

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, JULY 19, 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 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:

Approve FY24 Revisions to the Management, Non-Bargaining and Confidential Personnel Policies and Procedures Manual.

Approve revisions for the Family and Medical Leave Act Policy PM-009.

Approve updated Employee Resource Guide (Benefits, Time Away from Work, Resignation and Retirement, Other).

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

Receive and place on file the Recorder's Quarterly Report for April 1 through June 30, 2023.

Resolution 2023-7-100

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

A portion of Section 12, T. 82N., R.06W. of the 5th P.M., Linn County, Iowa described as follows:

Existing Skillman Road right-of-way lying 33' east of the west line of Lot 7, Auditors Plat No. 81, north of U.S. Highway 30 right-of-way and south of the east 75' right-of-way line of Skillman Road.

Said vacated area = 0.38 acres more or less, subject to easements and restrictions of record or use and,

WHEREAS, Kirk D. Weih and Annette M. Weih, husband and wife as joint tenants with full rights of survivorship, and not as tenants in common, owner 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 quitclaim 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 Kirk D. Weih and Annette M. Weih, husband and wife as joint tenants with full rights of survivorship, and not as tenants in common, owner of real property adjacent to the above described vacated right-of-way, by quitclaim deed.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, hereby authorize to execute said quitclaim deed conveying whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way to Kirk D. Weih and Annette M. Weih, husband and wife as joint tenants with full rights of survivorship, and not as tenants in common.

Resolution 2023-7-101

APPROVE QUITCLAIM DEED

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quitclaim deed executed and acknowledged by Louis J. Zumbach, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Kirk D. Weih and Annette M. Weih, husband and wife as joint tenants with full rights of survivorship, and not as tenants in common, and

WHEREAS, said deed conveys the following real estate described as follows:

LEGAL DESCRIPTION

A portion of Section 12, T. 82N., R.06W. of the 5th P.M., Linn County, Iowa described as follows:

Existing Skillman Road right-of-way lying 33' east of the west line of Lot 7, Auditors Plat No. 81, north of U.S. Highway 30 right-of-way and south of the east 75' right-of-way line of Skillman Road.

Said vacated area = 0.38 acres more or less, subject to easements and restrictions of record or use and

WHEREAS, said deed was executed by Louis J. Zumbach, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, pursuant to resolution 2023-7-101 adopted by the Board of Supervisors, Linn County, Iowa, on the 19th day of July, 2023.

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 quitclaim deed, dated the 19th day of July, 2023, conveying whatever interest Linn County, Iowa, may have, to Kirk D. Weih and Annette M. Weih,

husband and wife as joint tenants with full rights of survivorship, and not as tenants in common, be and the same is hereby approved.

Resolution 2023-7-102

WHEREAS, Wendling Quarries Inc., owner; and Streb Ready Mix LLC, petitioner; Case PTU23-0006, has requested the Linn County Board of Supervisors' permission to operate a portable concrete plant to be used for a county road project on Walker Road, and located at 2896 Coggon Road, Coggon, Iowa.

AND WHEREAS, the Board of Supervisors makes the following Findings of Facts:

1. The portable concrete plant will operate from July 19, 2023 and end by September 1, 2023.
2. A temporary concrete plant is permitted under the provisions of Article V, Section 107-93, §(c)(1) of the Linn County Unified Development Code.
3. The property is located at 2896 Coggon Road, Coggon, Iowa.
4. The property is zoned CNR (Critical Natural Resources) and is 107.27 acres in size.
5. Approximately 7.5 acres will be used for the temporary use.
6. The owner of the subject property is Wendling Quarries Inc.
7. The operator of the portable concrete plant will be Streb Ready Mix LLC.
8. The plant may operate between the hours of 7:00 AM to 6:00 PM, Monday through Saturday.
9. One portable toilet and one hand washing station will be accessible on-site for the duration of the operation of the plant.
10. The applicant estimates an increase to a maximum of 25 vehicle trips per day due to the operation of the portable concrete plant.

AND WHEREAS, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;

AND WHEREAS, the Temporary Use application has been examined by the Linn County Board of Supervisors at a public meeting on July 17, 2023, all interested persons having been heard;

NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application,

Case PTU23-0006, subject to the following conditions:

Linn County Board of Supervisors

Resolution #2023- -

LINN COUNTY PLANNING & DEVELOPMENT (Zoning Division)

1. The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met.
2. All building, electrical, mechanical, plumbing and zoning permits will be obtained as necessary.
3. Adhere to the operating hours indicated in the temporary use application; 7:00 AM to 6:00 PM, Monday through Saturday.
4. The temporary use permit period will begin July 19, 2023 and expire no later than September 1, 2023.
5. Restrooms are required to be available during the hours of operation.
6. The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval.
7. The petitioner shall sign an "Acceptance of Conditions" form which provides assurance that all conditions will be met prior to the Board of Supervisors Resolution of Approval, and specifically agrees to hold Linn County harmless from any and all damages or claims for damages that might arise or accrue by reason of approval of the Temporary Use permit by the Linn County Board of Supervisors. Further, by signing the "Acceptance of Conditions" form, the petitioner shall agree to allow employees of the County reasonable access to the property for inspection and for submission of documents to verify any additional information.

LINN COUNTY PLANNING & DEVELOPMENT (Building Division)

1. An electrical permit is required for new electrical services and/or the installation of non-chord and plug electrical equipment associated with the batch plant.
2. One permanent or portable restroom shall be on-site and serviced for the duration of the operation of this concrete plant.

LINN COUNTY ENGINEERING

1. Placement of 6" thick macadam stone (or other clean crushed product approved by engineer) pad for aggregate stockpiles.

IOWA DEPARTMENT OF TRANSPORTATION

1. No conditions to be met.

LINN COUNTY HEALTH DEPARTMENT

1. Approval from the Air Quality Division for Air Quality Construction Permit.
2. Submit Notice of Relocation to Linn County Public Health at least seven (7) days prior to moving the equipment to the proposed location.

LINN COUNTY SHERIFF'S OFFICE

1. Supply an after-hours call list to the Sheriff's Office (must have more than 1 contact person).

LINN COUNTY EMERGENCY MANAGEMENT

1. No conditions to be met.

LINN COUNTY E-911 COORDINATOR

1. No conditions to be met.

Linn County Board of Supervisors

LINN COUNTY CONSERVATION

1. No conditions to be met.

NATURAL RESOURCE CONSERVATION SERVICE

1. Applicant shall ensure that all stormwater runoff from the plant is contained on site.

WHEREAS, failure to comply with any of the above conditions in a timely manner will void this temporary use permit.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said temporary use is hereby approved.

Resolution 2023-7-103

A Resolution approving a one lot final plat to be named Brecht Fourth Addition.

The following description is a summary of Resolution No. as passed and approved by Linn County Board of Supervisors, effective July 19, 2023.

Beginning at the Southwest Corner of Section 5, Township 85 North, Range 6 West of the Fifth Principal Meridian; thence N0°45'18" W along the west line of the Southwest Quarter of said Section 5, a distance of 1329.65 feet; thence S89°50'13"E along the north line of the South Half of said Southwest Quarter, 1591.31 feet to the northwesterly right of way of the Chicago Central and Pacific Railroad; thence southwesterly 944.98 feet along said right of way and the arc of a 1935.41 foot radius curve, concave southeasterly, chord bears S61°43'15" W, 935.62 feet; thence S47°59'49"W along said right of way, 260.00 feet; thence S47°43'48"W along said right of way, 755.76 feet to said west line of the Southwest Quarter; thence S0°45'18"E, 133.55 feet to the southerly right of way of said Chicago Central and Pacific Railroad; thence N47°43'48"E along said right of way, 844.05 feet; thence N47°59'49"E along said right of way, 260.00 feet; thence northeasterly 1088.71 feet along said right of way and the arc of a 1835.41 foot radius curve, concave southeasterly, chord bears N64°43'10"E, 1072.82 feet; thence N81°17'02"E along said right of way, 259.34 feet; thence N81°42'24"E along said right of way, 126.71 feet; thence S89°50'13"E along said north line of the South Half of the Southwest Quarter, 469.91 feet to the east line of said Southwest Quarter; thence S0°40'26"E along said east line, 1327.44 feet to the South Quarter Corner of said Section 5; thence N89°53'03"W along the south line of said Southwest Quarter, 1218.38 feet to the Southeast Corner of Pork Park First Addition to Linn County, Iowa; thence N0°07'16"E, 509.96 feet to the Northeast Corner of said Addition; thence N89°52'03"W, 320.05 feet to the Northwest Corner of said Addition; thence S0°06'51" W, 510.05 feet to the Southwest Corner of said Addition; thence N89°53'03"W along said south line of the Southwest Quarter, 1115.89 feet to the point of beginning.

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.linncounty.org

Approve and authorize Chair to sign a Quitclaim Deed to Kirk D. Weih and Annette M. Weih of Linn County, Iowa's interest of vacated right-of-way along former portion of Skillman Road in section 12, township 82 and range 06.

Approve and authorize Chair to sign Linn County American Rescue Plan Act Grant Closeout Agreements between Linn County and Together We Achieve for the 12K Box Giveaway.

Approve and authorize Chair to sign Linn County American Rescue Plan Act Grant Closeout Agreements between Linn County and Together We Achieve for Hot Meals for All.

Approve and authorize Chair to sign a renewal agreement between Linn County and the Juvenile Detention Medical Director effective July 1, 2023 through June 30, 2024 for an amount of \$29,545.

Approve and authorize Chair to sign an IDOT Final Contract Construction Voucher for project FM-C057(153)—55-57, grading on Jordans Grove Road from County Home Road to Waubeek Road.

Award bid and authorize Chair to sign contract for Mussel Survey for Matsell Park Road Bridge (#797) replacement project over Wapsipinicon River.

Approve and authorize Chair to sign 36-month copier lease at \$255.78 per month with Gordon Flesch Company, Inc. for the IT Department.

Approve purchase order PO496 for \$27,473.26 to Workspace Inc for new chairs in the Treasurer's Office.

Motion by Zumbach, seconded by Rogers to approve minutes of July 18, 2023 as printed.

Motion by Rogers, seconded by Zumbach to approve claims for payable checks dated 7-19-23 #71011613-#71011674 in the amt. of \$174,294.98 and ACH in the amt. of \$3,651,244.66, for a total of \$3,825,539.64.

Motion by Rogers, seconded by Zumbach to approve the following payments charged to p-cards that have no receipts: Debra Clark, \$455.00; Lisa Powell, \$15.99 and Doug Riniker, \$1,101.00.

Motion by Rogers, seconded by Zumbach to approve payment charged to Brent Oleson's p-card in the amount of \$733.07 for supplies. The public use of funds has been questioned.

Discussion: Dawn Jindrich, Finance Dir., stated that this was called to her attention by Deputy Auditor Betsworth, therefore, she looked into it further. The issue is the paper goods (plates, bowls, silverware, napkins). She received an email from Treasurer Oleson explaining the public purpose which is hosting a meeting yesterday for the IDOT and other Treasurers as well as staff meetings. She received guidance from the State Auditor to reflect in the minutes what the public purpose is, which does not include staff meetings/food. She also received guidance that departments avoid scheduling meetings which span normal mealtimes. An example of an acceptable situation could be when staff is required to attend an all-day event and a lunch break is not provided.

Deputy Auditor Shoop stated that she will reflect in the minutes that the public purpose was for a meeting held yesterday with the IDOT and other Treasurers that had approximately 60 people in attendance. She noted that there were over 1000 plates and 3000 napkins, and plasticware purchased.

Supervisor Running-Marquardt stated that she has additional questions regarding other food purchases.

VOTE: All Aye

Staci Meade, explained the Medical Advisor Agreement MAA-2024 between Linn County Community Services and Linn County Board of Health for Medical Advisory Services for the Options of Linn County Nurse position, effective July 1, 2023 through June 30, 2024. Will oversee PH Nurse for Options.

Motion by Rogers, seconded by Running-Marquardt to approve Medical Advisor Agreement MAA-2024 between Linn County Community Services and Linn County Board of Health for Medical Advisory Services for the Options of Linn County Nurse position, effective July 1, 2023 through June 30, 2024.

Meade also presented a Vacancy Form requesting a Public Health Nurse for Options.

Motion by Rogers, seconded by Running-Marquardt to approve a Vacancy Form requesting a Public Health Nurse.

Motion by Zumbach, seconded by Rogers to appoint the following to the Public Art Commission: Loren Hoffman (retroactively), term July 1, 2022-June 30, 2025 and Anne Stamats (retroactively), term July 1, 2022 – June 30, 2025.

Motion by Zumbach, seconded by Rogers to enter into a closed session to discuss pending litigation, pursuant to Code of Iowa 21.5(1)(c).

Zumbach - Aye Rogers - Aye Running-Marquardt – Aye

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

Zumbach - Aye Rogers - Aye Running-Marquardt – Aye

Adjournment at 10:58 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors