

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, JUNE 5, 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 and Supervisor Oleson (via phone). Board members voting "AYE" unless otherwise noted.

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

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

Resolution 2019-6-84

A RESOLUTION APPROVING THE PARTIAL VACATION OF A RECORDED UTILITY EASEMENT
RESOLUTION #2019-6-84

WHEREAS, Kent D. Mattison and Polly S. Mattison, FKA Polly S. Morris, are the owners of record (Owners) of Lots 41 & 42 (Lots), Timberlake 3rd Addition to Linn County, Iowa (Subdivision);

AND WHEREAS, there is a 10' platted utility easement (Easement) between the Lots as part of the Subdivision, which Easement is described as:

The south ten feet (10') of Lot 42, except the west ten feet (10') thereof AND the north ten feet (10') of Lot 41, except the west ten feet (10') thereof, located on Lots 41 & 42, Timberlake 3rd Addition to Linn County, Iowa.

AND WHEREAS, the Owners have recorded a Deed Restriction (Restriction) for the Lots stipulating the Lots shall not be sold, divided, or in any way separated unless replatted or in another way come into compliance with all regulations in effect at the time of separation;

AND WHEREAS, as a result of the Restriction, the Owners have requested the Easement be vacated;

AND WHEREAS, the request to vacate the Easement and has been reviewed by all utility service providers with an interest in the Easement;

AND WHEREAS, such requests are allowed under Section 107-72, § (2) h. 6. iii. of the Linn County Unified Development Code by Resolution of the Board of Supervisors upon recommendation by the Technical Review Committee and Planning & Zoning Commission;

AND WHEREAS, no objections to the proposed vacation have been expressed by the Technical Review Committee;

AND WHEREAS, on May 20, 2019 the proposed vacation was recommended for approval by the Planning & Zoning Commission;

AND WHEREAS, on May 20, 2019 the proposed vacation was reviewed by the Board of Supervisors, Linn County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County, Iowa, that said Easement as described herein and shown on Exhibit A is hereby vacated.

EFFECTIVE DATE. This resolution is effective upon adoption.

Resolution 2019-6-85

The following description is a summary of Resolution No. 2019-6-85 as passed and approved by Linn County Board of Supervisors, effective June 12th, 2019.

A Resolution approving a Rural Land Use Map Amendment to change the map designation on 5 acres of a 30.13 acre property. The property is described as one legal lot of record but currently has dual land use map designations under two separate parcel numbers.

The proposed amendment would change the map designation for the 5 acre parcel from Rural Residential 2-Acre (RRD2) to Agricultural Area (AA) thereby making it consistent with the land use designation on the remainder of the property. A Residential Parcel Split (case JPS19-0009) is running concurrently with this case.

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 2019-6-86

RESOLUTION APPROVING A TEMPORARY USE RESOLUTION #2019-6-86

WHEREAS, John M Bickel, owner, and Martin Marietta Materials Real Estate Investments Inc., owner; InRoads LLC, petitioner; Case JTU19-0005, have requested the Linn County Board of Supervisors'

permission to operate a portable asphalt plant at 1636 Marietta Rd, Ely Iowa.

AND WHEREAS, the Board of Supervisors makes the following Findings of Facts:

1. The portable asphalt plant will operate from July 1, 2019 and end by October 31, 2019.

2. A portable asphalt plant is permitted under the provisions of Article V, Section 107-93, §(c)(1) of the Linn County Unified Development Code.

3. The properties are located at 1636 Marietta Rd., Ely, Iowa.

4. 1636 Marietta Rd. is zoned AG (Agricultural).

5. Approximately 3.0 acres will be used for the temporary use.

6. The 3.0 acres proposed for the portable asphalt plant resides within an existing quarrying operation.

7. The existing quarry operates on approximately 250 acres of property under two ownerships.

8. The owners of the properties proposed for the portable asphalt plant are John M Bickel and Martin Marietta Materials Real Estate Investments Inc.
9. The operator of the portable asphalt plant will be InRoads LLC.
10. The plant may operate between the hours of 6:30 AM to 12:00 midnight, Monday through Saturday.
11. The applicant estimates an increase to a maximum of 240 vehicle trips per day due to the operation of the portable asphalt plant.

AND WHEREAS, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;
AND WHEREAS, the Temporary Use application has been examined by the Linn County Board of Supervisors at a public meeting on May 28, 2019, all interested persons having been heard;

NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application, Case JTU19-0005, subject to the following conditions:

LINN COUNTY PLANNING & DEVELOPMENT - (Zoning Division)

1. The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met.
2. All building, electrical, mechanical, plumbing and zoning permits will be obtained as necessary.
3. Adhere to the operating hours indicated in the temporary use application; 6:30 AM to 12:00 midnight, Monday through Saturday.
4. The temporary use permit period will be begin July 1, 2019 and expire no later than October 31, 2019.
5. Restrooms are required to be available during the hours of operation.
6. The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval.
7. The petitioner shall sign an "Acceptance of Conditions" form which provides assurance that all conditions will be met prior to the Board of Supervisors Resolution of Approval, and specifically agrees to hold Linn County harmless from any and all damages or claims for damages that might arise or accrue by reason of approval of the Temporary Use permit by the Linn County Board of Supervisors. Further, by signing the "Acceptance of Conditions" form, the petitioner shall agree to allow employees of the County reasonable access to the property for inspection and for submission of documents to verify any additional information.

LINN COUNTY PLANNING & DEVELOPMENT - (Building Division)

1. All electrical wiring shall be in compliance with the National Electrical Code.

LINN COUNTY ENGINEERING DEPARTMENT

1. Access to be in compliance with Linn County Secondary Road Department current standards prior event. Entrance permit required for all existing entrances.
2. Traffic control is to be provided by the property owner during operation. Traffic shall be maintained on Old River Road between US Highway 30 and Marietta Road at all times.
3. The applicant shall be responsible for controlling dust on Old River Road between US Highway 30 and Marietta Road for the duration of the asphalt hauling and operation of the portable asphalt plant.
4. The applicant shall be responsible for repairing any damage to Old River Road between US Highway 30 and Marietta Road resulting from the hauling of asphalt, equipment, or other materials needed for the operation of the portable asphalt plant.

IOWA DEPARTMENT OF TRANSPORTATION

1. Traffic control is to be provided by the property owner during operation. Traffic shall be maintained on Marietta Road at all times.

LINN COUNTY HEALTH DEPARTMENT

1. Portable toilets are required, and hand washing stations are strongly recommended.

LINN COUNTY SHERIFF'S OFFICE

1. An after hours call list shall be supplied to the Linn County Sheriffs Office for emergency situations.
2. If a traffic problem would occur, contact shall be made to the Linn County Sheriffs Office to help alleviate the problem.
3. Traffic control is to be provided by the applicant during operation. Traffic shall be maintained on Marietta Road at all times.

LINN COUNTY EMERGENCY MANAGEMENT

1. A tone alert weather radio is required to be available on site and in use at any time the public is using the facility.

WHEREAS, failure to submit and/or comply with any of the conditions in a timely manner will revoke this Temporary Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said temporary use is hereby approved.

Approve and sign Application to Adopt-A-Roadside for Boy Scout Troop 214 to adopt Wright Brothers Blvd from Club Rd to Ely Rd.

Award bid and authorize Chair to sign the contract and associated documents for L-QUASS RD(20), hot mixed asphalt paving on Quass Road from City of Robins to County Home Road, to LL Pelling Co., Inc. in the amount of \$135,364.20 for the Secondary Road Department.

Approve and authorize the purchase and installation of five (5) cameras in the evidence processing/storage areas of the Sheriff's Office in the amount of \$4,268.88

Approve and authorize Chair to sign an Agreement for \$60,000 between Linn County and collectively L&L Murphy, Associates and Gary Grant Consulting LLC for consulting and advisory services for the period of July 1, 2019, through June 30, 2020.

Authorize Stacey Walker, Linn County Board of Supervisors Chair, to electronically sign Contract #5880HC08 between the Iowa Department of Public Health and Linn County Community Services/Ryan White Program authorizing \$365,291.00 in funding for contract year April 1, 2018 - March 31, 2019 for HIV Core and Medical Support Services.

Approve and authorize Chair sign the following Linn County Kids Wraparound Program FY20 Provider Agreements: Melissa Wehr, Therapist; Changing Leaf Counseling; Heart & Solutions; Four Oaks Family & Children's Services; The ARC of East Central Iowa; Lisa Ferretti, LISW; Abbe Center for Community Mental Health; Families, Inc.; Alli Center; Covenant Family Solutions; Insight Therapy Group.

Award bid and authorize Chair to sign contract for Tire Repairs for the Secondary Road Department to Thompson Tire & Retread, Inc.

Authorize Chair to sign purchase order #5539 for \$8,555.00 to Acterra Group to replace the suction pump at LIFTS.

Authorize Chair to sign purchase order #5541 for \$11,367.00 to Hotsy Cleaning Systems for a pressure washer for the LIFTS department.

Authorize Chair to sign purchase order #5542 for \$840.00 to Paulson Electric to extend circuits for powered doors at Options.

Authorize Chair to sign purchase order #5543 for \$6,650.00 to G-MAC Automated Door and Hardware to supply and install powered doors at Options.

Motion by Rogers, seconded by Walker to approve minutes of June 4, 2019 as printed.

Chairperson Walker read the following Proclamation: National Gun Violence Awareness Day-June 7, 2019.

Motion by Rogers, seconded by Walker to adopt said Proclamation.

Motion by Rogers, seconded by Oleson to approve second consideration on proposed amendments to Chapter 105, Article III Electrical Installations, of the Linn County Code of Ordinances.

Joi Alexander, Communications Dir., stated that this is a follow-up discussion from Monday regarding updating the official Linn County seal. Amperage has indicated that it would cost an addition \$60-\$90 to add the word "Treasurer".

Motion by Rogers, seconded by Walker to approve updating the official Linn County seal for the purpose of use on election ballots.

Gary Grant, Linn County Lobbyist, explained the benefits of the Urban County Coalition.

Motion by Rogers, seconded by Oleson to approve the Memorandum of Agreement between Black Hawk, Dubuque, Johnson, Linn, and Scott Counties regarding the membership, purposes, and operations of the Urban County Coalition.

Larry Murphy, Gary Grant and Meghan Malloy, Linn County Lobbyists presented a Summary Report on the 2019 Iowa State Legislative Session (property taxes; ban the box and the expungement bill; mental health funding/children's mental health; county compensation boards; governmental lobbying and prisoner medical expenses).

Motion by Rogers, seconded by Walker to approve ACH in the amt. of \$1,296,925.05, Claims #70608805-70608962 in the amt. of \$297,234.38 and Area Ambulance in the amt. of \$4,887.50.

Motion by Walker, seconded by Oleson to approve payment to Supervisor Rogers in the amt. of \$91.50. Walker and Oleson - Aye Rogers - Abstain

Board Member Reports: Supervisor Rogers attended ECICOG board meeting (searching for new Exec. Dir.); met with Kyle Skogman re: Neighborhood Finance Corp; attending two Access Center meetings; and participated in a classroom exercise at Washington High School.

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Chairperson Walker met with interns; met with Scott Olson; will have law enforcement roundtable today; tomorrow is the HER Event and meeting with the new business manager for IBEW; Friday is wear orange day for National Gun Violence Awareness Day; and interviewing presidential candidates.

The Board received and placed on file a letter from Attorney Joseph Conway re: land acquisition agreements with Alliant and an invitation to the Linn County Fair.

Adjournment at 10:52 a.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors