

**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**

Wednesday, November 16, 2022

11 a.m.

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

**Call to Order**

**Pledge of Allegiance**

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

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

**Consent Agenda**

Items listed on the consent agenda are routine and will be considered by one motion without individual discussion unless the Board removes an item for separate consideration.

**Reports**

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of October, 2022.

**Resolutions**

Resolution to approve a Residential Parcel Split for Roberson Acres First Addition, case JPS22-0017

Resolution to approve a Residential Parcel Split for Taube Farms First Addition, case JPS22-0010

Resolution to approve a Land Preservation Parcel Split for Taube Farms Second Addition, case JLPS22-0002

**Contract and Agreements**

Approve and authorize Chair to sign a 36-month lease agreement at \$142.71 per month with Gordon Flesch Company Inc for a copier for Facilities.

Approve and authorize Chair to sign a 36-month lease agreement at \$168.57 per month with Gordon Flesch Company Inc for a copier for Secondary Roads.

Approve and authorize Chair to sign a 36-month lease agreement at \$151.66 per month with Gordon Flesch Company Inc for a copier for Sheriff's Office.

Approve and authorize Chair to sign a 36-month lease agreement at \$344.21 per month with Gordon Flesch Company Inc for a copier for Public Health.

Approve and authorize Chair to sign a 36-month lease agreement at \$190.10 per month with Gordon Flesch Company Inc for a copier for Treasure's Office.

Approve and authorize Chair to sign a 36-month lease agreement at \$253.32 per month with Gordon Flesch Company Inc for a copier for Treasure's Office.

Approve and authorize Chair to sign a 36-month lease agreement at \$270.58 per month with Gordon Flesch Company Inc for a copier for Treasure's Office.

Approve and authorize Chair to sign a 36-month lease agreement at \$253.32 per month with Gordon Flesch Company Inc for a copier for Treasure's Office.

## **Licenses & Permits**

### **Regular Agenda**

#### **Discuss and Decide on Consent Agenda**

##### **Minutes**

Discuss and decide on meeting minutes.

##### **Claims**

Discuss and decide on claims.

Discuss and decide on a resolution relating to the issuance of not to exceed \$8,000,000 in aggregate principal amount of Revenue Bonds (Young Men's Christian Association of the Cedar Rapids Metropolitan Area Project) Series 2022, of Linn County, Iowa; and specifically (1) fixing a date for a public hearing on the proposal to issue said bonds; (2) directing publication of a notice of intention to issue said bonds; and (3) authorizing the execution of a Memorandum of Agreement

Set public hearing date for Monday December 12th, 2022, at 5:30 p.m. to establish a Secondary Road Assessment District to improve Sutton Road and Buffalo Drive with tree clearing, guardrail repair, sign replacements, 1.5" rock overlay, double seal coat with a single seal coat in 5 years at a cost of \$175,546.00. The assessment district includes Sutton Road and Buffalo Drive in Sections 19, 20, 30, & 29 T86 R6.

Discuss fiscal year 2023 budget amendment requests and set public hearing on the proposed amended budget for December 7, 2022.

Discuss and decide on Fiscal Year 2024 budget initiatives and guidelines

##### **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.

#### **Board Member Reports**

##### **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).

TREASURER'S (AUTO DEPT.) REPORT TO THE COUNTY AUDITOR  
 RECEIPTS AND DISBURSEMENTS  
 MONTH OF     OCTOBER     2022



FUND	RECEIPTS		DISBURSEMENTS		PREVIOUS BAL.	GRAND TOTAL
	CASH BOOK	TRANSFERS	TREAS CKS.	TRANSFERS		
AUTO LICENSE	\$ 3,739,230.10		\$ 3,722,505.00		\$ 3,722,505.00	\$ 3,739,230.10
USE TAX	\$ 2,817,186.48		\$ 2,740,355.68		\$ 2,740,355.68	\$ 2,817,186.48
SURCHARGE	\$ 25,275.00		\$ 24,620.00		\$ 24,620.00	\$ 25,275.00
AMATEUR RADIO	\$ 65.00		\$ 65.00		\$ 65.00	\$ 65.00
BLACK OUT	\$ 51,045.00		\$ 52,005.00		\$ 52,005.00	\$ 51,045.00
BREAST CANCER	\$ 65.00		\$ 85.00		\$ 85.00	\$ 65.00
BRONZE STAR	\$ 25.00		\$ 20.00		\$ 20.00	\$ 25.00
CATTLEMAN	\$ 60.00		\$ 100.00		\$ 100.00	\$ 60.00
CHOOSE LIFE	\$ 20.00		\$ 25.00		\$ 25.00	\$ 20.00
ISU	\$ 292.00		\$ 287.00		\$ 287.00	\$ 292.00
U OF I	\$ 1,181.00		\$ 1,272.00		\$ 1,272.00	\$ 1,181.00
UNI	\$ 55.00		\$ 61.00		\$ 61.00	\$ 55.00
OTHER COLLEGE PL	\$ 225.00		\$ 250.00		\$ 250.00	\$ 225.00
PERS PLATE	\$ 1,825.00		\$ 1,696.00		\$ 1,696.00	\$ 1,825.00
DECAL	\$ -		\$ 20.00		\$ 20.00	\$ -
DUCKS UNLTD	\$ 25.00		\$ 75.00		\$ 75.00	\$ 25.00
EDUCATION	\$ 20.00		\$ 35.00		\$ 35.00	\$ 20.00
EMS	\$ -		\$ -		\$ -	\$ -
EV/PHEV	\$ 8,950.11		\$ 10,165.40		\$ 10,165.40	\$ 8,950.11
FALLEN OFFICER	\$ 95.00		\$ 105.00		\$ 105.00	\$ 95.00
FIREFIGHTER	\$ 100.00		\$ 25.00		\$ 25.00	\$ 100.00
FLY OUR COLORS	\$ 619.00		\$ 736.00		\$ 736.00	\$ 619.00
GOD BLESS	\$ 70.00		\$ 80.00		\$ 80.00	\$ 70.00
GOLD STAR FAMILY	\$ -		\$ -		\$ -	\$ -
HERITAGE	\$ 15.00		\$ -		\$ -	\$ 15.00
IOWA AG LITERACY	\$ -		\$ 15.00		\$ 15.00	\$ -
LEGION OF MERIT	\$ -		\$ -		\$ -	\$ -
LOVE R KIDS	\$ 15.00		\$ 35.00		\$ 35.00	\$ 15.00
MCYCLE RIDER	\$ 30.00		\$ 10.00		\$ 10.00	\$ 30.00
NAT'L GUARD	\$ 5.00		\$ 5.00		\$ 5.00	\$ 5.00
DNR	\$ 3,555.00		\$ 3,865.00		\$ 3,865.00	\$ 3,555.00
ORGAN DONOR	\$ 110.00		\$ 35.00		\$ 35.00	\$ 110.00
PEARL HARBOR	\$ -		\$ -		\$ -	\$ -
POW	\$ -		\$ -		\$ -	\$ -
PROFESSIONAL FIRE	\$ 60.00		\$ 25.00		\$ 25.00	\$ 60.00

PURPLE HEART	\$ 80.00		\$ 45.00		\$ 45.00	\$ 80.00
PWD	\$ 15.00		\$ 5.00		\$ 5.00	\$ 15.00
USAF AIRFORCE	\$ 20.00		\$ 20.00		\$ 20.00	\$ 20.00
USAF ARMY	\$ 70.00		\$ 35.00		\$ 35.00	\$ 70.00
USAF COAST GUARD	\$ -		\$ -		\$ -	\$ -
USAF MARINES	\$ 5.00		\$ 10.00		\$ 10.00	\$ 5.00
USAF NAVY	\$ 20.00		\$ 15.00		\$ 15.00	\$ 20.00
SHARE THE ROAD	\$ 70.00		\$ 190.00		\$ 190.00	\$ 70.00
SHRINERS	\$ 5.00		\$ 5.00		\$ 5.00	\$ 5.00
SILVER STAR	\$ -		\$ 5.00		\$ 5.00	\$ -
VETERANS	\$ 335.00		\$ 445.00		\$ 445.00	\$ 335.00
VETS CROSS/MEDAL	\$ -		\$ 5.00		\$ 5.00	\$ -
ANATOMICAL FEES	\$ 532.70		\$ 583.98		\$ 583.98	\$ 532.70
ADMIN FEES	\$ -		\$ 15.00		\$ 15.00	\$ -
MAIL PROCESSING	\$ 21,512.00		\$ 21,985.00		\$ 21,985.00	\$ 21,512.00
NSF FEES	\$ 305.00		\$ 436.50		\$ 436.50	\$ 305.00
AUTO TRANSFERS					\$ (131,000.00)	\$ (131,000.00)
TOTAL	\$ 6,673,188.39	\$ -	\$ 6,582,378.56	\$ -	\$ 6,451,378.56	\$ 6,542,188.39

LINN COUNTY TREASURER

*Sharon [Signature]*

---

RECEIVED  
NOV 14 2022  
LINN COUNTY AUDITOR

**LINN COUNTY BOARD OF SUPERVISORS**

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

**APPROVING RESIDENTIAL PARCEL SPLIT**

**WHEREAS**, a Residential Parcel Split of Roberson Acres First Addition (Case # JPS22-0017) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and outlot A, has been filed for approval, a subdivision of real estate located in the SWNE of Section 31, Township 86 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing as a point of reference at the N ¼ Corner of said Section 31; thence S02°07'15"E along the west line of the NW¼ NE¼ of said Section 31, 1316.76 feet to the NW Corner of said SW¼ NE ¼ and the Point of Beginning; thence N88°15'59"E along the north line of said SW¼ NE and said SE¼ NE¼, 1672.43 feet to the NW-ly right of way of Duck Pond Road; thence S58°00'51"W along said right of way line, 148.18 feet; thence SW-ly along said right of way line on an arc of 349.03 feet of a 451.00-foot radius curve to the left, having a chord length of 340.39 feet bearing S36°15'06"W to the east line of said SW¼ NE¼; thence S02°13'51"E along said east line, 147.57 feet; thence S88°15'59"W, 1332.90 feet to the west line of said SW¼ NE ¼; thence N02°07'15"W along said west line, 490.51 feet to the Point of Beginning, containing 15.95 acres which includes 0.15 acres of road right of way.

**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 September 21, 2022 as last amended on October 17, 2022 have been addressed:

**LINN COUNTY SECONDARY ROAD DEPARTMENT**

1. Dedication of road rights-of-way, County Standard Specifications, Section 5. Forty feet from the center of the existing right-of-way of Duck Pond Road.
2. Road agreement for road improvement trees, brush and any fence within County right-of-way and conditions applicable to Parcel Split cases. County Standard Specifications, Section 1.

**IOWA DEPARTMENT OF TRANSPORTATION**

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

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

1. Existing sewage disposal system must have one of the following completed: If the property ownership is being transferred and does not qualify for one of the DNR exemptions, a Time of Transfer inspection must be performed by a certified septic contractor. The report must be submitted to this department. If the property is not transferring ownership, the septic must be reviewed by certified septic contractor for compliance with Linn County Code of Ordinances Chapter 10, Article VI Private Sewage Disposal Systems.
2. Existing house must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 105, Article VI Property Maintenance Regulations. If applicable, correction of certain deficiencies may require permits, inspections, and final approval from the Building Division of Linn County Planning & Development.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. Show approximate location of natural drainage ways and a note restricting building within the natural drainage way should be shown on the final plat. Contact the NRCS office for widths and building restriction requirements.
2. A site plan showing the footprint of proposed structures and septic systems and wells shall be submitted and approved by the NRCS office prior to plat approval.
3. Wet soils may adversely impact possible home and septic site(s). Clarify plans for subsurface drainage with USDA Natural Resources Conservation Service (NRCS). Develop tile agreement for shared drain system.

**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. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Various revisions to the site plan and final plat.
3. Prior to approval of the final 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.
4. This plat lies within the 2-mile jurisdiction of the City of Prairieburg. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
6. The remaining land of the parent parcel will result in a parcel of less than 35 acres. Either combine the remaining land to an adjacent parcel by deed restriction to total 35 acres or more, or include the remaining land as part of the final plat. If included as a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County UDC and will require the note: “This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed” on the plat.
7. 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 final plat.
8. One original and one complete copy of the final plat bound documents that must include the following:
  - (i) Owner’s certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County title to all property intended for public use, including public roads
  - (ii) Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located
  - (iii) Surveyor’s certificate
  - (iv) Auditor’s certificate
  - (v) Resolution of the Planning and Zoning Commission
  - (vi) Resolution of the Board of Supervisors
  - (vii) Resolution of approval or waiver of review by applicable municipalities
  - (viii) Treasurer’s certificate
  - (ix) Agricultural Land Use Notification. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article V, Section 107-91, § (h) of the Unified Development Code.

**Linn County Board of Supervisors**

**Resolution #** \_\_\_\_\_

JPS22-0017

November 16, 2022

Page 3 of 4

- (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - (xi) Ten original signed plat drawings
  - (xii) A covenant for a secondary road assessment
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **OCTOBER 17, 2023**, as per Article IV, Section 107-72, § (1)(g), and shall be recorded within 1 year of that approval, as per Article IV, Section 107-72, § (2)(f), of the Unified Development Code.

**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 November 16, 2023, to be valid.

**Passed and approved this 16<sup>th</sup> day of November 2022**

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

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

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

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



Cedar Rapids, Iowa  
November 16, 2022

The Board of Supervisors of Linn County, Iowa, met on the above date in the Board Room, at the Linn County Jean Oxley Public Service Center, 935 2<sup>nd</sup> Street SW, Cedar Rapids, Iowa 52404 at 11:00 o'clock a.m. in open regular session, pursuant to law and the local rules of the Board.

The meeting was called to order by Louis Zumbach, Vice Chairperson of the Board of Supervisors, presiding, and on roll call the following Board members were present or absent as follows:

NAME	<u>PRESENT</u>	<u>ABSENT</u>
STACEY WALKER	_____	_____
BEN ROGERS	_____	_____
LOUIS ZUMBACH	_____	_____

Matters were discussed relative to the request from Young Men’s Christian Association of the Cedar Rapids Metropolitan Area, Cedar Rapids, Iowa regarding the issuance of Revenue Bonds by Linn County, Iowa, in the aggregate amount not to exceed \$8,000,000. After due discussion of the proposed issuance of Revenue Bonds, Board Member \_\_\_\_\_ introduced a resolution entitled:

A RESOLUTION RELATING TO THE ISSUANCE OF NOT TO EXCEED \$8,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF REVENUE BONDS (YOUNG MEN’S CHRISTIAN ASSOCIATION OF THE CEDAR RAPIDS METROPOLITAN AREA PROJECT) SERIES 2022, OF LINN COUNTY, IOWA; AND SPECIFICALLY (1) FIXING A DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ISSUE SAID BONDS; (2) DIRECTING PUBLICATION OF A NOTICE OF INTENTION TO ISSUE SAID BONDS; AND (3) AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT,

hereto attached, and moved its adoption. Board Member \_\_\_\_\_ seconded the motion to adopt. After due consideration, the roll call was called and the resolution was adopted by the following vote:

NAME	<u>AYE</u>	<u>NAY</u>	<u>DID NOT VOTE</u>
STACY WALKER	_____	_____	_____
BEN ROGERS	_____	_____	_____
LOUIS ZUMBACH	_____	_____	_____

Thereafter, the Chairperson declared the resolution adopted and approval was signed thereto.

Additional matters were taken before the Board.

Upon motion and vote, the meeting was adjourned.

LINN COUNTY, IOWA

(Corporate Seal)

---

Louis Zumbach, Vice Chairperson of the  
Board of Supervisors

ATTEST:

---

JOEL D. MILLER, Linn County  
Auditor and Clerk to  
the Board of Supervisors

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RELATING TO THE ISSUANCE OF NOT TO EXCEED \$8,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF REVENUE BONDS (YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE CEDAR RAPIDS METROPOLITAN AREA PROJECT) SERIES 2022, OF LINN COUNTY, IOWA; AND SPECIFICALLY (1) FIXING A DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ISSUE SAID BONDS; (2) DIRECTING PUBLICATION OF A NOTICE OF INTENTION TO ISSUE SAID BONDS; AND (3) AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT.

WHEREAS, Linn County, Iowa (hereinafter "Issuer"), is authorized and empowered by Chapter 419 of the Code of Iowa (hereinafter "Act") to issue revenue bonds or notes and loan the proceeds from the sale of said bonds or notes to one or more parties to be used to defray all or a portion of the cost of acquiring, constructing, improving, and equipping land, buildings and improvements for a "project," as that term is defined in the Act, specifically including a project which is suitable for use as a facility for an organization described in Section 501(c)(3) of the Internal Revenue Code which is exempt from tax under Section 501(a) of the Internal Revenue Code (a "Tax-Exempt Organization") or to refund indebtedness incurred with respect to such a project or for other purposes; and

WHEREAS, the Issuer has been requested by Young Men's Christian Association of the Cedar Rapids Metropolitan Area, Cedar Rapids, Iowa a nonprofit corporation organized under Chapter 504 of the laws of Iowa and a Tax-Exempt organization (hereinafter "Borrower"), to authorize and issue its revenue bonds or notes, in one or more series, in a principal amount not to exceed \$8,000,000 (the "Bonds") pursuant to the provisions of the Act for the purpose to refinance a portion of the cost of constructing and equipping a new wellness center located at 3740 Irish Drive Marion, Iowa, incurred by Borrower (hereinafter "Project") together with all incidental items and paying the costs of issuance of the Bonds, which Project is owned and operated by Borrower; and

WHEREAS, said Project provides public benefits flowing from the conduct of enhanced operations which add to the welfare and prosperity of the Issuer and its inhabitants; and

WHEREAS, the Borrower has represented to the Issuer that the amount of Bonds necessary to defray all or a portion of the cost of refunding the existing debt, including necessary expenses incidental thereto, will not exceed \$8,000,000 in aggregate principal amount and it is proposed that the Issuer loan the amount received from the sale of the Bonds to Borrower under a loan agreement between the Issuer and Borrower (the "Loan Agreement") pursuant to which loan payments will be made by Borrower in amounts sufficient to pay the principal, interest and premium, if any, on the Bonds when due; and

WHEREAS, the Bonds shall be limited obligations of the Issuer and shall never constitute an indebtedness of the Issuer within any state constitutional provision or statutory limitation and not give rise to a pecuniary liability of the Issuer or be a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Project; and

WHEREAS, there has been presented to the Board of Supervisors (the "Governing Body") a Memorandum of Agreement, attached hereto as Exhibit "A," which sets forth the mutual representations and agreements between the Issuer and Borrower relating to the further processing and issuance of the Bonds, and the Issuer believes it desirable and in the best interest that the Memorandum of Agreement be executed for and on behalf of the Issuer; and

WHEREAS, before the Bonds may be issued, it is also necessary to conduct a public hearing on the proposal to issue the Bonds, all as required and provided by Section 419.9 of the Act and Section 147(f) of the Code; and

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

Section 1. A public hearing shall be conducted on December 7, 2022, at 11:00 a.m., before the Board of Supervisors of Linn County, Iowa in the Board Room, Linn County Jean Oxley Public Service Center, 935 2nd Street, SW, Cedar Rapids, Iowa 52404 on the proposal to issue not to exceed \$8,000,000 in aggregate principal amount of the Issuer's Revenue Bonds (Young Men's Christian Association of the Cedar Rapids Metropolitan Area Project) Series 2022, pursuant to the provisions of the Act, for the purpose of refinancing the cost of acquiring, constructing, improving and equipping a Project, including all necessary incidental expenses, and allowing all local residents who appear at the hearing to be given an opportunity to express their views for or against the proposal to issue the Bonds and at the conclusion of the hearing, the Board of Supervisors shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds.

Section 2. The County Auditor is hereby directed to publish one time, not less than fifteen (15) days prior to the date fixed for the hearing, in The Gazette, a newspaper published and having a general circulation within the County, a Notice of Intention to issue the Bonds. The Notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF INTENTION  
TO ISSUE  
REVENUE BONDS  
(YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE  
CEDAR RAPIDS METROPOLITAN AREA PROJECT) SERIES 2022

Notice is hereby given that the Board of Supervisors of Linn County, Iowa, (hereinafter "Issuer") will meet on the 7th day of December, 2022, in the Board Room, at the Linn County Jean Oxley Public Service Center, 935 2nd Street SW, Cedar Rapids, Iowa 52404 at 11:00 o'clock a.m., and hold a public hearing on the proposal to issue not to exceed \$8,000,000 principal amount of the County's Revenue Bonds (Young Men's Christian Association of the Cedar Rapids Metropolitan Area Project), Series 2022, (hereinafter "Bonds") pursuant to the provisions of Chapter 419 of the Code of Iowa and Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, for the purpose of refinancing a portion of the cost of constructing and equipping a new wellness center located at 3740 Irish Drive, Marion, Iowa, and paying the costs of issuance of the Bonds. The center is a 75,000 square foot facility with an aquatic center, gymnasiums, hardball courts, indoor track and recreation center. The facilities are owned and operated by Young Men's Christian Association of the Cedar Rapids Metropolitan Area, Cedar Rapids, Iowa, a nonprofit corporation organized and existing under the laws of the State of Iowa (hereinafter "Borrower"). It is contemplated that a Loan Agreement will be entered into between the Issuer and Borrower wherein the Issuer will loan to Borrower the proceeds from the sale of the Bonds in return for loan payments from Borrower sufficient to pay the principal of, interest and premium, if any, on such Bonds as the same shall become due and payable.

Such Bonds, if issued, and the interest thereon will be payable solely out of the revenues derived from the Loan Agreement and shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation and shall not constitute nor give rise to a pecuniary liability of the Issuer or become a charge against its general credit or taxing powers.

The Bonds, if issued, will be designated as qualified tax-exempt obligations pursuant to Section 265 of the Internal Revenue Code of 1986, as amended.

All local residents who appear at the public hearing or any adjournment thereof, shall be given an opportunity to express their views for or against the above stated proposal and, at the meeting or any adjournment thereof, the Board of Supervisors of Linn County, Iowa shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds. Written comments may also be submitted by the above hearing date to the Issuer at Linn County, Iowa, 935 Second Street, SW, Cedar Rapids, Iowa 52404, Attention: Board of Supervisors.

By Order of the Board of Supervisors this 16<sup>th</sup> day of November, 2022.

---

JOEL D. MILLER, Linn County  
Auditor and Clerk to  
the Board of Supervisors

Section 3. It is deemed necessary and advisable that the Memorandum of Agreement, in the form attached hereto as Exhibit "A," incorporated by reference herein, be approved and that the Chairperson or Vice Chairperson of the Board of Supervisors be and hereby is authorized and directed to execute the Memorandum of Agreement and the County Auditor or his deputy be and hereby is authorized to attest the same and to affix the seal of the Issuer thereto.

Section 4. The officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption. Adopted and approved this \_\_\_\_ day of November, 2022.

LINN COUNTY, IOWA

(Corporate Seal)

---

Louis Zumbach, Vice Chairperson of the Board and Supervisors

ATTEST:

---

JOEL D. MILLER, Linn County  
Auditor and Clerk to  
the Board of Supervisors

\*\*\*\*\*

COUNTY AUDITOR'S CERTIFICATE

I, JOEL D. MILLER, do hereby certify that I am the duly appointed, qualified, and acting County Auditor of Linn County, Iowa, and that I have in my possession or have access to the complete corporate records of the County and its Board of Supervisors and officers and that I have carefully compared the transcript hereto attached with the official records and that the attached transcript is a true, correct and complete copy of all the corporate records showing action taken by the Board of Supervisors of Linn County, Iowa at a meeting open to the public on November 16, 2022; relating to the issuance of not to exceed \$8,000,000 aggregate principal amount of refunding Revenue Bonds (Young Men's Christian Association of the Cedar Rapids Metropolitan Area Project) Series 2022, of Linn County, Iowa, setting a date for a public hearing on the proposal to issue the Bonds, directing publication of the Notice of Intention to issue the Bonds and authorizing an execution of the Memorandum of Agreement and that the proceedings remain in full force and effect and have not been amended and rescinded in any way; that the meeting and all action thereafter was duly and publicly held in accordance with the notice of meeting and tentative agenda as required pursuant to the rules of the Board of Supervisors and the provisions of the Code of Iowa.

WITNESS my hand and the Corporate Seal of Linn County, Iowa hereto affixed this \_\_\_\_\_ day of November, 2022.

(Corporate Seal)

\_\_\_\_\_  
JOEL D. MILLER, County Auditor

DEPUTY COUNTY AUDITOR'S CERTIFICATE

I, REBECCA SHOOP, do hereby certify that I am the duly appointed, qualified, and acting Deputy County Auditor of Linn County, Iowa, and that I have in my possession or have access to the complete corporate records of the County and its Board of Supervisors and officers and that I have carefully compared the transcript hereto attached with the official records and that the attached transcript is a true, correct and complete copy of all the corporate records showing action taken by the Board of Supervisors of Linn County, Iowa at a meeting open to the public on November 16, 2022, relating to the issuance of not to exceed \$8,000,000 aggregate principal amount of refunding Revenue Bonds (Young Men's Christian Association of the Cedar Rapids Metropolitan Project) Series 2022, of Linn County, Iowa, setting a date for a public hearing on the proposal to issue the Bonds, directing publication of the Notice of Intention to issue the Bonds and authorizing an execution of the Memorandum of Agreement and that the proceedings remain in full force and effect and have not been amended and rescinded in any way; that the meeting and all action thereafter was duly and publicly held in accordance with the notice of meeting and tentative agenda as required pursuant to the rules of the Board of Supervisors and the provisions of the Code of Iowa.

WITNESS by hand and the Corporate Seal of Linn County, Iowa hereto affixed this \_\_\_\_ day of November, 2022

(Corporate Seal)

\_\_\_\_\_  
REBECCA SHOOP, Deputy County Auditor



**EXHIBIT "A"**

**MEMORANDUM OF AGREEMENT**

THIS MEMORANDUM OF AGREEMENT (hereinafter "Agreement") between LINN COUNTY, IOWA, (hereinafter "Issuer") and YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE CEDAR RAPIDS METROPOLITAN AREA, CEDAR RAPIDS, IOWA, a nonprofit corporation organized and existing under the laws of the State of Iowa (hereinafter "Borrower").

**STATEMENT OF UNDERSTANDING**

WHEREAS, the Issuer and Borrower acknowledge that Revenue Bonds issued by Issuer are subject to a limitation pursuant to Section 265 of the Internal Revenue Code of 1986, as amended.

**RECITALS**

WHEREAS, the Issuer is authorized and empowered by Chapter 419 of the Code of Iowa (hereinafter "Act") to issue revenue bonds or notes and loan the proceeds from the sale of said bonds or notes to one or more parties to be used to defray all or a portion of the cost of acquiring, constructing, improving and equipping land, buildings and improvements for a "project," as that term is defined in the Act, specifically including a project which is suitable for use as facility for an organization described in Section 501(c)(3) of the Internal Revenue Code which is exempt from tax under Section 501(a) of the Internal Revenue Code (a "Tax-Exempt Organization") or refinancing such a project; and

WHEREAS, at the request of the Borrower, a Tax-Exempt Organization, the Issuer proposes to issue revenue bonds or notes, in one or more series (hereinafter "Bonds") and to loan to Borrower the proceeds from the sale of the Bonds for the purpose of refinancing a portion of the cost of constructing and equipping a new wellness center located at 3740 Irish Drive, Marion, Iowa, incurred by Borrower (hereinafter "Project") together with all incidental items and paying the costs of issuance of the Bonds, which Project will be owned and operated by Borrower; and

WHEREAS, the amount of the Bonds suggested to be issued is presently estimated not to exceed \$8,000,000.

WHEREAS, the Board of Supervisors has indicated their willingness to proceed with and effect the financing and the County has advised Borrower that, subject to due compliance with all requirements of law and the obtaining of all necessary consents and approvals of any and all kind or manner to consummate this transaction and realize the Project, the Issuer intends to issue and sell its Bonds in an amount sufficient to refinance a portion of the cost of the Project.

NOW, THEREFORE, based upon the foregoing premises and the agreements and representations contained herein, it is hereby agreed between the Issuer and Borrower:

1. **UNDERTAKINGS ON THE PART OF THE ISSUER.** The Issuer represents, covenants and agrees as follows:

(a) That it will authorize, or cause to be authorized, the issuance and sale of an issue of its Bonds, pursuant to the terms of the Act as then in force, in an aggregate principal amount sufficient to refinance the outstanding indebtedness and pay the costs of issuance, in an amount not to exceed \$8,000,000.

(b) That it will cooperate with Borrower to sell the Bonds upon mutually agreeable terms, and it will adopt, or cause to be adopted, such proceedings and authorize the execution of such documents as may be necessary or advisable for the authorization, issuance and sale of the Bonds and the financing of the Project as aforesaid, and the entering into a Loan Agreement with the Borrower with respect to the Project, all as shall be authorized by law and mutually satisfactory to the Issuer and the Borrower.

(c) That the aggregate basic payments (i.e. the payments to be used to pay the principal of, premium, if any, and interest on the Bonds) payable under the Loan Agreement shall be such sums as shall be sufficient to pay the principal of, interest and redemption premium, if any, on the Bonds as and when the same shall become due and payable.

(d) That it will take or cause to be taken such other acts and adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

2. UNDERTAKINGS ON THE PART OF THE BORROWER. The Borrower represents, covenants and agrees as follows:

(a) It will cooperate with the Issuer to sell the Bonds in an aggregate principal amount as above stated; provided, however, that the terms of the Bonds and of the sale and delivery thereof shall be mutually satisfactory to the Issuer and the Borrower.

(b) Contemporaneously with the sale of the Bonds it will execute a Loan Agreement with the Issuer under the terms of which the Borrower will obligate itself to pay to the Issuer sums sufficient in the aggregate to pay the principal of, interest and redemption premium, if any, on the Bonds as and when the same shall become due and payable, such instrument to contain other provisions required by law and such other provisions as shall be mutually acceptable to the Issuer and the Borrower.

(c) It will take such further action and adopt such further proceedings as may be required to implement its aforesaid undertakings or as it may deem appropriate in pursuance thereof.

3. GENERAL PROVISIONS.

(a) All commitments of the Issuer under paragraph 1 hereof and of the Borrower under paragraph 2 hereof are subject to the condition that on or before December 31, 2022 (or such other date as shall be mutually satisfactory to the Issuer and the Borrower), the Issuer and the Borrower shall have agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the documents referred to in paragraph 2 and the proceedings referred to in paragraphs 1 and 2 hereof.

(b) Whether or not the events set forth in (a) of this paragraph take place within the time set forth or any extension thereof, the Borrower agrees that it will reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur, including but not limited to, legal fees, printing and publication costs and filing fees arising from the execution of this Agreement and the performance, or preparation to perform by the Issuer of its obligations hereunder, or done at the request of the Borrower.

(c) All commitments of the Issuer hereof are further subject to the conditions that the Issuer, and its elected and appointed officials, shall in no event incur any liability for any act or omission hereunder, and that the Bonds described herein shall not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

(d) Preparation of all resolutions, agreements, instruments, certificates or other documents in final form for adoption and execution shall be the sole responsibility of Bond Counsel, subject to review of Counsel to the Issuer.

(e) If requested, Counsel for the Issuer shall timely opine the non-existence of threatened litigation, pending litigation or claims with respect to the proposed Bond issue and render such other opinion regarding the proceedings and the regularity thereof. All other attorney's opinions or certificates with respect to issuing authority, non-arbitrage, regularity of proceedings, or otherwise shall be the responsibility of Borrower's Counsel or Bond Counsel.

(f) All commitments of the Issuer hereunder are further subject to the condition that the Bonds will only be issued if the Issuer determines that such issuance will not cause the Issuer to lose its qualification as a "qualified small issuer" within the meaning of Section 265(b)(3)(C) of the Internal Revenue Code in any year.

(g) The execution of this Memorandum of Agreement by the Issuer is not intended to nor does it create a binding commitment on the part of the Issuer to proceed with the issuance of the Bonds. It is further understood that the issuance of the Bonds is subject to further review by the Board of Supervisors of the Issuer and compliance with all provisions of the Act and the Code, including the holding of a public hearing with respect thereto.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**[SIGNATURE PAGE TO MEMORANDUM OF AGREEMENT]**

IN WITNESS WHEREOF the parties hereto have entered into this Agreement by their officers thereunto duly authorized as of the 16th day of November, 2022.

LINN COUNTY, IOWA

(Corporate Seal)

\_\_\_\_\_  
Louis Zumbach, Vice Chairperson of the  
Board of Supervisors

ATTEST:

\_\_\_\_\_  
JOEL D. MILLER, Linn County  
Auditor and Clerk to  
the Board of Supervisors

YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE  
CEDAR RAPIDS METROPOLITAN AREA

By: \_\_\_\_\_  
Robert E. Carlson, President

DATE SET FOR PUBLIC HEARING

Moved by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

that the 12<sup>th</sup> day of December 2022 at 5:30 p.m. be set as date for the public hearing to establish a Secondary Road Assessment District to improve Sutton Road and Buffalo Drive with tree clearing, guardrail repair, sign replacements, 1.5" rock overlay, double seal coat, with a single seal coat in 5 years at a cost of \$175,546.00. The assessment district includes Sutton Road and Buffalo Drive in Sections 19, 20, 30, & 29 T86 R6.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
BOARD OF SUPERVISORS  
LINN COUNTY, IOWA