

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, OCTOBER 24, 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 Oleson to remove agreement with Holly Parish from the Consent Agenda.

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

Resolution 2018-10-147

WHEREAS, it is desired to transfer monies from the General Basic fund and Rural Services fund to the Secondary Roads fund 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:

The sum of \$945,273 is ordered to be transferred from the General Basic fund to the Secondary Roads fund and \$2,302,848 is ordered to be transferred from the Rural Services fund to the Secondary Roads fund, as allowed under the Code of Iowa maximum transfer limits.

The above and foregoing resolution was adopted by the Board of Supervisors of Linn County, Iowa, on October 24, 2018, the vote thereon being as follows:

Resolution 2018-10-148

WHEREAS, it is desired to transfer monies from the General Basic fund to the Conservation Reserve fund 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 \$750,000 is ordered to be transferred from the General Basic fund to the Conservation Reserve fund in accordance with the strategic plan adopted by the Conservation Board and funded at \$250,000 annually, in addition to the \$500,000 fiscal year 2013 approved offer for ongoing funding to the Conservation Reserve fund.

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 October 24, 2018, the vote thereon being as follows:

Resolution 2018-10-149

WHEREAS, it is desired to transfer monies from the General Basic fund to the Capital Projects fund 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:

The sum of \$1,450,488 is ordered to be transferred from the General Basic fund to the Capital Projects fund for the remainder of the annual capital improvement plan funding.

The above and foregoing resolution was adopted by the Board of Supervisors of Linn County, Iowa, on October 24, 2018, the vote thereon being as follows:

Resolution 2018-10-150

WHEREAS, it is desired to transfer monies from the General Supplemental fund to the General Basic fund 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 \$5,000,000 is ordered to be transferred from the General Supplemental fund to the General Basic fund to replace FICA, IPERS, and insurance costs paid from the General Basic fund.

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 October 24, 2018, the vote thereon being as follows:

Resolution 2018-10-151

A Resolution approving a three lot final plat to be named Schwiebert First Addition.

The following description is a summary of Resolution No. 2018-10-151 as passed and approved by Linn County Board of Supervisors, effective October 24, 2018.

Schwiebert First Addition (Case # JLPS18-0002) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and outlot A has been filed for approval, a subdivision of real estate located in the SE NE of Section 8, Township 83, Range 5, west of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the SW corner of said SE ⁴/₄ NE ¹/₄; thence N00° 043' 125"W along the west line of said SE ¹/₄ NE Yd, 1323.78 feet to the NW corner of said SE ¹/₄ thence N87° 054' 48"E along the north line of said SE ¹/₄ NE ¹/₄, 1340.29 feet to the NE corner of said SE ¹/₄ NE 74, thence S00° 34' 138"E along the east line of said SE ¹/₄ NE ¹/₄, 1326.65 feet to the E Yd corner

of said Section 8; thence S88 ° 01'58"W along the south line of said SE 1/4 NE 6/4, 1336.83 feet to the Point of Beginning, containing 40.71 acres which includes 295 acres of road right of way. 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, Page 2
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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 2018-10-152

A Resolution approving a two lot residential parcel split to be named Buck First Addition. The following description is a summary of Resolution No. 2018-10-152 as passed and approved by Linn County Board of Supervisors, effective October 24, 2018.

Buck First Addition (Case # JF18-0020) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A, a subdivision of real estate located in the SE SW of Section 3, Township 83 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the SW Corner of the SE 1/4 SW 1/4 of Section 3-T83N-R5W, thence NOI ° 0722"W along the West line of said SE 1/4 SW 1/4, 695.00 feet; thence S54 ° 13'48"E, 362.60 feet; thence SOI ° 07 ° 1 22'E, 475.00 feet to a point on the South line of said SE 1/4 SW 1/4; thence S88 ° 25'04"W along said South line, 290.00 feet; to the Point of Beginning; containing 3.89 acres which includes 0.33 acres of road right of way.

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 2018-10-153

A Resolution approving a three lot final plat to be named Hardeman First Addition. The following description is a summary of Resolution No. 2018-10-153 as passed and approved by Linn County Board of Supervisors, effective October 24, 2018.

Hardeman First Addition (Case # JF18-0007) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and outlot A, has been filed for approval, a subdivision of real estate located in the NESE of Section 18, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the West 1/4 corner of said Section 17; thence N89°43'39 " E along the south line of said SW 1/4 NW 1/4, 637, 1 0 feet to the centerline of Rosedale Road; thence N-ly along said centerline on an arc of 128.65 feet of a 277.27-foot radius curve to the left having a chord length of 127.50 feet bearing N 12 ° 59'53"E, thence N00 ° 20'50 "IW along said centerline, 216.72 feet to the south line of Rosedale Second Addition to said County if extended easterly; thence S89 ° 43'32"W along said south line and its easterly extension, 665.97 feet to the SW corner of said Rosedale Second Addition; thence S89 ° 50'09"W along the east line of Meffert's First Addition to said County, 38259 feet; thence S00 ° 09 ° 27"E along said east line, 683.80 feet, thence S88°43'01"E along said east line, 387.75 feet to the east line of said NE 1/4 SE 1/4; thence N00 ° 53'56"W along the east line of said NE 1/4 SE 1/4, 353.38 feet to the Point of Beginning containing 1 1,26 acres which includes 0.40 acres of road right of way.

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

Authorize Chair to sign purchase order #5501 for \$4,893.50 to Time Access Systems Inc. for a key access system for the Juvenile Detention Center.

Authorize Chair to sign Pre-Employment Training Agreement for Caleb Bullard, a new employee of the Linn County Sheriff's office, in the amount of \$30,066.46.

Authorize Chair to sign Pre-Employment Training Agreement for Colton Desmarais, a new employee of the Linn County Sheriff's office, in the amount of \$27,334.23.

Authorize Chair to sign Pre-Employment Training Agreement for Devon Kregel, a new employee of the Linn County Sheriff's office, in the amount of \$34,314.23.

Authorize Chair to sign Pre-Employment Training Agreement for Dmitry Nikolaev, a new employee of the Linn County Sheriff's office, in the amount of \$27,334.23.

Authorize Chair to sign Pre-Employment Training Agreement for Jonas Mason, a new employee of the Linn County Sheriff's office, in the amount of \$30,066.46.

Authorize Chair to sign Pre-Employment Training Agreement for Katelyn Canby, a new employee of the Linn County Sheriff's office, in the amount of \$23,082.46.

Authorize Chair to sign Pre-Employment Training Agreement for Patrick O'Hare, a new employee of the Linn County Sheriff's office, in the amount of \$30,066.46.

Authorize Chair to sign Pre-Employment Training Agreement for Renee Sheely, a new employee of the Linn County Sheriff's office, in the amount of \$30,066.46.

Authorize Chair to sign Pre-Employment Training Agreement for Shiloh Herr, a new employee of the Linn County Sheriff's office, in the amount of \$30,066.46.

Authorize Chair to sign Pre-Employment Training Agreement for Spencer Rowell, a new employee of the Linn County Sheriff's office, in the amount of \$34,314.23.

Authorize Chair to sign Pre-Employment Training Agreement for Timothy Miller, a new employee of the Linn County Sheriff's office, in the amount of \$34,314.23.

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Authorize Chair to sign Pre-Employment Training Agreement for Tyler Annis, a new employee of the Linn County Sheriff's office, in the amount of \$27,334.23.

Authorize Chair to sign Pre-Employment Training Agreement for Tyler Blaha, a new employee of the Linn County Sheriff's office, in the amount of \$25,302.09.

Authorize Chair to sign Pre-Employment Training Agreement for Tyler Rowell, a new employee of the Linn County Sheriff's office, in the amount of \$30,066.46.

Authorize Chair to sign Pre-Employment Training Agreement for Zachary Buehler, a new employee of the Linn County Sheriff's office, in the amount of \$29,527.92.

At this time the Board discussed the sample ballot mailing that the Auditor's Office sent out. It was noted that Auditor Miller was invited to the meeting to give an update and to answer some questions. Auditor Miller declined to attend and cited Code of Iowa Chapter 53.10. As such, electioneering, i.e., anyone making negative or positive comments about any candidate on the November 6th ballot is prohibited by Code of Iowa Chapter 39A.4.

Supervisor Walker and Rogers expressed their concerns regarding the Auditor's lack of urgency in this matter and not allowing for the number of returned voted sample ballots to be known to them. They noted that there is no other office that can provide that information.

Public Comment: Supervisor Oleson expressed his disappointment in Auditor Miller noting that he was contacted by parents that had Linn Mar students involved in "March for Our Lives" at NewBo City Market and told to leave by Auditor Miller. Oleson also stated that Miller is collecting the mail himself and shredding the voted sample ballots.

Democratic Chairperson Bret Nilles stated that he and all parties are of the opinion that Auditor Miller is not taking enough action to address the sample ballot issue in term of notifying the public that they are sending in sample ballots that will not be counted.

Stacey Walker, 716 East Post Crt. SE, stated that the NAACP's candidate forum was scheduled to be held at the Cedar Rapids Public Library but were kicked out by the Auditor. They found space in the basement of a church. He also stated that he was minding his own business and eating in the lobby of the library and was told by Miller's staff to leave as he was electioneering.

Motion by Houser, seconded by Walker to approve Claims #70605225-#70605294 in the amt. of \$70,871.65; ACH in the amt. of \$1,233,521.57 and payment to ASAC in the amt. of \$4,274.51.

The Board received and placed on file two emails between Supervisor Rogers and Auditor Miller regarding sample ballot mailing.

Motion by Rogers, seconded by Houser to rescind motion appointing Steve Emerson to the Building Board of Appeals, term ending 2020.

Motion by Houser, seconded by Rogers to appoint Steve Emerson to the Building Board of Appeals, term ending 2019.

Adjournment at 10:26 a.m.

Respectfully submitted,

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

Approved by:

JOHN HARRIS, Chairperson
Board of Supervisors