

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, SEPTEMBER 6, 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 claims for payable checks dated 09/06/2023 #71012125 - #71012228 in the amount of \$416,428.62 and ACH in the amount of \$1,560,875.51, for a total of \$1,977,304.13 and to approve payable voided checks in the amount of \$35.00.

Motion by Zumbach, seconded by Rogers to amend the consent agenda to add the amount of \$22,200 to the Benevate, Inc. contract.

Motion by Rogers, seconded by Running-Marquardt to approve the amended consent agenda as follows:

Approve Fall Fiscal Year 2024 budget amendment request by the Recorder's Office.

Resolution 2023-9-116

A RESOLUTION DECLARING SURPLUS COUNTY PROPERTY AND AUTHORIZING ITS DISPOSAL WHEREAS, the Linn County Sheriff's Office ("Sheriff's Office") is in possession of a vehicle identified as: 2017 Ford Explorer, VIN 1FM5K8AR1HGC90985; and,

WHEREAS, said vehicle no longer meets the needs of the Sheriff's Office, but is still usable to another organization; and

WHEREAS, the Coggon Fire Department ("Fire Department") is a local government organization that will accept the transfer of ownership for said vehicle for use by the Fire Department; and

WHEREAS, it is in the best interest of the public to transfer the ownership of said vehicle to the Fire Department in exchange for Five Thousand Five Hundred Dollars (\$5,500.00).

BE IT THEREFORE RESOLVED the Linn County Board of Supervisors, this date met in lawful session, declares that the vehicle in possession of the Sheriff's Office identified as 2017 Ford Explorer VIN 1FM5K8AR1HGC90985 is surplus property.

BE IT FURTHER RESOLVED the Linn County Board of Supervisors finds there is no further public use for this property by the Sheriff's Office and authorizes the Sheriff's Office to transfer ownership of the same to the Coggon Fire Department for Five Thousand Five Hundred Dollars (\$5,500.00) with the understanding that the Fire Department accepts said vehicle "as is" without warranty, guarantee, or representation of any kind, expressed or implied, and assumes all responsibility for the proper use, any required maintenance, and ultimately the disposal of said vehicle.

PASSED AND APPROVED this 6<sup>th</sup> day of September 2023.

Resolution 2023-9-117

A Resolution approving a Residential Parcel Split for STEEN ESTATES ADDITION.

The following description is a summary of Resolution No. 2023-9-117 as passed and approved by Linn County Board of Supervisors, effective September 6, 2023.

STEEN ESTATES ADDITION (Case # PFP23-0001) to Linn County, Iowa, containing one (1) lot, numbered lot 1, a subdivision of real estate located in the SE SE of Section 3, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

STEEN ESTATES ADDITION TO LINN COUNTY, IOWA, is Lots 4, 5 and 6 of Castlerock Estates First Addition to Linn County, Iowa, containing 3.50 acres.

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 2023-9-118

RESOLUTION APPROVING A TEMPORARY USE

WHEREAS, Troy and Lucinda Thompson, owner and petitioner; Case PTU23-0008, has requested the Linn County Board of Supervisors' permission to operate the 5<sup>th</sup> Annual Music & Arts Festival – Farm Fresh Reggae as a temporary event, and located at 838 Bolton Manor Road, Springville, Iowa.

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

The music and arts festival will operate starting September 15, 2023 and end by September 17, 2023.

A music and arts festival is permitted as a Temporary Use under the provisions of Article V, Section 107-93, §(c)(1) of the Linn County Unified Development Code, if approved by the Board of Supervisors.

The subject property is located at 838 Bolton Manor Road, Springville, Iowa.

The subject property is zoned AG (Agricultural) and is 1.89 acres in size.

The entire 1.89 acres of the property will be used for the temporary use.

The owners of the subject property are Troy & Lucinda Thompson.

The operator of the music and arts festival will be Troy Thompson.

The event will include a stage for acoustic and amplified music performances.

Amplified music will play no later than 12:00am.

The event will provide food truck vendors.

The applicant will provide seven portable washrooms and two hand washing stations. One portable washroom will be handicap accessible.

The event is estimated to host approximately 300 people.

Alcohol sales are proposed; this is a departure from previous events held at the same location.

The event is providing parking on-site and on the adjacent property at 890 Bolton Manor Rd with an agreement from that property owner.

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 September 5th, 2023, all interested persons having been heard;

NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application, Case PTU23-0008, subject to the following conditions:

LINN COUNTY PLANNING & DEVELOPMENT – Zoning Division

All appropriate licensing, permits and insurance are required.

All requirements of the Iowa Alcoholic Beverages Division must be met.

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.

Evidence of Insurance coverage has been provided for the event dates, through United Nations Insurance.

All amplified music shall be shut off at midnight.

Signage shall conform to Article V, Section 107-94, subsection (j). Temporary off-site signs may be allowed, provided that:

No sign is placed on public property, or within a road right-of-way.

Sign size shall not exceed 16 sq. ft., or 6' in width, nor 5' in height.

All temporary signs are required to be removed on the day following the final event date.

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

All electrical wiring shall be in compliance with the National Electrical Code.

Platforms or structures planned for this event are required to meet building code requirements.

Accessible parking and access to the event site shall be provided.

LINN COUNTY RISK MANAGEMENT

Certificate of Insurance with Linn County and its employees listed as additional insured (\$1,000,000 limit).

Signed hold harmless agreement (to be provided by Linn County).

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

No conditions to be met.

LINN COUNTY ENGINEERING DEPARTMENT

Access shall be from existing entrance only.

No parking is allowed on Bolton Manor Rd.

No signage within county road right-of-way.

Applicant is responsible for maintain traffic control on Bolton Manor and Springville Rd.

IOWA DEPARTMENT OF TRANSPORTATION

No conditions to be met.

LINN COUNTY HEALTH DEPARTMENT

Portable toilets are required, and hand-washing stations are strongly recommended.

If food (including beverages and alcoholic beverages) is to be sold to the public it shall be done through a licensed mobile foodservice unit (food truck or push-cart) or vendors must obtain a temporary foodservice license through Linn County Public Health should the event qualify for this type of license.

LINN COUNTY SHERIFF'S OFFICE

An after-hour's call list shall be supplied to the Linn County Sheriff's Office for emergency situations.

If a traffic problem would occur, contact shall be made to the Linn County Sheriff's Office to help alleviate the problem.

Traffic control is to be provided by the applicant during operation. Traffic shall be maintained on Springville Rd and Bolton Manor Rd at all times.

No parking on Bolton Manor Rd. No parking on Springville Rd.

LINN COUNTY EMERGENCY MANAGEMENT

A tone alert weather radio is required to be available on site and in use at any time the public is using the facility.

The applicant shall submit a Severe Weather Plan for approval by the Linn Co. Emergency Management Agency.

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.

Passed and approved this 6<sup>th</sup> day of September, 2023.

Award bid and approve purchase order PO504 for road signs to Vulcan Signs in the amount of \$35,329.36 for the Secondary Road Department.

Approve purchase order PO506 for \$483,758.20 to Insight Public Sector for Microsoft Software renewal year 1 of 3 for the IT Department.

Approve and authorize the chair to sign an amendment to the contract between Linn County and Benevate, Inc. for extension of Neighborly Software services for the Linn County Emergency Rental Assistance Program in the amount of \$22,200.

Approve a 5 Day Liquor License for The Ideal Theater & Bar to sell liquor for Farm Fresh Reggae Music & Arts Festival at 838 Bolton Manor Rd., Springville, noting all conditions have been met.

Motion by Rogers, seconded by Running-Marquardt to approve the Fall Fiscal Year 2024 Conservation Budget Amendment request.

Motion by Zumbach, seconded by Rogers to enter into closed session to discuss two separate items: 1) Pursuant to code of Iowa Chapter 22.7(50) and 2) Pending litigation, pursuant to Iowa Code 21.5(1)(c).

VOTE: Running-Marquardt – Aye      Zumbach – Aye      Rogers – Aye

Motion by Zumbach, seconded by Rogers to go out of closed session.

VOTE: Running-Marquardt – Aye      Zumbach – Aye      Rogers – Aye

Adjournment at 11:21 a.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor  
By: Amanda Hoy, Executive Assistant

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson  
Board of Supervisors