

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, APRIL 12, 2017 10:00 A.M.

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

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

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

Authorize Chair to sign a *New Position/Vacancy Form* for a Direct Support Staff as temporary coverage for summer help for Options.

Authorize Chair to sign a *New Position/Vacancy Form* for a Facilities Seasonal Employee (Custodian) as temporary/seasonal help for Facilities.

Authorize Chair to sign a *New Position/Vacancy Form* for a Facilities Summer Custodial Helper as temporary/summer help for Facilities

Resolution 2017-4-59

WHEREAS, it is desired to liquidate the discontinued Options Enterprise Fund and,  
WHEREAS, said nonreciprocal interfund transfer is in accordance with Section 331.432, Code of Iowa,  
NOW, therefore be it resolved by the Board of Supervisors of Linn County, Iowa, as follows:

The sum of \$569,048.04 is ordered to be transferred from the Options Enterprise Fund to the County Direct Services Fund.

The above and foregoing resolution was adopted by the Board of Supervisors of Linn County, Iowa, on April 12, 2017, the vote thereon being as follows:

Resolution 2017-4-60

RESOLUTION FOR ADOPTING FINANCIAL MANAGEMENT POLICIES AND PROCEDURES

WHEREAS, financial management is necessary to maintain sound financial principles for the County's business operations; and,

WHEREAS, sound accounting practices, policies, and procedures are necessary for ensuring the integrity of the County's financial records; and,

WHEREAS, the process for assuring achievement of the County's operational effectiveness and efficiency, reliable financial reporting, and compliance with laws, regulations, and policies is the responsibility of the Board of Supervisors;

NOW, therefore be it resolved by the Board of Supervisors of Linn County, Iowa, that the Office of Finance and Budget shall develop, coordinate, review, maintain, and approve all financial policies to be approved by the Board of Supervisors.

Be it further resolved that the Office of Finance and Budget shall develop, coordinate, review, and maintain, all related procedures and work instructions for policies approved by the Board of Supervisors.

Resolution 2017-4-61

WHEREAS, a Residential Parcel Split of Bradley First Addition (Case # JPS17-0005) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lot 2 has been filed for approval, a subdivision of real estate located in the of Section 28, Township 84 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

Lot 2 of Welty's First Addition to Linn County, Iowa.

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 February 15, 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. Road agreement for conditions applicable to residential parcel split cases. County Standard Specifications, Sec. 1.

IOWA DEPARTMENT OF TRANSPORTATION - No conditions to be met.

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 or a Time of Transfer septic inspection must be completed with the report submitted to this department. 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 - A site plan showing the footprint of proposed structures and septic systems and wells shall be submitted and approved by the NRCS office prior to plat approval. Lot 1 shall have a basement depth restriction of 4 feet for any future dwelling that utilizes a basement option as part of the plans.

LINN COUNTY CONSERVATION DEPARTMENT - No conditions to be met.

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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 Palo, 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 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 12, 2018 to be valid.

Resolution 2017-4-62

WHEREAS, a Residential Parcel Split of MULNIX ADDITON (Case # JPS17-0002) 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 NE NW of Section 12, Township 86 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

Part of the Northeast Quarter of the Northwest Quarter of Section 12, Township 86 North, Range 8 West of the Fifth Principal Meridian, Linn County, Iowa, described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 12, Township 86 North, Range 8 West of the Fifth Principal Meridian; thence N88°57'58"E along the north line of said Northwest Quarter, 306.28 feet; thence S0°24'48"E, 640.00 feet; thence S88°57'58"W, 306.28 feet to the west line of said Northeast Quarter of the Northwest Quarter; thence N0°24'48"W, 640.00 feet to the point of beginning.

Said parcel contains 4.50 acres, subject to easements and restrictions of record.

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 FEBRUARY 21, 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 allowed. Dedication of road rights-of-way, County Standard Specifications, Sec. 5. 60' of right-of-way adjacent to development on Walker Road shall be dedicated to the public for road purposes. Road agreement with conditions applicable to residential parcel split cases. County Standard Specifications, Sec. 1. IOWA DEPARTMENT OF TRANSPORTATION - No conditions to be met.

LINN COUNTY PUBLIC HEALTH DEPARTMENT - Existing water system must be reviewed by Linn County Public Health for compliance. A sample was collected recently but a well

review was not conducted. Existing sewage disposal system must be properly functioning or a new system is required. Either submit an approved DNR waiver form for Page 3 April 12, 2017

future installation or a Time of Transfer septic inspection stating the condition of the system. Existing house must be reviewed by Linn County Public Health for compliance.

NATURAL RESOURCES CONSERVATION SERVICE - 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 parcel will result in a parcel of 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. If included as a part of the final plat, the lot 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 (Brain dropping off Palo original). 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 FEBRUARY 21, 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 12, 2018 to be valid.

Authorize Chair to sign a two (2) year renewal of the ESRI enterprise license agreement providing GIS software to Linn County in the amount of \$120,000 annually.

Authorize Chair to sign a 3-year renewal contract with Cost Advisory Services Inc., to provide Professional Consulting Services to Linn County in the amount of \$9,875.00 annually.

Award bid and authorize chairperson to sign contract and associated documents for IDOT let project FM-C057(135)-55-57, HMA resurfacing on Alice Road, to L.L. Pelling Co., Inc. in the amount of \$983,174.36.

Authorize Chair to sign agreement with CivicPlus for development, annual support, maintenance and hosting of a custom mobile app for Linn County's website in the amount of \$7,450.

Approve Culver's Garden Center & Greenhouse Class B Native Wine Permit noting all conditions have been met.

Motion by Houser, seconded by Rogers to approve minutes of April 10, 2017 as printed.

Paul Donna, Managing Dir. of Robert W. Baird & Co., explained the finance plan objectives and constraints for the bonds not to exceed \$7,325,000.00 for the property commonly known as the Dows property for public and or private use in the future.

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He stated that funds would come from LOST (\$2.5 million) and property tax collections over time. The bonds are designated as taxable bonds because of likely private use of proceeds. He explained the key bond issue calendar of events and targeting mid May for pre-pricing of bonds.

A public hearing was called to order on Loan Agreement in a principal amount not to exceed \$7,325,000 General Obligation Urban Renewal County Purpose for financing a project in the Linn County Urban Renewal Area consisting of the acquisition of approximately 485 acres of property. Proof of publication was presented. There were no oral or written objections.

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

Motion by Rogers, seconded by Houser to adopt Resolution 2017-4-63

Expressing intent to enter into General Obligation Urban Renewal County Purpose Loan Agreement in amount not to exceed \$7,325,000 related to financing the acquisition of approximately 485 acres of property in the Linn County Urban Renewal Area, commonly referred to as the Dows Property.

WHEREAS, the Board of Supervisors of Linn County (the "County"), State of Iowa, has proposed to enter into a General Obligation Urban Renewal County Purpose Loan Agreement (the "Loan Agreement") in a principal amount not to exceed \$7,325,000 pursuant to the provisions of Sections 331.402, 331.441 and 331.443 of the Code of Iowa, related to financing the acquisition of approximately 485 acres of property in the Linn County Urban Renewal Area, commonly referred to as the Dows Property, and has published notice of the proposed action and has held a hearing thereon, and no petition has been filed asking that the question of entering into such loan agreement be submitted to the registered voters of the County; and

WHEREAS, the County intends to enter into the Loan Agreement and issue General Obligation Bonds in the future;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Linn County, Iowa, as follows:

Section 1. The Board of Supervisors declares its intent to enter into the Loan Agreement and issue General Obligation Bonds, and also declares that this resolution constitutes the "additional action" required by Section 331.443 of the Code of Iowa, with respect to the Loan Agreement.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Garth Fagerbakke, Facilities Manager, presented an addendum to contract with Aspect Inc. for civil engineering costs for parking lot and ADA accessible route design at the Linn County Sheriff's Office in the amount of \$8,700. There is an additional hourly rate for snow melt system coordination and construction staking. The Board will approve a not to exceed contract on Monday.

Motion by Rogers, seconded by Houser to approve contract with DeNovo for Board of Supervisors video in the amount of \$6,900.00.

The Board continued their discussion from Monday regarding three additional tables at the State of the County luncheon (paid for by Linn County).

Motion by Rogers, seconded by Harris to approve three additional tables at the State of the County luncheon (paid for by Linn County) to be extended to employees that would not normally attend the event.

Discussion: Supervisor Harris stated that they were cautioned on Monday by the Finance Director regarding the wording of the motion.

Chairperson Oleson stated that it is for this year only and is extended only to Linn County employees or agents of the county.

Steve Tucker, Finance Dir., stated that they need to include in the motion the "public purpose" and why.

Supervisor Houser asked for clarification on "agents of the county".

Chairperson Oleson stated that an example of an "agent of the county" would be a union representative from Des Moines or collective bargaining individuals. The public purpose is staff and volunteer recognition.

The motion was amended to read as follows: Approve three additional tables at the State of the County luncheon (paid for by Linn County) to be extended to employees or agents of the county (union representative from Des Moines or collective bargaining individuals) and the public purpose is staff and volunteer recognition.

VOTE: All Aye

The Board continued discussion from Monday introducing the Linn County trademark concept at the State of the County luncheon.

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Chairperson Oleson clarified that this is an open process for any individual or entity to submit ideas for a county logo and he will unveil that concept and process at the State of the County luncheon.

Motion by Harris, seconded by Rogers to approve introducing the Linn County trademark concept at the State of the County luncheon.

Discussion: Supervisor Houser stated that the Board approved an offer for the county logo but have not approved money to be expended. To unveil a county trademark concept of an artist rendition of a new county logo (a process not even started), is way too premature. Chairperson Oleson intends to unveil a logo that the Board did not approve.

VOTE: Oleson, Rogers, Harris, Walker - Aye           Houser - Nay

BOARD MEMBER REPORTS - Chairperson Oleson reported on the MPO meeting that he attended this morning.

Supervisor Houser attended the Board of Health reception; met with representative of Go CR and attended the Board's Learning Institute.

Supervisor Walker met with Cedar Rapids City Councilman Kris Gulick; attended Public Arts Commission meeting; attended strategic planning session of the NewBo Board; attended Accountability Action Committee meeting; he and Supervisor Rogers will attend a press conference to encourage business owners in Linn County to continue paying minimum wage and he will speak with Students of the Iowa Big School.

Supervisor Harris met with representative of Go CR; OPN architects; will go on a road trip today of Alice Rd. and North Center Point Rd.; Hawkeye Downs board meeting is next week.

Supervisor Rogers attended C3 Advisory Committee meeting; met with Curt Wheeler from ASAC regarding Social Host Ordinance; met with Go CR representatives; attended Board Learning Institute and the Accountability Action Planning Committee; will attend the minimum wage press conference today and the Civil Literacy Program on Saturday.

LEGISLATIVE UPDATE - Darrin Gage, Dir. of Policy & Admin., explained provisions of the gun bill and Voter I.D. bill. The Mental Health bill is through the Senate Ways & Means. Discussion continued on a new bill regarding a resident appealing an assessment and the burden would be on the Assessor to prove the value.

Motion by Rogers, seconded by Houser to approve payment to Foundation 2 in the amt. of \$60.00.

VOTE: Oleson, Rogers, Houser, Walker - Aye           Harris - Abstain

Motion by Rogers, seconded by Harris to approve ACH in the amt. of \$333,266.62; Claims #70595087-#70595139 in the amt. of \$154,658.89 and ARC in the amt. of \$26.80.

Adjournment at 10:38 a.m.

Respectfully submitted,

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

Approved by:

BRENT OLESON, Chairperson  
Board of Supervisors