

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, MAY 9, 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 Supervisor Walker to sign, retroactive to May 1, 2018, a letter to the Iowa Arts Council in support of Legion Arts.

Authorize Chair to sign a Vacancy Form requesting a Natural Resources Specialist for Conservation.

Resolution 2018-5-64

WHEREAS, Linn County leased 121 acres more or less to Prospect Meadows, Inc. for construction of a baseball/softball facility ("Facility") under a lease dated February 8, 2012, and concerning the following property in Linn County, Iowa:

That part of the N 1/2 of Section 16, T84N, R6W lying Easterly of the public highway except the public roads, the Abbe Center and the former Linn County Juvenile Detention Center building and grounds, the barn and other out buildings, and the Linn County Engineering-Conservation building and grounds.

; and,

WHEREAS, Prospect Meadows, Inc. has requested permission to renew its sublease on any or all of the subject property for crop and/or pasture ground to make the best use of the ground until such time as construction of the Facility begins.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors, this date met in lawful session, that:

1. Prospect Meadows, Inc. may enter into a sublease(s) of any or all of the subject property for the 2018 crop/pasture year.
2. Prospect Meadows, Inc. shall be responsible for any costs or liabilities incurred including real property taxes accruing against the property from March 1, 2018 until such time as the property qualifies for exemption from real property tax.

Resolution 2018-5-65

WHEREAS, Alex Syhlman, Race Director for Iowa Multisport LC, has requested permission to use McClintock Road, Lewis Bottom Road, Palo Marsh Road, and crossing over Blairs Ferry Road into Palo for the purpose of conducting the Iowa's Pigman Sprint Triathlon on Sunday, June 3, 2018,

WHEREAS, the Linn County Engineer's Department, Linn County Sheriff's Office, and the Risk Management Department have recommended approval of this request,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County, Iowa, that the above request is herewith approved subject to the following conditions:

The personnel sponsoring the Triathlon will provide three Law Enforcement Officers, with patrol vehicles, for traffic control at the intersection of Palo Marsh Road and Lewis Bottoms Road (McClintock Road) as required by the Sheriff's Office. The applicant will contact the Linn County Sheriff's Office Extra-Duty Scheduling personnel at 892-6176 to schedule these officers.

The personnel sponsoring the Triathlon will advise the participants to obey all traffic regulations as required by the Linn County Sheriff's Office and the Linn County Engineer.

The personnel sponsoring the Triathlon will oversee the proper conduct of the event. That the applicant will have each participant sign a participant's release which has Linn County named on the release.

That the applicant agrees to save Linn County and its employees harmless from all liability and has a liability insurance policy in limits satisfactory to the Board of Supervisors.

Resolution 2018-5-66

WHEREAS, a Residential Parcel Split of HILLTOP FARM FIRST ADDITION (Case # JPS18-0001) to Linn County, Iowa, containing one (1) lot, numbered lot 1 and lettered lot A has been filed for approval, a subdivision of real estate located in the SW SW of Section 18, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the NW corner of said SW 1/4 SW 1/4; thence SOI 028'25"E along the west line of said SW 1/4 SW 1/4, 405.51 feet to the Point of Beginning; thence S77 026'58"E, 150.38 feet; thence S59020'26"E, 168.09 feet; thence SOI 00'59"E, 33.67 feet; thence N8805503"E, 27.55 feet; thence S02 03316"W, 242.06 feet; thence N85005'58"W, 300.37 feet to a point on the west line of said SW 1/4 SW 1/4; thence NOI 028'251"W along said west line, 340.27 feet; thence N21 02437"W, 32.23 feet; thence S77026'58"E, 11.33 feet to the Point of Beginning, containing 2.32 acres.

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 December 20, 2017 as last amended on JANUARY 16, 2018 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. A minimum of 40' of right-of-way is required for private lane.

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 a DNR certified septic inspector - a Time of Transfer inspection. The inspection report must be submitted to this department. Existing house must be reviewed by Linn County Public Health Healthy Homes division for compliance. Since the well and septic are located on the adjacent parcel, a written septic and well easement must be recorded with Linn County Recorder and a copy submitted to this department. 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. This plat lies within the 2 mile jurisdiction of the City of Cedar Rapids, 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 JANUARY 16, 2019 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 May 9, 2019 to be valid.

Resolution 2018-5-67

WHEREAS: Linn County Project L-BLAIRS FERRY RD(19), PCC Whitetopping, on Shellsburg Road (E36), Blairs Ferry Road (E36) and Covington Road (W36) in Linn County will begin soon.

WHEREAS: this project lies on a marked Farm-to-Market route, and

WHEREAS: a detour must be established to close a marked route for longer than 48 hours, and

WHEREAS: a map of the detour is attached hereto.

NOW, THEREFORE, BE IT RESOLVED: that the Linn County Board of Supervisors hereby authorize and direct the Linn County Engineer to place the appropriate signs to establish the following detour: commencing at the intersection of Covington Road (W36) and Vinton Street east 0.5 miles to the intersection of Vinton Street and 1st Street, then north 0.3 miles to Blairs Ferry Road (E36). (See attached map)

Signs shall be placed when and as necessary to protect the work and the traveling public in accordance with the Manual on Uniform Traffic Control Devices and Chapter 306 of the Code of Iowa.

Resolution 2018-5-68

WHEREAS, the Linn County Board of Supervisors has previously adopted by resolution a speed limit of 35 mph on County Home Road beginning approximately 205 feet west of the intersection of County Home Road and Gilmore Road to a point approximately 320 feet east of the intersection of Mentzer Road and County Home Road. Said speed limit was only in effect when the speed limit sign beacons were flashing, and WHEREAS, the characteristics and traffic pattern of this section of road has been changed with a 4-way stop at County Home Road and C Avenue Ext, and WHEREAS, Section 321.285 permits the Board of Supervisors to determine and declare a reasonable and proper speed limit.  
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LINN COUNTY that the speed limit of 35 mph when flashing be rescinded and that the Linn County Engineer be directed to remove the speed limit signs.

Approve and authorize Chair to sign the Urban Renewal Agreement between Linn County and the City of Marion for the Prospect Meadows Urban Renewal Area

Authorize Chair to sign a certificate of insurance for various Linn County departments and their involvement and participation at the Linn County Fair, June 27 - July 1, 2018.

Authorize Chair signature on Decat Contract # DCAT4-18-020, First Amendment, Relative Wraparound Fund.

Authorize Chair signature on Decat Contract # DCAT4-19-017 Wraparound services for DHS Involved Child Welfare Families.

Approve and sign Application to Adopt-A-Roadside for Walker Lions Club to adopt Walker Road from east city limit to Gard Road.

Approve and sign Application to Adopt-A-Roadside for Barbara Baid to adopt Honey Grove Road from Big Bend Road to Cedar Rapids city limit.

Authorize Chair to sign purchase order #5454 for \$33,255.25 to Schumaacher Elevator Company for annual elevator maintenance agreement for Linn County Buildings.

Approve Application for Display Fireworks Permit for Joel Weber to conduct a display at 4653 West Blue Rd., Walker, on June 16, 2018 (Rain date: June 17, 2018).  
Motion by Rogers, seconded by Houser to approve minutes of May 7 & 8, 2018 as printed.

Lynette Richards and Eric Wullner, Feed Iowa First, gave a presentation requesting consideration for economic development funding.

Supervisor Oleson stated that the Economic Development grant process will begin later this week or next.

David Thielen, LCCS Dir., discussed the Linn County Community Services Board's recommendations for use of the FY18 budget surplus.

Motion by Rogers, seconded by Houser to approve the Linn County Community Services Board's recommendations for use of the FY18 budget surplus.

BOARD MEMBER REPORTS

Supervisor Rogers along with Supervisors Houser and Harris attended the mandatory Sexual Harassment training; participated in a work planning session for the Mental Health & Disabilities Region; held meeting with Access Center group; participating in a web demo of a jail information management system; Harris Building groundbreaking will be May 18<sup>th</sup>.

Supervisor Houser attended Sexual Harassment training; NACo Justice & Public Safety Committee call; Opioid Steering Committee meeting at Public Health; VA Commission meeting.

Supervisor Walker met with a Linn County resident over lunch; attended Interfaith Alliance of Iowa annual dinner in Des Moines; meeting with Linn County Communication's staff to discuss an outreach strategy for inclusive hiring practices; meeting with individuals in some senior living facilities to discuss the absentee voting process; will attend annual gala for the Academy for Scholastic and Personal Success; had breakfast with a long time educator in Linn County.

Supervisor Oleson attended the MPO Executive Session (Tower Terrace Rd., Hwy. 100 trail, etc.).

Supervisor Harris will attend Executive Hawkeye Downs Board meeting; Juvenile Detention meeting; Homeless Coordination Board meeting; Duane Arnold drill; will meet with Mayor Hart.

Motion by Houser, seconded by Rogers to approve Claims #70602223-#70602277 in the amt. of \$76,817.32 and ACH in the amt. of \$288,746.73.

PUBLIC COMMENT: Brent Oleson, Supervisor, stated that he took the opportunity yesterday to use public comment at the City of Cedar Rapids city council meeting to broadly address what he thinks is a deteriorating communication relationship between the city and the county. He discussed the one singular event with the joint communication network in 2009 or 2010. The city and county collaborated from the beginning to the end of the process and came up with a workable solution. That was the model for how the city and county should collaborate. Oleson shared his thoughts that there is a lack of mutual respect. The SET Task Force needs to be addressed for a vote by the city council so the Board can understand when they approach topics that are sensitive like this. The Board wants to know how each council member thinks, feels and why they made the decision to collaborate or not collaborate so the Board can adjust themselves in how Board members approach the city on future topics. He addressed Tower Terrace Rd. and some other major projects the county is handling. Oleson feels that the communication can be better. He does not know if it was well received but felt that it needed to be said.

Adjournment at 10:24 a.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson  
Board of Supervisors