

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, MAY 2, 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 (via phone). 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, retroactive to April 25, 2018, an Informal Assessment Appeal Agreement, lowering the assessed value of Linn County Parcel Number 07022-01001-00000 from \$16,200 to \$1,300.

Resolution 2018-5-57

WHEREAS, portions of 4<sup>th</sup> Street N are in Central City and unincorporated Linn County, and

WHEREAS, it is good engineering practice to provide uniform, consistent speed limits. NOW THEREFORE BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the public would be better served and safety enhanced by changing the speed limit as follows and further directs the Linn County Engineer to cause the erection of the proper signing which shall be legal, valid and enforceable.

- 25 mph on the county portion of 4<sup>th</sup> Street N from the north city limits to Prairie Hills Drive in section 34-86-6.
- 20 mph on the county portion of 4<sup>th</sup> Street N from Prairie Hills Drive to Central Street in section 34-86-6.

Resolution 2018-5-58

WHEREAS, the Linn County Engineer's Office identified that public road right-of-way is required for the construction of Prospect Drive, which is proposed as part of the development of the Prospect Meadows baseball and softball field complex; and, WHEREAS, public road right-of-way is defined in Iowa Code Section 306.3 as an area of land, the right to possession of which is secured or reserved by the state or a governmental subdivision for roadway purposes; and,

WHEREAS, Linn County, Iowa is the owner of real property located adjacent to the intersection of Iowa Highway 13 and County Home Road known and described as the Northeast Quarter, Except Highways, of Section 16, Township 84 North, Range 6 West of the 5<sup>th</sup> Principal Meridian, Linn County, Iowa; and,

WHEREAS, the public road right-of-way required for the construction of the proposed Prospect Drive, which is part of the above-described real property, is known and described as: See Attached Exhibit A - Acquisition Plat and,

WHEREAS, public road right-of-way is required to be secured for roadway purposes regardless of the land owner; and,

WHEREAS, the Linn County Engineer's Office recommends Linn County designate Linn County-owned real property, as described in the attached Acquisition Plat, as public right-of-way required for the construction of Prospect Drive.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that the public right-of-way, as described in the attached Acquisition Plat, be hereby established, and that this Resolution be recorded in the Office of the Linn County Recorder along with the attached Acquisition Plat.

Resolution 2018-5-59

WHEREAS, it is desired to transfer monies from the General Basic fund and Rural Services fund to the Secondary Roads fund and,

WHEREAS, said operating 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 \$907,374 is ordered to be transferred from the General Basic fund to the Secondary Roads fund and \$2,238,865 is ordered to be transferred from the Rural Services fund to the Secondary Roads fund, as allowed under the Code of Iowa maximum transfer limits.

Resolution 2018-5-60

WHEREAS, it is desired to transfer monies from the General Basic fund to the Capital Projects fund and,

WHEREAS, said operating 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 \$620,000 is ordered to be transferred from the General Basic fund to the Capital Projects fund for the remainder of the annual capital improvement plan funding.

Resolution 2018-5-61

Pursuant to the provisions of Title VIII Chapter 317.4 Subsection 2, Code of Iowa, which can be found online at: <https://www.legis.iowa.gov/law/iowaCode> it is hereby resolved by the Linn County Board of Supervisors and ordered by the Linn County Weed Commissioner acting on behalf of the Linn County Board of Supervisors:

That between May 2, 2018 to October 1, 2018 each owner and each person in the possession or control of lands in Linn County including both incorporated and unincorporated shall: cut, burn, or otherwise destroy all noxious weeds thereon, as defined in this chapter, at such time in each year and in such manner as shall prevent said weeds from blooming and coming to maturity thus preventing a safety hazard to the public and/or nuisance to adjoining lands. Additional controls may consist of but are

not limited to tillage, biological, or chemical application following label directions or combination thereof.

That the Linn County Road Department control all noxious weeds growing in county road rights of way for control and/or prevention of seed production in a manner consistent with the county's integrated roadside vegetation management plan such that they are cut, burned, or otherwise controlled within county road rights of way.

That it is recommended noxious weeds be cut, burned or otherwise destroyed on or before the following dates and as often thereafter as is necessary to prevent seed production throughout the growing season. However, these are guidelines only. Weather conditions may cause weeds to mature several weeks ahead of or later than normal and consequently require control measures differing from the listed dates.

GROUP 1: May 12, 2018-Musk Thistle, Poison Hemlock.

GROUP 2: May 15, 2018-Leafy Spurge, Perennial Pepper-grass, Sour Dock, Sheep Sorrel, Buckhorn Plantain.

GROUP 3: May 31, 2018-Canada Thistle, Multiflora Rose, Russian Knapweed, Buckthorn, Wild Mustard, Smooth Dock.

GROUP 4: June 30, 2018-Field Bindweed (aka European Morning Glory), wild Carrot (aka Queen Anne's Lace), Teasel, Horsenettle, Perennial Sowthistle, Quackgrass, Butterprint (aka Velvetleaf), Puncturevine, Cocklebur, Bull Thistle, Tall Thistle, wild Sunflower, Shattercane.

That if the owners or persons in possession or control of any land in Linn County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work including costs of serving notice, daily penalties for non-compliance and other costs, if any, to be assessed against the real estate upon which the noxious weeds are destroyed.

Complaints will be handled as follows: The complaint will not have to be signed and may be phoned at the number below. State the reason for the complaint, the general location of the property, the legal description of the property, the owners of the land and the tenants or persons in control of the land. Complaint forms are available on request.

More information regarding Linn County's weed control program can be found under the Soil Conservation section at [www.linncounty.org](http://www.linncounty.org) or by contacting Linn County Weed Commissioner: Jonathan Gallagher at 319-377-5960 Ext. 3.

Approve purchase order to Truck Country of Iowa for a tandem axle truck cab and chassis for the oil distributor in the amount of \$103,952.00.

Approve purchase order to E.D. Etnyre & Co. for an oil distributor in the amount of \$90,410.00.

Authorize Chair to sign purchase order #5451 to Appleby & Horn Tile Company for \$82,716.00 for carpet replacement at the Juvenile Detention Center.

Authorize Chair to sign purchase order #5452 for \$34,841.10 to Insight Public Sector for networking equipment for the IT Department.

Authorize Chair to sign purchase order #5453 for \$5254.02 to Insight Public Sector for Microsoft Licenses for IT.

Approve Premises Update for the Indian Creek Nature Center permitting Chelsea Stark to provide liability insurance for alcohol service on premise on May 12, 2018.

Approve Premises Update for the Indian Creek Nature Center permitting Dostal Catering to provide alcohol service to a renter - DiffStrat Companies Inc. on May 10, 2018.

Motion by Rogers, seconded by Houser to approve minutes of April 25 & 30, 2018 as printed.

A public hearing was called to order on the conveyance of real estate located at 1032 5<sup>th</sup> Street SE, Cedar Rapids, Iowa, legally described as: Lot 5, excepting therefrom the NW-ly 20 feet, Block 18, Carpenters Third Addition to the Town of Cedar Rapids, Linn County, Iowa, subject, nevertheless to easements, restrictions, covenants and conditions of record, to the City of Cedar Rapids, Iowa. Proof of publication was presented.

Darrin Gage, Dir. of Policy & Admin., stated that the map has already been discussed. This will accommodate off street parking for the Harris Building. There were no oral or written objections.

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

Motion by Houser, seconded by Rogers to adopt Resolution 2018-5-62

WHEREAS, Linn County, Iowa, holds title to a parcel of real estate located at 1032 5<sup>th</sup> Street SE, Cedar Rapids, Iowa, described as follows: Lot 5, excepting therefrom the NW-ly 20 feet, Block 18, Carpenters Third Addition to the Town of Cedar Rapids, Linn County, Iowa, subject nevertheless to easements, restrictions, covenants and conditions of record; and,

WHEREAS, Linn County, Iowa has need for, and has requested that real property owned by the City of Cedar Rapids, Iowa located at 1002 5<sup>th</sup> Street SE, Cedar Rapids, Iowa legally described as SW-ly ½ of Lot 1, Block 18, Carpenters Third Addition to the Town of Cedar Rapids, Linn County, Iowa, and at 513 10<sup>th</sup> Avenue SE, Cedar Rapids, Iowa

legally described as Rear or NE-ly ½ of Lot 1, Block 18, Carpenters Third Addition to the Town of Cedar Rapids, Linn County, Iowa be conveyed by the City of Cedar Rapids, Iowa to Linn County, and,  
WHEREAS, the City of Cedar Rapids, Iowa has need for and has requested the above-described real property located at 1032 5<sup>th</sup> Street SE, Cedar Rapids be conveyed to the City of Cedar Rapids in exchange for the above-described real property located at 1002 5<sup>th</sup> Street SE, Cedar Rapids and 513 10<sup>th</sup> Avenue SE, Cedar Rapids, and,  
WHEREAS, after public hearing, it has been determined by the Board of Supervisors, Linn County, Iowa, that Linn County, Iowa, shall convey by Quit Claim Deed title to the above-described Linn County-owned parcel in exchange for the above-described City of Cedar Rapids, Iowa-owned parcels.

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 conveyance by Quit Claim Deed for above-described Linn County-owned parcel be made in exchange for the above-described City of Cedar Rapids, Iowa-owned parcels.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, be authorized to execute the Quit Claim Deed for said parcel described above to the City of Cedar Rapids, Iowa and to present said Deed to the Board of Supervisors, Linn County, Iowa, for its approval once said Deed has been executed and acknowledged.

Mike McGrath, Chair of Connect CR Board, Steve Sovern, Felicia Wyrick and Jennifer Pratt gave a presentation on the Cedar Lake to Sleeping Giant Bridge project.

Supervisor Rogers stated that he met with the Connect CR Board and Conservation and is supportive of this. He feels that it is a meaningful contribution with public and private dollars being committed.

Supervisor Oleson stated that he is supportive of the project but asked the following questions: what is considered meaningful, where would the money come from and what does funding this project mean for other projects like the Hwy. 100 trail. McGrath responded that they have asked that this project be added to the Water and Land Legacy bond in the amount of \$3.75 million and they would request \$1.25 million from Linn County.

Motion by Rogers, seconded by Houser to adopt Proclamation: National Police Week May 13-19, 2018.

Motion by Rogers, seconded by Houser to adopt Proclamation: National Emergency Medical Services Week May 20-26, 2018.

#### BOARD MEMBER REPORTS

Supervisor Oleson asked Steve Tucker, Finance Dir., about the process regarding the Sleeping Giant Bridge project ask of \$1.25 million and Tucker responded that this has not been done before but would be similar to Prospect Meadows. The county has never bonded for something that they do not own. Oleson stated that he is excited about the project but expressed his frustration with being asked to contribute \$5 million near the completion of the project.

Supervisor Rogers added that he and Oleson were included in the Cedar Lake Study Group and were involved in discussions early on (doesn't feel they have been pushed). Linn County is not designed like the City of Cedar Rapids and they cannot use taxes to fund economic development. Rogers attended ARC of East Central Iowa, spoke at Empowerment for Linn County Inaugural Fellows Group; meeting with Planning and Development about a constituent issue; hosted Early Child Iowa meeting; attended event for Congressman Adam Schiff at Kirkwood; participating in mandatory Sexual Harassment training; Regional Governance Board meeting.

Supervisor Houser participated in Future Leaders of Linn County event; met with Steve Sovern about Sleeping Giant Bridge project; attended event for Congressman Adam Schiff at Kirkwood, attending Sexual Harassment training.

Supervisor Harris attended Home Health/Ryan White Advisory Committee meeting; Habitat for Humanity bus tour; cyber security meeting regarding voter security; will meet with high school student who attended Future Leaders of Linn County event; will attend mandatory Sexual Harassment training; Urban County Coalition telecom; Opioid Steering Committee.

LEGISLATIVE UPDATE - Darrin Gage, Dir. of Policy & Admin., stated that the food inspection fee bill has passed the House and is scheduled for a Senate sub-committee hearing tomorrow morning.

Motion by Rogers, seconded by Houser to approve payment to Foundation 2 in the amt. of \$60. VOTE: Rogers, Houser, Walker, Oleson - Aye Harris - Abstain

Motion by Rogers, seconded by Houser to approve payment to ARC in the amt. of \$739.50; Area Ambulance in the amt. of \$612.99; Touchberry Farms North LLC in the amt. of \$6,921 (over one year old); Christine Kivett-Berry in the amt. of \$125.00 (over one year old);

ASAC in the amt. of \$2,512.49; Claims #70601974-#70602195 in the amt. of \$289,151.34; and ACH in the amt. of \$1,206,797.16.

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PUBLIC COMMENT: Chairperson Harris stated that this is the 20<sup>th</sup> year that Linn County has won the PAFR (Popular Annual Financial Report) award and 29<sup>th</sup> year for the CAFR (Comprehensive Annual Financial Report) award. The Board congratulated Steve Tucker, Dawn Jindrich and Joi Alexander on the awards.

The Board received and placed on file a thank you letter from Linn-Mar High School for hosting the Future Leaders of Linn County event.

Motion by Rogers, seconded by Houser to appoint Ron Hoover to the Board of Adjustment for a term ending 12/31/22.

Motion by Houser, seconded by Rogers to enter into a closed session to discuss pending litigation, pursuant to Code of Iowa 21.5 (1)(c).

VOTE: Rogers - Aye Houser - Aye Harris - Aye Oleson - Aye

Motion by Rogers, seconded by Houser to go out of closed session.

VOTE: Rogers - Aye Houser - Aye Harris - Aye Oleson - Aye

Adjournment at 10:57 a.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson  
Board of Supervisors