated to the public for road purposes. In addition to the 40' of dedicated right-of-way, a 20' construction/utility easement shall be shown on the plat. 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. 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 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 two parent parcels will result in parcels of less than 35 acres. Combine the remaining land to an adjacent parcel by deed restriction to total 35 acres or more. 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 MARCH 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 APRIL 11, 2019 to be valid.

Approve and authorize Chair to sign the FY2019 of Iowa Department Transportation Secondary Road Budget and Five Year Construction Program.

Approve and authorize chairperson to sign purchase order for traffic paint to Ennis Paint in the amount of \$26,040.30 for the Secondary Road Department.

Approve and authorize chairperson to sign purchase order for reflectorized beads to Potters Industries, LLC in the amount of \$7,632.00 for the Secondary Road Department.

Approve and authorize chairperson to sign purchase order for two tandem axle trucks to Truck Country of Cedar Rapids in the amount of \$442,770.00 for the Secondary Road Department.

Motion by Houser, seconded by Rogers to approve minutes of April 9 & 10, 2018 as printed.

Motion by Rogers, seconded by Houser to adopt Resolution 2018-4-44

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under authority of §331.361, Code of Iowa, to dispose of the interest of Linn County, Iowa, in real property, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated portions of right-of-way described as:

LEGAL DESCRIPTION

Part of the Southwest quarter of the Southwest fractional quarter, Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all parts of Block 2, Lots 4,5 and 6 James Addition to Waubeek lying northwesterly of the centerline of Boy Scouts Road excepting 60' right-of-way, the east 33 feet (half) of platted Bridge Street from the centerline of platted 3rd Street to the north right-of-way line of platted 4th Street, and the 55 foot right-of-way of platted 4th Street from the centerline of platted Bridge Street east to the current 60 foot right-of-way northwesterly of Boy Scouts Road centerline, all located in the southwest quarter of the southwest quarter of Section 17, Township 85 north, Range 5 west of the 5th principal meridian. Said area contains 0.87 acres more or less, subject to easement and restrictions of record.

and

WHEREAS, Richard W. and Rebecca L. Mollenhauer, owner of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County may have in the above described parcel of vacated right-of-way.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to Richard W. and Rebecca L. Mollenhauer, whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way.

BE IT FURTHER RESOLVED that said hearing shall be held on the 23rd day of April, 2018, at 9 o'clock, in the Informal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2nd St SW, Cedar Rapids, Iowa, for the above stated purpose and that notice of the time and place of said public hearing shall be published in accordance with §331.305, Code of Iowa.

Motion by Houser, seconded by Rogers to adopt Resolution 2018-4-45

Resolution approving a reduction in the Lump Sum Price for the construction and acquisition of the Dr. Percy and Lileah Harris Building Project and providing for and approving Exhibit D to the Purchase Agreement relating thereto.

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" or the "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 10:00 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.

WHEREAS, subsequent to such hearing, the County determined to proceed with the Lease Purchase Agreement for the acquisition of the Project and after a RFP process the County, at its meeting on February 7, 2018, selected Rinderknecht Associates, Inc. (the "Contractor") to construct the Project and authorized and approved the following documents (the "Project Documents"): a. Ground Lease (the "Ground Lease") between the County and Bankers Trust Company (the "Trustee") providing for the lease of the Site to the Trustee for a term of approximately fifty years; b. Lease Purchase Agreement between the County and the Trustee pursuant to which the Trustee appointed the County as its agent to acquire the Project and the County will lease the Project from the Trustee; c. Trust Agreement (the "Trust Agreement") between the County and the Trustee pursuant to which the Trustee will provide for the issuance of Certificates of Participation Evidencing an Ownership Interest in Base Lease Payments Pursuant to a Lease Purchase Agreement (the "Certificates of Participation") to provide funds to finance the Project; d. Ground Sublease (the "Ground Sublease") between the Trustee and the Contractor, consented to by the County, providing for the subleasing of the Site by the Trustee to the Contractor to facilitate the construction of the Project and a method to secure construction period financing for the Project; e. Purchase Agreement (the "Purchase Agreement") between the Contractor and the County (as agent for the Trustee) providing for the purchase of the Project from the Contractor; f. Certificates Purchase Agreement between the County and Robert W. Baird & Co. (the "Underwriter") providing for the sale of the Certificates of Participation by the Underwriter; and

WHEREAS, the Lease Purchase Agreement, the Trust Agreement, the Ground Lease, the Ground Sublease and the Purchase Agreement have been executed and delivered by the parties thereto; and

WHEREAS, pursuant to the terms of the Purchase Agreement the County and the Contractor have completed the value engineering process and agreed to reduce the Lump Sum Price under the Purchase Agreement and to reflect the same on Exhibit D to the Purchase Agreement, along with the Date of Commencement of Work, the Substantial Completion Date and Final Completion Date, pursuant to the provisions of Sections 3 and 24 of the Purchase Agreement;

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 within the best interests of the County to reduce the Lump Sum Price under the Purchase Agreement to \$28,632,286 and to approve Exhibit D to the Purchase Agreement as presented to and considered by this Board and to authorize the execution of Exhibit D at this time. Section 2. Exhibit D to the Purchase Agreement is hereby approved and the Chairperson of the Board of Supervisors and County Auditor are hereby authorized and directed to execute Exhibit D to Purchase Agreement and such other documents as may be necessary to carry out the foregoing and the intent and purpose of this Resolution. Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

EXHIBIT D

Lump Sum Price, Date of Commencement;
Substantial Completion Date; Final Completion Date

The Lump Sum Price is \$28,632,286.
The Date of Commencement of Work is May 21, 2018.
The Substantial Completion Date is October 11, 2019.
The Final Completion Date is November 1, 2019.

BOARD MEMBER REPORTS - Supervisor Rogers, along with the other Supervisors, attended the Learning Institute; had conversations with Darrin Gage and a couple service providers regarding the Mental Health fund balance; will meet with Ted Garnett and will be out of the office April 16-20 (with limited access to phone and e-mail).

Supervisor Houser attended the DAEC dress rehearsal (EMA drill) and attended the Learning Institute.

Chairperson Harris attended the Learning Institute; the Dows Farm public open house is tomorrow (Touch of Class); will attend the new employee orientation on Monday and a week from today is the Employee Recognition Breakfast.

Supervisor Walker spoke with a group of Linn Mar High School students regarding a forum on gun violence; attended Housing Fund for Linn County and NACo Justice & Public Safety Committee phone call; introduced Dr. Terrance Roberts at Coe College (one of the original Little Rock Nine); attended a conference call with My Brothers Keeper; attended LCCS Advisory Board meeting; met with a constituent regarding what motivates talented professionals to come back to Iowa; will attend Robert Chadima visionary award ceremony; will attend General Assistance Advisory Board meeting today; speaking to students of Coe College Young Democrats; will meet with small group of Future Leaders of Linn County; attending the Academy for Scholastic and Personal Success annual fundraising meeting; attending NewBo Market board meeting; meeting with a constituent Stacey Johnson; attending Corridor Area Leadership Live Group happy hour; will meet with Cedar Rapids City Manager (monthly meeting); attending planning call for some work with resilience roundtable and planning to attend County Engineer's retirement happy hour.

Supervisor Oleson reiterated that he wanted to go over some of the OPN and Rinderknecht participation in the Dr. Percy & Lileah Harris Building project. They are close to \$3 million in cost savings through the value engineering process. It was team orientated with the Linn County Board of Supervisors and trained staff and professionals who worked on numerous buildings since the flood. He stated that he was visiting with Gary Grant in terms of the lease/purchase agreement, which really has demonstrated the very best in how to build a major public works project in this day and age. Then yesterday he ran into constituents that are actually going to work on the project. There were a significant series of meetings with those that work at Child Youth Development and Public Health and every employee got some input in how their space should function so that they are at their maximum performance and then for them to understand about building for 20 years out. As they change and adapt their programs for what faces that particular organization over the next 20-30 years, they will have space to grow into and adapt. It is a collaborative process with the two specific programs. It's an amazing process that they would not have gotten if they went with "We always do it this way" or "We've never done it this way". He just rededicated himself to the whole concept that they may be doing things in Des Moines to change this (he thinks it will be changed back), but now he wants to make sure that at the very end of this process that they show again (like they did with five other buildings that they got flack for going outside their lane prescribed by Des Moines) that they did it the very best way. Taxpayers will get the very best product because they were not afraid to go a different route. He appreciates everyone coming to the meeting today and showing (over the last few weeks) savings without compromising the project.

Motion by Rogers, seconded by Houser to approve ACH in the amt. of \$297,787.52; Claims #70601737-#70601814 in the amt. of \$102,872.92 and a claim in the amount of \$1,006,769.14 payable to River Ridge Escrow Services for a Conservation land purchase. The check will be issued at the time of closing and the County Attorney has approved this.

PUBLIC COMMENT: Supervisor Walker asked Supervisor Rogers to share the reason that he will be gone next week.

Supervisor Rogers explained that he will be traveling to Germany with his father to the hometown of his grandmother and family. She and her brother were smuggled out in 1939 (when she was 13) but her parents were arrested and sent to a concentration camp where they died. The town is trying to make amends and honor Jews. Several years ago the town created sidewalks with stepping stones containing names of Jews and they are dedicating a street to his grandmother. This will be a very meaningful event. His grandmother passed in 1986 and grandfather passed a few years ago. They told stories of coming to America as refugees with no home.

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The Board received and placed on file an email from Eric Conklin regarding Mohler Rd. maintenance (forwarded to the County Engineer).

Motion by Houser, seconded by Rogers to appoint Richard Isaacson to the Compensation Commission for Condemnation Purposes for a term ending 6/30/2019 and appoint Sabrina Grace to the Board of Adjustment for a term ending 12/31/21 (unexpired term of David Martin).

Adjournment at 10:17 a.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson
Board of Supervisors