

BOARD OF SUPERVISORS

District 1 | **Stacey Walker**
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 | FAX: 319-892-5009
LinnCountyIowa.gov



**LINN COUNTY BOARD OF SUPERVISORS
MEETING AGENDA**

Monday, October 3, 2022
11 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.

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 a 12-month moratorium on accepting rezoning applications for the Renewable Energy Overlay District.

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: measuring the rear yard setback on triangular lots; amending the distance between animal runs or exercise areas and property lines in some instances for the animal boarding/shelter/kennel use; and adding use categories for Historic Schoolhouses and Recreation Camps, case JA22-0003.

Discuss a 28E Agreement between Linn County and the City of Lisbon for Property Maintenance and Rental Housing Inspection services.

Discuss and decide on A Resolution Awarding Contract for the Linn County Secondary Road District #1 Shop – Phase 1 project

Discuss allocation of Legacy & Community Attractions grant funds

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.

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.

Prepared by Jessie Black
Linn County Planning & Development
935 2nd Street S.W., Cedar Rapids, Iowa 52404-2100
(319) 892-5130
Return to Becky Shoop, Auditor's Office

ORDINANCE NO. 10 – – 2022

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY ADDING PROVISIONS IN CHAPTER 107, ARTICLE VII RELATING TO THE ENACTMENT OF A 12-MONTH MORATORIUM ON ACCEPTING REZONING APPLICATIONS FOR THE RENEWABLE ENERGY OVERLAY DISTRICT

WHEREAS, Linn County recently reviewed and approved multiple applications for rezoning to the Renewable Energy Overlay District; and

WHEREAS, projects that occur within Renewable Energy Overlay Districts such as utility-scale wind, solar and battery energy storage systems involve complex and quickly evolving technologies; and

WHEREAS, the Linn County Board of Supervisors wishes to examine specific project-related code requirements including but not limited to setbacks, vegetation, screening, and battery energy storage systems; and

WHEREAS, the Linn County Board of Supervisors wishes to enact a moratorium on accepting Renewable Energy Overlay Rezoning applications until the current ordinance language is examined, with specific attention paid to the aforementioned code requirements.

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

SECTION 1. SUBSECTION ADDED. Chapter 107, Article VII of The Code of Ordinances, Linn County, Iowa, is hereby amended by adding thereto a new subsection 107-149(h), hereby created to read as follows:

(h) *Moratorium.*

- (1) The county shall not approve any request to rezone property to the Renewable Energy Overlay District for a period of twelve months while the Board of Supervisors reviews and possibly revises language in this chapter related to utility-scale solar and wind installations.
- (2) This subsection 107-149(h) shall be automatically repealed on October 12, 2023.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. 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 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

LINN COUNTY BOARD OF SUPERVISORS

Ben Rogers, Chair

Louis J. Zumbach, Vice Chair

Stacey Walker, 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 _____, 2022,
by Joel Miller as Linn County Auditor.

Notary Public, State of Iowa

Public hearing on _____ day of _____ 2022.

First consideration on the _____ day of _____ 2022.

Second consideration on the _____ day of _____ 2022.

Third consideration and final passage on the _____ day of _____ 2022.

Published in *The Gazette* on the _____ day of _____ 2022.

Prepared by Jessie Black
Linn County Planning & Development
935 2ND Street SW, Cedar Rapids, Iowa 52404-2100
(319) 892-5130
Return to Becky Shoop, Auditor's Office

ORDINANCE NO. 10 – – 2022

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY MODIFYING PROVISIONS IN CHAPTER 107, ARTICLE V RELATING TO REAR YARD SETBACKS ON TRIANGULAR SHAPED LOTS; MODIFYING PROVISIONS IN CHAPTER 107 ARTICLE VI RELATING TO THE DISTANCE BETWEEN ANIMAL RUNS OR EXERCISE AREAS AND ADJOINING PROPERTY LINES, AND STANDARDS FOR CAMPGROUNDS, TRAVEL TRAILER PARKS, AND RECREATION CAMPS; MODIFYING ZONING DISTRICT USE TABLE 107-147-1 IN CHAPTER 107, ARTICLE VII; AND ADDING DEFINITIONS FOR HISTORIC SCHOOLHOUSE AND RECREATION CAMP IN CHAPTER 107, ARTICLE IX

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

SECTION 1. SECTION MODIFIED. Chapter 107, Article V, Section 107-94(h)(6) of the Code of Ordinances, Linn County, Iowa, is hereby repealed and replaced with the following:

- (6) *Rear yards on triangular shaped lots.* Rear setbacks on triangular shaped lots shall be determined by using the rear setback distance for the zoning district drawn along each leg of the triangle and then connected by a straight line.

SECTION 2. SUBSECTION ADDED. Chapter 107, Article V, Section 107-94 of the Code of Ordinances, Linn County, Iowa, is hereby amended by adding thereto a new subsection 107-94(h)(7), hereby created to read as follows:

- (7) *Exceptions to yard setback requirements.* A required yard setback shall be kept open except for the following:

- a. Fences or freestanding walls.
- b. Ordinary projections from buildings not to exceed 24 inches including roof overhang.
- c. For commercial and industrial buildings, up to 20 percent of the required front yard area may be covered by arcades, canopies, roofs, solar power systems, or similar architectural features.

SECTION 3. SECTION MODIFIED. Chapter 107, Article VI, Section 107-115(b)(4) of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (4) *Exercise areas.* All animal runs or exercise areas shall be located at least 100 feet from any adjoining property line. The setback may be reduced up to 50 percent through an administrative exception approved by the zoning administrator provided the animal run or exercise area is separated from the property line in question by a building along the entire length of the animal run or exercise area. Outdoor animal runs or exercise areas are prohibited within the VM Village Mixed-Use District.

SECTION 4. SECTION MODIFIED. Chapter 107, Article VI, Section 107-115(n), of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

- (n) *Recreation and entertainment, outdoor, campground, travel trailer park, recreation camp.* Campgrounds, travel trailer parks, and recreation camps shall meet the following standards:
 - (1) *Major site plan required.* A major site plan shall be submitted and reviewed prior to the approval of a campground, travel trailer park, or recreation camp. Site plans shall indicate all proposed recreation areas, sanitary facilities, storage areas, parking, circulation, signs, landscaping, and other information needed to assess the impacts of the operation on surrounding properties and the road network.
 - (2) *Parking.* Parking and loading shall meet the standards in Section 107-93(e).
 - (3) *Caretaker or attendant required.* A responsible attendant or caretaker shall oversee every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain any applicable records and keep the facilities and the equipment in a clean, orderly, and sanitary condition.
 - (4) *Mobile homes prohibited.* No mobile homes shall be allowed in campgrounds.
 - (5) *Vehicles.* No unlicensed or inoperable vehicles or vehicle parts shall be stored on the site.

(6) *Year-round residential use prohibited.* Residential use of camping vehicles or buildings associated with recreation camps, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.

(7) *Setbacks for campgrounds and travel trailer parks:*

- a. Recreational camping vehicles and accessory structures shall be separated from each other and from other structures by at least ten feet.
- b. Recreational camping vehicles shall be set back at least 25 feet from any road right-of-way and at least ten feet from other park boundary lines.

(8) *Severe weather plan.* The applicant shall provide a severe weather plan.

SECTION 5. SECTION MODIFIED. Chapter 107, Article VII, Table 107-147-1 of the Code of Ordinances, Linn County, Iowa, is hereby amended to read as follows:

Table 107-147-1 Use Table

Institutional and Civic Uses		STD	AG	RR 1/2/3	VR	VM	USR		USR- MF	HC	GC	I	CNR	MH
Community Services	Public safety facility		P	P	P	P	P		P	P	P	P	C	
	Historic schoolhouse		P/A	P/A	P/A	P/A	P/A		P/A	P/A	P/A	P/A	P/A	

Retail, Service and Commercial Uses		STD	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
Recreation and Entertainment, Outdoor	Campground or travel trailer parks, recreation camp	107- 115(n)	C									C	

SECTION 6. SECTION ADDED. Chapter 107, Article IX, Section 180 of The Code of Ordinances, Linn County, Iowa, is hereby amended by adding thereto new definitions, hereby created to read as follows:

Historic schoolhouse means a building that was used as a school as documented in state and/or county historic records, and which may be eligible for listing on the National Register of Historic Places.

Recreation camp means premises and facilities used occasionally or periodically where seasonal accommodations are provided for members or groups or associations for outdoor educational or recreational activities.

SECTION 7. REPEALER. All ordinances or parts of ordinances in conflict with 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

Ben Rogers, Chair

Louis J. Zumbach, Vice Chair

Stacey Walker, 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 _____, 2022,
by Joel Miller as Linn County Auditor.

Notary Public, State of Iowa

Public hearing on _____ day of _____ 2022.

First consideration on the _____ day of _____ 2022.

Second consideration on the _____ day of _____ 2022.

Third consideration and final passage on the _____ day of _____ 2022.

Published in *The Gazette* on the _____ day of _____ 2022.

Prepared by & to be returned to Linn County Planning & Development
935 2nd Street S.W., Cedar Rapids, Iowa 52404-2100 319-892-5130

**LINN COUNTY AND CITY OF LISBON
AGREEMENT FOR RENTAL HOUSING AND PROPERTY MAINTENANCE
INSPECTIONS**

1. TITLE

Pursuant to Iowa Code Chapter 28E, this Agreement by and between Linn County, Iowa and the City of Lisbon, Iowa, shall be known as the *Linn County and City of Lisbon Agreement for Rental Housing and Property Maintenance Inspections*.

2. PURPOSE AND SCOPE

2.1 Purpose of Agreement. The purpose of this Agreement is to provide inspection services for Rental Housing and Property Maintenance Regulations of the City of Lisbon to protect the public health, safety and welfare.

2.2 Scope of Services. Linn County, through the Building Division of the Department of Planning and Development, shall provide services to inspect rental housing units and determine property maintenance violations as specified in the City's adopted Rental Housing Code and Property Maintenance Code. The Code Official shall be at all times an employee of Linn County and not an employee or agent of the City of Lisbon.

3. DEFINITIONS

As used in this Agreement, the following terms are defined:

Building Division: The Building Division of the Linn County Department of Planning and Development.

Code Official: The Linn County Building Official who is the designated authority charged with the administration and enforcement of the Linn County *Rental Housing and Property Maintenance Codes*.

City: The City of Lisbon, Iowa.

Code: The current version of Chapter 105, Buildings and Building Regulations: Article VI and VII of the Linn County Code of Ordinances as adopted by Linn County, Iowa including amendments and recodifications in effect at the time of the inspection or investigation.

County: The County of Linn, Iowa.

Code Compliance Officer: The Code Compliance Officer employed with the Linn County Building Division under the direction of the Linn County Building Official.

4. PROCEDURES AND FEES

4.1 Place of Registration. Landlord and property registration will be made at the City of Lisbon, 115 N Washington, Lisbon, IA. The City shall remit to the County a copy of all registered residential rental properties.

4.2 Fees. Applicant fees are to be paid directly to the City by the applicant. Monthly, the County will bill the City for all rental & property maintenance services performed within the City. The bill will include an itemized list of the rental and property maintenance services that were performed. The City shall remit payment to the County within 30 days of receipt of the bill. All fees paid by the City to the County shall be retained by the County. The City of Lisbon agrees to pay Linn County for inspection services based upon Linn County's adopted fee schedule for rental housing and property maintenance as established by Resolution number 2022-9-146 approved by BOS.

5. INSPECTIONS

5.1. Types of inspections. The County shall provide inspections in accordance with the adopted *Property Maintenance and Housing Codes*. Weed and junk vehicle complaints shall be handled by the city.

5.2. Notification. Notification of required rental housing and property maintenance inspections shall be made by the county to the owner or authorized agent.

5.3 Inspection requests. Property maintenance inspection requests shall be made by the city to the county. Customers will be directed to contact the city with complaints, concerns, and requests relating to property maintenance. Requests may be made via email or by telephone to the Linn County Building Division between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Twenty-four hour notice is required prior to an inspection.

5.4 Inspection times. The Code Compliance Officer will conduct inspections between the hours of 9:30 a.m. and 3:30 p.m., Monday through Friday. The County reserves the right to modify this inspection schedule to accommodate the Officer's schedules.

5.5 Certificate of Inspected Housing. A Certificate of Inspected Housing shall be issued by the county to the owner or authorized agent upon successfully passing inspection and valid for two (2) years once the residential rental unit has passed all required inspections per the Code.

6. ENFORCEMENT

Administration and enforcement of the Regulations shall be by the Code Official. Enforcement and prosecution of Code violations cited by the County shall be by the City.

7. RECORDS

7.1. Records maintenance. The County shall maintain records of Rental units, rental inspections, inspection results, certificates of inspected housing, property maintenance investigation requests, investigation results, and all notices of violations, beginning with the effective date of this Agreement, for a period of five years from the issuance date, unless this agreement is terminated sooner.

7.2 Billing statements. The County shall provide monthly statements that will reflect the number and type of inspections performed, and the number of certificates of inspected housing issued, and the costs due to County from City.

8. HOLD HARMLESS

Chapter 8 does not require the City of Lisbon to hold harmless, indemnify or defend any claims or suits against Linn County or any of its employees arising from reckless conduct, intentional torts or criminal conduct

9. APPEALS

Appeals of decisions or determinations relative to the application and interpretation of the Rental Housing and Property Maintenance Regulations shall be through the City in accordance with the Code.

The City shall provide decisions and findings in writing to the County.

10. AMENDMENTS

Any portion of this Agreement may be amended at any time, as mutually agreed, by Resolution of the County Board of Supervisors and Resolution of the City Council.

11. DURATION OF AGREEMENT

This Agreement shall continue until terminated by either the County or the City.

12. TERMINATION

Either the County or the City may terminate this Agreement at any time by providing written notice at least three months prior to the termination date. Written notice shall be a certified copy of a resolution by the County Board of Supervisors or the City Council.

The County shall not be obligated to perform inspections after the termination date.

13. EFFECTIVE DATE

The effective date of this Agreement is October 15, 2022 or the date the certified Agreement is recorded at the Linn County Recorder, whichever is later.

Doug O'Connor, Mayor
City of Lisbon

Ben Rogers, Chair
Linn County Board of Supervisors

Attest:

Brandon Siggins, City Administrator

Joel Miller, Auditor

RESOLUTION NO. 2022 – 10 –

A RESOLUTION AWARDING CONTRACT FOR THE
LINN COUNTY SECONDARY ROAD DISTRICT #1 SHOP – PHASE 1 PROJECT

WHEREAS, pursuant to notice duly posted as prescribed by resolution of the Linn County Board of Supervisors (the “Board”), and as required by state law, the Board received bid proposals for the “Linn County Secondary Road District #1 Shop – Phase 1 Project” (the “Project”); and,

WHEREAS, each bid submitted for the Project received careful consideration, and it is necessary and advisable to award the contract for the Project.

BE IT THEREFORE RESOLVED by the Board as follows:

1. The bid for the Project submitted by the contractor, and in the amount set out below, is lowest responsible bid received for the Project, and is fully responsive to the plans and specifications for the Project.

<u>Contractor</u>	<u>Bid Amount</u>
Connolly Construction—Peosta, Iowa	\$202,900.00

2. The Board hereby awards the contract for the Project to such contractor, and for the total estimated cost set out above, with final settlement to be made on the basis of the unit prices set out in said contract, and on the actual final quantity of each class of material(s) furnished, and said contract is subject to the Notice to Bidders, the plans and specifications for the Project, and the terms of the bidder’s written proposal.
3. The Board hereby authorizes the chairperson to execute and deliver, or cause to be delivered, a Notice to Proceed to such contractor listed above notifying said contractor to commence work on the Project.
4. The Board hereby fixes the amount of the contractor’s performance and/or payment bonds at 100 percent of the amount of the contract.

PASSED AND APPROVED this 3rd day of October, 2022.

LINN COUNTY BOARD OF SUPERVISORS

Ben Rogers, Chair

Louis J. Zumbach, Vice Chair

Stacey Walker, Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

I, Joel Miller, Linn County Auditor, hereby certify that the Linn County Board of Supervisors duly adopted the foregoing resolution at a regular meeting by a vote of: ____ aye, ____ nay, and ____ abstained from voting.

Joel D. Miller, Linn County Auditor