

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, SEPTEMBER 23, 2020 11:00 A.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.

Public Comment: Curtis Otto, 3939 Central Ave., Alburnett, stated that he is speaking for the majority of the community that is opposed to the proposed haunted house in Lafayette. He stressed that they are not opposed to small businesses but they were unaware of their plans until it was established. They did not talk to the neighbors as stated on Facebook. There is also a lack of organization and parking is questionable as well as creating a major traffic issue. They did not pull any permits. Another concern is that the gates open at 7:30 p.m. but the haunt does not start until 8:30 p.m. 500 tickets can be sold per day. What keeps 300 from coming all at one time? They are not opposed to people having a good time and they also do not want any kind of commercial business there to disrupt the community.

Jason Neighbor (via phone), 3249 Lafayette Rd., stated that his property is adjacent to the property of the haunted house. When he started looking at the parking, they are going to be parking with headlights going directly into his house. This is a major concern. He sent an email to the Board this morning showing the image of that. Another concern is after the Board's meeting on Monday; the organizers pushed back the start date and added the entire week of Halloween. That is a major concern due to the number of kids in the area. He is opposed to the Temporary Use Permit.

Billy Runyan (via phone), 3233 Lafayette Rd. and haunted house organizer, responded to previous comments. He stated that they had always planned to be open the week of Halloween and headlights shining into Neighbor's home should not be an issue given the distance and the number of trees in between. Staff will be on site at all times and all sound will be inside the building. A carnival will be set up for the hour between the gate opening and when the haunt begins. Parking on the road will be monitored.

Angie Drymon (via phone), Central Ave., stated that her concern is how this all came about and she is disappointed that the organizers did not talk to neighbors. She is also concerned about parking.

Wayne Anderson, 3928 Central Ave., stated that he sent the Board a series of photos of the surrounding area. Safety concerns include fire protection, storm shelter, Lafayette Rd. traffic, sanitation, fallen timber and debris, lack of lighting and a carnival suggests children present. He noted that they presold tickets before the event was approved. He stated that the property is owned by an LLC, which is in the Cedar Rapids area and the owners of bars and restaurants. He questioned if this going to result in a fully commercial endeavor.

Allison Miller Runyan stated that there is electricity in the building and plans are in place for lighting. They are working on the debris laying around and plan to have portapotty's. She said that they have been there working for over a month and nobody in the community has reached out to them. It is clear that they are not welcomed from the beginning.

Edna Etzel, 3273 Lafayette Rd., stated that she has gates on her property to the bike trail and nobody can get through that to her private property. Parking and safety is a large concern for her. There is a lot of farm equipment on that road and questioned the fire department tax dollars being used for them to park at this facility. She stated that the electricity has to be outdated and asked if it has ever been inspected.

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

Approve the Assessment Year 2020 Business Property Tax Credit Allowances & Disallowances.

Receive and place on file the Sheriff's Quarterly Report for April 1 to June 30, 2020 totaling \$1,542,333.

Resolution 2020-9-105

A Resolution approving a Residential Parcel Split to be named Broulik Third Addition. The following description is a summary of Resolution No. 2020-9-105 as passed and approved by Linn County Board of Supervisors, effective September 23, 2020.  
Broulik Third Addition (Case # JPS19-0021) to Linn County, Iowa, containing two (2) lots, numbered Lot 1 and lettered lot A, a subdivision of real estate located in the NESE of Section 5, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the West Quarter Corner of Section 6, Township 82 North, Range 5 West of the Fifth Principal Meridian; thence N88°23'13"E along the north line of the Southwest Quarter of said Section 5, a distance of 181.94 feet to the Northwest Corner of Broulik Second Addition to Linn County, Iowa; thence S1°51'23"E along the west line of said Broulik Second Addition, 311.74 feet; thence S88°23'13"W, 473.21 feet; thence N1°07'02"W, 314.24 feet to the north line of the Southeast Quarter

of Section 6; thence N88°52'58"E along said north line, 287.24 feet to the point of beginning.

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](http://www.linncounty.org)

Resolution 2020-9-106

A Resolution approving a Residential Parcel Split to be named Burds Addition. The following description is a summary of Resolution No. 2020-9-106 as passed and approved by Linn County Board of Supervisors, effective September 23, 2020. Burds Addition (Case # JPS20-0012) to Linn County, Iowa, containing two (2) lots, numbered Lot 1 and lettered lot A, a NENW of Section 11, Township 85 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the North Quarter Corner of Section 11, Township 85 North, Range 6 West of the Fifth Principal Meridian; thence S0°52'55"E along the east line of the Northwest Quarter of said Section 11, a distance of 283.66 feet; thence N89°20'46"W, 350.75 feet; thence N6°11'40"W, 287.38 feet to the north line of said Northwest Quarter; thence S89°04'40"E along said north line, 377.42 feet to the point of beginning.

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](http://www.linncounty.org)

Resolution 2020-9-107

A RESOLUTION DECLARING SURPLUS COUNTY PROPERTY AND AUTHORIZING ITS DISPOSAL WHEREAS, Linn County Facilities identified that certain items previously used at the Linn County Child Development Department at 520 11th Street SW are "retired" from use and no longer meet the needs of Linn County Child Development Department now located at 1020 6<sup>th</sup> Street SE, Cedar Rapids, Iowa; and WHEREAS, the Cedar Valley Habitat for Humanity ReStore will accept the transfer of ownership for the items.

BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors, this date met in lawful session, that the following described property is declared to be surplus property: Child size chairs, couches, tables, paint easels and miscellaneous child care items; 2 door storage cabinets; File cabinets; Waiting room chairs; Washer & Dryer; Safe

BE IT FURTHER RESOLVED the Linn County Board of Supervisors determines that there is no further public use for this property and authorizes Linn County Facilities to transfer ownership of the same to the Cedar Valley Habitat for Humanity ReStore at no charge with the understanding that they accept the items "as is" without warranty of any kind and assumes all responsibility for the proper use, any required maintenance, and ultimately the disposal of the items.

Resolution 2020-9-108

2021 County Five Year Program Linn County Secondary Roads  
Unforeseen circumstances have arisen since adoption of the approved Secondary Road Five Year Program and previous revisions, requiring changes to the sequence, funding, and timing of the proposed work plan.  
The Board of Supervisors of Linn County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2021), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

Approve and authorize Chair to sign, retroactive to September 17, 2020, an Agreement for Services with Terracon Consultants, Inc. to perform a limited asbestos survey of the law library in the Linn County Courthouse at a cost of \$650.00.

Approve and authorize Chair to sign a Third Amendment to Gender Specific Program contract, effective October 1, 2020 through September 30, 2021 in an amount of \$40,000.

Approve and authorize Chair to sign the Memorandum of Understanding for the provision of certain fiscal agent services for Wrap Around and Staff Development Funds between Juvenile Court Services, 6th District and Linn County Community Services effective on October 1, 2020 through September 30, 2021

Approve and authorize Chair to sign a 36 month lease agreement at \$289.57 per month with Gordon Flesch Company, Inc. for a copier at the Mental Health Access Center.

Approve and authorize Chair to sign purchase order #5663 for \$17,917.00 to Home Appliance Center for appliances for the Mental Health Access Center.

Approve and authorize Chair to sign purchase order #5661 for \$34,895.00 to Lynch Ford Chevrolet for a Chevrolet Silverado for the Conservation Department.

Approve and authorize Chair to sign purchase order #5662 for \$35,200.00 to Lynch Ford Chevrolet for a Chevrolet Colorado for the Conservation Department.

Approve and authorize Chair to sign purchase order #5658 for \$32,700.00 to Lynch Ford Chevrolet for a Chevrolet Traverse for the Conservation Department.

Approve and authorize Chair to sign purchase order #5660 for \$37,625.00 to Lynch Ford Chevrolet for a Chevrolet Silverado for Planning and Development.

Approve and authorize Chair to sign purchase order #5659 for \$32,700.00 to Lynch Ford Chevrolet for a Chevrolet Traverse for Public Health.

Approve and authorize Chair to sign purchase order #5664 for \$10,440.00 to Rapids Foodservice for a commercial grade ice maker and dishwasher for the Mental Health Access Center.

Motion by Rogers, seconded by Oleson to approve minutes of Sept. 18, 21 & 22, 2020 as printed.

Actions related to the storm of August 10, 2020:

Motion by Oleson, seconded by Walker to approve a Waiver, Release and Hold Harmless Agreement from Bob Olson regarding Dows Farm, wood chipping site at Mt. Vernon Rd. access.

PramoDwivedi, Public Health Dir., gave the following update on Linn County's response to COVID-19:

- Two long-term facilities have an outbreak.
- More and more are refusing to share contacts.
- 109 deaths. 17 hospitalized.
- Ongoing concerns with mental wellbeing centered around COVID and Derecho.

Charlie Nichols, Planning & Development, presented the following Building Division report regarding the Temporary Use Permit for a Haunted House in Lafayette:

Haunted house effects, scenery, props, and audio/visual distractions for entertainment. All of these can make egress paths more difficult to find in a fire. The decorations and materials used to create the scenery contribute to the overall fuel load for a fire. The combination of distracted egress and additional fire load create a unique hazard for the occupants. Special amusement buildings, haunted houses, are subject to strict safety provisions due to the additional hazards. There is no definition of "temporary business". This is not a temporary event; it is the temporary use of a permanent building as special amusement building "haunted house". The level of hazard isn't decreased by calling it temporary as it pertains to building safety. The following is a list of code required items and/or systems that are not and will not be compliant at the proposed location.

1. Water for sprinkler and plumbing systems
2. Permanent Plumbing Facilities (required water closets, drinking fountain, lavatories)
3. Automatic Sprinkler
4. Accessible 2018 IBC 1103.1
5. Appropriate access for First responders (The lot has limited access on one side only. Trees, fencing, 53 cars, and large numbers of people may inhibit emergency responder access.)
6. Decorative materials Testing by an approved agency. As required in the 2015 International Fire Code 807.4

The building currently does not have the following required systems installed:

1. Smoke detection system capable of:

- Causing illumination of the *means of egress* with light of not less than 1 footcandle (11 lux) at the walking surface level.
- Stopping any conflicting or confusing sounds and visual distractions.
- Activating an *approved* directional *exit* marking that will become apparent in an emergency.
- Activating a prerecorded message, audible throughout the *special amusement building*, instructing patrons to proceed to the nearest *exit*. Alarm signals used in conjunction with the prerecorded message shall produce a sound that is distinctive from other sounds used during normal operation

2. Exit Signs

3. Emergency lighting

4. Emergency voice/lighting communications system

While providing a positive customer experience is one of the main objectives in the building division, our primary duty is to enforce the minimum life, safety, and health standards prescribed in the various codes. It is the opinion of this department that the site and structure located on the proposed site aren't currently adapted to accommodate an occupancy of this type. No timeline or plan of achieving code compliance has been presented at this time. The recommendation is to deny the permit for the temporary use.

Motion by Rogers, seconded by Oleson to deny Deadly Hallow Haunted House Temporary Use Permit.

Discussion: Supervisor Oleson stated that he is not opposed to this because of COVID 19 but it is due to the recommendation of Planning & Development. Arguments do not carry much weight with him using the "not in my back yard" (NIMBY) comments. They have

the right to ask for a special use of their privately owned property. In the future if someone wants to put a bar on that property, they will have to meet all requirements. It would help in the future that people not sell tickets and advertise before they get their ducks in a row. It disappoints him that board opinions are an afterthought.

Supervisor Walker stated that he came into the meeting today to be in favor of the Temporary Use Permit. He too is concerned with a lot of opposition due to NIMBY. Mr. Anderson had a list of questions that caught his eye. There also seems to be some confusion regarding the property owner. Given the safety issues raised by Planning & Development, the safety issues are incredibly concerning to him. He is signaling to the organizers that if those safety issues can be addressed, he would vote in favor.

VOTE: All Aye.

Discussion continued regarding an appeal process. Supervisor Oleson indicated that if a different recommendation would come from Planning & Development, he would vote in favor.

Motion by Oleson, seconded by Rogers to approve granting an extension to Eco Fest on expenditure of FY20 Witwer Trust grant funds due to the inability to spend the funds due to COVID.

Supervisor Oleson stated that he had a conversation with the County Engineer to begin the process to initiate road name changes for Squaw Creek Circle, Squaw Creek Road, Squaw Lane (park road) and Squaw Ridge Road (before the end of the year). They can ask for suggestions and also noted that the park's name will be changed as well.

Brad Ketels, County Engineer (via phone), explained the process for a road name change, which includes a public hearing and notifying adjacent owners by certified mail.

Motion by Oleson, seconded by Rogers to authorize Secondary Roads to initiate road name changes to Squaw Creek Circle, Squaw Creek Road, Squaw Lane (park road) and Squaw Ridge Road to be accomplished by December 31, 2020.

Supervisor Walker left the meeting at this time.

Public Comment:

Wayne Anderson stated that he appreciates the Board listening to their concerns. He reiterated that they found out about the Haunted House on line. The carnival is new information and the organizers gave their address as 3233 Lafayette Rd. Nobody lives there. They live in Cedar Rapids or outlining area. Lafayette will see no economic benefit from this.

Motion by Oleson, seconded by Rogers to approve Claims #70615689-#70615751 in the amt. of \$311,582.02 and ACH in the amt. of \$721,479.63.

At this time, Supervisor Walker attended meeting via phone.

Motion by Oleson, seconded by Walker to approve payment to Marcia Rogers in the amt. of \$180.00.

VOTE: Oleson & Walker - Aye      Rogers - Abstain

Adjournment at 11:48 a.m.

Respectfully submitted,

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

Approved by:

BEN ROGERS, Chairperson  
Board of Supervisors