

**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, March 6, 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.

Update from Medco, Marion Economic Development Corporation

Second reading of an Ordinance Amending Chapter 20 of the Code of Ordinances, Linn County, Iowa by Amending Sections in Article III Relating to the Linn County General Assistance Program

Second reading of an Ordinance Amending Chapter 24 of the Code of Ordinance, Linn Count Iowa by Amending Provisions in Article II relating to the time of Imposition of a Local Sales and Services Tax

Public Hearing for Dows Farm Agri-Community Addition, case JP23-0001, request for a 223 lot preliminary plat of 116.73 total acres, located in the 6900 Block of Mt. Vernon Rd SE, owned by Linn County, IA, petitioner is Dows Agri-Community Development, LLC.

Public hearing and first consideration for rezoning case JR23-0002, request to rezone property located at 4247 Indian Boundary Rd, from the RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district, approximately 0.84 acres, Drew & Jenna Whiting, owners.

Public Hearing and first consideration on an ordinance amending the Code of Ordinances, Linn County, Iowa, by amending provisions in Chapter 107, Unified Development Code, relating to accessory dwelling units.

Discuss amended resolution fixing the 1/1/22 Utility Valuations payable in 2023-2024

Discuss re-allocating the approved use of funds for Capital Improvement Project 2023CP-002

Discuss re-allocating the unspent balance of funds for Capital Improvement Project 2021CP-016

**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).

ORDINANCE NO. 3 – – 2023

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, LINN COUNTY, IOWA  
BY AMENDING SECTIONS IN ARTICLE III RELATING TO THE LINN COUNTY  
GENERAL ASSISTANCE PROGRAM

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, as follows:

**SECTION 1. SECTION MODIFIED.** Chapter 20, Article III, Section 20-62(c) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (c) Applicants who seek ongoing economic assistance due to a disability that is expected to last more than 12 months from the date of onset must apply for and diligently pursue an application for supplemental security income (SSI) benefits. Applicants must also execute a repayment agreement in the event of a lump sum payment of retroactive benefits on forms provided by the director.

**SECTION 2. SECTION MODIFIED.** Chapter 20, Article III, Section 20-62(d) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (d) Applicants who have made application for supplemental security income (SSI) benefits whose application is dismissed for failure to diligently pursue the application, or who are determined to not have a qualifying disability after hearing by an administrative law judge shall not be eligible for further ongoing economic assistance or to re-apply for ongoing economic assistance in the 60 months following the dismissal of their application or the decision of the administrative law judge. Such applicants are eligible to apply for temporary economic assistance benefits immediately after termination of their ongoing economic assistance benefits. Applicants who are not required to make application for SSI benefits are eligible to apply for temporary economic assistance 90 days after termination of their ongoing economic assistance benefits.

**SECTION 3. SECTION MODIFIED.** Chapter 20, Article III, Section 20-64(b) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (b) The general assistance program may provide assistance for rent for rental units, rooms, and mobile home lots, interest on home mortgages, utilities, transportation, and burial. Assistance for food and essential non-food products may also be provided to applicants determined eligible for assistance pursuant to Section 20-60 upon a determination by the director that the program funding balance is adequate to allow for expanded assistance.

**SECTION 4. SECTION MODIFIED.** Chapter 20, Article III, Section 20-67 of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

**Sec. 20-67. – Essential non-food items.**

Essential non-food items which may be paid for through this program are limited to items approved by resolution of the board of supervisors.

**SECTION 5. SECTION MODIFIED.** Chapter 20, Article III, Section 20-69(a) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (a) The income guidelines used to determine eligibility for burial assistance shall be set by resolution of the board of supervisors.

**SECTION 6. SECTION MODIFIED.** Chapter 20, Article III, Section 20-70(c) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (c) Any person making application for assistance who applies for supplemental security income (SSI) and who would be entitled to a retroactive lump sum payment must agree to comply with the reimbursement provisions of the state supplemental income program.

**SECTION 7. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 8. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 9. SAVING.** The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

**LINN COUNTY BOARD OF SUPERVISORS**

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

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

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

**ATTEST:**

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

I, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.

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

State of Iowa  
County of Linn

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Joel Miller as Linn County Auditor.

\_\_\_\_\_  
Notary Public, State of Iowa

First reading on the \_\_\_\_\_ day of March 2023.

Second reading on the \_\_\_\_\_ day of March 2023.

Third reading and final passage on the \_\_\_\_\_ day of March 2023.

Published in *The Gazette* on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

ORDINANCE NO. 3 – – 2023

**AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY AMENDING PROVISIONS IN ARTICLE II RELATING TO THE TIME OF IMPOSITION OF A LOCAL SALES AND SERVICES TAX**

**BE IT ORDAINED** by the Board of Supervisors of Linn County, Iowa, as follows:

**SECTION 1. SUBSECTION MODIFIED.** Chapter 24, Article II, Section 24-21(c) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (c) *Cedar Rapids.* The local sales and service tax is imposed upon transactions occurring on and after April 1, 2009, until June 30, 2034, within the incorporated area of Cedar Rapids in the county.

**SECTION 2. SUBSECTION MODIFIED.** Chapter 24, Article II, Section 24-21(h) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (h) *Fairfax.* The local sales and services tax is imposed upon transactions occurring on and after April 1, 2009, until June 30, 2034, within the incorporated area of Fairfax in the county.

**SECTION 3. SUBSECTION MODIFIED.** Chapter 24, Article II, Section 24-21(i) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (i) *Hiawatha.* The local sales and services tax is imposed upon transactions occurring on and after April 1, 2009, until June 30, 2034, within the incorporated area of Hiawatha in the county.

**SECTION 4. SUBSECTION MODIFIED.** Chapter 24, Article II, Section 24-21(k) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (k) *Marion.* The local sales and services tax is imposed upon transactions occurring on and after April 1, 2009, until June 30, 2034, within the incorporated area of Marion in the county.

**SECTION 5. SUBSECTION MODIFIED.** Chapter 24, Article II, Section 24-21(o) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (o) *Robins.* The local sales and services tax is imposed upon transactions occurring on and after April 1, 2009, until June 30, 2034, within the incorporated area of Robins in the county.

**SECTION 6. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 7. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 8. SAVING.** The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 9. EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

**LINN COUNTY BOARD OF SUPERVISORS**

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

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

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

**ATTEST:**

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

I, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.

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

State of Iowa  
County of Linn

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Joel Miller as Linn County Auditor.

\_\_\_\_\_  
Notary Public, State of Iowa

First reading on the \_\_\_\_\_ day of March 2023.  
Second reading on the \_\_\_\_\_ day of March 2023.  
Third reading and final passage on the \_\_\_\_\_ day of March 2023.  
Published in *The Gazette* on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION # \_\_\_\_\_**

**APPROVING PRELIMINARY PLAT**

**WHEREAS**, a preliminary plat of Dows Farm Agri-Community Addition (Case #JP23-0001) to Linn County, Iowa, containing two hundred twenty-three (223) lots, has been filed for approval, a subdivision of real estate located in Section 20, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

PARCEL A AND PARCEL B, AMENDED PLAT OF SURVEY NO, 2474 AS RECORDED IN BOOK 10813, PAGES 248-249 IN THE OFFICE OF THE LINN COUNTY RECORDER

**WHEREAS**, said plat is accompanied by a certificate acknowledging that said subdivision is by, and with the free consent of the proprietors, and is accompanied by a certificate dedicating certain property to the public, as shown on the plat; and

**WHEREAS**, said plat and its attachments thereto have been found to conform to the requirements of the comprehensive plan and the subdivision ordinance; and the requirements of other ordinances and state laws governing such plats; and

**WHEREAS**, the following conditions as listed on the Planning and Development Staff Report of February 15, 2023, as last amended on February 20, 2023 have been addressed:

**LINN COUNTY SECONDARY ROAD DEPARTMENT**

1. Developer shall submit an agreement designating what infrastructure will be public and what will be privately maintained.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. Not within the jurisdiction of the Iowa Department of Transportation.

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

No conditions to be met.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources.
2. Submit erosion and sediment control plan for review and acceptance.
3. Submit storm water pollution prevention plan for review and acceptance prior to approval of plat and / or any site grading activities.
4. Submit storm water management plan for review and acceptance prior to approval of plat and / or any site grading activities.
5. Applicant shall complete and submit a Land Disturbing Affidavit to the Linn County Soil and Water Conservation District as required by Iowa Code.

**LINN COUNTY CONSERVATION DEPARTMENT**

No conditions to be met.

**LINN COUNTY EMERGENCY MANAGEMENT**

No conditions to be met.

**LINN COUNTY PLANNING AND DEVELOPMENT - ZONING DIVISION**

1. Various revisions to the preliminary plat.
2. Prior to approval of the preliminary plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.



3. This plat lies within the 2-mile jurisdiction of the City of Cedar Rapids, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
4. The proposed subdivision name and proposed names of all roads, streets and lanes shall be submitted for review and approval by the Linn County Auditor's office prior to approval of the preliminary plat.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by March 8, 2024, to be valid.

**Passed and approved this 8<sup>th</sup> day of March 2023**

Linn County Board of Supervisors

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice Chair

\_\_\_\_\_  
Supervisor

Aye:

Nay:

Abstain:

Absent:

Attest:

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

Linn County Engineer

\_\_\_\_\_  
Brad Ketels, Engineer

State of Iowa    )  
                          ) SS  
County of Linn    )

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

\_\_\_\_\_ Aye \_\_\_\_\_ Nay \_\_\_\_\_ Abstain \_\_\_\_\_ Absent

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

Subscribed and sworn to before me by the aforesaid Joel Miller, \_\_\_\_\_,

on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public State of Iowa

RESOLUTION NO. 2023-3-

AMENDED RESOLUTION FIXING THE 1/1/2022 UTILITY VALUATIONS PAYABLE 2023-2024

WHEREAS, Iowa Code Sections 434.22 (railway), 437.10 (electric) and 438.15 (pipeline) establishes that the county board of supervisors shall enter into the minute book an order describing and fixing the miles, assessed valuations, and taxable valuations for state assessed utilities; and

WHEREAS, the Iowa Department of Revenue fixes and publishes a schedule of the miles, assessed valuations, and taxable valuations annually on their public website for the County Auditor to retrieve and input into their local tax system; and

WHEREAS, Senate File 181 caused the Iowa Department of Revenue to amend the AY2022 order certifying percentages for assessment limitations (rollback) affecting the taxable valuation for the Railroad utility; and

WHEREAS, the miles, assessed valuations, and amended taxable valuations for the 1/1/2022 utilities payable in 2023-2024 are as follows:

Utility	Miles	Assessed Valuation	Rollback	Taxable Valuation
Pipeline/Water/Steam	n/a	\$18,759,157	100%	\$18,759,157
Railroad	94.210	\$82,586,266	Two Tier	\$74,115,542 (prior \$74,126,594)
<i>Total Centrally Assessed</i>		\$101,345,423		\$92,874,699
1-Electric	n/a	\$1,078,244,848	n/a	\$184,196,868
2-Production	n/a	\$414,752,986	n/a	\$52,045,148
3-Gas	n/a	\$112,481,151	n/a	\$30,614,376
6-Transmission	n/a	\$524,119,969	n/a	\$108,089,277
7-Distribution	n/a	\$59,313,955	n/a	\$5,560,094
<i>Total Gas and Electric</i>		\$2,188,912,909		\$380,505,763
<b>Grand Total</b>		<b>\$2,290,258,332</b>		<b>\$473,380,462</b>

WHEREAS, the Linn County Auditor has a detailed listing of the above by company and taxing district on file; now

THEREFORE BE IT HEREBY RESOLVED by the Board of Supervisors of Linn County, Iowa, that it is hereby ordered that the above stated miles, assessed valuations, and taxable valuations in Linn County, Iowa, are hereby ordered and fixed accordingly.

PASSED AND APPROVED this 8th day of March, 2023.

LINN COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Louis Zumbach, Chair

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

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

AYE:            NAY:            ABSTAIN:

ATTEST:

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