

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MAY 29, 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 Oleson, seconded by Rogers to approve Consent Agenda as follows:

Approve and authorize Chair to sign a Vacancy Form for a reduction to 24 hours per week for an Air Quality Engineer at Public Health.

Resolution 2019-5-77

ACCEPTANCE OF ROAD

WHEREAS, the following named road located in section 16-84-6, Linn County, Iowa, has been constructed in accordance with approved plans and specifications to wit:
Prospect Drive

WHEREAS, Linn County and Prospect Meadows jointly financed the construction of Prospect Drive through an Iowa Department of Transportation Revitalize Iowa's Sound Economy (RISE) Grant and through private donations for the development of the Prospect Meadows Complex.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors, that the above named road be hereby accepted into the Linn County Secondary Road System conditional upon the following stipulations:

Complete final grading, seeding, fertilizing and mulching within the road right-of-way
Vegetation established

Erosion control devices removed

Traffic control signs installed

Pavement markings completed

Street lights permitted

Destination signs installed along County Home Road

BE IT FURTHER RESOLVED the County Engineer is directed to assume maintenance of said road, in accordance with the Linn County Road Maintenance Policy, upon completion of the above listed stipulations.

Resolution 2019-5-78

ESTABLISH STOP REGULATIONS

WHEREAS, the road known as Prospect Drive located in section 16-84-6, Linn County, Iowa, has been accepted into the Linn County Secondary Road system, and

WHEREAS, it is deemed that the necessary steps should be taken to insure the safety of the traveling public.

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 placing a stop sign at the following locations,

Stop northbound traffic on Prospect Drive at the intersection of County Home Road

Stop westbound traffic on Prospect Drive at the intersection of Highway 13

The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Resolution 2019-5-79

ESTABLISH SPEED LIMIT

WHEREAS, the road known as Prospect Drive located in section 16-84-6, Linn County, Iowa, has been accepted into the Linn County Secondary Road system, and

WHEREAS, it is deemed advisable to establish a speed limit on said road and,

WHEREAS, Section 321.285 of the Code of Iowa 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, meeting in regular session, and upon recommendation of the Linn County Engineer that the public would be better served and safety enhanced by establishing the speed limit as follows,

25 mph on Prospect Drive between Hwy 13 and County Home Road

The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to erect said signs in accordance with the provisions of the Code of Iowa.

Resolution 2019-5-80

A RESOLUTION IN SUPPORT OF THE LINN COUNTY FOOD SYSTEMS COUNCIL WELLMARK SMALL MATCH GRANT FOR A FOOD SYSTEM ASSESSMENT

WHEREAS, the Linn County Food Systems Council was established on March 28, 2012, to help make the Linn County food system economically, environmentally, and socially sustainable; and,

WHEREAS, the Food Systems Council has identified a food system assessment as an important and necessary step towards making the Linn County food system economically, environmentally, and socially sustainable ; and;

WHEREAS, the Wellmark Foundation provides funding for community projects which increase access to and consumption of nutritious foods through their Matching Assets to Community Health (MATCH) grant programs; and,

WHEREAS, Linn County Food Systems Council seeks a Wellmark Small MATCH grant to help fund a food system assessment.

BE IT THEREFORE RESOLVED that the Linn County Board of Supervisors hereby supports and endorses the Linn County Food Systems Council's Wellmark grant application for funding a food system assessment.

Resolution 2019-5-81

A Resolution approving a Final Plat to be named Robertson Farm First Addition. The following description is a summary of Resolution No. 2019-5-81 as passed and approved by Linn County Board of Supervisors, effective May 29th, 2019. Robertson Farm First Addition (Case # JF19-0001) to Linn County, Iowa, containing three (3) lots, numbered lot 1, 2, and 3, a subdivision of real estate located in the NWNW of Section 4, Township 83 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Final Plat Robertson Farm First Addition is a part of the NW Quarter Section 4, Township 83 North, Range 5 West of the 5th P.M. lying northerly of the right of way of the C.M & St. P&P Railway Co.(Plat of Survey #500) further described as follows: Commencing at the North 1/4 Corner of said Section 4; Thence S01°11'36"E 716.44 feet along the east line of the NW 1/4 said Section 4; Thence S51°52'29"W 496.01 feet along the north line of railway right of way; Thence 365.41 feet along an arc of said railway right of way concave northwesterly with a radius of 1382.41 feet and a 364.35 foot chord bearing S59°27'00"W; Thence 1432.91 feet along an arc of said railway right of way concave northwesterly with a radius of 3931.56 feet and a 1424.99 foot chord bearing S77°27'49"W; Thence N89°19'21"W 551.19 feet along the north line of said railway right of way to the west line of the NW 1/4 of said Section 4; Thence N02°54'20"W 173.03 feet along the west line of the NW 1/4 to the NW corner of said Section 4; Thence N86°59'51"E 182.00 feet along the south line of the cemetery; Thence N02° 36'41"W 190.12 feet along the west line of the cemetery; Thence S86°09'55"W 183.00 feet along the north line of the cemetery to the west line of the NW 1/4 of said Section 4; Thence N02°54'20" W 1081 .41 feet to the NW corner of said Section 4; Thence N88°30'27"E 2705.22 feet along the north line of the NW 1/4 of Section 4 to the point of beginning. Containing 78.19 acres, for the purpose of this description the North line of the NW 1/4 is assumed to bear N88°30'27"E 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 contract for public transit service between Linn County Transportation (LIFTS) and the East Central Iowa Council of Governments (ECICOG) for FY20 in the approximate amount of \$175,000.

Approve and authorize Chair to sign the AIA contract for the ADA remodel of the front entrance and lobby rest room in the Linn County Correctional Center for the amount of \$106,248.00 to Unzeitig Construction Inc.

Approve and authorize Chair to sign a 28E Shared Road Maintenance and Snow & Ice Control Agreement between Linn County and the City of Central City.

Approve and authorize Chair to sign an Engineering and Inspection Services Agreement between Linn County and Dixon Engineering, Inc. for water tower inspection services in the amount of \$2,655.

Approve and authorize Chair to sign an architectural and engineering professional services proposal from Martin Gardner Architecture for the Future Line Building/LIFTS renovation project in the amount of \$40,900.

Approve Class B Native Wine Permit for Kroul Farms, 245 Hwy. 1 South, Mt. Vernon, IA, noting all fees have been paid.

Dan Gibbins, Deputy Conservation Dir., presented a Vacancy Form requesting a Temporary Front Desk Attendant at Wickiup Hill for Conservation noting that this was a previously approved offer.

Motion by Rogers, seconded by Oleson to approve a Vacancy Form requesting a Temporary Front Desk Attendant at Wickiup Hill for Conservation.

Dawn Jindrich, Finance Dir., continued discussion from Tuesday on proposed contracts with GovSense, NetSuite, and Adaptive Insights for financial system software noting that the Board can sign the contracts now pending legal review. They hope to have a decision on the HR and payroll modules in the next few weeks.

Motion by Rogers, seconded by Oleson to approve contracts with GovSense, NetSuite, and Adaptive Insights for financial system software and approve claim for payment in the amount of \$32,400.00 to GovSense pending legal review and reference call(s).

Motion by Rogers, seconded by Oleson to open public hearing on the Fiscal Year 2019 proposed budget amendment.

Jindrich presented proof of publication and gave a recap of the amendment. There were no oral or written objections.

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

Motion by Rogers, seconded by Oleson to approve the fiscal year 2019 proposed final budget amendment and adopt amended appropriations Resolution 2019-5-82.

Expenditures cannot exceed the following fiscal year 2019 appropriations by organization:

01	Board of Supervisors	\$ 6,470,902
02	Auditor	2,560,808
03	Recorder	1,422,500
04	Treasurer	3,284,776
05	Attorney	4,314,659
06	Information Technology	3,133,165
07	Planning & Development	1,579,453
08	Medical Examiner	606,300
09	Risk Management	297,648
10	Civil Service	39,903
11	Human Resources	977,617
12	Facilities	2,614,696
13	Sheriff	24,367,004
14	Capital Improvements	3,034,554
15	LIFTS	2,043,347
16	Purchasing	452,062
17	Board Buildings	973,662
20	State Welfare	606,644
21	Finance & Budget	601,676
23-25	LCCS	24,406,330
26	Veteran Affairs	613,002
27	Court Expense	98,500
29	Juvenile Justice	170,565
33	Soil Conservation	117,399
34	Conservation	11,465,762
35	Engineering	24,338,334
36	Public Health	6,686,963
86	Debt Service	3,566,558
	Total	<u>\$130,844,789</u>

Darrin Gage, Dir. of Policy & Admin., discussed a change to the Linn County Fireworks resolution including restricting dates and times for those in unincorporated Linn County.

Les Beck, Planning & Development, explained the zoning districts.

Motion by Rogers, seconded by Oleson to adopt resolution 2019-5-83

A RESOLUTION ESTABLISHING PROVISIONS FOR THE PERMITTING AND USE OF FIREWORKS
(SUPERCEDES RESOLUTION 2017-12-179)

WHEREAS, Senate File 489 (the legislation), signed into law by the governor on May 9 2017, relates to the possession, sale, transfer, purchase, and use of fireworks; and, WHEREAS, the legislation authorizes the Board of Supervisors to grant, upon written application, a permit for the use of Display Fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the Board of Supervisors when the Display Fireworks will be handled by a competent operator; and,

WHEREAS, the legislation sets forth that a person shall not use Consumer Fireworks on real property other than on that person's real property, or on the real property of a person who has consented to the use of consumer fireworks on that property; and, WHEREAS, the legislation establishes limitations on the dates and times a person may use or explode consumer fireworks; and,

WHEREAS, the legislation states "The Board of Supervisors may by ordinance or resolution prohibit or limit the use of consumer fireworks or display fireworks, as described in (Iowa Code) section 727.2, if the board determines that the use of such devices would constitute a threat to public safety or private property, or if the board determines that the use of such devices would constitute a nuisance to neighboring landowners"; and,

WHEREAS, the Linn County Board of Supervisors desires to maintain provisions for the issuance of permits and the use of Display Fireworks, Consumer Fireworks, or Novelties in unincorporated Linn County or on real property owned by Linn County; and, WHEREAS, on December 6, 2017 the Linn County Board of Supervisors passed and approved Resolution 2017-12-179 establishing provisions for the permitting and use of fireworks in unincorporated Linn County or on real property owned by Linn County; and,

WHEREAS, the Linn County Board of Supervisors desires to change provisions included in Resolution 2017-12-179 specifically pertaining to the permitting and use of consumer fireworks in unincorporated Linn County or on real property owned by Linn County.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that Resolution 2017-12-179 is repealed and replaced with this Resolution.

BE IT FURTHER RESOLVED the Board of Supervisors finds that the use of consumer fireworks constitutes a threat to public safety or private property and/or constitutes a nuisance to neighboring landowners.

BE IT FURTHER RESOLVED by the Linn County Board of Supervisors that the permitting and use of Display Fireworks, Consumer Fireworks, or Novelties in unincorporated Linn County or on real property owned by Linn County is subject to the provisions listed below.

I. Definitions. For the purposes of permitting and using Display Fireworks, Consumer Fireworks, or Novelties in unincorporated Linn County or on real property owned by Linn County, pursuant to the provisions established in this resolution, the following terms are defined:

A. "Consumer Fireworks" means first-class consumer fireworks and second-class consumer fireworks as those terms are defined in subparagraphs (C) and (E) below.

B. "Display Fireworks" means any explosive composition, or combination of explosive substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosives or flammable compound, or other devices containing any explosive substance.

C. "First Class Consumer Fireworks" means the following consumer fireworks as described in the American Pyrotechnics Association ("APA") Standard 87-1, chapter 3:

1. Aerial shell kits and reloadable tubes.
2. Chasers.
3. Helicopters and aerial spinners.
4. Firecrackers.
5. Mine and shell devices.
6. Missile-type rockets.
7. Roman candles.
8. Sky rockets and bottle rockets.

9. Multiple type devices under this subparagraph (c) which are manufactured in accordance with APA 87-1, section 3.5.

D. "Novelties" means all novelties enumerated in chapter 3 of the APA standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

E. "Second Class Consumer Fireworks" means the following consumer fireworks, as described in APA Standard 87-1, chapter 3:

1. Cone fountains.
2. Cylindrical fountains.
3. Flitter sparklers.
4. Ground and hand-held sparkling devices, including multiple tube and hand held sparkling devices that are manufactured in accordance with APA Standard 87-1, section 3.5.
5. Ground spinners.
6. Illuminating torches.
7. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, section 3.2.
8. Wheels.
9. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, section 3.2.

II. Display Fireworks Permit

A. The Board of Supervisors may grant, upon written application, a permit for the use of Display Fireworks to municipalities, fair associations, amusement parks and other organizations or groups of individuals approved by the Board of Supervisors when the Display Fireworks will be handled by a competent operator who meets at least one of the following safety requirements:

1. Possesses a Display Operator Certification from Pyrotechnics Guild International
2. Possesses a current, valid state-issued fireworks operator license, from any state, which requires formal safety training similar to that required for a Display Operator Certification from Pyrotechnics Guild International.
3. Demonstrates an equivalent degree of formal fireworks safety training and experience to the satisfaction of the Board of Supervisors.

B. No permit is required for the use of display fireworks at incorporated county fairs.

C. The applicant for a Display Fireworks Permit must submit the Application for Use of Display Fireworks Permit, attached hereto as "Exhibit A" and made part of this Resolution, not less than fourteen (14) days prior to the proposed use of display fireworks.

D. No Display Fireworks Permit will be granted without proof of commercial general liability insurance in an amount to be determined by the Board of Supervisors, but in no event less than \$2,000,000. A Certificate of Liability Insurance must be submitted with the application and must be valid for the entire period listed in either Section III.A.1(a) or Section III.A.1(b) of this resolution.

E. No Display Fireworks Permit will be granted without approval from the chief, or assistant chief, of the fire department with jurisdiction over the proposed fireworks display site for: display at that location, and for the fire prevention measures listed by the applicant on the Application for Fireworks Display Permit.

F. No Display Fireworks Permit will be granted without approval from the Linn County

Risk Manager.

G. No Display Fireworks Permit will be granted to an applicant or operator who is not at least eighteen (18) years of age on the date of the proposed fireworks display.

H. Any and all fireworks that remain unexploded at the conclusion of the display must be disposed of immediately or safely removed for storage or disposal by the operator who, at the conclusion of the display, must complete a thorough search for any unexploded fireworks or fuses therefrom which have not exploded or functioned properly.

I. The Linn County Sheriff, or his or her designee, may suspend any permit issued pursuant to this Resolution if he or she determines that the health, safety or welfare of the public requires such a suspension, or if the applicant and/or operator fail to meet or follow the safety provisions set forth in this Resolution.

J. Linn County will not charge a fee for the issuance of a Display Fireworks Permit.

III. Consumer Fireworks Permit

A. The Board of Supervisors may grant upon written application, a Consumer Fireworks Permit for the use of Consumer Fireworks on real property owned by Linn County, subject to the provisions listed below, which do not apply to facilities under the management of the Linn County Conservation Board. Facilities under the management of the Linn County Conservation Board are subject to the Linn County Conservation Board Rules and Regulations.

1. A person shall not use or explode Consumer Fireworks in unincorporated Linn County on days other than July 4 between the hours of 9 AM and 11 PM and December 31 between the hours of 9 AM and 12:30 AM on the immediately following day.

2. The applicant for a Consumer Fireworks Permit for the use of Consumer Fireworks on real property owned by Linn County must submit the Application for Fireworks Permit, attached hereto as "Exhibit B" and made part of this Resolution, not less than fourteen (14) days prior to the proposed use.

3. Linn County will not charge a fee for the issuance of a Consumer Fireworks Permit.

III. Noveltyies

A. No permit shall be required for the use of Noveltyies in unincorporated Linn County or on Linn County-owned property.

Discussion: Supervisor Oleson stated that he is not excited about voting for this. He wants to be responsive to the citizens that asked for the change.

Supervisor Walker stated that he supports this change noting that it is a great example of a responsive government.

Vote: All Aye.

Public Comment: Chairperson Walker read a letter published in the Gazette written by Marcia Swift responding to an editorial written by Linn County Attorney Jerry Vander Sanden regarding the incarceration crisis.

Motion by Rogers, seconded by Oleson to approve Claims #70608680-#70608779 in the amt. of \$108,260.22 and ACH in the amt. of \$1,736,538.67.

Board Member Reports: Supervisor Rogers presented at a conference in Fort Worth with Rob Lawton; attended Duane Arnold Energy drill; Peer Support Group meeting; met with Sen. Mathis regarding children's mental health; Regional Governing Board meeting; regional finance meeting; Solid Waste Agency meeting.

Supervisor Walker met with the Mayor of Hiawatha on Memorial Day; a constituent regarding a summer program; Greater CR Community Foundation; radio interview tomorrow morning; lunch with Rick Moyle; monthly meeting with Jeff Pomeranz.

The Board received and placed on file a letter from the City of Palo regarding an urban renewal area.

Adjournment at 10:40 a.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors