

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, APRIL 12, 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 (via phone) 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 Zumbach, 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 March, 2023.

**Resolution 2023-4-53**

**A RESOLUTION AUTHORIZING AND DIRECTING THE EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS (ECICOG) TO SUBMIT A FUNDING APPLICATION AND ASSOCIATED DOCUMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY DERECHO GENERATOR PROGRAM (CDBG-DR) TO THE IOWA ECONOMIC DEVELOPMENT AUTHORITY**

WHEREAS, on August 10, 2020, many communities in Linn County, Iowa experienced a severe derecho storm that highlighted the need for consistent and reliable power generation at critical facilities to respond to future disasters; and WHEREAS, the Linn County Board of Supervisors ("Board") supports efforts to make Central City and surrounding areas more resilient in disasters that cause power loss by ensuring the availability of emergency vehicles, establishing public shelters, and aiding in communication efforts; and WHEREAS, the Board finds that it is necessary, desirable, and in the best interest of the public to apply for a \$43,620 grant through the CDBG-DR Generators for Critical Facilities Program to the Iowa Economic Development Authority to install a fixed standby generator at the new Linn County Fire District 3 location on Iehl Street in Central City; and WHEREAS, accordingly, Linn County entered into a Service Agreement with ECICOG to prepare and submit a CDBG-DR grant application and associated documents. BE IT THEREFORE RESOLVED that the Linn County Board of Supervisors hereby authorizes and directs the Chairperson to sign and execute the additional documents required for the application, as presented to the Board, on behalf of Linn County, and hereby authorizes ECICOG to submit the CDBGDR application and the associated documents for the project described above to the Iowa Economic Development Authority on or before April 14, 2023.

**Resolution 2023-4-54**

**A RESOLUTION AUTHORIZING AND DIRECTING THE LINN COUNTY SUSTAINABILITY DEPARTMENT TO SUBMIT A FUNDING APPLICATION AND ASSOCIATED DOCUMENTS FOR THE ENVIRONMENTAL JUSTICE GOVERNMENT-TO-GOVERNMENT PROGRAM TO THE US ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, the Environmental Justice Government-to-Government (EJG2G) program provides funding at the local level to support "government activities that lead to measurable environmental or public health impacts in communities disproportionately burdened by environmental harms.;" and WHEREAS, the Linn County Board of Supervisors has a previously demonstrated commitment to acting to reduce greenhouse gas emissions and ensuring an equitable approach to sustainable action; and WHEREAS, Linn County community based organizations have worked collaboratively towards addressing issues related to the quantity and quality of housing stock in Linn County, some of the oldest in the country, through the Alliance for Equitable Housing; and WHEREAS, following the August 10, 2020, derecho storm more than 2,500 housing units in Linn County were assessed as below normal or worse quality according to Linn County and Cedar Rapids Assessor data and 1,000 units were deemed unlivable in the week following the derecho according to the State of Iowa Action Plan for Disaster Recover 2020 Midwest Derecho. BE IT THEREFORE RESOLVED that the Linn County Board of Supervisors hereby authorizes and directs the Chairperson to sign and execute the additional documents required for the application, as presented to the Board, on behalf of Linn County, and hereby authorizes the Linn County Sustainability Department to submit the Environmental Justice Government-to-Government (EJG2G) program grant application and the associated documents.

**Resolution 2023-4-55**

A Resolution approving a three lot final plat for Prairie Farm First Addition, case JF23-0009. The following description is a summary of Resolution No. 2023-4-54 as passed and approved by Linn County Board of Supervisors, effective April 12, 2023.

Prairie Farm First Addition (Case # JF23-0009) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lot 2, and lettered lot A, a subdivision of real estate located in the NE NW of Section 20, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the Northwest corner of said Lot 2; thence North 89° 50' 26" East 556.06 feet along the North line of said Lot 2 to the Northeast corner thereof; thence South 0° 53' 14" East 777.54 feet along the East line of the Northwest Quarter of said Section 20 to the Northeast corner of the South 20 feet of said Lot 2; thence South 89° 50' 26" West 556.06 feet along the North line of said South 20 feet to the Northwest corner thereof; thence North 0° 53' 14" West 777.54 feet along the West line of said Lot 2 to the point of beginning, containing 9.92 acres subject to covenants, 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](http://www.linncountyiowa.gov).

**Resolution 2023-4-56**

A Resolution approving a Land Preservation Parcel Split for Skaff First Addition.

The following description is a summary of Resolution No. 2023-4-56 as passed and approved by Linn County Board of Supervisors, effective April 12, 2023.

Skaff First Addition (Case # JLPS23-0002) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A, and outlot A, a subdivision of real estate located in the SWNW of Section 36, Township 85 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the NE Corner of said SW ¼ NW ¼; thence S01°19'59" E along the east line of said SW ¼ NW ¼, 1329.05 feet to the SE Corner of said SW ¼ NW ¼; thence S89°45'51"W along the south line of said SW ¼ NW ¼, 1334.66 feet to the SW Corner of said SW ¼ NW ¼; thence N01°31'16"W along the west line of said SW ¼ NW ¼, 1328.00 feet to the NW corner of said SW ¼ NW ¼; thence N89°42'55"E along the north line of said SW ¼ NW ¼, 1338.99 feet to the Point of Beginning, containing 40.76 acres including 1/52 Ac. Of road right of way. 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](http://www.linncountyiowa.gov).

**Resolution 2023-4-57**

**AUTHORIZE ROAD CLOSURES FOR CONSTRUCTION**

WHEREAS, construction work will begin on various Linn County projects, and WHEREAS, projects on the following list are expected to be under construction during 2023

**PROJECT NUMBER PROJECT DESCRIPTION**

FM-C057(160)- -55-57 Bridge replacement on Coggon Rd over Walton Creek  
FM-C057(161)- -55-57 Bridge replacement on N Center Point Rd over East Otter Creek  
BROS-C057(164)- - 8J-57 Bridge replacement on Waubeek Rd over tributary to Wapsipinicon River  
LOST-BRIDGE 1053(22) Bridge replacement on Bertram Rd over Indian Creek  
FM-C057(163)- - 55-57 PCC bridge deck overlay on Blairs Ferry Rd bridge over Otter Creek  
FM-C057(162)- - 55-57 PCC bridge deck overlay on Boy Scouts Rd bridge over Wapsipinicon River  
LOST-BEVERLY RD(23) Asphalt paving from on Beverly Rd from Highway 151 to PCC section near Edgewood Rd  
STP-S-C057(165)- -5E-57 PCC paving on Walker Rd from Bettys Grove Rd to Troy Mills Rd  
LOST-CMP 1725(23) Culvert replacement on Angle Rd 220' east of Morgan Bridge Rd in section 4-82-8  
LOST-CMP 2430(23) Culvert replacement on Morgan Bridge Rd north of Angle Rd in section 5-82-8  
LOST-CMP 2429(23) Culvert replacement on Morgan Bridge Rd south of Angle Rd in section 5-82-8  
M-HAGERMAN RD Rock overlay on portions of Hagerman Rd  
M-OTTER RD Rock overlay on portions of Otter Rd  
M-STANDLEEA RD Rock overlay on portions of Standlea Rd  
M-CUMMINGS FORD RD Rock overlay on portions of Cummings Ford Rd  
M-GRUBBS CREEK RD Rock overlay on portions of Grubbs Creek Rd  
M-HOLLENBECK RD - 1 Rock overlay on portions of Hollenbeck Rd from Yates Rd to Fletcher Rd  
M-HOLLENBECK RD - 2 Rock overlay on portions of Hollenbeck Rd from Bear Creek Rd to Power Plant Rd  
M-LINN-BENTON RD - 1 Rock overlay on portions of Linn-Benton Rd from Bear Creek Rd to Shellsburg Rd  
M-LINN-BENTON RD - 2 Rock overlay on portions of Linn-Benton Rd from Fletcher Rd to Ellis Rd  
M-RING RD Rock overlay on portions of Ring Rd  
M-SCHULTZ RD Rock overlay on portions of Schultz Rd  
M-DOLEZAL RD Rock overlay on portions of Dolezal Rd  
M-FLETCHER RD Rock overlay on portions of Fletcher Rd  
M-HOOSIER CREEK RD Rock overlay on portions of Hoosier Creek Rd  
M-PALISADES ACCESS RD Rock overlay on portions of Palisades Access Rd  
M-PRAIRIE SCHOOL RD Rock overlay on Prairie School Rd  
M-SISLEY GROVE RD Rock overlay on portions of Sisley Grove Rd  
M-SOUTHVIEW RD Rock overlay on portions of Southview Rd

M-SPANISH RD Rock overlay on portions of Spanish Rd  
M-YOUNG RD Rock overlay on portions of Young Rd  
M-BALLARD RD Rock overlay on portions of Ballard Rd  
M-CALDWELL RD Rock overlay on Caldwell Rd  
M-COTTAGE GROVE PKWY Rock overlay on portions of Cottage Grove Pkwy  
M-E BERTRAM RD Rock overlay on portions of E Bertram Rd  
M-EDGERLY RD Rock overlay on portions of Edgerly Rd  
M-FROZEN HILL RD Rock overlay on portions of Frozen Hill Rd  
M-HART RD Rock overlay on portions of Hart Rd  
M-HILLS MILL RD Rock overlay on portions of Hills Mill Rd  
M- HODGIN RD Rock overlay on portions of Hodgins Rd  
M-HOOSIER RD Rock overlay on portions of Hoosier Rd  
M-LIGHT RD Rock overlay on portions of Light Rd  
M-LINN RIDGE RD Rock overlay on portions of Linn Ridge Rd  
M-LINN-BUCHANAN RD Rock overlay on portions of Linn-Buchanan Rd  
M-LINN-DELAWARE RD Rock overlay on portions of Linn-Delaware Rd  
M- MAINE RIDGE RD Rock overlay on portions of Maine Ridge Rd  
M-MATSELL PARK RD Rock overlay on portions of Matsell Park Rd  
M-MELROSE RD Rock overlay on portions of Melrose Rd  
M-NICKEL PLATE RD Rock overlay on portions of Nickel Plate Rd  
M-NUGENTS RD Rock overlay on portions of Nugents Rd  
M-O'CONNOR RD Rock overlay on portions of O'Connor Rd  
M-PINICON RIDGE RD Rock overlay on portions of Pinicon Ridge Rd  
M-PRAIRIEBURG RD Rock overlay on portions of Prairieburg Rd  
M-QUAKER LN Rock overlay on portions of Quaker Ln  
M-STONE RD – 1 Rock overlay on portions of Stone Rd from County Home Rd to Austin Rd  
M-STONE RD – 2 Rock overlay on portions of Stone Rd from Austin Rd to Burnett Station Rd  
M-SUTTON RD – 1 Rock overlay on portions of Sutton Rd from Central City Rd to Burnett Station Rd  
M-SUTTON RD – 2 Rock overlay on portions of Sutton Rd from Coggon Rd to Linn-Buchanan Rd  
M-WILDE RD Rock overlay on portions of Wilde Rd

NOW, THEREFORE, BE IT RESOLVED that the Linn County Board of Supervisors hereby authorize the above roads and/or portions thereof, to be closed to public travel during the construction period, and further authorize and direct the County Engineer to post appropriate signs, when and as necessary to protect both the work and the traveling public, in accordance with Chapter 306 of the Code of Iowa and the Manual on Uniform Traffic Control Devices.

Approve and authorize Chair to sign Fiscal Year 2024 (IDOT) Iowa Department of Transportation Secondary Road Budget.

Approve and authorize Chair to sign an IDOT Secondary Road Five Year Construction Program.

Approve Board of Supervisors Policy FM-038, Investment of Funds, Revision No. 3.

Approve and authorize Chair to sign a Memorandum of Understanding (MOU) between the Mental Health/Disability Services of the East Central Region of Iowa and Linn County regarding reimbursement from MH/DS of the East Central Region for County Employees for the period of July 1, 2023 through June 30, 2024.

Approve and authorize Chair to sign IDOT Federal-aid Agreement for a County Highway Bridge Program Project, project no. BROS-C057(172)--8J-57, bridge replacement project on Martin Creek Road over Martin Creek.

Approve and authorize the Chair to sign a Letter of Trespass authorizing the Cedar Rapids Police Department to take necessary action, up to and including arrest, of people not authorized to be on Linn County-owned property at 1017 12<sup>th</sup> Avenue SW, Cedar Rapids.

Approve and authorize the Chair to sign a Service Agreement between Linn County and the East Central Iowa Council of Governments (ECICOG) for the preparation of Community Development Block Grant - Disaster Recovery (CDBG-DR) applications.

Approve Liquor License for Casey's General Store, 888 Vernon Valley Dr., CR, noting all conditions have been met.

Motion by Zumbach, seconded by Running-Marquardt to approve Claims for AP checks #71010609 - #71010660 in the amt. of \$92,861.68 and AP ACH in the amt. of \$742,143.19 for a total of \$835,004.87.

Motion by Zumbach, seconded by Running-Marquardt to approve payment to Supervisor Rogers in the amt. of \$240.00. VOTE: Zumbach & Running-Marquardt – Aye Rogers - Abstain

Motion by Zumbach, seconded by Running-Marquardt to approve upon third and final consideration Ordinance #6-4-2023, amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code, relating to accessory dwelling units and updating the use table to include softball fields and other similar uses.

Motion by Zumbach, seconded by Running-Marquardt to approve upon third and final consideration Ordinance #7-4-2023, amendment rezoning case JR23-0003, request of Daniel and Carolyn Thies Trusts, owner, to rezone 9.34 acres located at 505 Dows Rd from the Agricultural (AG) zoning district to the Rural Residential 2-Acre (RR2) zoning district.

Todd Kruse, Linn County Assessor's Office, presented the 2023 Slough Bill exemptions. 41 acres were dropped (did not re-sign).

Motion by Rogers, seconded by Running-Marquardt to approve the 2023 Slough Bill exemptions as presented.

Darrin Gage, Dir. of Policy & Admin., presented a Resolution to Provide for a Notice of Public Hearing on the Proposed Plans, Specifications, Form of Contract and Estimated Total Cost for the Linn County Facilities Derecho Repairs Priority #5 Project, and for the Taking of Bids on Said Project.

Sara Coleman, Martin-Gardner Arch., stated that all of the facilities are located at Wanatee Park and her estimate is \$415,000.

Motion by Zumbach, seconded by Running-Marquardt to adopt Resolution 2023-4-58

A RESOLUTION TO PROVIDE FOR A NOTICE OF PUBLIC HEARING ON THE PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED TOTAL COST FOR THE LINN COUNTY FACILITIES DERECHO REPAIRS PRIORITY #5 PROJECT, AND FOR THE TAKING OF BIDS ON SAID PROJECT

WHEREAS, it is proposed that the Linn County, Iowa Board of Supervisors (the "Board") authorize the construction of the public improvement(s) as described in the proposed plans, specifications, and form of contract prepared by Martin Gardner Architecture (the "Project Architect"), which may be hereinafter referred to as the "Linn County Facilities Derecho Repairs Priority #5 Project", or the "Project"; and, WHEREAS, the proposed plans, specifications, form of contract, and estimated total cost for the project (the "Contract Documents") are on file with the Board; and, WHEREAS, it is necessary to set a time and place for a public hearing on the Contract Documents, to publish a Notice of Public Hearing on the Contract Documents, and to advertise for sealed bids on the Project.

BE IT THEREFORE RESOLVED by the Board as follows:

1. The Board hereby approves the proposed contract documents referred to in this Resolution, as prepared by the Project Architect, in their preliminary form.
2. The Board hereby determines that the Project is necessary and desirable for Linn County (the "County") and finds that it is in the best interest of the County to proceed toward the construction of the Project.
3. The Board shall hold a public hearing on the proposed contract documents on May 8, 2023, at 10:00 am in the Formal Board Room of the Linn County Public Service Center located at 935 – 2nd Street SW, Cedar Rapids, Iowa, at which time any interested person may appear and file objections to the proposed Contract Documents, and, after hearing objections, the Board may proceed with approval of said Contract Documents.
4. The Board hereby authorizes and directs the publication of a notice of public hearing on the Contract Documents for the Project at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in one or more newspapers that meet the requirements of Iowa Code Section 618.14.
5. The Board hereby delegates to the Linn County Purchasing Director and/or his designee(s) the duty of receiving bids for the construction of the Project until 2:00 pm on May 5, 2023, at the Jean Oxley Linn County Public Service Center in Cedar Rapids, Iowa.
6. The Board hereby sets May 8, 2023, at 10:00 am in the Formal Board Room of the Jean Oxley Linn County Public Service Center as the time and place that the Board or its designee will open and announce the bids received for construction of the Project, and that the Board will consider said bids.
7. The Board hereby fixes the amount of the bid security to accompany each bid at five (5) percent of the amount of the bid.
8. The Board hereby authorizes and directs advertisement for sealed bids for the Project in accordance with Iowa Code Section 26.3.

The Board continued discussions from Monday regarding allowing residents who live in unincorporated Linn County in the half-mile buffer zone around the cities of Cedar Rapids, Marion, Hiawatha zoned as Urban Services Residential (USR) to openly burn tree debris from the August 2020 derecho and subsequent storms.

Wanda Reiter Kintz, Public Health Air Pollution Control Officer, provided a document as a follow-up to Monday's meeting. She reviewed recommendations if the variance passes.

Motion by Zumbach, seconded by Rogers to allow residents who live in unincorporated Linn County in the half-mile buffer zone around the cities of Cedar Rapids, Marion, Hiawatha zoned as Urban Services Residential (USR) to openly burn tree debris from the August 2020 derecho and subsequent storms.

Discussion: Chairperson Zumbach stated that they would be tightening up requirements as reflected in the document provided by Public Health.

VOTE : Rogers & Running-Marquardt – NAY                      Zumbach - AYE

Darrin Gage presented proposed Board of Supervisors Policy OP-028, Post-Bid General Contractor Compliance Questionnaire (for projects over \$1 million). He presented feedback from the County Attorney's Office.

Motion by Running-Marquardt, seconded by Rogers to approve Board of Supervisors Policy OP-028, Post-Bid General Contractor Compliance Questionnaire (for projects over \$1 million).

Discussion: Supervisor Zumbach stated that this came before the Board in 2021 and he was not in favor at the time. He wanted the County Attorney to review. He has also been with the County long enough now to experience some frustrations of government projects and will support the policy.

Supervisor Running-Marquardt thanked Gage and the County Attorney for helping them to move forward. This is an important tool for the Board to have when looking at the quality of work and making sure they do everything they can to protect taxpayer dollars, current and future.

VOTE: All Aye

Tamara Marcus, Sustainability Program Dir., presented a potential funding application and associated documents for the EPA's Climate Pollution Reduction Grants. Funding was declined by the State (\$3 million distributed across the state) and now they have this opportunity. There is a Letter of Intent that is due April 28th which does not commit the county to any projects. The city of Cedar Rapids will be the recipient and ECICOG will do the administrative work.

Adjournment at 10:24 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson  
Board of Supervisors