

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MARCH 4, 2020 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center.
Present: Chairperson Rogers (via phone), Vice Chairperson Oleson and Supervisor Walker. Board members voting "AYE" unless otherwise noted.

Vice Chairperson Oleson called the meeting to order and led the pledge of allegiance.

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

Receive and place on file the Sheriff's Quarterly Report for October 1 to December 31, 2019 totaling \$1,476,794.

Resolution 2020-3-28

A Resolution approving a preliminary plat to be named Rolling Acres Greens Addition. The following description is a summary of Resolution 2020-3-28 as passed and approved by Linn County Board of Supervisors, effective March 4, 2020. A part of the West ½ of the NE FRL ¼ and of the East ½ of the NW FRL ¼ of Section 5, Township 85 North, Range 8 West of the 5th Principal Meridian, Linn County, Iowa described as follows; Beginning at the N ¼ Corner of said Section 5; thence N89°52'52"E along the north line of said NE FRL ¼, 515.56 feet; thence S00°33'04"W, 1790.88 feet; thence S87°12'57"W, 870.57 feet to the centerline of Rolling Acres Road; thence N21°34'05"W along said centerline, 281.91 feet; thence N19°36'05"W along said centerline, 1389.90 feet; thence NW-ly along said centerline on an arc of 169.75 feet of a 282.00 foot radius curve to the left, having a chord length of 167.20 feet, bearing N32°14'35"W; thence N44°53'05"W, along said centerline 181.48 feet; thence S89°31'46"E along the north line of said NW FRL ¼, 1158.43 feet to the Point of Beginning, containing 50.98 acres which includes 1.85 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 2020-3-29

A Resolution approving a one lot final plat to be named Stallman's Third Addition. The following description is a summary of Resolution 2020-3-29 as passed and approved by Linn County Board of Supervisors, effective March 4, 2020. Commencing as a point of reference at the NE Corner of said SE ¼ NW FRL ¼; thence S88°48'20"W along the north line of said SE ¼ NW FRL ¼, 647.53 feet to the Point of Beginning; thence S01°57'07"E, 457.00 feet; thence S88°50'12"W, 621.79 feet; thence N03°37'06"W, 457.04 feet to said north line; thence N88°48'20"E along said north line, 635.07 feet to the Point of Beginning, containing 6.59 acres which includes 0.58 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 2020-3-30 ESTABLISH STOP REGULATIONS(SUPERCEDES RESOLUTION 1979-12-233)
WHEREAS, the following intersections located in Linn County have been reviewed by the Linn County Secondary Road Department; and,
WHEREAS, the Linn County Board of Supervisors previously passed and approved Resolution 1979-12-233 stopping westbound traffic on Commune Court and Macon Drive at the intersection with Blairs Ferry Road; and,
WHEREAS, the Linn County Board of Supervisors desires to repeal and replace Resolution 1979-12-233 to revise the direction of traffic to stop.
NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that Resolution 1979-12-233 is hereby repealed and replaced with this resolution.
BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the Secondary Road Department place a stop sign at the following location.
Stop eastbound traffic on Commune Court and Macon Drive at the intersection with Blairs Ferry Road in section 26-84-8.
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 2020-3-31 ESTABLISH STOP REGULATIONS (SUPERCEDES RESOLUTION 1996-1-14)
WHEREAS, the following intersection located in Linn County has been reviewed by the Linn County Secondary Road Department; and,
WHEREAS, the Linn County Board of Supervisors previously passed and approved Resolution 1996-1-14 stopping eastbound traffic on Plumberry Road at the intersection with Honey Grove Road; and,
WHEREAS, the Linn County Board of Supervisors desires to repeal and replace Resolution 1996-1-14 to revise the direction of traffic to stop.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that Resolution 1996-1-14 is hereby repealed and replaced with this resolution.

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BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the Secondary Road Department place a stop sign at the following location.

Stop westbound traffic on Plumberry Road at the intersection with Honey Grove Road in section 7-82-6 and 12-82-7.

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.

Approve and authorize Chair to sign a three year service agreement with Shred-it for the handling of the County's shredding needs

Approve and authorize Chair to sign an Agreement between Linn County and Septagon Construction Co., Inc. for the LIFTS Relocation project in the amount of \$390,000

Approve and authorize Chair to sign contracts between Linn County and the Abbe Center for Community Mental Health, the Area Substance Abuse Council, Foundation 2, and Penn Center, Inc. for Mental Health Access Center services from July 1, 2020 through June 31, 2021.

Approve and authorize Chair to sign a project agreement between Linn County and the Troy Mills Cemetery Association of Linn County. Linn County will haul and spread rock on an interior road and the Troy Mills Cemetery Association will reimburse the county.

Approve Class B Beer Permit for Kernels Concessions - Prospect Meadows, 1850 Prospect Drive, noting all conditions have been met.

Approve Class B Beer Permit for Kernels Concessions, 7251 Mt. Vernon Rd. SE, noting all conditions have been met.

Motion by Rogers, seconded by Walker to approve minutes of March 2, 2020 as printed.

Motion by Walker, seconded by Rogers to open a public hearing on the Fiscal Year 2021 SF 634 Max Levy Notice.

Sara Bearrows, Budget Dir., presented proof of publication and proof of posting on social media website (Facebook and Twitter). There were no oral or written objections.

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

Motion by Walker, seconded by Rogers to adopt resolution 2020-3-32

A RESOLUTION APPROVING FISCAL YEAR 2021

MAXIMUM PROPERTY TAX DOLLARS

WHEREAS, the Linn County Board of Supervisors have considered the proposed fiscal year 2021 county maximum property tax dollars for both General County Services and Rural County Services; and,

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on the county web site and/or social media accounts; and,

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 4, 2020,

NOW, BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that the maximum property tax dollars for General County Services and Rural County Services for fiscal year 2021 shall not exceed the following:

General County Services	\$ 63,353,997
Rural County Services	\$ 4,559,011

The maximum property tax dollars requested in either General County Services or Rural County Services for fiscal year 2021 represents an increase of more than 102% from the maximum property tax dollars requested for fiscal year 2020.

Motion by Walker, seconded by Rogers to authorize publication of proposed Fiscal Year 2021 budget and set public hearing date and time for March 25, 2020 at 10:00 a.m.

Motion by Rogers, seconded by Walker to open a public hearing for a proposed Ordinance Regulating the Operation of All-Terrain Vehicles and Off-Road Vehicles in Linn County, Iowa.

Rick Ness, 2195 Pleasantview Dr., Marion, stated that by passing this ordinance it would be a shot in the arm for "mom and pop shops". This weekend is predicted to be warm and the ATV park in Johnson County will be congested because there is no other place for them to go. It would also have a huge economic impact for small towns.

Supervisor Walker stated that someone that attended the public hearing last night mentioned an economic impact survey and he would like a copy.

Karen Thornton, 1630 Big Creek Rd., Mt. Vernon, stated that she is a lifelong resident of Linn County and gave up her public health degree due to sorrows of those killed in

ATV accidents. She has attended the ATV Task Force meetings and there have been serious injuries from off road vehicles (most are caused by tipping hazards). These

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machines are made for off road terrain and are difficult to control at road speeds. There needs to be an expansion of parks and trails for these vehicles.

Supervisor Walker stated that he has received her email. He stated that it sounds like she is not opposed to these vehicles but would just like to see them in the spaces designated for them rather than county roads. He stated that they are also checking on the legality of mandating helmets.

Charles Jennissen, 2841 Skyview Dr. NE, Swisher, stated that he is a physician and his duty is to try to inform governing bodies of the safety of these vehicles on roadways. He stated that these vehicles travel at least 45 mph (UTV's travel less than 25 mph). They are recreational off-road vehicles and that over 60% of fatalities are due to use on public roadways. There have been no improvements made to these vehicles over the past 10 years. They are not designated for roadway use and manufacturers say that. He grew up on a farm and road one on the farm.

Supervisor Walker stated that he has received his email. He asked if the operators involved in fatalities were wearing helmets and Jennissen responded that the majority had head trauma and helmet use is very low. He does not recommend passing this ordinance as is.

Casey Bowman, 475 B. Ave. NE, Walford, asked Dr. Jennissen if he wore a helmet while riding on the farm and Jennissen responded that he did not. He was on his own property.

Michael Hansen, 133 Wellesley Ct NW, Cedar Rapids, stated that he is in favor of ordinance. He and his family will be going to Tennessee for spring break and play with the side by sides there. He would like to see more done in the State of Iowa and the County for places to ride them. He hopes towns in Linn County will pass an ordinance as well. He stated that he also rides a motorcycle and does not wear a helmet. When his grandchildren are in the side by side they wear helmets and goggles. He believes in educating people and they can make their own decisions on helmets.

Ryan Shoop, Troy Mills, stated that he is 100 % behind this ordinance. It provides opportunities for local residents as well as for out of state's. He stated that there was a lot of talk last night about going out of state to ride. People in Wisconsin might be looking for a different place to ride, and why not Iowa. He also stated that they are paying 7% sales tax on these units (\$25,000-\$30,000 units) and registrations and can't use the roadways. There are many people that use the roadways that do not pay registration fees and insurance. It's an expensive hobby and people that enjoy doing it will spend money for gas, food, lodging and there are lots of ways that it will benefit the county.

Bonnie Hansen, 9401 Linn-Benton Rd., Fairfax, stated that she has a Ranger. She also has land in Iowa County and she is allowed to ride there. She is 101% for this ordinance.

Nicholas Stange, 413 S. Johnson St., Iowa City, stated that he is a Research Intern for emergency medicine with the University of Iowa. He stated that someone last night warned the Board to not listen to their data. He stated that the information is data driven and unbiased. He stated that the research data sent to the Board yesterday demonstrates increased risk to operate ATV's on roads that they were never designed for. He asked if an assessment has been done to evaluate the safety of the roads.

Supervisor Oleson responded that there is a page in the Ordinance listing the roads that are restricted based on the Code of Iowa. They are looking at balancing many different factors.

Rick Ness stated that a comment was made that there have been no improvements made to these vehicles over the last 10 years. He stated that he watched a 2019 video where a guy rolled down a rock hill and walked away from it because the vehicle has roll bars and other safety features. He also questioned the safety data being presented. What is the age? Are young kids riding UTV's that are too big for them?

Supervisor Walker stated that he is trying to learn as much as he can. He asked if they were outfitted with roll cages and what about helmets.

Ness stated that yes they have roll cages. He works at an ATV park and helmets are required. The average speed is 30-35 mph.

Stange stated that even though there have been improvements made; they still are incompatible for anything other than off road use.

Jarod Bowman, 2415 Westdale Dr., invited the Board to his business and he would show them the vehicles and answer any questions they might have. He stated that the majority of the people at these meetings respect the laws and take it very seriously. He stated that manufacturers are concerned about the safety as well and he would like to know what it will take to make everybody happy.

Marcus Jasa, 1012 E Ave NW, stated that the advancements in these vehicles over the last 10 year has grown more than anyone can imagine. The controls are not unlike
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vehicles noting that there is an extreme amount of engineering, design and testing that goes into these vehicles (roll cages make them extremely safe).

Al Fear, 447 Seneca Rd., Swisher, stated that he is in law enforcement and looking at the ordinance, it is very well written. He especially likes the requirement that ages 18 and under must take and pass an education course. He is in favor of the ordinance. The people in favor of this ordinance are very passionate people. They are not renegade outlaws spinning circles on gravel roads. The cost of these vehicles is extensive and they are serious about what they do and respect the laws. Fear suggested that all of the Supervisors get ahold of some of these people and ride one. Go out there and get a firsthand experience when they turn or accelerate and experience it for themselves. He stated that he can bring those studies about vehicle and motorcycle crashes, it's not the vehicle, it's the driver. He recommended that they make the fine substantial to send a message.

Mark Heffernen, 11023 1st, Palo, stated that he is very much in favor of the ordinance. He has one side by side and three ATV's. It's a fun family affair. He owns a farm in Buchanan County and many of the surrounding counties have an ordinance. Last night someone said 51 counties in Iowa allows this type of ordinance. He stated that most of his dollars leave the state and that's a common theme. Regulating it and policing it is good. Side by sides don't need a helmet. They don't take away snowmobiles when someone dies and they have free reign. If the ordinance passes, he would like for the Board to consider something for crossing the rivers.

Cole Wymore, 520 Eastbury Dr., Iowa City, stated that everyone has brought up good points today regarding the economic benefits, but they should also look at an individual family when there is an accident and the economic burden on them. These vehicles are not designed for roadway use especially with the tires. He is not in favor.

Joe McEvoy, 5542 Hills Mill Rd., Central City, thanked the Board for considering the ordinance. He referenced D62 which is not restricted and runs through Coggon, Troy Mills and Walker. He invited the supervisors to his farm to see how it is used in a farm setting. He also stated that he is a good judge as to whether or not he or his children should wear a helmet.

Charles Jennissen stated that there are still older model off road vehicles that are being use. Manufactures have cautions for passengers. Enforcement is very difficult. He also finds it interesting that there is no published data or a journal that shows the economic impact.

Jeremy Stolba asked about statistics that Mr. Jennissen is providing. Does it take into consideration, ages, size of vehicles? The information that he is giving is construed. His recommendation is to get a club and get self-enforcement. Cedar County gave out 20 violations before they passed their ordinance and now there are very few. He has forwarded an economic impact study to the Board.

Supervisor Oleson stated that the Board appreciates receiving all kinds of information and his job is to weigh and consider a variety of facts.

Teresa Sackett, Central City, stated that while writing the ordinance, she followed DNR laws. Roads are already permitted for agricultural uses. Concerns voiced about safety issue including bicycles and motorcycles. She lost her son in a motorcycle accident. There will always be accidents. It is your choice to ride a motorcycle, plane, bicycle, motorcycle, etc. There are always going to be accidents. She stated that their goal is to create an ordinance to allow these machines to be used legally. The Ordinance has a speed limit of 35 mph per Iowa Code. Counties or cities can write their own ordinances but have to follow the DNR code. She encouraged the Board to visit the business that was offered to them and she invited them to her home as well.

Supervisor Oleson submitted the following emails and some of some of his own research as a part of this public hearing's record: Jennifer Dunn (support); Adam Dake (support); Rob Merritt (support); Ron Benhart (support); John Godar (support); Tanner Wellik (support); Loren & Amy Lacy (support); Karen Thornton (opposed); Gerene Denning (opposed); Steve Gannon (opposed) and County Engineer Brad Ketels.

Supervisor Walker thanked everyone for sharing their thoughts and opinions. A lot of folks in the community are very passionate on this issue and he appreciates everyone educating the Board. He also appreciates those who have come into this to speak when they know a lot of folks disagree with them. There have been a number of issues that this Board has had to decide on over the years and very few issues draw this much public attention. He is appreciative of how folks have come together to talk about his issue in a civil manner especially with the passion and personal stories. He has a lot of questions and he would appreciate it if they could find a way to give the Board a few weeks to get these questions answered and get some follow-up. The Board has also been offered the opportunity to see the vehicles. He doesn't want to delay indefinitely.

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

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Supervisor Oleson stated that he is not comfortable to move on a first reading today. He and Teresa Sackett have worked on this for over a year and he wants to get it right. They brought in a lot of stakeholders (County Engineer, Sheriff, DNR). He supports this ordinance and the idea of having these vehicles on certain county roads. He wants to make it the best possible version of that. The Board cannot debate among themselves being a three member board. He appreciates all of the comments and wants everyone to know that he supports the ordinance but with a few amendments.

Supervisor Walker signaled that he has a few areas that could be strengthened and they need to explore the legality of mandating helmets under the age of 18. He also wants to check on the penalty division to see if they have reached their statutory limits of fines and is there a legal way to mandate more education. They need to look at what they can do to educate the youngest users.

Supervisor Rogers stated that he is at a FEMA drill and he too appreciates all of the comments last night and today. It is good to hear a balance. Supervisor Oleson is signaling his support, Supervisor Walker is looking at safety issues etc. and it is hard for him to move off of his stand on safety. Mopeds, motorcycles and bicycles are

designed for road surfaces, these vehicles are not. It would take a lot to convince him that it will make roads as safe. He will be against it.

The first consideration of this ordinance will be rescheduled.

Sara Bearrows, Budget Dir., presented a request to increase Township Officials wages from \$12.50 to \$15.00 per hour. There is money in the budget.

Motion by Rogers, seconded by Walker to approve increasing Township Officials wages from \$12.50 to \$15.00 per hour effective today.

Garth Fagerbakke, Facilities Manager, presented a notice of award of contract for the Linn County Fillmore Building Reroofing project to go to Garling Const.

Motion by Walker, seconded by Rogers to approve recommendation for a notice of award of contract for the Linn County Fillmore Building Reroofing project to go to Garling Const.

Discussion: Supervisor Oleson asked if this was just for the base bid or where there alternates included.

Fagerbakke stated that no alternates are included.

VOTE: All Aye

Motion by Walker, seconded by Rogers to approve Claims #70613086-#70613207 in the amt. of \$166,877.23; ACH in the amt. of \$1,387,351.25; Area Ambulance \$4,756.00 and ASAC in the amt. of \$808.55.

Adjournment 11:30 a.m.

Respectfully submitted,

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

Approved by:

BEN ROGERS, Chairperson
Board of Supervisors