

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, JULY 26, 2023 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center. Present: Chairperson Zumbach and Vice Chairperson Rogers. Absent: Supervisor Running-Marquardt (personal business). 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 Zumbach to approve Consent Agenda as follows:

Approve and authorize Chair to sign a Vacancy Form requesting a Universal Clerk change from a part time position to a full time position for the Treasurer's Department.

Receive and place on file Auditor's Quarterly Report for the quarter ending June 30, 2023 in the amount of \$3,077.75. Total Auditor transfer fees deposited by Recorder with the County Treasurer in the amount of \$11,755.00.

Resolution 2023-7-104

WHEREAS, Karl Haible, owner; and Dave Barrette, petitioner; case PTU23-0004, have requested the Linn County Board of Supervisors' permission to operate the Bold Off-Road Dirt Drags event, located at 812 Iowa Ave, Palo, Iowa. AND WHEREAS, this request has been determined to be a new, temporary use event, thereby requiring Board of Supervisors review and approval via resolution per Article V, Section 107-93, §(c); AND WHEREAS, temporary uses that occur on an annual basis may thereafter be administratively renewed without Board of Supervisors action, provided there are no new discernable impacts from the original approved use; 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 24, 2023, all interested persons having been heard; AND WHEREAS, the Board of Supervisors makes the following Findings of Facts:

1. Planning & Development received the Temporary Use Permit application on Wednesday, June 21, 2023.
2. The parcel is currently zoned AG (Agricultural) containing 19.45 acres.
3. The subject parcel has a Rural Land Use Map designation of NMUSA (Non-Metro Urban Service Area).
4. The outdoor event will be held on Saturday July 29, 2023, from 9am to 7pm.
5. Setup for the event will begin on Saturday July 29 at 8am, and tear down will begin at 7pm.
6. Alcoholic beverages will not be served at the event.
7. A food station selling hamburgers, hotdogs and bottled water will be on-site.

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8. Two portable restrooms and two hand washing stations will be onsite.
9. Parking is available on site for approximately 50 participants, 100 spectators and 20 volunteers.
10. Appropriate licensing, permits and insurance are required by various departments.

AND WHEREAS, said temporary use request and attachments thereto have been examined by the Linn County Board of Supervisors and approval of the request is subject to the following conditions:

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. Bold Off-Road, c/o Dave Barrette has provided evidence of liability insurance coverage for the event dates, through insurance provider Motorists Insurance Agency, Inc.
3. Signage shall conform to Article V, Section 107-94, subsection (j). Temporary off site signs may be allowed, provided that:
 - a. No sign is placed on public property, or within a road right-of-way.
 - b. Sign size shall not exceed 16 sq. ft., or 6' in width, nor 5' in height.
 - c. All temporary signs are required to be removed on the day following the final event date.
4. The owner and 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. All electrical wiring shall be in compliance with the National Electrical Code.
2. Existing structures, tents and temporary event structures to be used for the event, in excess of 400 sq. ft. are required to meet building code requirements.

LINN COUNTY RISK MANAGEMENT

1. Certificate of Insurance with Linn County and its employees listed as additional insured (\$1,000,000 limit).
2. A map of the proposed route with roads/streets identified.

3. Signed hold harmless agreement (to be provided by Linn County).
4. A copy of the participants release which must include "Linn County and its employees" names on the release or other suitable language.

LINN COUNTY CONSERVATION DEPARTMENT

1. No conditions to be met.

LINN COUNTY ENGINEERING DEPARTMENT

1. Event organizers responsible for providing appropriate traffic control.
2. Access to the event shall be limited to existing entrance on Iowa Ave. Ingress or egress to Blairs Ferry Rd shall be prohibited.
3. No parking allowed on Blairs Ferry Rd or any county roadways.

IOWA DEPARTMENT OF TRANSPORTATION

1. No conditions to be met.

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. Contact Linn County Public Health (892-6000) if selling food and/or beverages at the event. Either a temporary foodservice license shall be applied for or a licensed mobile unit hired to provide food at the event.
2. Continuously maintain all requirements of the Health Department throughout the event.
3. Portable toilets are required, and hand-washing stations are strongly recommended.

LINN COUNTY SHERIFF'S OFFICE

1. Applicant is responsible for traffic control.
2. An after-hour's call list shall be supplied to the Linn County Sheriff's Office for emergency situations.
3. If a traffic problem would occur, contact shall be made to the Linn County Sheriff's Office to help alleviate the problem.
4. Traffic control is to be provided by the applicant during operation.

LINN COUNTY EMERGENCY MANAGEMENT

1. A tone alert weather radio, or other applicable weather alert device, is required to be available on site and in use at any time the public is using the facility.
2. The applicant shall submit a Severe Weather Plan for approval by the Linn Co. Emergency Management Agency.

WHEREAS, failure to submit and/or comply with any of the conditions in a timely manner will revoke this Temporary Use Permit.

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

Resolution 2023-7-105

WHEREAS, This BURIAL SITE MAINTENANCE AGREEMENT (the "Agreement") is made and entered into by and between landowners, Jacob Merfeld, and Russell Merfeld, actual owners along with their wives who are signing as spouse to accommodate this transaction, (collectively the "owners") and Linn County, Iowa ("County") (collectively the "Parties") on July, ____, 2023. AND WHEREAS, said Private Burial Site Maintenance Agreement has been found to conform to the requirements of the Linn County Unified Development Code, Article VI Sec. 107-114. § (o) AND WHEREAS, Jacob and Russell Merfeld were instructed by their father, Timothy Merfeld, to bury him on a portion of the foregoing property which they jointly owned with him. They enter this Agreement to carry out his desire and to describe the responsibility for the preservation and protection of the burial site, as well as identify a means of access to and from such burial or grave site and further, identify current and future visitors to the burial site who may use such access.

AND WHEREAS, The Owners and the County agree to the creation of this Burial Site Maintenance Agreement which identifies Jacob Merfeld and Russell Merfeld, or current and future deed holder(s) of the property, as the persons responsible for the preservation and protection of the burial or grave site. Access to the gravesite is reserved for the descendants of Timothy Merfeld, their spouses, and future deed holders. Jacob Merfeld and Russell Merfeld, the current deed holder(s) of the property, grant a perpetual easement to access the gravesite. A pedestrian easement will start at Prairie Chapel Road and go north as marked on Exhibits A & B to the gravesite.

AND WHEREAS, Linn County requires this Agreement to provide constructive notice to all current and future owners of the property heretofore described, as well as those who have any other interest therein, the property being designated as a private burial site, which is provided for in the County's Unified Development Code, specifically Article VI, Sections 107-114 § (o).

AND WHEREAS, Jacob Merfeld and Russell Merfeld shall file this Burial Site Maintenance Agreement with the Linn County, Iowa Recorder to provide constructive notice of the maintenance responsibility for and location of the grave site on Exhibit "A" and to designate the property as a private burial site pursuant to the requirements of the County's Unified Development Code. "Owners" or current deed holders of the property agree to hold the County harmless for all cost, liability or expense incurred for such preservation and protection of the burial or grave site.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said Private Burial Site Maintenance Agreement is hereby approved.

Resolution 2023-7-106

SET PUBLIC HEARING TO VACATE EXCESS RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under the authority of §306, Code of Iowa, to dispose of the right, title, interest, estate, and claim of Linn County, Iowa, in real property, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, shall vacate the right-of-way described as:
LEGAL DESCRIPTION

A portion of Section 14, T. 85N., R.07W. of the 5th P.M., Linn County, Iowa described as follows:
The west 130 feet of the east 690 feet of Old Center Road right-of-way lying west of the east line of the SE 1/4 SE 1/4 of said Section 14.

Said vacated area = 0.21 acres more or less, subject to easements and restrictions of record or use.
and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will vacate all interest Linn County, Iowa, may have in the above-described parcel of right-of-way.

BE IT FURTHER RESOLVED that said hearing shall be held Monday, August 14, 2023, at 10:00am, in the formal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2nd St SW, Cedar Rapids, Iowa, for the above stated purpose and that notice of the time and place of said public hearing shall be published in accordance with §331.305, Code of Iowa.

Resolution 2023-7-107

SET PUBLIC HEARING TO VACATE EXCESS RIGHT-OF-WAY AND FOR CONVEYANCE OF THE VACATED RIGHT-OF-WAY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under the authority of §306, Code of Iowa, to dispose of the right, title, interest, estate, and claim of Linn County, Iowa, in real property, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, shall vacate the right-of-way described as:
LEGAL DESCRIPTION

A part of the SW ¼ SE ¼ of Section 20, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing as a point of reference at the S ¼ corner; thence N01°20'02"W along the west line of said SW ¼ SE ¼, 1170.15 feet; thence N57°33'26"E, 136.84 feet to the Point of Beginning; thence N56°38'31"E, 79.53 feet to the east right-of-way line of Green Ridge Road; thence SE-ly along said east right-of-way line on an arc of 281.36 feet of a 633.00-foot radius curve to the right, having a chord length of 279.05 feet bearing S40°32'18"E; thence S27°48'16"E along said east right-of-way line, 87.43 feet; thence N49°35'31"W, 378.99 feet to the Point of Beginning, containing 0.46 acres and

WHEREAS, property owners, listed in the table below, owners of real property adjacent to the above described parcel of vacated right-of-way desire to obtain, through Quitclaim deed, whatever right, title, interest, estate, and claim Linn County may have in the above-described parcel of vacated right-of-way.

No. Property Owner Legal Description

1 Stacy S & Nathaniel R Ross N 36RDS W 45RDS SW SE E OF RDS

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will vacate all interest Linn County, Iowa, may have in the above-described parcel of right-of-way.

BE IT FURTHER RESOLVED THAT the Board of Supervisors, Linn County, Iowa, this date met in lawful session that a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to the above listed property owners, whatever right, title, interest, estate, and claim Linn County, Iowa, may have in the above-described parcel of vacated right-of-way.

BE IT FURTHER RESOLVED that said hearing shall be held Monday, August 14, 2023, at 10:00am, in the formal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2nd St SW, Cedar Rapids, Iowa, for the above stated purpose and that notice of the time and place of said public hearing shall be published in accordance with §331.305, Code of Iowa.

Authorize Colonel Doug Riniker to electronically sign on behalf of the Board of Supervisors Chair the Fiscal Year 2023 Equitable Sharing Agreement and Certification

Award bid and authorize Chair to sign a contract for fuel tanks and pumps for the new District 1 Shop to Acterra Group, Inc. in the amount \$36,985.00 for the Secondary Road Department.

Approve and authorize Chair to sign "Adopt-A-Roadside" for Farmers State Bank to adopt North Alburnett Rd from County Home Rd to Alburnett city limits

Approve and authorize Chair to sign a Purchase of Service Agreement between Linn County and Area Substance Abuse Council for Residential Substance Abuse Treatment beds effective July 1, 2023 through June 30, 2024

Approve and authorize Chair to sign the following Linn County Fiscal Year 2024 Provider and Participation Agreement for Substance Abuse Commitment Agreements, for the period of July 1, 2023 through June 30, 2024 with the following Agencies:

- Associates for Behavioral Healthcare,
- Mercy Medical Center,
- Unity Point St. Lukes Hospital

Award bid and approve purchase order PO497 in the amount of \$683,626.00, to Thompson Truck & Trailer Inc., for two 2025 International Tandem Axle Trucks for the Secondary Road Department.

Award bid and approve purchase order PO498 in the amount of \$879,580.00, to Martin Equipment of IA-IL Inc., for two 2023 John Deere Motor Graders for the Secondary Road Department.

Approve 5 Day Special Class C Retail Alcohol License for Snowdrifters, Inc. for the Big Town Showdown Truck and Tractor Pull Saturday, August 19, 2023, noting all conditions have been met.

Motion by Zumbach, seconded by Rogers to approve minutes of July 24, 2023 as printed.

Motion by Rogers, seconded by Zumbach to approve claims for payable checks dated 07/26/2023 #71011691 - #71011751 in the amount of \$118,190.83 and ACH in the amount of \$1,317,555.08, for a total of \$1,435,745.91; payable voided checks in the amount of \$1,800.00.

Erin Foster, MHAC Dir., presented the FY 2023 Quarter Four update on the Linn County Mental Health Access Center.

Adjournment at 10:30 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors