

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, AUGUST 29, 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:

Resolution 2018-8-118

RESOLUTION FOR INTERFUND TRANSFER

WHEREAS, it is desired to transfer monies from the Legacy Bonds fund to the Conservation Reserve and Conservation Local Option Sales Tax funds 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:

Section 1. The sum of \$590,368 is ordered to be transferred from the Legacy Bonds fund to the Conservation Reserve fund and \$1,096,548 is ordered to be transferred from the Legacy Bonds fund to the Conservation Local Option Sales Tax fund to reimburse those funds for projects financed by multiple funding sources.

Section 2. The Auditor has been directed to correct his books accordingly and to notify the Treasurer of this operating transfer, accompanying the notification with a copy of this resolution and the record of its adoption.

The above and foregoing resolution was adopted by the Board of Supervisors of Linn County, Iowa, on August 29, 2018, the vote thereon being as follows:

Approve and authorize Chair sign a Joint Funding Agreement between Linn County and the US Geological Survey, Department of the Interior for the operation and maintenance of one streamflow gaging station on the Cedar River at Blairs Ferry Road in Palo, Iowa during the period of October 1, 2018 through September 30, 2019 in the amount of \$2900 from Linn County and \$1920 from the US Geological Survey

Approve and sign authorization to transfer funds from the Linn County's Farm to Market account to the Iowa Department of Transportation's account for testing costs on project STP-S-C057(125)-5E-57 in the amount of \$831.45.

Approve and authorize Chair to sign the Memorandum of Agreement (MOA) for the establishment of Medical Case Management or Medical care for HIV positive patients by and between Linn County Community Service-Ryan White program and the University of Iowa HIV Program.

Approve and authorize Chair to sign and serve a Notice of Termination of Farm Tenancy to Carson Farms, LLC for leased real estate commonly known as the Dows Farm

Approve and authorize Chair to sign a renewal Contract for Professional Services between Linn County Public Health and Linn County Juvenile Detention Center for nursing services at the detention center. Effective August 15, 2018.

Approve Class B Native Wine Permit for The Big Apple Orchard, 1117 Highway 30W, Mount Vernon, noting all conditions have been met.

Motion by Houser, seconded by Rogers to approve minutes of August 27, 2018 as printed.

Motion by Rogers, seconded by Houser to approve upon third and final consideration Ordinance #12-8-2018, Amending the Code of Ordinances, Linn County, Iowa by Amending Provisions in Chapter 105, Article II, Construction Regulations (Building)

Motion by Houser, seconded by Rogers to approve upon third and final consideration Ordinance #13-8-2018, Amending the Code of Ordinances, Linn County, Iowa by Amending Provisions in Chapter 105, Article IV, Mechanical Systems

Motion by Houser, seconded by Rogers to adopt Resolution 2018-8-116

SET PUBLIC HEARING FOR CONVEYANCE OF VACATED RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under authority of §331.361, Code of Iowa, to dispose of the interest of Linn County, Iowa, in real property, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated portions of right-of-way described as:

LEGAL DESCRIPTION

Part of the Southwest quarter of the Southwest fractional quarter, Section 27, Township 83 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all parts of the former Leigh Road right-of-way lying south of the quarter section line of the Southwest quarter of Section 27, Township 83 North, Range 5 for 1,329.78 feet east of the west section line of Section 27, Township 83 North, Range 5.

Said area contains 0.23 acres more or less, subject to easement and restrictions of record.

and

WHEREAS, Hoke Farms, Inc., owner of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County may have in the above described parcel of vacated right-of-way.

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 public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to Hoke Farms, Inc., whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way.

BE IT FURTHER RESOLVED that said hearing shall be held on the 17th day of September, 2018, at 9 o'clock, in the informal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2nd St SW, Cedar Rapids, Iowa, for the above stated purpose and that notice of the time and place of said public hearing shall be published in accordance with §331.305, Code of Iowa.

Motion by Rogers, seconded by Houser to adopt Resolution 2018-8-117

SET PUBLIC HEARING FOR CONVEYANCE OF VACATED RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under authority of §331.361, Code of Iowa, to dispose of the interest of Linn County, Iowa, in real property, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated portions of right-of-way described as:

LEGAL DESCRIPTION

Part of the Northwest quarter of the Southwest fractional quarter, Section 27, Township 83 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all parts of the former Leigh Road right-of-way lying north of the quarter section line of the Southwest quarter of Section 27, Township 83 North, Range 5 for 1,658.29 feet east of the west section line of Section 27, Township 83 North, Range 5.

Said area contains 1.14 acres more or less, subject to easement and restrictions of record.

and

WHEREAS, Hoke Farms, Inc., owner of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County may have in the above described parcel of vacated right-of-way.

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 public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to Hoke Farms, Inc., whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way.

BE IT FURTHER RESOLVED that said hearing shall be held on the 17th day of September, 2018, at 9 o'clock, in the informal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2nd St SW, Cedar Rapids, Iowa, for the above stated purpose and that notice of the time and place of said public hearing shall be published in accordance with §331.305, Code of Iowa.

Motion by Houser, seconded by Rogers to table discussion on the addition of a Correctional Center nurse.

Becky Shoop, Deputy Auditor, met with the Board to continue discussion from Monday regarding the IPERS audit results. Shoop stated that IPERS regulations are very complex and the Auditor's Office do their best to administer those regulations. She reiterated that the staff that worked in the payroll division at the time the law was changed no longer work for them, therefore, they have no way of knowing how the change was overlooked. After some questioning by Supervisor Walker, Shoop again stated that the Auditor's Office does take responsibility.

Asst. County Atty. Hruska advised the Board that per Iowa Code, the County is responsible to pay for the entire shortfall and then can pursue reimbursement from the six individual employees which could include litigation.

Supervisor Rogers stated that controls need to be put in place to make sure that they either discover additional coding errors or put in place a process to minimize the chances of this happening again in the future.

A lengthy discussion continued regarding whether or not the employees should be asked to reimburse their portion as well as discussing other errors that have been made in the past by the Auditor's Office.

Motion by Houser, seconded by Rogers to pay IPERS the shortfall in the amount of \$51,692.00.

Discussion: Supervisor Walker stated that he did not want Shoop to think he was critical of her but stated that it was an incredibly difficult situation for both the Auditor's Office, Board of Supervisors and the six employees and noted Auditor Miller's absence and lack of a recommendation.

VOTE: All Aye.

Motion by Oleson, seconded by Rogers to pursue any and all remedies available to the county to seek reimbursement from employees for their portion of the IPERS shortfall.

