

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MARCH 9, 2022 11:00 A.M.

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

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

Motion by Rogers, seconded by Zumbach to approve Consent Agenda as follows:

Approve and authorize Chair to sign a Vacancy Form requesting an Administrative Coordinator for the Sheriff's office.

Approve and authorize Chair to sign a Vacancy Form requesting a Design Technician for the Secondary Road Department.

Resolution 2022-3-30

AUTHORIZE CONVEYANCE OF VACATED RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under §331.361, Code of Iowa, to dispose of the interest of Linn County, in real property, and, WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated the portions of right-of-way described as:

LEGAL DESCRIPTION

The east 30 feet of vacated Vermont Way as recorded in Resolution 2006-4-42, Bk 6303, Pg 342, Linn County Recorders Office, lying south of Waubeek Road ROW and west of Lot 1, Block 7. Located in Original Town of Waubeek, Section 19, T.85N., R.05W., Linn County, Iowa. Said area is subject to easements and restrictions of record or use. and,

WHEREAS, Delores J. Neilsen and Melinda E. Dolan, owners of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County, Iowa may have in the above described parcel of vacated right-of-way, and WHEREAS, the Board of Supervisors, Linn County, Iowa, has pursuant to §331.361, Code of Iowa, conducted a

public hearing upon the proposal to convey by quit claim deed whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way shall be conveyed to Delores J. Neilsen and Melinda E. Dolan, owners of real property adjacent to the above described vacated right-of-way, by quit claim deed.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, hereby authorize to execute said quit claim deed conveying whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way to Delores J. Neilsen and Melinda E. Dolan.

Resolution 2022-3-31

APPROVE QUIT CLAIM DEED

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quit claim deed executed and acknowledged by Ben Rogers, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel Miller, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Delores J. Neilsen and Melinda E. Dolan, and WHEREAS, said deed conveys the following real estate described as follows:

LEGAL DESCRIPTION

The east 30 feet of vacated Vermont Way as recorded in Resolution 2006-4-42, Bk 6303, Pg 342, Linn County Recorders

Office, lying south of Waubeek Road ROW and west of Lot 1, Block 7. Located in Original Town of Waubeek,

Section 19, T.85N., R.05W., Linn County, Iowa. Said area is subject to easements and restrictions of record or use. and

WHEREAS, said deed was executed by Ben Rogers, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel Miller, County Auditor of Linn County, Iowa, pursuant to resolution 2022-3-30 adopted by the Board of Supervisors, Linn County, Iowa, on the 9th day of March, 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 above described quit claim deed, dated the 9th day of March, 2022, conveying whatever interest Linn County, Iowa, may have, to Delores J. Neilsen and Melinda E. Dolan, be and the same is hereby approved.

Resolution 2022-3-32

A Resolution approving a final plat to be named Prairie Landing Third Addition.

The following description is a summary of Resolution No.2022-3-32 as passed and approved by Linn County Board of Supervisors, effective March 9, 2022

Prairie Landing Third Addition (Case # JF22-0002) to Linn County, Iowa, containing four (4) lettered lots, Lot A, Outlot A, Outlot B, and Outlot C, has been filed for approval, a subdivision of real estate located in Section 26, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows: PRAIRIE LANDING THIRD ADDITION IS A SUBDIVISION OF THE SOUTH FIFTY (50) FEET AND THE EAST FIFTY (50) FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (N.E.1/4-N.W.1/4)

IN SECTION TWENTY-SIX (26) AND THE EAST FIFTY (50) FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (S.E.1/4-S.W.1/4) IN SECTION TWENTY-THREE (23) ALL IN TOWNSHIP EIGHTY-FOUR NORTH (T84N), RANGE SEVEN WEST (R7W) OF THE FIFTH PRINCIPAL MERIDIAN, LINN COUNTY, IOWA. PARCEL CONTAINS 4.50 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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 2022-3-33

WHEREAS, portions of Roosevelt Street are located in the city of Alburnett and unincorporated 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:

- 55 mph for west bound traffic on the county portion of Roosevelt Street beginning 1,350' west of Longworth Avenue in section 26-85-.
- 40 mph for east bound traffic on the county portion of Roosevelt Street from 1,350' west of Longworth Avenue to 570' west of Longworth Avenue in section 26-85-7.
- 25 mph for east bound traffic on the county portion of Roosevelt Street beginning 570' west of Longworth Avenue east to the city portion of Roosevelt Street in section 26-85-7.

The Board of Supervisors declare 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 and authorize Chair to sign a Business Associate Agreement between Linn County and Hands Up Communications for interpretation and translation services at the Mental Health Access Center.

Approve and authorize Chair to sign a Quit Claim Deed to Delores J. Neilsen and Melinda E. Dolan of Linn County, Iowa's interest of vacated right-of-way along former Vermont Way west of Lot 1, Block 7 in Waubeek.

Approve and authorize Chair to sign a Memorandum of Understanding (MOU) regarding reimbursement from MH/DS of the East Central Region for Linn County Employees

Approve and authorize Chair to sign a 28E Agreement with Linn County Conservation Board for recreational trail crossing maintenance.

Approve and authorize Chair to sign a purchase agreement between Kirk & Kimberly Osborn and Linn County for a Temporary Construction Easement regarding Megger's First Addition adjacent to Secrist Road and subsequent donation-exchange of vacated railroad right-away and authorize Chair to sign the purchase agreement.

Approve and authorize Chair to sign a professional services proposal from Design Dynamics, Inc. for a Wickiup Hill Outdoor Learning Center HVAC study in the amount of \$8400.00

Rescind the award to Crawford Quarry Co. for 3/8" Chips for 2022 Dust Control for the Main Shop in the amount of \$25,875.00.

Award bid and authorize Chair to sign contract for 3/8" Chips for 2022 for the Main Shop to the next lowest bidder, Wendling Quarry, Inc. in the amount of \$27,450.00.

Approve and award purchase order PO259 to Coleman Moore Company for erosion control material in the amount of \$19,653.00 for the Secondary Road Department.

Approve and award purchase order PO260 to Midwest Bowie Sales Inc. for a hydroseeder in the amount of \$122,010.00 for the Secondary Road Department

Motion by Rogers, seconded by Zumbach to approve Claims for AP checks #71006248-#71006332 in the amt. of \$434,092.37 and AP ACH in the amt. of \$1,053,857.11.

Mike Tertinger, Planning & Development, recapped Ordinance Amendment rezoning case JR22-001.

Motion by Rogers, seconded by Zumbach to approve upon third and final consideration Ordinance Amendment #7-3-2022, rezoning case JR22-0001, request of Midwest Development Co., owners, to rezone approximately 4.5 acres located in the 8000 Block of C Ave, from AG (Agricultural) district to USR (Urban Services Residential) district.

Desire Irakoze, Planning & Development, gave a recap of rezoning case JR22-0002.

Motion by Rogers, seconded by Zumbach to approve upon second consideration rezoning case JR22-0002, request to rezone property located at 424 Rosedale Rd, from the AG (Agricultural) district to RR2 (Rural Residential 2-Acre) district, approximately 50.28 acres, Benjamin & Keri Dahl, owners.

Stephanie Lientz, Planning & Development, gave a recap of rezoning case JR22-0003.

Motion by Rogers, seconded by Zumbach to approve upon second consideration rezoning case JR22-0003, request to rezone property located at 3010 C Avenue Extension, from the AG (Agricultural) district to the USR (Urban Services Residential) district, approximately 5.72 acres, Robert Schmitt, owner.

Dawn Jindrich, Finance Dir., presented an application submitted by Prospect Meadows for ARPA funds in the amount of \$2,633,000.00. She stated that this application received a high priority rating by the review committee and they recommend approval noting that timing is important as ballgames are scheduled.

Motion by Rogers, seconded by Zumbach to approve American Rescue Plan Act (ARPA) Agreement between Linn County and Prospect Meadows in the amount of \$2,633,000.

Discussion: Jindrich stated that paperwork will need to be completed before the release of funds.

VOTE: All Aye

Deputy Auditor Shoop and Staci Meade, LCCS, presented a Resolution updating compensation for attorneys appointed by the District Court. They noted that LCCS was paying \$66.00/hr. (based on current language in the Code of Iowa) and the Auditor's Office was paying \$60.00/hr. (based on the existing Resolution).

Motion by Rogers, seconded by Zumbach to adopt Resolution 2022-3-34

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, 2021. 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 \$66.00 per hour for such hours as are verified by the attorney and approved by the District Court for payment.

Darrin Gage, Dir. of Policy & Admin., stated that bids were opened on Monday for Priority #1 Derecho Repairs and the apparent low bidder was Unzeitig. After review, staff recommends Unzeitig in the amount of \$396,500.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2022-3-35

A RESOLUTION AWARDDING CONTRACT FOR THE PRIORITY #1 LINN COUNTY FACILITIES DERECHO
REPAIRS 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 "Priority #1 Linn County Facilities Derecho Repairs 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.

Contractor Bid Amount Unzeitig Construction Company \$396,500.00

1619 F Avenue NE Cedar Rapids, IA 52402 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 fixes the amount of the contractor's performance and/or payment bonds at 100 percent of the amount of the contract.

Board Member Reports - Supervisor Zumbach noted that the Board met with the Farm Bureau last evening and he thanked his colleagues for allowing him to take time to go on vacation.

Supervisor Rogers noted that the Farm Bureau meeting lent itself to robust constructive conversations. He appreciates the younger members taking an active role and thanked them for their hospitality. Today is the one-year anniversary of the

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opening of the Mental Health Access Center and he thanked current and past colleagues for their financial support for the services and rehabbing the former Public Health building.

The Board received and placed on file a letter from NextEra re: continued closing of the Duane Arnold Energy Center.

Adjournment at 11:18 a.m.

Respectfully submitted,

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

Approved by:

BEN ROGERS, Chairperson
Board of Supervisors