

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, FEBRUARY 15, 2023 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center.
Present: Chairperson Zumbach, Vice Chairperson Rogers and Supervisor Kirsten Running-Marquardt. Board members voting "AYE" unless otherwise noted.

Chairperson Zumbach called the meeting to order and led the Pledge of Allegiance.

Motion by Rogers, seconded by Running-Marquardt to approve Consent Agenda as follows:

Receive and place on file Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of January, 2023.

Resolution 2023-2-14

A RESOLUTION APPROVING COMPENSATION FOR
ATTORNEYS APPOINTED BY THE DISTRICT COURT

WHEREAS, the Code of Iowa sets terms and conditions under which the District Court appoints attorneys at county expense, and WHEREAS, the Board of Supervisors, Linn County, Iowa, is authorized to establish an hourly rate by which attorneys appointed by the District Court at county expense are to be compensated, and
WHEREAS, compensation of attorneys appointed by the District Court at county expense is to be in substantially the same manner as provided for public defenders pursuant to Iowa Code 815.7. WHEREAS, the Iowa Legislature recently amended Iowa Code section 815.7, increasing compensation made on or after July 1, 2022.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the hourly rate for compensation of attorneys appointed by the

District Court at county expense shall be fixed at \$68.00 per hour for such hours as are verified by the attorney and approved by the District Court for payment.

Resolution 2023-2-15

ESTABLISH STOP REGULATIONS

WHEREAS, the following intersection located in Linn County has been reviewed by the Linn County Secondary Road Department, and

WHEREAS, it is deemed appropriate to place traffic control signing.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the Secondary Road Department place a stop sign at the following locations.

- Stop northbound traffic on Buffalo Drive at the intersection with Sutton Road in section 19-86-6.

The Board of Supervisors declares these signs to be legal, valid and enforceable and directs the County Engineer to

erect said signs in accordance with the provisions of the Code of Iowa.

Resolution 2023-2-16

A Resolution approving a two lot final plat to be named Eagle Trace Second Addition, case JF22-0023. The following description is a summary of Resolution No. 2023-2-16 as passed and approved by Linn County Board of Supervisors, effective February 15, 2023. Eagle Trace Second Addition (Case # JF22-0023) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered outlot A, a subdivision of real estate located in the SESW of Section 12, Township 83 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: Lot 2, Eagle Trace First Addition to Linn County, Iowa. Described parcel contains 1.41 acres. The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Resolution 2023-2-17

The following description is a summary of Resolution No. 2023-2-17 as passed and approved by Linn County Board of Supervisors, effective February 15, 2023. Hazelwood Farm First Addition Case # JF23-0001) to Linn County, Iowa, containing three (3) lots, numbered Lot 1, Lot 2, and Lot 3, a subdivision of real estate located in the NWSW of Section 7, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 3, Township 84 North, Range 7 West of the Fifth Principal Meridian; A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE $\frac{1}{4}$ SE $\frac{1}{4}$) AND A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION TWELVE (12), TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE EIGHT (8) WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND A PORTION OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (FRL NW $\frac{1}{4}$ SW $\frac{1}{4}$) AND A PORTION OF THE FRACTIONAL SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (FRL SW $\frac{1}{4}$ SW $\frac{1}{4}$) OF SECTION SEVEN (7), TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE SEVEN (7) WEST OF THE FIFTH PRINCIPAL MERIDIAN, ALL OF THE ABOVE IN LINN COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID FRL NW $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE SOUTH 89°09'50" EAST ON THE SOUTH LINE OF SAID FRL NW $\frac{1}{4}$ SW $\frac{1}{4}$, A DISTANCE OF 256.70 FEET TO THE EAST LINE OF THE LAND DESCRIBED AS PARCEL 1 IN SECOND CORRECTIVE COURT OFFICER DEED TO LONNIE R. AND D. JANENE OLIPHANT, AS RECORDED IN BOOK 8302 AT PAGE 91 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER, AND THE POINT OF BEGINNING; THENCE SOUTH 9°17'43" WEST ON SAID EAST LINE, 19.86 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED AS PARCEL 3 IN SAID SECOND CORRECTIVE COURT OFFICER DEED; THENCE CONTINUING SOUTH 9°17'43" WEST ON THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 449.39 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED AS PARCEL 2 IN Page 2
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SAID SECOND CORRECTIVE COURT OFFICER DEED; THENCE CONTINUING SOUTH 9°17'43" WEST ON THE EAST LINE OF SAID PARCEL 2, A DISTANCE OF 415.00 FEET; THENCE NORTH 80°42'17" WEST, 133.07 FEET TO THE WEST LINE OF SAID PARCEL 2; THENCE NORTH 9°17'43" EAST ON SAID WEST LINE OF PARCEL 2, A DISTANCE OF 415.00 FEET TO THE SOUTHEAST CORNER OF THE LAND DESCRIBED AS PARCEL 1 IN CORRECTED IOWA QUIT CLAIM DEED TO OLIPHANT ENGINEERING AND CONSTRUCTION, INCORPORATED, AS RECORDED IN BOOK 1927 AT PAGE 8 IN SAID RECORDER'S OFFICE; THENCE NORTH 80°43'43" WEST ON THE SOUTH LINE OF SAID CORRECTED IOWA QUIT CLAIM DEED PARCEL 1, A DISTANCE OF 156.47 FEET TO THE EASTERLY RIGHT OF WAY LINE OF FRONT DRIVE; THENCE NORTH 9°14'48" EAST ON SAID RIGHT OF WAY LINE, 409.72 FEET; THENCE NORTH 12°16'46" EAST ON SAID RIGHT OF WAY LINE, 360.85 TO THE NORTH LINE OF SAID CORRECTED IOWA QUIT CLAIM DEED PARCEL 1; THENCE SOUTH 80°42'40" EAST ON SAID NORTH LINE, 138.03 FEET TO THE WEST LINE OF SAID SECOND CORRECTIVE COURT OFFICER DEED PARCEL 1; THENCE NORTH 9°17'38" EAST ON SAID WEST LINE, 9.36 FEET TO THE NORTH LINE OF SAID SECOND CORRECTIVE COURT OFFICER DEED PARCEL 1; THENCE SOUTH 80°42'17" EAST ON SAID NORTH LINE, 132.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 9°17'43" WEST ON THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 310.28 FEET TO THE SOUTH LINE OF SAID FRL NW $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE SOUTH 88°09'50" EAST ON SAID SOUTH LINE, 1.08 FEET TO THE POINT OF BEGINNING. (THE ABOVE DESCRIPTION IS INTENDED TO DESCRIBE THE SAME LAND AS DESCRIBED IN WARRANTY DEED TO HAZELWOOD FARM LLC, RECORDED IN BOOK 11255 AT PAGE 109 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER.) DESCRIBED PARCEL CONTAINS 6.33 ACRES.

The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Resolution 2023-2-18
RESOLUTION (1) APPROVING AN AMENDMENT TO THE TERMS OF A BOND AND LOAN AGREEMENT CHANGING FROM A LIBOR INDEX TO A SECURED OVERNIGHT FINANCING RATE (SOFR) INDEX FOR SETTING THE VARIABLE INTEREST RATE ON AND (2) IDENTIFYING ON THE BOOKS AND RECORDS OF LINN COUNTY, IOWA, A HEDGE CONTRACT WITH BANKERS TRUST COMPANY, ALL WITH RESPECT TO LINN COUNTY, IOWA MIDWESTERN DISASTER AREA REVENUE BOND, SERIES 2010 (TEG PROPERTY I, INC. PROJECT)

WHEREAS, Linn County, Iowa, (hereinafter "Issuer") a political subdivision organized and existing under the Constitution and laws of the State of Iowa, is authorized and empowered by Chapter 419 of the Code of Iowa, as amended, (hereinafter "Act") to issue Midwestern Disaster Area revenue bonds and loan the proceeds from the sale of said bonds to one or more parties to be used to defray all or a portion of the cost of acquiring, constructing and improving land, buildings and improvements for a "project," as that term is defined in the Act specifically including a project which is suitable for a purpose that is eligible for financing from Midwestern Disaster Area bonds authorized under the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-185, together with any other financing necessary or desirable in connection with such purpose within Issuer in order to create jobs and employment opportunities and to improve the welfare of the residents of the Issuer and of the State of Iowa; and WHEREAS, the Issuer, at the request of TEG Property I, Inc., a corporation organized under Chapter 490 of the laws of Iowa (hereinafter "Borrower"), authorized and issued its Midwestern Disaster Area Revenue Bonds (the "Bonds") pursuant to the provisions of the Act for the purpose of financing all or a portion of the cost of acquiring, constructing and improving 2.75 acres of land and a 32,500 square foot office building located at 3450 Third Street, Marion, Iowa, together with all incidental items and paying the costs of issuance of the Bonds (hereinafter "Project") which Project is owned and operated by Borrower; and WHEREAS, the Issuer loaned the proceeds of the Bonds to the Borrower pursuant to the provisions of the Loan Agreement dated as of December 1, 2010, (the "Loan Agreement") between the Issuer and the Borrower the obligation of which is sufficient to pay the principal of, redemption premium, if any, and interest on the Bonds as and when the same shall be due and payable; and WHEREAS, the Bonds were sold pursuant to and secured as provided by a Bond Purchase Agreement and Assignment dated as of December 1, 2010, (the "Bond Purchase Agreement") by and between the Issuer and Bankers Trust Company (the "Original Purchaser"); and WHEREAS, the rights of the Issuer in and to the Loan Agreement were assigned to the Original Purchaser under the Bond Purchase Agreement; and WHEREAS, the Bonds bear interest at a variable rate determined by reference to the London Interbank Offering Rate (the "LIBOR rate"); and WHEREAS, the LIBOR rate will be discontinued and it is necessary to adopt a new index rate with respect to the Bond; and WHEREAS, it is necessary and advisable that provisions be made for the identification of a qualified hedge and amendment of the terms of the Bond and Loan Agreement, regarding the Midwestern Disaster Area Revenue Bonds, Series 2010 (TEG Property I, Inc. Project), of the Issuer in an outstanding principal amount of \$2,310,143.73 (the "Bonds"); and NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Issuer, as follows: Section 1. Limited Obligations. The Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the Issuer, but are limited obligations of the Issuer payable solely from revenues and other amounts derived from the Loan Agreement and the Project. Section 2. Amendment of the Bond. The Bond bears interest at a variable rate of interest determined monthly by reference to the London InterBank Offered Rate ("LIBOR"). Commencing February 15, 2023, the Bond shall bear interest at a variable rate of interest determined monthly by reference to

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the Secured Overnight Financing Rate ("SOFR"). Accordingly, the Bond is hereby amended, effective February 15, 2023 by striking the definition of "Tax-Exempt Interest Rate" that is set forth in the Bond and substituting the following: "The 'Tax-Exempt Interest Rate' means 80% of the Secured Overnight Financing Rate (SOFR), plus the Spread, each as defined in the Loan Agreement." Section 3. Amendment of the Loan Agreement. The Loan Agreement sets forth several definitions and those definitions need to be modified to reflect the cessation of use of the LIBOR index and substitution of the SOFR index. Section 4. Amendment Agreement. The form of the Amendment Agreement, amending the Bond and the Loan Agreement, are before this meeting as Exhibit A and is by this reference incorporated in this Bond Resolution, and the County Auditor is hereby directed to keep them on file. Section 5. Qualified Hedge. The County hereby identifies the Swap described on Exhibit B as a Qualified Hedge pursuant to 26 CFR Section 1.148-4(h). Section 6. Miscellaneous. The Chairperson of the Board of Supervisors, Vice Chairperson, County Auditor and any Deputy County Auditor are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary to effect the amendment of the Bond and the Loan Agreement, and the identification of the qualified hedge and to carry out the intent and purposes of this resolution, including the preamble hereto. Section 7. Severability. The provisions of this resolution are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Section 8. Repealer. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. Effective Date. This resolution shall become effective immediately upon adoption.

Approve and authorize Chair to sign a Preliminary Plat Application for a 116.39-acre area of the Dows Farm property, located in the 600 Block of Dows Rd and the 6900 Block of Mount Vernon Rd SE.

Approve and authorize Chair to sign Fiscal Year 2023 (IDOT) Iowa Department of Transportation Secondary Roads Five Year Program Version 1.

Approve and authorize Chair to sign a Solid Waste Agency Charge Account Agreement to grant charge privileges to Linn County departments.

Approve Amendment Number 3 to the Professional Services Agreement between Linn County and Martin Gardner Architecture for the Linn County Secondary Roads District 1 Shop Project, by adding \$12,000 to revise the Phase 2 construction documents and to rebid the Phase 2 project, and authorize Supervisor Louis Zumbach to execute the Amendment

Approve and authorize Chair to sign Opioid Settlement Participation Forms on behalf of Linn County for the New Opioid Settlements with Allergan, CVS, Teva, Walgreens, and Walmart.

Award bid and authorize Chair to sign contracts for 2023 Dust Control Rock as follows: Crawford Quarry in the amount of \$17,250.00 and Wendling Quarries, Inc. in the amount of \$93,295.00.

Award bid and authorize Chair to sign contracts for 2023 Maintenance Rock as follows: Crawford Quarry in the amount of \$99,000.00; Moyna Materials in the amount of \$160,850.00; Weber Stone Co in the amount of \$222,000.00 and Wendling Quarries, Inc. in the amount of \$487,950.00.

Award bid and authorize Chair to sign contracts for 2023 Project Rock as follows: Moyna Materials in the amount of \$340,660.00; Weber Stone Co. in the amount of \$738,190.00 and Wendling Quarries, Inc. in the amount of \$246,664.00.

Motion by Zumbach, seconded by Rogers to approve minutes of Feb. 14 & 15, 2023 as printed.

Motion by Rogers, seconded by Running-Marquardt to approve claims for AP #71010038-#71010108 in the amt. of \$342,131.21, and AP ACH in the amt. of \$2,259,631.67, for a total of \$2,601,762.88; Voids and Reissues totaling \$560.00.

Garret Reddish, Asst. County Engineer, gave a presentation of the 5 Year Construction Plan and Jerad Kelley, Operations Supt., presented the Fiscal Year 2024 Maintenance for the Secondary Road Department.

Supervisor Rogers asked for clarification on the stages of deterioration of hard surfaced roads. Supervisor Running-Marquardt stated that it would be advantageous if the App that shows road conditions were made available to the public and Chairperson Zumbach encouraged Engineer staff to look at a roundabout near Dyersville that handles heavy semi traffic noting that it is very trucker friendly.

Supervisor Running-Marquardt asked Engineer staff to convey her sincere thanks to the Secondary Road employees.

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Adjournment at 10:49 a.m.

Respectfully submitted,

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

Approved by:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors