

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MARCH 8, 2023 10:00 A.M.

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

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

Ed Zelka, Cedar Rapids, had a question about the Purchase Order on the agenda today with Nutrien Ag Solutions. He asked about the kind of herbicides that was being purchased. Board staff presented the Purchase Order which answered his questions.

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

Resolution 2023-3-27

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)

Total Centrally Assessed \$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

Total Gas and Electric \$2,188,912,909 \$380,505,763

Grand Total \$2,290,258,332 \$473,380,462

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.

Resolution 2023-3-28

A Resolution approving a one lot final plat to be named Vernon Valley Tenth Addition, case JF23-0004. The following description is a summary of Resolution No.2023-3-28 as passed and approved by Linn County Board of Supervisors, effective March 8, 2023.Vernon Valley Tenth Addition (Case # JF23-0004) to Linn County, Iowa, containing one (1) lot, numbered lot 1, a subdivision of real estate located in the SESW of Section 21, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Lot 1 of Vernon Valley Second Addition to Linn County, Iowa, and Parcel A, Plat of Survey No. 2710 to Linn County, Iowa. 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 2023-3-29

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the M-HMA PATCHING(23), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as Hot Mix Asphalt (HMA) patching and leveling at various locations throughout Linn County; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from LL Pelling Company Inc., in the amount of \$540,418.20 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after

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receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let on 2/28/2023.

Resolution 2023-3-30

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the LOST-BEVERLY RD(23), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as four-inch asphalt paving from Highway 151 to the PCC section near Edgewood Road; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS the Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from LL Pelling Company Inc., in the amount of \$909,890.00 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, the County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let on 2/28/2023.

Resolution 2023-3-31

A Resolution approving a 223-lot preliminary plat for Dows Farm Agri-Community Addition, case JP23-0001. The following description is a summary of Resolution No.2023-3-31 as passed and approved by Linn County Board of Supervisors, effective March 8, 2023. Dows Farm Agri-Community Addition (Case # JP23-0001) to Linn County, Iowa, containing two hundred twenty-three (223) lots, 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. 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 2023-3-32

ESTABLISH SPEED LIMIT

WHEREAS, portions of Fernow Road and Alburnett Road are located in the city of Marion and Linn County, and WHEREAS, it is good engineering practice to provide uniform, consistent speed limits. NOW THEREFORE BE IT RESOLVED by the Board of Supervisors, meeting in regular session, and upon recommendation of the Linn County Engineer that the public would be better served and safety enhanced by changing the speed limit as follows:

- 35 mph on the county portions of Fernow Road from Highway 13 to Fields Drive in sections 28-84-6 and 33-84-6.
- 45 mph on the county portions of Fernow Road from Field Drive east 1,875' in sections 27-84-6 and 34-84-6.
- 45mph on Alburnett Road from the south section line of 13-84-7 and 14-84-7 (Marion city limits) north 1,875'.

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.

Approve Change Order Number 2 to the Contract with Unzeitig Construction for the Linn County Correctional Center Video Visitation Project by adding \$4,443 for replacement flooring, and authorize the Chairperson to sign the Change Order.

Approve Change Order Number 1 to the Contract with Unzeitig Construction for the Priority #2 Linn County Facilities Derecho Repairs Project by adding \$58,588.95 for the removal and replacement of roofing, insulation, gutter, and downspouts on the Secondary Road Main Shop Sign Shop, and authorize the Chairperson to sign the Change Order.

Approve Change Order Number 1 to the Contract with Unzeitig Construction for the Priority #1 Linn County Facilities Derecho Repairs Project by adding \$33,605 for the

removal and replacement of damaged flagpoles and authorize the Chairperson to sign the Change Order.

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

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

Approve purchase order number PO445 for \$16,975.00 to CR Signs & Lighting Inc for Linn County's portion of 3 additional Lincoln Highway Kiosks requested by Planning & Development.

Award bid and approve purchase order PO447 for herbicides to Nutrien Ag Solutions in the amount of \$14,380.50 for the Secondary Road Department.

Motion by Rogers, seconded by Running-Marquardt to approve Claims for AP checks #71010265-#71010315 in the amt. of \$224,448.51 and AP ACH in the amt. of \$834,482.12, for a total of \$1,058,930.63.; AP voided check in the amt. of \$690.00.

Motion by Rogers, seconded by Running-Marquardt to approve upon third and final consideration Ordinance #3-3-2023, 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.

Ashley Balius, Dir. Comm. Outreach & Asst. LCCS-Core Serv., presented a Resolution Establishing General Rules for the Linn County, Iowa General Assistance Program and explained the following changes: Modify income guideline (modest increase); frequency of providing assistance (adds flexibility); how they assist "ongoing" clients (increasing per month allowance); and burial assistance increased (\$1,000 - \$2,000).

Supervisor Rogers commended Balius for work on the ordinance and resolution, noting that they strive to address the current economic reality and he is proud to support them.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-3-33

A RESOLUTION ESTABLISHING GENERAL RULES FOR THE LINN COUNTY, IOWA GENERAL ASSISTANCE PROGRAM (SUPERCEDES RESOLUTION 2019-9-130)
WHEREAS, Iowa Code Section 252.25 requires the Board of Supervisors to provide for the assistance of persons in the county who are ineligible for, or are immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under those programs; and WHEREAS, Iowa Code Section 252.25 also requires the Board of Supervisors to establish general rules as the Board deems necessary to properly discharge its responsibility under Iowa Code Section 252.25; and
WHEREAS, Linn County Code of Ordinances Section 20-64 establishes that applicants determined eligible for general assistance shall be granted assistance in an amount and for a duration as determined by resolution of the Linn County Board of Supervisors. BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that effective upon the passage of this resolution, Resolution 2019-9-130, and any other resolutions, or parts of resolutions, in conflict with the provisions of this resolution are hereby repealed. BE IT FURTHER RESOLVED by Linn County Board of Supervisors that in place of Resolution 2019-9-130, and any other resolutions, or parts of resolutions, in conflict with the provisions of this resolution, the following rules are established to implement the provisions of Chapter 20, Article III of the Code of Ordinances, Linn County, Iowa.
1. Pursuant to Section 20-61(e), Code of Ordinances, Linn County, Iowa, the following shall be considered exempt property:
a. Wedding rings from a current marriage.
b. Household furniture and appliances.
c. One burial lot or funeral trust fund per person.
d. Equity in one homestead within Linn County, per applying household, not to exceed \$50,000.
e. Equity in one motor vehicle registered in Linn County, per applying household, not to exceed \$5000 based on Kelly Blue Book trade in value.
f. Equity in tools and equipment used in the course of employment by members of the applying household not to exceed \$1500.
g. Equity in personal effects (clothing, jewelry, cell phones, etc.) not to exceed \$250per person.
2. Pursuant to Section 20-60(a)(3), Code of Ordinances, Linn County, Iowa, monthly countable income for eligible, applying households shall be at or below 30 percent Area Median Income for either a one or two-person household, depending on the composition of the applying household. An applying household with one or more dependents will be considered a two-person household when determining income eligibility.
3. Pursuant to Section 20-60(a)(4), Code of Ordinances, Linn County, Iowa, eligible applying households shall have a non-exempt property limit of \$500.

4. Pursuant to Section 20-60(b)(4), Code of Ordinances, Linn County, Iowa, unearned income for eligible applying households shall not exceed \$150.

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5. Pursuant to Section 20-60(b)(5), Code of Ordinances, Linn County, Iowa, eligible applying households shall have a non-exempt property limit of \$500.

6. Pursuant to Section 20-61(d), Code of Ordinances, Linn County, Iowa, a transfer of property with a value exceeding \$1000 shall make the applying household subject to the provisions of said section.

7. A household receiving temporary economic assistance may not receive combined assistance for rental unit rent, room rent, transitional housing, mobile home lot rent, home mortgage interest, transportation assistance, and/or utility assistance in excess of \$900 per month for those seeking temporary economic assistance and \$550 per month for those seeking ongoing economic assistance.

8. An eligible applying household meeting the criteria for temporary economic assistance established in Section 20-60(a), Code of Ordinances, Linn County, Iowa, may receive assistance one (1) time in a rolling twelve (12) month period.

9. An eligible applying household meeting the criteria established in Section 20-60(b), which is not subject to Section 20-62(c), may receive assistance for the duration of the applicant's disability or up to six (6) consecutive months, whichever is less. Assistance under this provision is available three (3) times total in an applicant's lifetime. Applicants subject to Section 20-62(c) who apply for and diligently pursue supplemental security income (SSI) may continue to receive assistance until their application is successful, or until a determination is made at the administrative law judge level that the applicant does not have a qualifying disability.

10. Pursuant to Section 20-69, funeral expense shall be an amount not to exceed \$2000 and shall be conditioned on the provider offering a choice of cremation or traditional burial and the provider accepting the funeral expense amount in full payment of services rendered. Any available cash or cash equivalent held in the name of the deceased person shall be paid to the provider, where possible, and assistance shall be reduced by that amount. If cremation is selected, a funeral director may accept additional money from any family member or friend that desires to purchase an upgraded urn for the return of the cremains.

11. In the event of a projected budget shortfall or budget overage, the Director may, under the direction of the General Assistance Advisory Board, temporarily reduce or increase the amount of assistance provided for under this resolution, including adjusting the percentage of the Area Median Income that eligible applying household's income must meet as is necessary to keep the General Assistance program in compliance with its budget for the current fiscal year.

Motion by Rogers, seconded by Running-Marquardt to approve upon third and final consideration Ordinance #4-3-2023, amending the Code of Ordinance, Linn County Iowa by Amending Provisions in Article II relating to the time of Imposition of a Local Sales and Services Tax.

Mike Tertinger, Planning & Development, gave a recap of the following two ordinance amendments, noting that there have been no additional comments.

Motion by Rogers, seconded by Running-Marquardt to approve upon Second consideration rezoning case JR23-0002, request to rezone 0.84 acres located at 4247 Indian Boundary Rd, from the RR1 (Rural Residential 1-Acre) zoning district, and 2.32 acres from the Ag (Agricultural) zoning district to the RR3 (Rural Residential 3-Acre) zoning district, Drew & Jenna Whiting, owners.

Motion by Rogers, seconded by Running-Marquardt to approve upon second 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.

Linn County Food Systems Council Chair. August Stolba and Vice Chair. Emmaly Renshaw gave a presentation of the Fiscal Year 2023 Food Access, Resiliency, and Equity Grant Program (FARE) funding recommendations.

Supervisor Running-Marquardt commended Stolba and Renshaw for their work and she stressed the importance of the program. She suggested an opportunity to coordinate with smaller communities to have backup generators for cold storage. This could be a future item to talk about.

Supervisor Rogers stated that there are many different sectors that collaborate during disasters but there is no representative from food systems to secure the food supply chain. He suggested focusing some training and he would like to continue to explore.

Motion by Rogers, seconded by running-Marquardt to approve and authorize Chairperosn to sign Linn County Food Systems Council FY23 FARE Grant Agreements as follows: Black Earth Gardens - \$15,000, Buffalo Ridge Orchard - \$25,000, Cathy Bayne - \$1,000, Children of Promise Mentoring Program - \$1,300, Echollective Farm - \$10,000, United We March Forward - \$7,000, Theo's Produce - \$15,000, Marion Cares - \$1,000, Nupolu's Emerging Farm - \$15,000, Olivet Presbyterian Church and Neighborhood Mission -

\$15,000, Over the Moon Farm and Flowers - \$20,000, Southeast Linn Community Center - \$7,000 for a total of \$132,300

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Rhonda Betsworth, Deputy Auditor, presented a resolution for Township Compensation effective January 1, 2023 in order to comply with IPERS guidance.

Motion by Rogers, seconded by Running-Marquardt to adopt Resolution 2023-3-34 RESOLUTION FIXING TOWNSHIP COMPENSATION EFFECTIVE 1/1/2023.

WHEREAS, Iowa Code Section 359.46 and 359.47 addresses compensation of township trustees and clerks; and WHEREAS, the Linn County Board of Supervisors most recently authorized an hourly rate of pay of \$15.00 per hour for township trustees and township clerks on March 4, 2020; and WHEREAS, Iowa Code Section 359.46.1 allows the county board of supervisors to establish a minimum daily pay rate for attending scheduled meetings; now THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Linn County, Iowa, that it is hereby ordered that township trustee and clerk compensation be set as follows effective 1/1/2023:

1. Township Trustees will be compensated \$15.00 for each official meeting they attend. Trustees are expected to attend a minimum of three (3) meetings per fiscal year (Financial Report, Prebudget, and Budget). *Note: Trustee per meeting (aka per diem) rate is not IPERS eligible for appointed or elected trustees.*
2. Township Clerks will be compensated \$15.00 for each official meeting they attend. In addition, township clerks will be paid \$15 per hour for work sessions at which they update township receipts, disbursements, and other official records. *Note: Clerk per meeting (aka per diem) and work session hours are eligible for IPERS. Elected clerks may opt out within 90 days but appointed clerks may not.*
3. Township Trustees and Clerks shall turn in completed timesheets in a timely manner to the Linn County Auditor's Office on the provided timesheet form.

Sara Bearrows, Budget Dir., presented information regarding a Fiscal Year 2024 SF 634 resolution on total maximum property tax dollars.

Motion by Rogers, seconded by Running-Marquardt to authorize publication of Max Levy Notice, and set the public hearing to be on March 29, 2023 at 10:00 a.m.

Motion by Rogers, seconded by Running-Marquardt to approve the following Employment Change Roster (payroll authorizations):

TREASURER'S OFFICE

Universal Clerk Liz Fredin End of probation 02/28/23 56A \$21.42 - 56B \$22.51

FACILITIES

Custodian Tchable Kombate End of probation 04/09/23 10A \$18.01 + \$.25 - 10B \$18.59 + \$.25

Custodian Gisele Niyindaje Step increase/contract 04/16/23 10B \$18.59 + \$.25 - 10C \$19.33 + \$.25

SHERIFF'S OFFICE

Sergeant Patrick Brady Termination/retirement 04/28/23

Communications Oper Bobbie Warner New hire - FT : 03/20/23 CB \$25.14

JUVENILE DETENTION

Youth Counselor Odianosun Uhemini New hire - FT 03/20/23 36A \$24.48 + \$.25 Replaces D. Cook

Motion by Rogers, seconded by Running-Marquardt to go into closed session to discuss pending litigation, pursuant to Code of Iowa 21.5(1)(c).

VOTE: Rogers - Aye Running-Marquardt - Aye

Motion by Rogers, seconded by Running-Marquardt to go out of closed session.

VOTE: Rogers - Aye Running-Marquardt - Aye

Adjournment at 11:27 a.m.

Respectfully submitted,

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

Approved by:

BEN ROGERS, Vice Chairperson
Board of Supervisors