

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MAY 13, 2020 12:00 P.M.

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

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

Motion by Oleson, seconded by Walker to remove the Tax Suspension Resolution from the Consent Agenda and place on Regular Agenda.

Motion by Walker, seconded by Oleson to approve Consent Agenda (as amended) as follows:

Approve and authorize Board to sign, retroactive to May 11, 2020, a letter of support for EMBARC's (Ethnic Minorities of Burma Advocacy and Resource Center) Ethnic Self-Help Grant application.

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of April, 2020.

Resolution 2020-5-62

NOTICE TO ALL PROPERTY OWNERS AND MANAGERS WEED NOTICE!

Pursuant to the provisions of Title VIII Chapter 317.4 Subsection 2, Iowa Code, which can be found online at: <https://www.legis.iowa.gov/law/iowaCode> and Iowa Administrative Code (otherwise referred to as Iowa Administrative Rules) Agriculture and Land Stewardship Chapter 58 Noxious Weeds, it is hereby resolved by the Linn County Board of Supervisors and ordered by the Linn County Weed Commissioner acting on behalf of the Linn County Board of Supervisors:

That between May 13, 2020 to October 1, 2020 each owner and each person in the possession or control of lands in Linn County including both incorporated and unincorporated shall: eradicate all Class A noxious weeds listed in Iowa Administrative Rules 21-58.4(317); and control all Class B noxious weeds thereon, at such time in each year and in such manner as shall prevent said weeds from blooming or coming to maturity.

Class A Noxious Weeds for Eradication: Palmer Amaranth (*Amaranthus palmeri*)

Class B Noxious Weeds for Control:

Canada Thistle (*Cirsium arvense*)

Teasel (*Dipsacus spp.*) biennial

Leafy Spurge (*Euphorbia esula*)

Bull Thistle (*Cirsium vulgare*)

Multiflora Rose (*Rosa multiflora*)

European Morning Glory or Field Bindweed (*Convolvulus arvensis*)

All other species of thistles belonging in the Genus of *Carduus*

That the Linn County Road Department shall control noxious weed infestations and other vegetation deemed appropriate for control growing in county road rights of way for the purposes of maintaining public health, preventing economic loss, or affecting safe travel. Methods for eradication/control and/or prevention of seed production will be performed in a manner consistent with the county's integrated roadside vegetation management plan.

That it is recommended noxious weeds be cut, burned or otherwise destroyed on or before June 1st, 2020, so as to prevent the production of seed by all varieties of listed Noxious weeds. This includes noxious weeds on all lands within the limits of the County regardless of jurisdiction. Control or elimination measures associated with Class A and B Noxious Weeds located on lands enrolled in the Conservation Reserve Program (CRP) will comply with the conservation reserve program contract requirements for that land.

That persons not in compliance with Iowa's Weed Law, Code of Iowa Chapter 317 Noxious Weeds, and Iowa Administrative Rules Agriculture and Land Stewardship Chapter 58 Noxious Weeds will be notified to use appropriate methods to eradicate or control the weed problem. Failure to do so can incur penalties including, but not limited to, daily fines for non-compliance, and the Weed Commissioner or Deputies entering upon the land to control the weed problem, with all costs, including fines and administrative costs, levied against the landowner. Iowa law provides these assessments can be attached to the real estate tax of the land for collection. Weed eradication/control will still be required to be implemented in all cases where penalties are assessed.

More information regarding Linn County's weed control program can be found under the Soil Conservation section at www.linncounty.org or by contacting Linn County Weed Commissioner: Jonathan Gallagher at 319-377-5960 Ext. 3.

Resolution 2020-5-63

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the MHMA PATCHING(2020), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as Hot Mix Asphalt(HMA)patching and leveling on various roads; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health,

welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from L.L. Pelling Co., Inc. in the amount of \$272,265.00 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Approve and authorize Chair to sign Change Order 1 from Septagon Construction Company for the LIFTS Relocation project deducting \$1,610 from the original contract value.

Approve and authorize Chair to sign Change Order 2 from Septagon Construction Company for the LIFTS Relocation project adding \$6,909 to the original contract value.

Approve and authorize Chair to sign a Baker Group Contract for the annual maintenance contract for card access and door controls in the amount of \$9,280 at the following locations: Community Services Building, Correction Center, Court House, Election Depot, Fillmore, Juvenile Justice Center, Public Health, Public Service Center, and the Sheriff's Office.

Approve and authorize Chair to sign a Baker Group Contract for the annual maintenance contract for the card access and door controls in the amount of \$14,665 for the Juvenile Detention Center.

Approve and authorize Chair to sign an Adopt-A-Roadside application for Walker Lions Club to adopt Walker Road from Betty's Grove Road to Gard Road.

Approve and authorize Chair to sign a demolition contract for \$18,690.00 with D.W.Zinser Company. Inc. for the demolition of the County owned house located 207 10th Ave SW in Cedar Rapids, IA.

Approve and authorize Chair to sign a purchase order for Sediment Control Logs to Coleman Moore Co in the amount of \$8,121.60 for the Secondary Road Department.

Approve and authorize Chair to sign a purchase order #5632 for \$12,980.00 to Envision for cloth masks for County employees.

Approve Cigarette Permit for Casey's General Store, 888 Vernon Valley Dr. SE, noting all conditions have been met.

Motion by Oleson, seconded by Walker to approve minutes of May 11, 2020 as printed.

Update on Linn County's response to COVID-19:

- Pramod Dwivedi, Public Health Dir. - Test Iowa started last week in Linn County (119 tests were performed on Monday and 89 on Tuesday). Having difficulty getting test results. Training new contact tracers; Unified Command meeting once a week (Wednesdays at 9:00 a.m.); 863 cases in Linn County with 63 deaths.
- Steve Estenson, Risk Mgr. - Governor Reynolds updated Proclamation this morning. Some businesses are opening up on Friday with certain restrictions. This may cause more traffic at closed to the public county buildings. He is observing that there is already a lot of confusion with customers and additional signage may be necessary. Perhaps also expedite the hiring of the security guard.
- Dustin Hinrichs, Public Health - As mentioned by Estenson, all 99 counties are the same now. His staff is doing a lot of outreach and trying to provide consistent information to businesses and are following up on calls from the public for noncompliance. He is also looking at county buildings to phase in once the Board decides to open them to the public. He stressed that the new Proclamation does not allow mass gatherings. That is still prohibited.

Discussion continued regarding guidance as to how local jurisdiction are to enforce restrictions (50% occupancy, etc.) and what happens if there is another outbreak.

Dawn Jindrich, Finance Dir., gave an update on the COVID-19 Budget. She asked the Board to approve the Q-Matic upgrade for appointment scheduling in the amount of

\$24,642.00 along with the hiring of security officers (for four weeks) in the amount of \$16,815.

Discussion continued regarding the possible purchase of Temperature Scanner Kiosks for assessing the public's temperatures (the city of Cedar Rapids is looking at them).

Gage clarified that the cost of the security guards includes them doing the temperature checks and questionnaires.

Supervisor Oleson stated that he reached out to the County Attorney, Judge Grady and Sheriff Gardner regarding the Courthouse in an effort to determine what kind of screening will be happening there.

Supervisor Walker stated that the security guards will not be a permanent solution and at some point they will need to look at the Kiosks but to have a proof of concept before purchasing.

Motion by Oleson, seconded by Walker to approve the purchase of the Q-Matic upgrade for appointment scheduling in the amount of \$24,642.00 and \$16,815 for the hiring of security officers.

Motion by Oleson, seconded by Walker to approve upon third and final consideration Ordinance #4-5-2020, amending the Code of Ordinances, Linn County, Iowa by amending provisions regarding the expansion of legal nonconforming structures in Chapter 107 Unified Development Code.

Les Beck, Planning & Development, (via phone) stated that he received one additional comment regarding the proposed ordinance for the Marion Municipal Airport Land Use and Height Overlay Zoning from Robert Kettelkamp.

Robert Kettelkamp (via phone) stated that he has a two acre wastewater treatment facility and was concerned about it being a non-conforming land use. This is an important required improvement for the operation of his dairy farm.

Discussion continued between Les Beck, Tom Treharne, Marion Community Development Dir. (via phone,) and Kettelkamp.

Motion by Oleson, seconded by Rogers to approve upon third and final consideration Ordinance #5-5-2020, establishing a new Chapter 104 of the Linn County Code of Ordinances, the Marion Municipal Airport Land Use and Height Overlay Zoning.

Motion by Oleson, seconded by Walker to approve upon third and final consideration of Case JR19-0004, request of the Linn County Planning and Development Department, petitioner, to adopt the Marion Municipal Airport Land Use & Height Overlay Zoning Map.

Motion by Oleson, seconded by Walker to approve and authorize Chair to sign a 28E Agreement between Linn County and the City of Marion for Marion Municipal Airport Land Use and Height Overlay Zoning.

Motion by Oleson, seconded by Walker to remove tabled resolution to approve final plat for Rolling Acres Greens First Addition, Case JF20-0001.

Stephanie Lientz, Planning & Development, (via phone) stated that she put this back on the agenda because she had not heard back from the surveyor. It has been determined that the applicant will sign and has agreed to all additional conditions submitted by Jon Gallagher, Natural Resources Conservation Service.

Mike Brain, Brain Engineering (via phone) stated that he worked with Planning & Development and Jon Gallagher and are happy to comply with conditions.

Jon Gallagher (via phone) stated that there has been good protocol put in place to address the water concerns.

Motion by Oleson, seconded by Walker to adopt Resolution 2020-5-64
A Resolution approving a one lot final plat to be named Rolling Acres Greens First Addition to Linn County. The following description is a summary of Resolution No. 2020-5-64 as passed and approved by Linn County Board of Supervisors, effective May 13th, 2020. Rolling Acres Greens First Addition (case # JF20-0001) to Linn County, Iowa, beginning at the N 1/4 Corner of said Section 5; thence N89°52'52"E along the north line of said NE FRL 1/4, 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-IY 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 FRI- 1/4, 1158.43 feet to the Point of Beginning, containing 50.99 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

The Board discussed extending the closure date of certain Linn County government buildings.

Darrin Gage stated that the recommendation is to extend through June 15 which will allow time for the Q-Matic system to be installed and tested.

Supervisor Oleson clarified that the date can be changed at any time. This does not mean that they decided to for sure open on June 15. They could open earlier or later. If a Department Head or an Elected Official has a situation where they wanted to do some appointment or some other special use, he encourages them to come forward and they can deal with it on a case-by-case basis. An example is that the County Auditor will be opening three county buildings to be used as Primary Election voting precincts on June 2.

Motion by Oleson, seconded by Walker to extend closure of certain Linn County government buildings through June 15, 2020.

Treasurer Gonzalez explained a Resolution suspending taxes for twenty eight (28) Linn County residents as they are unable to contribute to the public revenue by reason of age, infirmity or both.

Motion by Oleson, seconded by Walker to adopt Resolution 2020-5-65
PETITION for SUSPENSION of FISCAL 2021 / ASSESSMENT 2019 PROPERTY TAXES
WHEREAS, the Linn County Board of Supervisors is this day presented with the attached petitions for suspension of taxes and/or special assessments pursuant to Section 427.8 of the Code of Iowa and;
WHEREAS, the properties for which assessments against these Petitioners are made lie within Linn County and;
WHEREAS, these Petitioners are unable to contribute to the public revenue by reason of age, infirmity, or both.
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 attached petitions be approved for the following Petitioners, parcels, and tax years:

PETITIONER	PARCEL #	TAX YEARS	Special #
Brammer, Helen	14091-78021-00000	2021	
Clark, Carol	14271-52016-00000	2021	
Corum, Kazuko	14243-55004-00000	2021	
Dochterman, Headdy	14321-07014-00000	2021	
Franks, Mable	14272-03020-00000	2021	
Frazier, John	14204-04003-00000	2021	
Gustafson, Kay	14241-79021-00000	2021	
Hadenfeldt, Larry	05092-88009-00000	2021	
Kepler, Rex	14333-33016-00000	2021	
Langham, Portia	14201-01008-00000	2021	
Lawrence, Irene	14082-26002-01001	2021	
Lawrence, Richard	14114-54002-00000	2021	
Murphy, Donna	10323-51003-01002	2021	
Nus, Carol	14013-53011-01003	2021	
Patterson, Sandra	13252-53003-00000	2021	
Prenosil, Debra	91030-13102-91001	2021	
Sacora, Ellen	15061-79002-00000	2021	
Schirmer, Cathleen	14153-33001-00000	2021	
Schmadeke, Kimberly	91920-38608-01188	2021	
Schmidt, Beatrice	14313-27043-00000	2021	
Scriven, Roger	14094-52006-00000	2021	
Seaborn, James	14352-26007-00000	2021	
Sebetka, Cleo	14292-06007-00000	2021	
Simmons, Thelma	14283-58001-00000	2021	
Thibodeaux, Ronald	14154-04002-00000	2021	
Thompson, Dora	11274-32007-01001	2021	
Vondracek, Barbara	14332-51007-00000	2021	
Wiltsey, George	04044-77003-00000	2021	

The Linn County Treasurer is ordered to suspend the collection of taxes assessed against these Petitioners, their polls or estates, for the above parcels for the above tax years as indicated.

Motion by Oleson, seconded by Walker to approve Claims #70614084-#70614110 in the amt. of \$40,716.97 and ACH in the amt. of \$584,504.87.

Board Member Reports: Chairperson Rogers reported that he attended a Zoom meeting on Tuesday with municipalities and it sounds like they are all looking towards June openings except Marion which will have appointment only.

Page 5
May 13, 2020

The Board received and placed on file an email from Robert Kettelkamp re: Marion Airport overlay zoning ordinance.

Adjournment at 1:07 p.m.

Respectfully submitted,

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

Approved by:

BEN ROGERS, Chairperson
Board of Supervisors