

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MAY 8, 2019 10:00 A.M.

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

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

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

Approve and authorize Chair to sign a letter of support for the Linn County Conservation Board's Community Attraction and Tourism (CAT) Grant Application for the Morgan Creek Park Phase I Development Project

Approve and authorize Chair to sign a Vacancy Form requesting a summer intern for the Linn County Attorney's Office.

Approve and authorize Chair to sign a Vacancy Form requesting a Loss Control Specialist for Risk Management.

Resolution 2019-5-68

A RESOLUTION IN SUPPORT OF THE LINN COUNTY CONSERVATION BOARD'S COMMUNITY ATTRACTION AND TOURISM (CAT) GRANT APPLICATION FOR THE MORGAN CREEK PARK PHASE I DEVELOPMENT PROJECT

WHEREAS, Morgan Creek County Park was established in southwest Linn County in 1964 and is now a 357 acre regional attraction; and,

WHEREAS, Morgan Creek County Park's diverse natural resources include creeks, wetlands, prairie, woodland, and oak savanna, which create habitat for a wide variety of plant and animal life; and;

WHEREAS, Morgan Creek County Park's many outdoor recreational opportunities include primitive and modern campgrounds, multi-purpose biking, hiking, and cross-country skiing trails, picnic areas, playgrounds, open sports fields, and a unique outdoor arboretum with over 250 species of trees and shrubs; and,

WHEREAS, nearby residential development and regional population growth make Morgan Creek Park an increasingly vital natural and recreational resource; and,

WHEREAS, the Linn County Conservation Board adopted the Linn County Parks Master Plan in 2015, guided by a Master Plan Committee and public input; and,

WHEREAS, Linn County Conservation desires to implement Morgan Creek Park Phase I development, which includes projects such as park and playground accessibility improvements, amenity upgrades, trail connectivity, wetland expansion, and storm water management that respond to the increased demand of nearby development and population growth; and,

WHEREAS, Linn County Conservation seeks a Community Attraction and Tourism grant to help fund the important Phase I improvements.

BE IT THEREFORE RESOLVED that the Linn County Board of Supervisors hereby supports and endorses the Linn County Conservation Board's CAT grant application for funding the Morgan Creek Park Phase I Development project.

Resolution 2019-5-69

NOTICE TO ALL PROPERTY OWNERS AND MANAGERS WEED NOTICE!

Pursuant to the provisions of Title VIII Chapter 317.4 Subsection 2, Iowa Code, which can be found online at: <https://www.legis.iowa.gov/law/iowaCode> and Iowa Administrative Code (otherwise referred to as Iowa Administrative Rules) Agriculture and Land Stewardship Chapter 58 Noxious Weeds, 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 8, 2019 to October 1, 2019 each owner and each person in the possession or control of lands in Linn County including both incorporated and unincorporated shall: eradicate all Class A noxious weeds listed in Iowa Administrative Rules 21-58.4(317); and control all Class B noxious weeds thereon, at such time in each year and in such manner as shall prevent said weeds from blooming or coming to maturity.

Class A Noxious Weeds for Eradication: Palmer Amaranth (*Amaranthus palmeri*)

Class B Noxious Weeds for Control:

Canada Thistle (*Cirsium arvense*) Teasel (*Dipsacus spp.*) biennial Leafy Spurge (*Euphorbia esula*) Bull Thistle (*Cirsium vulgare*) Multiflora Rose (*Rosa multiflora*) European Morning Glory or Field Bindweed (*Convolvulus arvensis*) All other species of thistles belonging in the Genus of *Carduus*

That the Linn County Road Department address all noxious weeds growing in county road rights of way for eradication/control and/or prevention of seed production in a manner consistent with the county's integrated roadside vegetation management plan.

That it is recommended noxious weeds be cut, burned or otherwise destroyed on or before June 1st, 2019, so as to prevent the production of seed by all varieties of

listed Noxious weeds. This includes noxious weeds on all lands within the limits of the County regardless of jurisdiction. Control or elimination measures associated with Class A Noxious Weeds located on lands enrolled in the Conservation Reserve Program (CRP) will comply with the conservation reserve program contract requirements for that land.

That persons not in compliance with Iowa's Weed Law, Code of Iowa Chapter 317 Noxious Weeds, and Iowa Administrative Rules Agriculture and Land Stewardship Chapter 58 Noxious Weeds will be notified to use appropriate methods to eradicate or control the weed problem. Failure to do so can incur penalties including, but not limited to, daily fines for non-compliance, and the Weed Commissioner or Deputies entering upon the land to control the weed problem, with all costs, including fines and administrative costs, levied against the landowner. Iowa law provides these assessments can be attached to the real estate tax of the land for collection. Weed eradication/control will still be required to be implemented in all cases where penalties are assessed. More information regarding Linn County's weed control program can be found under the Soil Conservation section at www.linncounty.org or by contacting Linn County Weed Commissioner: Jonathan Gallagher at 319-377-5960 Ext. 3.

Resolution 2019-5-70

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Joel Miller, Linn County Auditor, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Rhonda L. Betsworth, for appointment as Deputy Linn County Auditor, and
WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Rhonda Betsworth to be qualified to serve as Deputy Linn County Auditor and that the appointment of Rhonda L. Betsworth will not exceed the number of deputies authorized for the Linn County Auditor's Office by the Board of Supervisors, Linn County, Iowa.
NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Rhonda L. Betsworth as Deputy Linn County Auditor by Joel Miller, Linn County Auditor, is hereby approved.

Resolution 2019-5-71

A Resolution approving a Residential Parcel Split to be named R&W Balster Addition. The following description is a summary of Resolution No. 2019-5-71 as passed and approved by Linn County Board of Supervisors, effective May 8, 2019.
R&W Balster Addition (Case # JPS18-0010) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A, a subdivision of real estate located in the NWSE of Section 6, Township 86 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing at the Southeast Corner of the Northwest Quarter of the Southeast Quarter of Section 6, Township 86 North, Range 6 West of the Fifth Principal Meridian; thence S88°04'01"W along the south line of said Northwest Quarter of the Southeast Quarter, 602.40 feet to the point of beginning; thence continuing S88°04'01" along said south line, 642.13 feet; thence N2°06'43"W, 33.12 feet; thence S87°59'09"W, 203.13 feet; thence N1°27'24"W, 388.89 feet; thence N25°26'45"E, 78.09 feet; thence S84°04'39"E, 224.74 feet; thence S69°11'41"E, 147.67 feet; thence S54°53'52"E, 560.47 feet; thence S1°55'59"E, 65.68 feet to the point of beginning. The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncounty.org

Approve and authorize Chair to sign a renewal agreement between Linn County and Grant Wood Area Education Agency for the operation of the Juvenile Detention Center School.

Approve and authorize Chair to sign a renewal agreement between Linn County and the Juvenile Detention Medical Director effective July 1, 2019 through June 30, 2020 for an amount of \$25,750.

Approve and authorize Chair to sign First Amendment to contract number JUV-19-CB-6-001, entitled Tracking, Monitoring & Intervention, between Linn County, State of Iowa Juvenile Court Services, and the Iowa Department of Human Services, effective July 1, 2019 through June 30, 2020 for an amount not to exceed \$825,150.

Approve and authorize Chair to sign the renewal contract, number JUV-20-CB-6-002, entitled SOLO In-Home Day Treatment, between Linn County, Juvenile Court Services for the 6th Judicial District of Iowa (JCS), and the Iowa Department of Human Services, effective July 1, 2019 through June 30, 2020 for an amount not to exceed \$196,800.00

Approve and authorize Chair to sign the Electronic Monitoring Agreement between Linn County and Juvenile Court Services for the 6th Judicial District Juvenile Court Services, effective July 1, 2019 through June 30, 2020 for an amount of \$8.50 per day.

Approve and sign Adopt-A-Roadside application for Linn County Planning & Development to adopt County Home Road from Alburnett Road to Scott Road.

Approve and sign Adopt-A-Roadside application for Ely Public Library to adopt Ely Road (county portions only) from Wright Bros. Blvd. to Seven Sisters Road.

Approve and sign Adopt-A-Roadside application for Hallam Family to adopt Blairs Ferry Road (county portions only) from Milburn Road to Wayside Circle (west end).

Approve and authorize Chair to sign an agreement between Linn County and Terracon Consultants Inc. for an asbestos survey of the Fillmore Building for \$3,200.

Motion by Rogers, seconded by Oleson to approve minutes of May 6 & 7, 2019 as printed.

Dawn Jindrich, Budget Dir., continued the discussion from Monday regarding \$78,000 interest earnings for bonds issued at a premium for Conservation. The question is do they allocate the interest to bond projects funded through the Legacy series bonds or allocate it to the debt service fund to bring down debt payments in the future.

Motion by Oleson, seconded by Rogers to approve the Conservation bond interest earnings at a premium to be allocated to Conservation projects related to Conservation bonds.

Discussion: Supervisor Oleson stated that he appreciated the feedback from Steve Tucker and Dawn Jindrich as well as the Treasurer's position. At the end of the day each approach is fine but it is better to allocate to Conservation as they usually leverage money to receive other money.

VOTE: All Aye

Garth Fagerbakke, Facilities Mgr., continued the discussion from Monday's board meeting regarding ADA improvements for the Correctional Center and recommends Unzeitig in the amount of \$106,248.00. He will bring an AIA contract to the Board in the near future.

Motion by Rogers, seconded by Oleson to award the contract for construction of the ADA improvements for the front entrance and lobby restroom at the Linn County Correctional Center to Unzeitig in the amount of \$106,248.00.

Fagerbakke also discussed a contract for professional services to design interior signage for the Harris building. He recommends Presentations in the amount of \$5,800. The Board will approve next week.

The Board discussed proposed changes to the Fireworks Resolution restricting time limitations for rural residents to shoot fireworks which would be similar to other jurisdictions.

Supervisor Rogers stated that the Board has discussed this issue previously and he has proposed the changes in order to be proactive and in line with the metro area.

Motion by Rogers, seconded by Walker to adopt changes to Resolution establishing provisions for the permitting and use of fireworks.

Discussion: Supervisor Oleson stated that he feels strongly about keeping the resolution as is noting that it applies to unincorporated Linn County and has worked thus far. The complaints wanting more restrictions is confined to areas within incorporated jurisdictions. He has yet to have one request in his district to change that.

Chairperson Walker stated that he has talked to one constituent who expressed a number of concerns including safety. He stated that he tends to agree with Supervisor Oleson that the current provisions allow the greatest flexibility. If he is made aware of other issues or concerns, they can revisit the issue. In speaking with Darrin Gage, he learned that they could also carve out certain areas of the county to apply more restrictions.

Supervisor Oleson agreed that Supervisor Roger's district has unincorporated pockets and he would be supportive of being more restrictive in those areas.

Supervisor Rogers stated that the proposed changes create uniformity with less confusion on when, where and who can shoot. He hopes that people in the rural unincorporated area do not abuse this privilege and if any of the Supervisors hear concerns from rural residents, that they are responsive.

Vote: Rogers - Aye Oleson - Nay Walker - Nay

Rhonda Betsworth, Deputy Auditor, presented a Resolution Authorizing Certain County Employees to Commute with County-Owned Vehicles. After Monday's Board meeting, she touched base with Johnson County, Cedar Rapids and Marion regarding their policies. They either don't allow commuting with city vehicles or if there are approved commutes, they charge the \$1.50/trip.

Motion by Oleson, seconded by Rogers to adopt Resolution 2019-5-72

A RESOLUTION AUTHORIZING CERTAIN COUNTY EMPLOYEES TO COMMUTE WITH COUNTY- OWNED VEHICLES(SUPERCEDES RESOLUTION 2015-8-114)

WHEREAS, personal use of County owned vehicles is prohibited, with the exception of personal use by those employees authorized by the Board of Supervisors to commute with county-owned vehicles; and,

WHEREAS, in certain instances, a bona fide county purpose exists for an employee to be assigned a vehicle to commute between work and the employee's residence; and,

WHEREAS, the Linn County Board of Supervisors previously passed and approved Resolution No. 2015-8-114 authorizing certain county employees to use a county-owned vehicle as a commuting vehicle; and,

WHEREAS, the Linn County Board of Supervisors desires to repeal and replace Resolution No. 2015-8-114 to revise the list of county employees authorized to commute with county-owned vehicles.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that Resolution No. 2015-8-114 is hereby repealed and replaced with this Resolution.

BE IT FURTHER RESOLVED by the Linn County Board of Supervisors that the following employees are authorized to use a county-owned vehicle as a commuting vehicle as required by their respective departments.

Conservation - Director

Conservation - Deputy Director

Conservation -Outdoor Recreation Planner

Conservation - Operations Supervisor

Engineering & Secondary Road - County Engineer

Engineering & Secondary Road - Assistant County Engineer

Engineering & Secondary Road - Operations Superintendant

Engineering & Secondary Road - Road Maintenance Supervisor

Engineering & Secondary Road - Civil Technical Supervisor

Engineering & Secondary Road - Engineering Technician I

Engineering & Secondary Road - Engineering Technician II

Engineering & Secondary Road - Engineering Technician III

Engineering & Secondary Road - Maintenance Foreman Supervisor

Public Health - Director

Full-time law enforcement personnel certified by the State of Iowa as peace officers and permanently assigned a county vehicle.

Employees, who from time to time are assigned a county-owned vehicle by their department, to commute for a specific project.

BE IT FURTHER RESOLVED that the Linn County Auditor is directed to include the value of the commuting fringe benefit as taxable compensation in compliance with Internal Revenue Service requirements.

Public Comment: Erika Olson, 1130 S. 10th St. Marion, stated that the Board knows her father who spoke to them advocating for "ban the box" on employment applications. She wanted to make the Board aware of why that was so important to him. She became a felon in 2000 when a crime was committed in Linn County. The wrong person was convicted and sent to prison for a crime he did not commit. She stated that she concealed information from the police and public because of her ignorance and it destroyed her life. All she has to gain by explaining this is to maintain her sobriety. She used drugs and alcohol to silence her telling the truth. She has gone to VanderSanden and the Cedar Rapids Police. Nobody will listen to her. She asked that the Board look into this and do anything they can so that the innocent man can have a chance at freedom.

Stacey Walker, Linn County Supervisor, thanked Olson and her father for their advocacy for fair chance hiring, noting that Linn County was the first county in the state to pass a ban the box resolution and he appreciates her sharing her story. He also wanted to thank Supervisor Rogers for his work to educate himself and others on his fireworks initiative. He hopes that if board members receive complaints and comments that they consider revisiting the issue.

Motion by Rogers, seconded by Oleson to approve Claims #70608453-#70608517 in the amt. of \$115,284.51 and ACH in the amt. of \$381,021.75.

Board Member Reports - Supervisor Rogers reported that he will attend ASAC board meeting, Sixth Judicial Corrections Board and reviewing summer internship applications.

Supervisor Oleson reported on MPO funding (C Ave. & Co. Home Rd., Tower Terrace interchange and portion of trail system along Hwy. 100 from Morgan Creek to Biechler bridge); will have a follow up meeting with Liz Mathis regarding the children's mental health funding and will ask for her opinion re: reopening the fiscal year's reserve fund due to new legislation.

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Adjournment at 10:28 a.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors