

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, SEPTEMBER 19, 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:

Approve and authorize Chair to sign a Vacancy Form requesting an Intake Technician and increasing the hours from 39 hours per week to 40 hours per week for the Veterans Affairs Department.

Approve Premises Update for the Indian Creek Nature Center permitting Besler/Tressel Wedding to provide alcohol service on September 29, 2018.

Receive and place on file the Veterans Affairs monthly report for August 2018.

Receive and place on file Linn County Outstanding Warrant Report submitted by Linn County Auditor's Office (warrant voided and reissued).

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of August 2018.

Receive and place on file Sheriff's Quarterly Report for April 1, 2018 to June 30, 2018 in the amount of \$1,370,237.

Resolution 2018-9-126

A Resolution approving a one lot final plat to be named Stagecoach First Addition. The following description is a summary of Resolution No. 2018-9-126 as passed and approved by Linn County Board of Supervisors, effective September 19, 2018.
STAGECOACH FIRST ADDITION (Case #JF18-0008) to Linn County, Iowa, containing three (3) lots, numbered Lot 1, Lot 2 and Lot A, a subdivision of real estate located in the SE SE of Section 24, Township 85 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the southeast corner of said section 24; thence n88° 32'46"w 1335.65 feet along the south line of said section 24 to the southwest corner of the southeast quarter of said southeast quarter; thence n0°48' 1'07"e 1464.78 feet along the west line of the east half of said southeast quarter to the southwest corner of lot 2, Drummer's First Addition to Linn County, Iowa as recorded in Book 9878, Pages 499-518 in the office of the Linn County, Iowa Recorder; thence s88°43' 1'35"e 523.50 feet along the south line of said Lot 2 to the centerline of Cummings Ford Road; thence s43° 0'54' 1'35"e 625.23 feet along said centerline; thence s49° 17'01"e 485.00 feet along said centerline to the east line of said southeast quarter; thence s0°47'07"w 720.15 feet along said east line 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

Resolution 2018-9-127

A Resolution approving a one lot final plat to be named MCCLOY ADDITION. The following description is a summary of Resolution No. 2018-9-127 as passed and approved by Linn County Board of Supervisors, effective September 19, 2018.
MCCLOY ADDITION (Case # JLPS18-0005) to Linn County, Iowa, containing three (3) lots, numbered Lot 1, Outlot A and lettered lot A, a subdivision of real estate located in the SW SE of Section 25, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the South Quarter Corner of Section 25, Township 82 North, Range 5 West of the Fifth Principal Meridian; thence N1° 19'07"W along the west line of the Southeast Quarter of said Section 25, a distance of 1320.79 feet to the Northwest Corner of the Southwest Quarter of said Southeast Quarter; thence continuing N1° 19'07"W, 330.28 feet; thence N88° 00'49"E along the north line of the South Quarter of the Northwest Quarter of said Southeast Quarter, 583.44 feet to the west boundary of Blink's First Addition; thence S0° 19'41"E along said west boundary, 775.28 feet; thence N87° 28'12"E along the south boundary of said Blink's First Addition, 112.01 feet; thence N1° 20'38"W along said south boundary, 84.08 feet; thence S89°53'30"E along said south boundary, 242.04 feet; thence N47° 0'51' 02"E along said south boundary, 113.66 feet; thence S86°49'54"E along said south boundary, 315.26 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence S1° 0'13'46"E along said east line, 1001.09 feet to the Southeast Corner of said Southwest Quarter of the Southeast Quarter; thence S88° 10'32"W, 1322.69 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

Resolution 2018-9-128

AUTHORIZE CONVEYANCE OF VACATED RIGHT-OF-WAY
WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under §331.361, Code of Iowa, to dispose of the interest of Linn County, in real property, and,
WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated the 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, Iowa may have in the above described parcel of vacated right-of-way, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has pursuant to §331.361, Code of Iowa, conducted a public hearing upon the proposal to convey by quit claim deed whatever interest Linn County, Iowa, 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 whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way shall be conveyed to Hoke Farms, Inc., owner of real property adjacent to the above described vacated right-of-way, by quit claim deed.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, hereby authorize to execute said quit claim deed conveying whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way to Hoke Farms, Inc.

Resolution 2018-9-129

AUTHORIZE CONVEYANCE OF VACATED RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under §331.361, Code of Iowa, to dispose of the interest of Linn County, in real property, and, WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated the 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, Iowa may have in the above described parcel of vacated right-of-way, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has pursuant to §331.361, Code of Iowa, conducted a public hearing upon the proposal to convey by quit claim deed whatever interest Linn County, Iowa, 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 whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way shall be conveyed to Hoke Farms, Inc., owner of real property adjacent to the above described vacated right-of-way, by quit claim deed.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, hereby authorize to execute said quit claim deed conveying whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way to Hoke Farms, Inc.

Resolution 2018-9-130

APPROVE QUIT CLAIM DEED

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quit claim deed executed and acknowledged by John Harris, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Hoke Farms, Inc., and

WHEREAS, said deed conveys the following real estate described as follows:

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, said deed was executed by John Harris, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, pursuant to resolution 2018-9-128 adopted by the Board of Supervisors, Linn County, Iowa, on the 19th day of September, 2018.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the above described quit claim deed, dated the 19th day of September, 2018, conveying whatever interest Linn County, Iowa, may have, to Hoke Farms, Inc., be and the same is hereby approved.

Resolution 2018-9-131

APPROVE QUIT CLAIM DEED

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quit claim deed executed and acknowledged by John Harris, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Hoke Farms, Inc., and

WHEREAS, said deed conveys the following real estate described as follows:

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, said deed was executed by John Harris, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, pursuant to resolution 2018-9-129 adopted by the Board of Supervisors, Linn County, Iowa, on the 19th day of September, 2018.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the above described quit claim deed, dated the 19th day of September, 2018, conveying whatever interest Linn County, Iowa, may have, to Hoke Farms, Inc., be and the same is hereby approved.

Resolution 2018-9-132

NAME PRIVATE LANE

WHEREAS, the developer and property owner along a private lane lying within a shared access easement recorded in Linn County Book 10156 Pages 157, 162 and 184 within the NW SE of section 34-82-7 has proposed to name the lane as Marks Way.

WHEREAS, the proposed street name has been reviewed and does not conflict with existing street names in unincorporated areas of Linn County, Iowa.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors, Linn County, Iowa, this date having met in lawful session, that the private lane be named Marks Way, Linn County, Iowa. The Board of Supervisors direct the Linn County Engineer to change the base map and notify all county offices, post offices and providers of emergency services of this change.

Resolution 2018-9-133

RECLASSIFY ROAD TO AREA SERVICE "A"

WHEREAS, Linn County has jurisdiction on Biderman Lane and is reclassifying a section of the road from Class B to Class A; and

WHEREAS, Linn County Board of Supervisors, after consultation with the County Engineer, has the authority to classify roads within the County as Area Service "A", "B" or "C" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the Linn County Board of Supervisors, after consulting with the Linn County Engineer, desire to designate all of Biderman Lane in Linn County on the Area Service "A" System to provide for standard maintenance.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LINN COUNTY that Linn County does hereby establish the road described as an Area Service "A" road with standard road maintenance.

Biderman Lane beginning approximately 190' north of the centerline of Ely Road to approximately 350' north in Section 11 Township 82 North Range 7 West as indicated on the attached aerial.

Resolution 2018-9-134

A RESOLUTION ESTABLISHING REGULATIONS FOR LINN COUNTY PARKING FACILITIES PROVIDED FOR THE JEAN OXLEY LINN COUNTY PUBLIC SERVICE CENTER

WHEREAS, Section 26.22 of the County Code of Ordinances, Linn County Iowa authorizes the Board of Supervisors to establish by resolution regulations concerning the use of Linn County parking facilities; and,

WHEREAS, Section 26.22 of the Code of Ordinances, Linn County Iowa authorizes the designee of the Linn County Board of Supervisors to place and maintain or cause to be placed and maintained official signs and markings upon Linn County parking facilities; and,

WHEREAS, the Board of Supervisors deems it necessary and desires to establish regulations concerning public and employee parking upon Linn County parking facilities provided for the Jean Oxley Linn County Public Service Center; and,

WHEREAS, the Board of Supervisors deems it necessary and desires to appoint a designee to place and maintain or cause to be placed and maintained official signs and markings upon parking facilities provided for the Jean Oxley Linn County Public Service Center. BE IT THEREFORE RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, the Board hereby designates the parking facility immediately adjacent to the Jean Oxley Linn County Public Service Center and bordered by Ingredion Incorporated on the north, the Jean Oxley Linn County Public Service Center on the east, 10th Avenue SW on the south and 2nd Street SW on the west as parking for the general public conducting business at the Jean Oxley Linn County Public Service Center, and not employee parking, from 7:00 am - 5:30 pm, Monday - Friday. BE IT FURTHER RESOLVED by the Board of Supervisors, Linn County, Iowa, the Board hereby designates the Linn County Director of Policy and Administration as the Board's designee to place or cause to be placed official signs and markings upon County parking facilities pursuant to this resolution and the Linn County Facilities Director as the Board's designee to maintain or cause to be maintained official signs and markings upon County parking facilities pursuant to this resolution. BE IT FURTHER RESOLVED by the Board of Supervisors, Linn County, Iowa that no person shall engage in the business of pushcart operator or vendor upon Linn County parking facilities provided for the Jean Oxley Linn County Public Service Center without license as provided in Chapter 41 of the Code of Ordinances, Cedar Rapids, Iowa, and without meeting the requirements stipulated in Chapter 41 of the Code of Ordinances, Cedar Rapids, Iowa. BE IT FURTHER RESOLVED any resolution, provision or part thereof, which differs or is inconsistent with this resolution is hereby repealed, to the extent of said difference or inconsistency.

Resolution 2018-9-135

REMOVE NO PARKING RESTRICTIONS

WHEREAS, the Board of Supervisors, Linn County, Iowa desires to remove NO PARKING restrictions as follows:

"Remove the No Parking restrictions on both sides of County Home Road (E-34) beginning at a point 500 feet west of the intersection with the Cedar Valley Nature Trail, thence east 1,000 feet.

NOW, THEREFORE, BE IT RESOLVED by the Linn County Board of Supervisors this day met in lawful session that the No Parking restrictions on the above portion of county road be removed.

BE IT FURTHER RESOLVED that the Linn County Engineer be and he is hereby ordered to remove the No Parking signs and the no parking restrictions established by resolution 2001-1-25 are hereby abolished.

Resolution 2018-9-136

RESCIND DETOUR

WHEREAS, the Board of Supervisors, Linn County, Iowa desires to set a new detour for Linn County Project LOST-N CENTER POINT RD(19) and rescind a detour previously set by resolution 2018-2-22 on February 14, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Linn County Board of Supervisors this day met in lawful session that the detour set by resolution 2018-2-22 be rescinded.

Resolution 2018-9-137

ESTABLISH ROAD CLOSURE AND DETOUR FOR PROJECT

WHEREAS: Linn County Project LOST-N CENTER POINT RD(19), PCC Whitetopping, on Spencers Grove Road (D62) 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 Highway 150 and 51st Street, head north on Highway 150 for 6 miles to 290th Street (E48), then east on 290th Street for 5.9 miles to Quasqueton Ave (W35), then south on Quasqueton Ave for 5 miles to Bettys Grove Road (W35), continue south on Bettys Grove Road for 1 mile to Grant Street (D62) to end of detour. (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 2018-9-138

ESTABLISH ROAD CLOSURE AND DETOUR FOR PROJECT

WHEREAS: Linn County Project LOST-N CENTER POINT RD(19), PCC Whitetopping, on North Center Point Road (W6E) 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 North Center Point Road (W6E) and Central City Road head east 5.6 miles to Troy Mills Road then north 6.0 miles to Walker Road then west 4.7 miles to Grant Street to end of Detour (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.

Approve and authorize Chair to sign the Quit Claim Deed to Hoke Farms, Inc. of Linn County's interest in vacated right-of-way on former Leigh Road, lying north of Mount Vernon, 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.

Approve and authorize Chair to sign the Quit Claim Deed to Hoke Farms, Inc. of Linn County's interest in vacated right-of-way on former Leigh Road, north of Mount Vernon, 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.

Approve and authorize Chair to sign 28E Agreement with the City of Cedar Rapids for seal coat to be applied to 42nd Street and 43rd Street.

Approve and authorize Chair to sign the First Amendment to the Gender Specific Program Contract number CJJP-18-6-001 between Juvenile Court Services for the 6th Judicial District of Iowa and Linn County effective October 1, 2018.

Authorize Chair to sign Work Statement 1.6 (renewal agreement) with IMON for internet services for the IT Department, for a term of 36 months in the amount of \$700.00 per month (unchanged).

Authorize Chair to sign Work Statement 1.5 (addendum agreement) with IMON for redundant internet services at the disaster recovery site for the IT Department, for a term of 60 months in the amount of \$55.00 per month.

Approve and authorize Chair to sign a Farm Lease Agreement between Linn County, Carson Farms, LLC, and Picket Fence Family Farms, LLC for real estate in Linn County located near the intersections of Mount Vernon Road SE and Highway 13, and Cottage Grove Parkway and Highway 13, commonly referred to as the Dows Farm, for an initial one year period beginning March 1, 2019 subject to annual renewals, in the amount of \$64,250.

Approve and authorize Chair to sign FY19 Linn County Agreement contract between Linn County, Iowa and MH/DS of the East Central Region for \$75,000 for costs incurred for project management services for the Access Center. This amount was previously approved and awarded to Linn County in the Spring 2018 through the East Central Region Fund Balance Application process.

Authorize Chair to sign purchase order #5498 for \$6,500 to Ament Design for design services for the skylight at the Courthouse.

Authorize Chair to sign purchase order #5499 for \$5,900 to Ament Design for design services for the railing repair at the Courthouse.

Motion by Rogers, seconded by Houser to set a public hearing for Monday September 24, 2018 at 9:00 a.m. to name a private lane within Western as Wilson Court.

Stephanie Lientz, Planning & Development, met with the Board to discuss the recommendation to the Iowa Department of Natural Resources (IDNR) regarding Case JCAFO18-0001, Construction Permit Application for the expansion of an existing Confinement Feeding Operation; Patricia A. Webster Living Trust, applicant, located at 5558 Alice Road. She stated that their recommendation is to approve the application. They have received no oral or written comments.

Motion by Rogers, seconded by Houser to approve recommendation to Iowa Department of Natural Resources (IDNR) regarding Case JCAFO18-0001, Construction Permit Application for the expansion of an existing Confinement Feeding Operation; Patricia A. Webster Living Trust, applicant, located at 5558 Alice Road.

Garth Fagerbakke, Facilities Mgr., met with the Board to discuss the award of contract for the Linn County Facilities Maintenance Building (O'Brien Building) Improvements Project. He recommends awarding the contract to Garling Construction in the amt. of \$569,800 (base bid) with no alternates at this time.

Motion by Houser, seconded by Oleson to award contract to Garling Construction in the amt. of \$569,800 for the Linn County Facilities Maintenance Building (O'Brien Building) Improvements Project.

Public Comment: Supervisor Walker thanked Treasurer Gonzalez and Deputy Bearrows for attending a neighborhood meeting to explain property tax bills and special assessments Monday night.

Motion by Rogers, seconded by Houser to approve payment to ASAC in the amt. of \$5,337.94; ACH in the amt. of \$1,169,535.81 (including segregated JP Morgan claims) and \$11,356.67.

Motion by Rogers, seconded by Walker to approve payment to Supervisor Houser in the amt. of \$42.37. VOTE: Harris, Rogers, Walker, Oleson - Aye Houser - Abstain

Motion by Houser, seconded by Rogers to approve payment to Supervisor Rogers in the amt. of \$300. VOTE: Harris, Houser, Walker, Oleson - Aye Rogers - Abstain

The Board received and placed on file correspondence from Lederer Weston Craig PLC regarding Springville annexation.

Motion by Rogers, seconded by Houser to appoint Bob Hebl to the LCCS Board to fill interim term expiring June 2019.

Motion by Rogers, seconded by Houser to enter into a closed session pursuant to Iowa Code § 21.5(1)(j) to discuss the purchase or sale of real estate.

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

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

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

Adjournment at 10:41 a.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson
Board of Supervisors