

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, JANUARY 9, 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, Supervisor Oleson. Board members voting "AYE" unless otherwise noted.

Chairperson Walker called the meeting to order and led the Pledge of Allegiance.

Public Comment: Robin Kash, 1806 Grande Ave SE, Cedar Rapids, spoke with regard to the Master Matrix Resolution that is on today's agenda to address his concerns about CAFO's. He highlighted the impact on the quality of life and health concerns due to the aroma that comes with CAFO's. Kash acknowledged that Iowa Code provides for the Board to inspect construction of the operations and they do not have a lot of control. He is looking forward to their adoption of the Master Matrix and then he has another item he will address during the second public comment portion of the meeting.

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

Resolution 2019-1-5

ADOPT DOCUMENTS PERTAINING TO LINN COUNTY'S COMPLIANCE WITH TITLE VI PROVISIONS OF THE CIVIL RIGHTS ACT OF 1964.

WHEREAS, Linn County has been a recipient of federal financial assistance from the U.S. Department of Transportation; and

WHEREAS, in receiving such financial assistance Linn County is mandated to comply with the provisions of Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Iowa Department of Transportation has directed Linn County to adopt certain documents and put certain programs into place in order to comply with Title VI of the Civil Rights Act of 1964; and

WHEREAS, in order to continue receiving federal financial assistance from the U.S. Department of Transportation the adoption of certain documents and establishment of certain programs is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County that:

1. The County Engineer is hereby designated the Title VI Coordinator for Linn County.
2. The Linn County Title VI Non-Discrimination Agreement is hereby adopted and that the Chairman of the Board of Supervisors and Title VI Coordinator are authorized to sign said agreement where required.
3. The Standard DOT Title VI Assurances are hereby adopted and that the Chairman of the Board of Supervisors is authorized to sign said document where required.
4. The Title VI Notice to the Public is hereby adopted and shall be posted where other public notices are displayed in the Linn County Public Service Center and County Engineer's Office. Furthermore, said notice shall be placed on the County's official website.
5. The Title VI Coordinator is authorized to take any other actions necessary and/or recommended by the Iowa Department of Transportation, U.S. Department of Transportation, or other designated authority to comply with the provisions of Title VI of the Civil Rights Act of 1964.

Resolution 2019-1-6

ESTABLISH SPEED LIMIT

WHEREAS, portions of Shellsburg Road and Covington Road are located in the city of Palo and unincorporated Linn County, and

WHEREAS, it is good engineering practice to provide uniform, consistent speed limits. 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 changing the speed limit as follows:

45mph on Shellsburg Road from west city limits to Blairs Ferry Road in sections 19 & 20-84-8.

45mph on Covington Road from just south of 2700 Covington Road north to the Palo city limits in section 29-84-8.

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 2019-1-7

ESTABLISH ROAD CLOSURE AND DETOUR

WHEREAS: The University of Iowa will be conducting autonomous vehicle testing on Ely Road (W6E) between Wright Brothers Blvd and 76<sup>th</sup> Ave Dr. SW in Linn County.

WHEREAS: this testing involves 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 Ely Road (W6E) and Wright Brothers Blvd (E70), head west on Wright Brothers Blvd 1.9 miles to C Street Road SW, then north on C Street Road SW 1.0 miles to 76<sup>th</sup> Ave Drive SW, then east on 76<sup>th</sup> Ave Drive SW 1.2 miles 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 2019-1-8

SUPPORT FOR NON-TRAIL PROJECTS - CORRIDOR MPO

Authorizing application to Corridor Metropolitan Planning Organization for regional transportation funds and committing to provide local matching funds contingent upon award and acceptance of transportation grant funds.

WHEREAS, the County of Linn, Iowa is applying to the Corridor Metropolitan Planning Organization for \$800,000 of federal Surface Transportation Block Grant (STBG) to construct a roundabout at the intersection of County Home Road and C Avenue Extension. WHEREAS, the County has the legal jurisdiction and authority to construct, finance, operate, and maintain the proposed facility within Linn County.

NOW THEREOFRE BE IT RESOLVED BY THE COUNTY OF LINN, IOWA, as follows:

That the County of Linn, Iowa agrees to conform with the regulations, statutes, terms, and conditions described in the application and instructions.

Comply with conditions of accepting transportation funding from the Corridor Metropolitan Planning Organization.

That the County commits to provide the matching funds of \$200,000 proposed in the funding application contingent upon award, and acceptance, of federal STBG funding for the above mentioned project. The County of Linn is under no obligation to perform said project if Linn County's application for funding is not approved.

That if federal STBG or TA funds are approved for the above mentioned project, the required local matching funds will be included in the future Capital Improvements Program, and the County will adequately maintain the project for its intended public use for a minimum of twenty years following completion.

Resolution 2019-1-9

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$6,735,000 GENERAL OBLIGATION LAND AND WATER LEGACY BONDS, SERIES 2019A, AND DIRECTING THE LEVY OF TAXES TO PAY THE SAME.

On January 9, 2019, the Linn County, Iowa Board of Supervisors adopted Resolution No. 2019-1-9, effective upon adoption, entitled "Resolution providing for the issuance of \$6,735,000 General Obligation Land and Water Legacy Bonds, Series 2019A, and directing the levy of taxes to pay the same." The following description is a summary of the provisions of that Resolution.

On November 8, 2016, the voters of Linn County approved a ballot proposition calling for the issuance of general obligation bonds in an amount not exceeding \$40,000,000 in order to finance water and land conservation and park and outdoor recreation projects. Resolution No. 2019-1-9 authorizes the issuance of \$6,735,000 of the total authorized amount of \$40,000,000.

Resolution No. 2019-1-9 provides that principal installments of the \$6,735,000 General Obligation Land and Water Legacy Bonds will be paid on June 1 in each of the years 2020 to and including 2038. Accrued interest on the unpaid principal amount will be paid on June 1 and December 1 of each year. Resolution No. 2019-1-9 also provides that, for the purpose of paying principal of and interest on the \$6,735,000 General Obligation Land and Water Legacy Bonds, debt service property taxes be levied and collected from all taxable property in Linn County in each fiscal year beginning July 1, 2019 and continuing to July 1, 2037, in the amount of approximately \$490,000 annually.

The full text of Resolution No. 2019-1-9 may be reviewed in the Linn County Auditor's Office located in the Jean Oxley Public Service Center at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8 am to and 4:30 pm Monday through Friday, or on the Linn County web site at [www.linncounty.org](http://www.linncounty.org).

Resolution 2019-1-10

On January 9, 2019, the Board of Supervisors of Linn County, Iowa adopted Resolution No. 2019-1-10, effective upon adoption, entitled "Resolution providing for the issuance of \$1,500,000 General Obligation County Building Bonds, Series 2019B, and directing the levy of taxes to pay the same." The following description is a summary of the provisions of that Resolution.

Resolution No. 2019-1-10 authorizes the issuance of \$1,500,000 General Obligation County Building Bonds for the purpose of acquiring and remodeling a building for use by the Linn County Transportation Department in connection with the operation of the LIFTS program.

Resolution No. 2019-1-10 provides that principal installments of the \$1,500,000 General Obligation County Building Bonds will be paid on June 1 in each of the years 2020 to and including 2038. Accrued interest on the unpaid principal amount will be paid on June 1 and December 1 of each year. Resolution No. 2019-1-10 also provides that, for the purpose of paying principal of and interest on the \$1,500,000 General Obligation County Building Bonds, debt service property taxes will be levied and collected from all taxable property in Linn County in each fiscal year beginning July 1, 2019 and continuing to July 1, 2037, in the amount of approximately \$108,000 annually.

The full text of Resolution No. 2019-1-10 may be reviewed in the Linn County Auditor's Office located in the Jean Oxley Public Service Center at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8 am to and 4:30 pm Monday through Friday, or on the Linn County web site at [www.linncounty.org](http://www.linncounty.org).

Approve and authorize Chair to sign contract between Linn County and MH/DS of the East Central Region for the Transportation Access Program in the amount of \$5,000 retroactive to July 1, 2018.

Approve and authorize Chair to sign purchase order #5512 for \$9,947.00 to Schumacher for emergency repair service to the elevator in the correctional center.

Approve Premises Update for the Indian Creek Nature Center permitting Rachel Hackett to provide liability coverage for their event on February 2, 2019.  
Motion by Rogers, seconded by Oleson to approve minutes of January 7, 2018 as printed.

Motion by Rogers, seconded by Oleson to adopt Resolution 2019-1-11

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 fraction quarter, Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa as shown in exhibit "A" attached hereto by this reference made a part hereof and described as follows:

The west 33 feet of the former Bridge Street right-of-way from the northwesterly Boy Scouts Road right-of-way line to the north right-of-way line of the former 4<sup>th</sup> Street;  
All of the former West Street right-of-way lying north of the centerline of the former 2<sup>nd</sup> Street;

All of the former 4<sup>th</sup> Street right-of-way lying west of the centerline of former Bridge Street;

All of the former 3<sup>rd</sup> Street right-of-way lying west of the northwesterly Boy Scouts Road right-of-way;

The former 2<sup>nd</sup> Street right-of-way from the former West Street to the northwesterly Boy Scouts Road right-of-way line, excepting the south half of the former 2<sup>nd</sup> Street right-of-way from the former West Street to the centerline of the unnamed alley;

The unnamed alley right-of-way from the northwesterly Boy Scouts Road right-of-way line to the north right-of-way of former 4<sup>th</sup> Street, excepting the west half of the unnamed alley right-of-way from the northwesterly Boy Scouts Road right-of-way line to the centerline of former 2<sup>nd</sup> Street.

Said area contains 3.72 acres more or less, subject to easements and restrictions of record.

and

WHEREAS, Ken A Lillig & Kay D Lillig Cotter, 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 Ken A Lillig & Kay D Lillig Cotter, 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 28th day of January, 2019, at 10 o'clock, in the informal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2<sup>nd</sup> 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.

Les Beck, Planning & Development, discussed the 2019 Master Matrix Construction Evaluation Resolution noting that it is approved annually.

Motion by Rogers, seconded by Oleson to adopt Resolution 2019-1-12

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2019 and January 31, 2020 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LINN COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Considered and passed on this 9<sup>th</sup> day of January 2019.

Discussion: Supervisor Walker stated that the issue of confined animal feeding operations has become an issue of significance for him. He has heard many legitimate concerns from people who have to live by them and the health of the animals as well as what would happen to the food supply. Walker feels that a lot of the ability for

local boards to regulate and address issues has been preempted. The Master Matrix process is the best tool for the Board to make sure that both parties on either side are being honest and the Board is doing the best they can with the tools they have available in local government. He is supportive of the resolution.

VOTE: All Aye.

Lisa Pakkebier, REM Iowa, discussed a letter of support for REM Iowa to build two 8-person facilities and homes for individuals with intellectual disabilities noting that the letter needs to be submitted by the beginning of February.

Supervisor Rogers added that the county is not contributing any money. They are only committing their support of moving forward. The Board will approve Monday.

Garth Fagerbakke, Facilities Mgr., discussed contracts and budget for purchase and installation of the mass notification system in Linn County buildings. This is an approved Capital Improvement project (\$80,000), the system will improve response time, and the accuracy of information provided to the deputies.

Supervisor Walker stated that he would like Fagerbakke to work with the Sheriff and others in regards to response time options. The Board will approve next week.

Darrin Gage, Dir. of Policy & Admin., stated that this is a continuation of a discussion from Monday's meeting regarding the Board of Supervisors meeting schedule.

Motion by Oleson, seconded by Rogers to change the meeting dates effective Monday, January 14<sup>th</sup> for Informal/Formal Board meetings and February for Department Head and Elected Official updates.

Discussion: Supervisor Walker asked Gage to run by the Board's Support Team Auditor Miller's suggestion about a template being provided ahead of the meeting making it public for Dept. Head updates.

Supervisor Oleson added that Dept. Head meetings are important and he does not want them to be limited on what they can and cannot discuss.

VOTE: All Aye.

Public Comment: Robin Kash stated that he is glad the Board took action on the Master Matrix but thinks they can go further and is asking them to do that by revising the Master Matrix and establishing local control. Kash would like the Board to ask the legislature to pass a moratorium regarding the placement of additional CAFO's since they do not need anymore. Kash voiced concerns with the definition of family farming noting that some individuals are doing the right things. There has been a change in the culture and the understanding of what farming is has been reshaped. He hopes that the Board will be aggressive in forwarding their concerns to the legislature to get this Master Matrix in better shape to give the Board some control over what happens in Linn County along with other Supervisor's in their county's.

Motion by Rogers, seconded by Oleson to approve Claims #70606531-#70606624 in the amt. of \$192,263.71 and ACH in the amt. of \$487,192.46.

Board Member Reports - Supervisor Oleson attended the MPO meeting where discussions took place regarding public transit services and what people want.

The Board received and placed on file an email from Chris Behmlander in support of the Master Matrix Construction Evaluation resolution.

Motion by Rogers, seconded by Oleson to appoint the following to the General Assistance Advisory Committee, for terms ending 12/31/21: Rebecca Price, Monica Tate, Renee Grummer-Miller and Randy Knudson.

The Board recessed at 10:41 a.m. and reconvened at 1:30 p.m. to discuss FY20 budgets for Facilities and Capital Improvement Projects I. Also present: Steve Tucker, Finance Dir., Dawn Jindrich, Budget Dir., Darrin Gage, Dir. of Policy & Admin. and Garth Fagerbakke, Facilities Mgr.

Gage presented the FY 2020 - FY 2024 Capital Improvement Plan. He noted that the Secondary Road/Engineer projects in the current FY 20 plan have been removed as another funding sources has been identified. In addition, the LIFTS projects as well as the Veteran Affairs project were removed from FY 20.

Facilities - Proposed appropriation exceeds the Board's guidelines by \$108,640. For FY 20, \$108,490 is requested in supplies and maintenance increases. The increases are estimates for additional costs associated with the new Harris and LIFTS buildings.

Discussion continued regarding the need for a decision regarding the future use of the Fillmore Building.

Motion by Oleson, seconded by Rogers to approve Facilities FY 20 appropriations in the amount of \$2,824,403.

Board Buildings - Proposed appropriation exceed the Board's guidelines in the amount of \$149,420.

Motions by Oleson, seconded by Rogers to approve Board Buildings FY 20 appropriations in the amount of \$1,123,082.

Fagerbakke presented the following Offers:

- #1 - One .5 FTE Custodian for the Conservation Wickiup Hill, Secondary Roads Main Shop and Engineering Office Buildings - \$22,405
- #2 - Two .5 FTE Custodians for the Harris Building - \$44,810
- #3 - One .5 FTE Custodian for the Comm. Serv. Bldg., Juvenile Detention Center and LIFTS Building during the day shift - \$22,405
- #4 - One 1.0 FTE Senior Facility Worker to work at the new LIFTS, Existing Health Building, Existing Fillmore Building, Correctional Center, Secondary Roads/Engineering Buildings and Wickiup Hill - \$77,000
- #5 - Custodian equipment for the Harris Building - \$25,000

Vehicle replacement request for a van - \$27,000

Fagerbakke also proposes a change in the format of the Major Maintenance Plan and will present that at a future meeting. He also presented his Key Performance Indicators (KPI's).

Adjournment at 3:07 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor  
By: Rebecca Shoop, Deputy Auditor  
and Amanda Hoy, Executive Assistant

Approved by:

STACEY WALKER, Chairperson  
Board of Supervisors