

**BOARD OF SUPERVISORS**

District 1 | **Kirsten Running-Marquardt**

District 2 | **Ben Rogers**

District 3 | **Louis J. Zumbach**

**JEAN OXLEY LINN COUNTY PUBLIC SERVICE CENTER**

935 2ND ST. SW

CEDAR RAPIDS, IA 52404

PH: 319-892-5000

LinnCountyIowa.gov



**LINN COUNTY BOARD OF SUPERVISORS  
MEETING AGENDA**

Monday, February 20, 2023

10 a.m.

Formal Board Room—Jean Oxley Public Service Center  
935 2nd St. SW, Cedar Rapids, IA

**Call to Order**

**Public Comment: Five Minute Limit per Speaker**

This comment period is for the public to address topics on today's agenda.

**Minutes**

Discuss and decide on meeting minutes.

Linn County Historic Preservation Commission 2023 Annual Update

Discuss Revision #8 to the Board of Supervisors Policy OP-013, Fugitive Dust Control.

Discuss an amendment to American Rescue Plan Act (ARPA) Subaward Agreement between Linn County and Together We Achieve for 12K in 2022 Food Box Giveaway.

Discuss and decide on a Resolution to Provide for a Notice of Public Hearing on the Proposed Plans, Specifications, Form of Contract, and Estimated Total Cost for the Linn County Treasurer's Office Glazing & Millwork Project, and for the Taking of Bids on Said Project

**Public Comment: Five Minute Limit per Speaker**

This is an opportunity for the public to address the board on any subject pertaining to board business.

**Payroll Authorizations**

Discuss and decide on Employment Change Roster (payroll authorizations).

**Claims**

Discuss and decide on claims.

**Legislative Update**

Discuss and decide on action related to proposed legislation

**Correspondence**

**Appointments**

**Adjournment**

For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors office at 319-892-5000 or at [bd-supervisors@linncountyiowa.gov](mailto:bd-supervisors@linncountyiowa.gov).



# BOARD OF SUPERVISORS LINN COUNTY, IOWA

<b>Title:</b> Fugitive Dust Control		<b>Policy Number:</b> OP-013	
<b>Responsible Department:</b> Secondary Road			
<b>Revision No:</b> 8	<b>Approval Date:</b>	<b>Effective Date:</b>	<b>Expiration Date:</b> N/A
<b>Initial Approval Date:</b> 02/12/2003 <b>BOS Minutes:</b> 04/08/2009, 03/06/2013, 03/08/2017, 02/07/2018		<b>Distribution:</b> Department, Intranet	

## I. PURPOSE & OBJECTIVES

The purpose of this Fugitive Dust Control Policy (“Policy”) is to provide for the control of fugitive dust through the application of dust palliatives to rock surfaced secondary roads under the jurisdiction of the Linn County Board of Supervisors (“Board of Supervisors”) administered by the Linn County Engineer (“Engineer”) and maintained by the Secondary Road Department (“Department”).

This Policy defines Linn County’s (“County”) program for complying with Iowa Code and Iowa Administrative Code requirements for controlling fugitive dust and allowing County residents to control locally generated dust caused by ordinary travel.

## II. SCOPE

This policy applies to rock surfaced secondary roads and outlines the programs available to property owners for the control of dust along such roads. The County allows the application of dust palliatives by property owners and tenants living adjacent to rock surfaced secondary roads for the temporary control of dust under the terms defined by this policy and applicable Iowa Code sections. The County recognizes that dust generated by a higher volume of traffic may become a concern on more heavily traveled roads.

## III. EXCEPTIONS

If, in the opinion of the Engineer or the Board of Supervisors, the strict application of this policy in a specific instance does not serve the best interests of the County, the Engineer or Board or Supervisors may waive or modify the provisions of this policy.

## IV. DEFINITIONS

**Average Daily Traffic ("ADT"):** The traffic count on any road based on 365 days per year use. Average daily traffic counts are based on the official counts conducted by the Iowa Department of Transportation.

**Dust Palliative:** Any material including water, sodium chloride, soy oil, calcium chloride, magnesium chloride, lignin sulfonate (tree sap), asphalt emulsion, or MC-3000 (seal coat) used for the purpose of controlling dust on rock surfaced secondary roads. All materials used as dust palliatives must meet minimum County specifications as defined in the Dust Control Specification, which is available at the County Engineer's Office. The County does not allow the use of crankcase oil or other waste oils as dust palliatives on rock surfaced secondary roads.

**Fugitive Dust:** Iowa Administrative Code defines fugitive dust as any airborne solid particulate matter emitted from any source other than a flue or stack. Fugitive dust does not include dust generated by farming operations and/or ordinary travel on rock surfaced secondary roads.

**Peak Traffic Count:** A maximum or above average traffic count based on a one-time traffic count. Peak traffic counts differ from average daily traffic since they may be taken at the time of a special event or a temporary increase in road use. Short term increases in road use may be due to seasonal farm operations such as planting and harvesting, temporary construction traffic, special events such as farm sales, weddings, or parties, use of a road as a haul road or detour route, and other one time or short duration uses.

**Permit:** As required by Iowa Code, no person shall apply dust palliative to rock surfaced secondary roads without a county permit for dust control application. Permits are available at the Linn County Engineer's Office, 1888 County Home Road, Marion, Iowa or at [www.linncountyiowa.gov/1081/Dust-Control](http://www.linncountyiowa.gov/1081/Dust-Control). The cost of the permit is set by a resolution of the Linn County Board of Supervisors.

**Three-Mile Grid:** A network of roads designated by the Highway Authority, which for the purpose of this Policy is the Board of Supervisors. A map showing the three-mile grid roads is available at <https://www.linncountyiowa.gov/DocumentCenter/View/69/Road-Surface-Types-PDF>.

## V. PROVISIONS

### A. Private Application of Dust Palliatives

1. Persons who desire to apply dust palliatives to rock surfaced secondary roads must apply for a permit through a pre-approved dust control applicator ("applicator") and must apply the dust palliatives in accordance with the dates established in Table 1. If a deadline falls on a weekend, permit applications are due on the preceding Friday.

**Table 1**

<p><b>Applications of MC-3000</b> (Seal coat)</p>	<p>Permit applied for before May 10<sup>th</sup>.  Application, as available when conditions allow</p>
<p><b>Application of chloride products, Soy Oil or Lignin Sulfonate:</b> (Contractor applied, self-applied)</p>	<p><b>First application</b> permit sign-up period: April 1<sup>st</sup> – May 10<sup>th</sup>  Material to be applied after May 10<sup>th</sup>.  <b>Second application</b> permit sign-up period: June 1<sup>st</sup> to July 10<sup>th</sup>  Material to be applied after July 10<sup>th</sup>.</p>

**B. Dust Control Procedure**

1. Each year, the Department permits applicants to contract with a pre-approved applicator to apply a dust control product to rock surfaced secondary roads. The list of applicators is available at <https://www.linncountyiowa.gov/DocumentCenter/View/21362/Contractor-List-for-Private-Dust-Control-PDF>. The permittee is responsible for 100% of the cost and will pay the applicator directly.
2. If a permittee elects to have a dust palliative applied to a rock surfaced secondary road, the permittee must submit a permit to one of the applicators during the first or second application permit sign-up period as provided in Table 1. The Department will not accept applications or issue permits outside of the first or second permit sign-up periods. The permittee must designate one of the applicators on the completed permit and submit the form directly to the selected company, along with payment. Applicants can obtain a permit through the applicator or on the Linn County website at [www.linncountyiowa.gov/1081/Dust-Control](http://www.linncountyiowa.gov/1081/Dust-Control).
3. The minimum seal coat length the Department will permit is 150 feet.

**C. Rock Road Preparation, Maintenance, and Responsibilities**

1. The Department will endeavor to prepare rock road surfaces during its normal maintenance activities to make sure roads have a suitable surface prior to the application of dust palliative. The Department places road rock during County approved road maintenance and construction projects and generally will not provide rock at individual dust control sites.
2. Each location treated for dust control shall be marked with a flag (typical 4" x 5" marking flag with wire stake or similar). The flags shall be placed at each end of the dust control area and embedded in the outside edge of the shoulder, at the break of the foreslope. The flags shall be maintained throughout the dust control season from April 1<sup>st</sup> to October 31<sup>st</sup>. Permittees assume full responsibility for and any liability resulting from dust control work on a rock surfaced secondary road.

3. Following application of dust palliative, it is the responsibility of the permittee to repair any potholes if they intend to retain an existing treated area. County equipment operators will be instructed to avoid blading the marked dust control areas unless potholes over 1" in depth or washboarding develops. If potholes or other defects develop in chloride treated or lignin treated areas, the permittee may use loose rock from the side of the road to fill the hole or repair the defect. In seal coat treated areas, a permittee with a valid, current permit may obtain up to 1 ton of cold mix patch material from any one County shop for use in the repair. County staff may perform hand repairs to dust palliative treated areas when the Engineer or designee deems it appropriate.
4. If potholes are not repaired and/or road surface condition becomes a nuisance, the Department may blade the treated area without notice to the permittee. When practicable, the Department will provide valid permittees with notice to complete repairs and seven calendar days to complete such repairs. If the permittee does not complete the repairs within the allotted time, the Department will blade through the treated area and return the road to a standard rock surface. Calcium chloride treated areas may receive touch up blading without notice as these areas may be lightly bladed without a loss of dust palliative effectiveness. All areas receiving a second application of palliative may be bladed immediately prior to application if the district foreman deems it necessary.
5. If the potholes or other deterioration of the treated area reaches the point of affecting traffic, the Department, upon the order of the Engineer or designee, may blade and repair the treated area without notice or compensation to the permittee. Repairs by the County may consist of scarifying the treated area and maintaining it as a rock surfaced road. The County has the right to blade treated areas if deemed necessary. The County has the sole responsibility to maintain the road as the Engineer or designee determine appropriate to provide for travel by the public.
6. Linn County is not liable for blading through unpermitted or unmarked dust control sites. Permittees must maintain flags marking treated areas. Permits are valid until October 31<sup>st</sup> in the year of issue. After October 31<sup>st</sup>, the Department reserves the right to scarify any treated portions and resume regular maintenance of rock surfaced secondary roads if the Engineer or designee deems it in the best interest of public travel. If the permittee determines that a seal coat treated area is in such condition to remain, the permittee may apply for a permit prior to October 31<sup>st</sup> to retain the treated area and may obtain patching material, if needed, at a county shop. The Department scarifies treated areas that affect traffic and as the Engineer deems such areas a nuisance. The Department does not scarify dust palliative routinely. The Engineer or designee considers the condition of a treated area, not its permit status, to determine its service life.
7. Effectiveness of the dust palliative may vary with weather conditions and

traffic. The County is not responsible for the performance of the dust palliative or for any claims arising out of the application of a dust palliative.

#### **D. County Line Roads**

1. County line roads are handled according to the county line agreement. Permits for county line roads are honored if the permit is filed within the specified sign-up period for the County with maintenance jurisdiction.

#### **E. County Safety Program for Dust Control**

1. For the purposes of the County Safety Program for Dust Control (“program”), a rock surfaced secondary road with a speed limit greater than 35 mph, exceeding 200 vehicles per day (“vpd”) average daily traffic (ADT) or 100 vpd on the County three-mile grid, is considered to have a traffic volume sufficient to require an application of dust palliative by the County to promote safer road use. It is the intent of this section to establish public policy and provide a coherent and equitable method of determining the extent to which the County treats rock surfaced roadways under its jurisdiction to limit dust. It is not the intent of this program to define normal traffic as less than 200 vpd, or fugitive dust generation at traffic volumes above 200 vpd.
2. Average daily traffic count is based on the most recent Iowa Department of Transportation (“IDOT”) traffic survey for Linn County. During a year, counts may peak due to one time or annual events such as farm sales, fairs, parties, or seasonal activities, and may lull due to temporary road closures for construction or due to a posted bridge load. The Department will not use peak counts to determine a road segment's qualification for dust palliative. Except for parks and recreational areas as recommended by the Engineer and approved by the Board of Supervisors, only average daily traffic more than the 200 vpd or 100 vpd on the three-mile grid will be dust treated by the county under this program. The Engineer may direct special traffic counts in cases where conditions on roads have changed due to the use of the road by traffic dislocated by construction, the development of new subdivisions or industrial sites, or other special conditions. In these cases, since long term traffic patterns and average volumes cannot be established by short-term counts, the minimum traffic count needed for inclusion in the program is 250 vpd, or 30 vehicles per hour (“vph”).
3. Linn County uses a liquid chloride for the treatment of rock surfaced secondary roads in the program, which it treats annually with a single application. The Department will maintain treated roads as determined necessary by the Engineer or designee. If private residents wish to treat over the chloride treated areas with other approved products, they may do so at their own risk and expense. If the areas treated with seal coat or lignin sulfonate over the county applied chloride fail or begin to deteriorate and affect traffic, the county may repair the damaged area during normal road maintenance without notice or compensation to the permittee. Repairs by the county may consist of scarifying

the treated area and maintaining it as a rock surfaced road.

4. Dust palliative may be applied at those sections of the road where control of dust enhances traffic safety, e.g., at intersections, at bridges, at sharp horizontal curves, at vertical curves with limited sight distance, house driveways, and at other locations determined by the Engineer or designee. Residents may extend treated areas at their own expense by applying for a permit from the county and contracting with an applicator.

## **F. Park and Recreational Roads**

1. Linn County treats rock surfaced roads to high use county and state parks, public golf courses, and other high use public recreational sites as established by a resolution of the Board of Supervisors. These roads are treated with liquid chloride or seal coat, based upon traffic volume and type, and maintained as determined by County maintenance standards.

## **G. Quarry Roads**

1. Linn County provides a program to treat roads leading from active quarry sites located on rock surfaced roads. The County selects a route based on traffic use to provide access to the quarry and treats the road surface at bridges, intersections, sharp horizontal curves, and over hills with limited sight distance from the quarry entrance to a paved road, or if deemed appropriate by the Engineer treat the entire roadway at the engineer determined rate. The owner or resident along the selected route may extend treated areas at their own expense by applying for a permit from the county contracting with an applicator.

## **H. Approved Construction Detours and Haul Roads**

1. Dust palliatives will be applied to rock surfaced roads established as official detours or haul roads by the County for maintenance and construction projects. The County will establish a detour that controls dust for roads closed for maintenance or construction activity having a traffic count greater than 400 vpd. The application of dust palliatives on official detours and haul roads will be at county expense. Residents may extend treated areas at their own expense by applying for a permit from the county and contacting a private applicator.
2. Traffic dislocation caused by another governmental jurisdiction's construction activities (cities, neighboring counties, or IDOT) shall be measured upon the receipt of a complaint by a county resident along an affected road. If the traffic count is above 250 vpd or 30 vph measured by the County, the County will either consider the road a construction detour and treat it or will apply other remedies to reduce traffic to normal levels at the discretion of the Engineer.
3. The County treats rock surfaced secondary roads designated by the IDOT as temporary primary haul roads for state highway department construction work the

same way it treats county program roads and as directed by the IDOT. The IDOT may pay for dust control on these roads per IDOT policy.

## **I. Applicator Requirements**

1. Applicators shall certify that all materials used for dust control are free of toxic materials affecting the environment, the public, and livestock and shall submit a list of ingredients stating the composition and percentage of each ingredient in the mixture. Certification shall state that the mixture meets or exceeds applicable DNR and EPA regulations. The following materials are approved for use as dust control:
  - a. Calcium Chloride
  - b. Magnesium Chloride
  - c. Lignin Sulfonate
  - d. Soy Oil
  - e. Seal Coat
2. Applicators may apply material only after the permit is submitted to the County and must provide the Engineer's Office with at least a one-week advance notice of the work.
3. Businesses that want to apply dust control materials must provide the County:
  - a. A Certificate of Liability Insurance with a minimum of \$1,000,000 in liability coverage that names Linn County and its employees as additional insureds.
  - b. A notarized Hold Harmless Agreement.

## **J. Dust Control Required per Road Agreement or Zoning**

1. Property owners/developers that have entered into agreement with Linn County to participate in dust control adjacent to their property shall upon the receipt of an invoice pay for dust control per agreement requirements. The invoice shall provide information about the product, the total cost, and applicable agreement requirements.

## **VI. ENFORCEMENT**

1. The Engineer has the responsibility to enforce this policy and to enlist the cooperation of Secondary Road staff in accomplishing its objectives.





**AMENDMENT #1**

**AMERICAN RESCUE PLAN ACT SUBAWARD AGREEMENT**

**Federal Awarding Agency:** U.S. Department of the Treasury

**Federal Award Number:** SLFRP0336

**Assistance Listing (CFDA):** 21.027 Coronavirus State and Local Fiscal Recovery Fund

**Federal Award Date:** May 19, 2021

**Subaward Number:** ARPA2022-023

<b>Pass-Through Entity (PTE):</b>	<b>Subrecipient:</b>
Linn County, Iowa	Together We Achieve
935 2 <sup>nd</sup> Street SW	1150 27 <sup>th</sup> Ave SW
Cedar Rapids, IA	Cedar Rapids, IA 52404
	<b>UEI #: RLMVJABGDF62</b>
<b>Subaward Budget Period</b> Start date: 1/1/2022 End date: 6/30/2023	
<b>Period of Performance</b> Start date: 1/1/2022 End date: 6/30/2023	
<b>Amount of federal funds obligated by this action: \$0.00</b>	
<b>Total amount of the federal funds obligated to the Subrecipient: \$0.00</b>	
<b>Total amount of the federal funds committed to the Subrecipient: \$23,980.00</b>	
<b>Project Title: 12K in 2022 Food Box Giveaway</b>	
<b>Is Project for Research &amp; Development?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Amend as follows:

- Extension of Subaward Budget Period and Period of Performance
- Change to Exhibit A

Request from Together We Achieve to use remaining funds on a new electric pallet jack for their warehouse as the previously owned unit is no longer operable due to usage.

IN WITNESS WHEREOF, this Agreement is executed and shall become effective as of the last date signed below:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF SUPERVISORS  
LINN COUNTY, IOWA

SUBRECIPIENT:  
TOGETHER WE ACHIEVE

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**EXIHIBIT A - AMENDED**

**Statement of Work**

Together We Achieve will provide a drive through food box giveaway program designed to provide low barrier access to free food to households who are facing food insecurity. Expenses to include boxes, food, marketing, truck rental, equipment, and facility for drive thru. The program will operate and follow the estimated budget (EXHIBIT A1) as approved and will report to Linn County on a quarterly basis.

**Quarterly Reporting Timelines for Project and Expenditures Reports**

Year	Quarter	Period Covered	Due Date
2021	4	October 1 - December 31	January 15, 2022
2022	1	January 1 - March 31	April 15, 2022
2022	2	April 1 - June 30	July 15, 2022
2022	3	July 1 - September 30	October 15, 2022
2022	4	October 1 - December 31	January 15, 2023
2023	1	January 1 - March 31	April 15, 2023
2023	2	April 1 - June 30	July 15, 2023
2023	3	July 1 - September 30	October 15, 2023
2023	4	October 1 - December 31	January 15, 2024
2024	1	January 1 - March 31	April 15, 2024
2024	2	April 1 - June 30	July 15, 2024
2024	3	July 1 - September 30	October 15, 2024
2024	4	October 1 - December 31	January 15, 2025
2025	1	January 1 - March 31	April 15, 2025
2025	2	April 1 - June 30	July 15, 2025
2025	3	July 1 - September 30	October 15, 2025
2025	4	October 1 - December 31	January 15, 2026
2026	1	January 1 - March 31	April 15, 2026
2026	2	April 1 - June 30	July 15, 2026
2026	3	July 1 - September 30	October 15, 2026
2026	4	October 1 - December 31	January 15, 2027

RESOLUTION NO. 2023 – 2 –

**A RESOLUTION TO PROVIDE FOR A NOTICE OF PUBLIC HEARING ON THE PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED TOTAL COST FOR THE LINN COUNTY TREASURER’S OFFICE GLAZING & MILLWORK PROJECT, AND FOR THE TAKING OF BIDS ON SAID PROJECT**

**WHEREAS**, in acknowledgment of safety and security considerations, highlighted, in part, by the COVID-19 pandemic, the Linn County Treasurer proposes that the Linn County, Iowa Board of Supervisors (“Board”) authorize the construction of the public improvement(s) as described in the proposed plans, specifications, and form of contract prepared by Emergent Architecture (“Architect”), hereinafter referred to as the “Linn County Treasurer’s Office Glazing & Millwork Project” (“Project”); and

**WHEREAS**, the proposed plans, specifications, form of contract, and estimated total cost for the project (“Contract Documents”) are on file with the Board; and

**WHEREAS**, it is necessary to set a time, date, and location for a public hearing on the Contract Documents, to publish a Notice of Public Hearing on the Contract Documents, and to advertise for sealed bids on the Project.

**BE IT THEREFORE RESOLVED** by the Board as follows:

1. The Board hereby approves the proposed contract documents referenced in this Resolution, as prepared by the Architect, in their preliminary form.
2. The Board hereby determines that the Project is necessary and desirable for Linn County (“County”) and finds that it is in the best interest of the County to proceed toward the construction of the Project.
3. The Board shall hold a public hearing on the proposed contract documents on Monday, March 20, 2023 at 10 am in the Formal Board Room of the Linn County Public Service Center located at 935 – 2<sup>nd</sup> Street SW, Cedar Rapids, Iowa, at which time any interested person may appear and file oral or written comments in support of or opposition to the proposed Project and/or Contract Documents, and, after hearing comments, the Board may proceed with adopting a resolution to approve said Contract Documents.
4. The Board hereby authorizes and directs the publication of a Notice of Public Hearing on the Contract Documents for the Project at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in one or more newspapers that meet the requirements of Iowa Code Section 618.14.
5. The Board hereby delegates to the Purchasing Director and/or his designee(s) the duty of receiving bids for the construction of the Project until 2 pm on March 17, 2023, at the Linn County Public Service Center located at 935 – 2<sup>nd</sup> Street SW, Cedar Rapids, Iowa.

6. The Board hereby sets March 20, 2023, at 10 am in the Formal Board Room of the Linn County Public Service Center as the time and place that the Board or its designee will open and announce the bids received for the construction of the Project, and that the Board will consider said bids.
7. The Board hereby fixes the amount of the bid security to accompany each bid at five (5) percent of the amount of the bid.
8. The Board hereby authorizes and directs advertisement for sealed bids for the Project in accordance with Iowa Code Section 26.3.

PASSED AND APPROVED this 20<sup>th</sup> day of February 2023.

**LINN COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Louis J. Zumbach, Chair

\_\_\_\_\_  
Ben Rogers, Vice Chair

\_\_\_\_\_  
Kirsten Running-Marquardt, Supervisor

**ATTEST:**

\_\_\_\_\_  
Joel Miller, Linn County Auditor

I, Joel Miller, Linn County Auditor, certify that at a regular meeting of the Linn County Board of Supervisors duly adopted the foregoing resolution by a vote of

\_\_\_\_\_Aye \_\_\_\_\_Nay \_\_\_\_\_Abstain \_\_\_\_\_Absent from voting.

\_\_\_\_\_  
Joel Miller, Linn County Auditor