

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, SEPTEMBER 8, 2021 10:00 A.M.

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

Chairperson Walker called the meeting to order and led the pledge of allegiance.

Motion by Zumbach, seconded by Rogers to remove Temporary Use resolution from Consent Agenda and place on Regular Agenda.

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

Receive and place on file the Sheriff's Quarterly report for April 1 to June 30, 2021 for the amount of \$1,554,138

Resolution 2021-9-140

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Jerry Vander Sanden, Linn County Attorney, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Shannon M. Powers, for appointment as Assistant County Attorney, and WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Shannon M. Powers to be qualified to serve as Assistant County Attorney and that the appointment of Shannon M. Powers will not exceed the number of assistants authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Shannon M. Powers as Assistant County Attorney by Jerry Vander Sanden, Linn County Attorney, is hereby approved.

Resolution 2021-9-141

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Jerry Vander Sanden, Linn County Attorney, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Alex J. Anderson, for appointment as Assistant County Attorney, and WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Alex J. Anderson to be qualified to serve as Assistant County Attorney and that the appointment of Alex J. Anderson will not exceed the number of assistants authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Alex J. Anderson as Assistant County Attorney by Jerry Vander Sanden, Linn County Attorney, is hereby approved.

Resolution 2021-9-142

WHEREAS, pursuant to Section 331.903(1), Code of Iowa, Jerry Vander Sanden, Linn County Attorney, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Misha N. Ghadiri, for appointment as Assistant Linn County Attorney, and WHEREAS, the Board of Supervisors, Linn County, Iowa, finds Misha N. Ghadiri to be qualified to serve as Assistant Linn County Attorney and that the appointment of Misha N. Ghadiri will not exceed the number of assistants authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, that the appointment of Misha N. Ghadiri as Assistant Linn County Attorney by Jerry Vander Sanden, Linn County Attorney, is hereby approved.

Resolution 2021-9-143

APPLICATION FEE SCHEDULE FOR
LINN COUNTY PLANNING AND DEVELOPMENT
WHEREAS, on March 12, 2003, the Board of Supervisors adopted, by Resolution #2003-3-5, the application fee schedule for the Linn County Department of Planning and Development; and WHEREAS, the application fee schedule was last amended by resolution #2021-6-107 on June 30, 2021; and WHEREAS, the application fee schedule must now be revised to reflect additional application types and fees as shown on Attachment A. NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Linn County, Iowa that the following application fee schedule as shown on Attachment A, be adopted.

Resolution 2021-9-144

SET PUBLIC HEARING FOR CONVEYANCE OF VACATED RIGHT-OF-WAY
WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under authority of §331.361, Code of Iowa, to dispose of the interest of Linn County, Iowa, in real property, and WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated portions of right-of-way described as:
LEGAL DESCRIPTION
The north 128 feet of the west 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. Located in Original Town of Waubeek, Section 19, T.85N, R.05W, Linn County, Iowa. and WHEREAS, Jeremy J. & Erin L. Brown, owners of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County 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 a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to Jeremy J. & Erin L. Brown, whatever interest 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 on the 27th day of September, 2021, at 11 o'clock, 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 2021-9-145

A Resolution approving a Land Preservation Parcel Split to be named Sindelar Second Addition. The following description is a summary of Resolution No. 2021-9-145 as passed and approved by Linn County Board of Supervisors, effective September 8, 2021. Sindelar Second Addition (Case # JLPS20-0001) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A, a subdivision of real estate located in the SWNW of Section 17, Township 85 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing at the Southeast Corner of the Northwest Quarter of the Southwest Quarter of Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian; thence N1°19'56"W along the east line of said Northwest Quarter of the Southwest Quarter, 658.01 feet; thence S88°55'19"W along the south line of the North Half of said Northwest Quarter of the Southwest Quarter, 173.76 feet to westerly right of way of Boy Scouts Road and the point of beginning; thence N17°25'03"E along said right of way, 148.71 feet; thence N21°13'53"E along said right of way, 200.00 feet; thence N23°08'26"E along said right of way, 18.09 feet; thence N85°35'01"W, 113.70 feet; thence N4°10'12"E, 83.27 feet; thence S86°18'36"E, 76.84 feet; thence N21°48'09"E, 385.37 feet; thence N69°15'12"W, 116.35 feet; thence N20°26'44"E, 109.33 feet; thence N81°49'06"W, 584.00 feet to the west boundary of a parcel described in a warranty deed found at book 1891, page 119, Office of the Recorder, Linn County Iowa; thence S16°04'04"W along said westerly boundary, 326.10 feet; thence S86°52'06"W along said westerly boundary, 210.61 feet; thence S0°37'25"W along said westerly boundary, 45.30 feet; thence S1°15'12"E along said westerly boundary, 659.43 feet to said south line of the North Half of the Northwest Quarter of the Southwest Quarter; thence N88°55'19"E along said line, 698.85 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.

Resolution 2021-9-146

A Resolution approving a Residential Parcel Split to be named Sindelar First Addition. The following description is a summary of Resolution No. 2021-9-146 as passed and approved by Linn County Board of Supervisors, effective September 8, 2021. Sindelar First Addition (Case # JPS20-0019) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A, a subdivision of real estate located in the NWSW of Section 17, Township 85 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing at the Southeast Corner of the Northwest Quarter of the Southwest Quarter of Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian; thence N1°19'56"W along the east line of said Northwest Quarter of the Southwest Quarter, 658.01 feet; thence S88°55'19"W along the south line of the North Half of said Northwest Quarter of the Southwest Quarter, 97.98 feet to the centerline of Boy Scouts Road and the point of beginning; thence continuing S88°55'19"W along said south line, 75.78 feet to the westerly right of way of Boy Scouts Road; thence N17°25'03"E along said right of way, 148.71 feet; thence N21°13'53"E along said right of way, 200.00 feet; thence N23°08'26"E along said right of way, 18.09 feet; thence N85°35'01"W, 113.70 feet; thence N4°10'12"E, 83.27 feet; thence S86°18'36"E, 76.84 feet; thence N21°48'09"E, 385.37 feet; thence N69°15'12"W, 116.35 feet; thence N20°26'44"E, 109.33 feet; thence N81°49'06"W, 584.00 feet to the west boundary of a parcel described in a warranty deed found at book 1891, page 119, Office of the Recorder, Linn County Iowa; thence N16°04'04"E along said westerly boundary, 477.96 feet to the Northwest Corner of said boundary; thence N88°48'52"E along the north boundary of said parcel, 1125.15 feet to said centerline of Boy Scouts Road; thence S44°42'11"W along said centerline, 23.38 feet; thence southwesterly 819.31 feet along the arc of a 2000.00 foot radius curve, concave southeasterly, chord bears S32°58'02"W, 813.59 feet; thence S21°13'53"W along said centerline, 856.44 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 Linn County Children's Mental Health Assistance Program Fiscal Year 2022 Provider Agreement with Covenant Family Solutions.

Approve and authorize Board to sign Shared Road Maintenance and Snow & Ice Control Agreement between Linn County and the City of Hiawatha.

Motion by Walker, seconded by Rogers to approve Claims for AP Checks #71004132-#71004205 in the amt. of \$231,214.54 and AP ACH in the amt. of \$1,972,057.17.

Stephanie Lientz, Planning & Development, presented the Temporary Use Permit Resolution for the Luke Bryan Farm Tour country music concert, noting that a minor change was added to the language regarding traffic control.

Motion by Walker, seconded by Rogers to adopt Resolution 2021-9-147

WHEREAS, Tom & Robin (Pavik) Brown - Brown Farms, owners; Row Crop, LLC, petitioner, Case JTU21-0012, has requested the Linn County Board of Supervisors' permission to hold the Luke Bryan Farm Tour country music concert, located at 10301 C St Rd SW, Cedar Rapids, Iowa. AND WHEREAS, the Board of Supervisors makes the following Findings of Facts: The outdoor event will be held on Friday, September 10, 2021.

Parking areas will be open starting at 2:00 p.m., and the event will be open to the public between the hours of 5:00 p.m. and 11:00 p.m. on September 10. Set up will begin on September 9, with tear down continuing on September 11.

The event will host approximately 12,000 people, not including event staff.

The applicant will provide parking signs, regular and handicapped portable toilets, and hand washing stations. Food vendors will be on site. Appropriate licensing, permits and insurance are required by various departments. The number of vehicles estimated to travel to this location for the event is approximately 7,000.

Parking for all vehicles will be provided on site and on nearby properties as shown on the site plan for the event. The applicant will provide staff to direct traffic on site and within the designated parking area(s). The subject properties include GPNs 19-26-326-002-0000, 19-26-301-001-00000, 19-26-351-001-00000, 19-26-451-001-00000, 19-26-476-001-00000, and 19-26-476-002-00000, containing 152.06 acres, with approximately 90 acres of the two parcels to be used for the temporary use activity. The subject properties are located in the AG (Agricultural) zoning district. The subject parcel has a Rural Land Use Map designation of AA (Agricultural). 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 7, 2021, all interested persons having been heard; NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application, Case JTU21-0012, subject to the following conditions: LINN COUNTY PLANNING & DEVELOPMENT - (Zoning Division) 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. All building, electrical, mechanical, plumbing and zoning permits will be obtained as necessary. Adhere to the operating hours indicated in the temporary use application.

The temporary use permit period will be begin September 9, 2021 and expire no later than September 11, 2021. Parking for 7,000+ vehicles as indicated on the application shall be provided. Restrooms are required to be available during the hours of operation. The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval. 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. Temporary off site signs may be allowed, provided that: Temporary signs shall not exceed 32 square feet in surface area or exceed 12 feet in height or eight feet in width on a lot in any zoning district. There shall be no more than five such signs for each lot street frontage, and such signs shall be removed no later than 30 days following the accomplishment of activities indicated by such sign. Temporary signs shall not be illuminated. Temporary signs shall not be allowed on any road, street, or highway right-of-way. LINN COUNTY PLANNING & DEVELOPMENT - (Building Division) An electrical permit may be obtained by a licensed electrical contractor at Linn County Planning and Development. Platforms or structures planned for this event are required to meet building code requirements. LINN COUNTY ENGINEERING DEPARTMENT No parking on county roadways including C Street and Spanish Road Applicant is responsible for coordinating with local law enforcement, who will manage traffic control. Applicant is responsible for dust control on C Street and Spanish Road from the southernmost entrances for the venue to Wright Brothers Boulevard. Dust control permit is required from the Secondary Road Department. Entrances used for access to the venue shall be permitted. Entrance permits to be obtained from the Secondary Road Department. Work within right-of-way permit shall be obtained for any work completed in the right-of-way for the venue IOWA DEPARTMENT OF TRANSPORTATION No conditions to be met. LINN COUNTY HEALTH DEPARTMENT

Linn County Public Health recommends not holding this event due to concerns over the COVID-19 pandemic spreading in the community. Below is a list of the conditions should the Board of Supervisors approve the event:

- Rules sign(s) at the main event entrance(s) with rules and recommendations for the event (to include social distancing of at least 6', encouraging mask usage,

encouraging good personal hygiene - covering coughs/sneezes, washing hands more frequently, etc.). Implement disinfection process for common touch surfaces throughout the grounds (portable toilets, sinks, tables, chairs, etc.)

All vendors offering food or beverages must contact Linn County Public Health for requirements on temporary food licensing. NATURAL RESOURCE CONSERVATION SERVICE

Advise no parking of catering or other heavy vehicles within 8 feet of the centerline of natural drainageways. Advise applicant that the proposed stage location is located within a drainageway, which has a contributing drainage area of approximately 10 acres; locating stage slightly to the west may be beneficial. Drainageway within the east parking area (along Spanish Road) is approximately 1,200 feet in length, with contributing drainage of about 100 acres. Vehicles should not be parked within 16 feet of the approximate centerline of this natural drainageway, unless provisions are made to prevent damage to the low flow area of this waterway. LINN COUNTY SHERIFF'S OFFICE
The applicant will work with the Linn County Sheriff's Office to ensure proper security staffing is hired for the event and traffic control points will be established for before and after the event as determined by the Linn County Sheriff's Office. LINN COUNTY EMERGENCY MANAGEMENT

A tone alert weather radio is required to be on site.

Procedures to provide shelter for event attendees during severe weather shall be identified in a Severe Weather Plan. 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.

Chairperson Walker read the following Proclamation: Labor Union Appreciation Month - September 2021.

Motion by Walker, seconded by Rogers to approve above-mentioned Proclamation.

The Board recessed at 10:07 a.m. and reconvened at 10:08 a.m.

Pramod Dwivedi, Public Health Dir., presented the following Covid 19 update:

- Number of cases and hospitalizations continue to go up.
- Vaccination rate is inching up slightly 56% (1.3% inc. from 2 weeks ago).
- His advice remains the same - mask up and get vaccinated
- School districts are struggling as well as hospitals.
- There are other variants of interest overseas.
- Hospitals are voicing concerns regarding their workforce.

Chairperson Walker stated that he has received several emails from concerned parents and the no mask mandate in schools. Children 11 and under are not eligible for the vaccine, and wondered if there is something such as HERD Immunity within that specific population to protect them.

Sarah Zejnic, Dir. of Refugee and Immigrant Services at the Catherine McAuley Center, gave an update on the resettlement of Afghan refugees and Special Immigrant Visas (SIV).

Motion by Rogers, seconded by Walker to adopt upon third and final consideration Ordinance #14-9-2021, Case JA21-0007, an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code. Staff is proposing several text amendments to the Unified Development Code concerning: Temporary Uses, Event Centers in areas zoned Agricultural (AG), signs in areas zoned Critical Natural Resource (CNR), and lot size requirement exemptions for subdivisions in Planned Unit Development Overlay districts (PUD).

Discussion: Supervisor Zumbach stated that he talked to Charlie Nichols regarding secondary roads and that will be revisited at another time.

VOTE: All Aye.

Motion by Rogers, seconded by Zumbach to approve proposed revisions to Board of Supervisors Policy Number OP-020 entitled "Video Surveillance."

Motion by Walker, seconded by Rogers to open a public hearing on the FY 2022 proposed budget amendment.

Sara Bearrows, Budget Dir., stated that the main purpose of the amendment is to bring in the ARPA funds in response to COVID 19 (\$24 million). This amendment also brings in \$1.5 million for capital projects. Proof of publication was presented and there were no oral or written objections.

Motion by Walker, seconded by Rogers to close public hearing.

Motion by Walker, seconded by Rogers to adopt Resolution 2021-9-148

LINN COUNTY FISCAL YEAR 2022 BUDGET APPROPRIATIONS

Expenditures cannot exceed the following fiscal year 2022 appropriations by organization:

1	BOARD OF SUPERVISORS	\$	30,366,916
2	AUDITOR		2,860,788
3	RECORDER		1,576,861
4	TREASURER		3,594,219
5	COUNTY ATTORNEY		5,425,223
6	IT		4,017,219
9	RISK		330,351
10	CIVIL SERVICE		17,904
11	HUMAN RESOURCES		1,023,346
12	FACILITIES		2,934,390
13	FACILITIES - BOARD BUILDINGS		1,144,172
14	FINANCE & BUDGET		615,887
16	PURCHASING		479,562
21	SHERIFF		26,686,945
24	MEDICAL EXAMINER		711,800
27	COURT EXPENSE		32,500
29	JUVENILE JUSTICE		185,300
30	DHS - STATE WELFARE		317,077
33-34	LCCS		17,724,294
35	YOUTH SERVICES		4,440,691
36	VETERAN AFFAIRS		605,151
37	PUBLIC HEALTH		6,756,462
40	PLANNING & DEVELOPMENT		1,626,473
42	LIFTS		2,153,578
45	SOIL CONSERVATION		193,625
46	CONSERVATION		13,332,418
61	ENGINEER		18,289,442
65	CIP		3,418,300
86	BONDS		5,501,880
		\$	<u>156,362,774</u>

Board Member Reports - Supervisor Rogers noted that he participates weekly on a COVID guidance phone call with city representatives re: buildings, policies & procedures; attended meeting last week re: Mental Health Access Center.

Supervisor Zumbach reported that he has attended several meetings re: Dows property.

Chairperson Walker reported that he was a guest on Ethical Perspectives last week; attended a public engagement forum at the African American Museum re: carbon emissions inventory report; attended Academy for School and Personal Success Board meeting; The Board of Health held a press conference regarding a loophole in the law re: mask mandates at schools; Board of Health sent a letter to school boards and was cited in a lawsuit against Gov. Reynolds.

Motion by Walker, seconded by Rogers to reappoint Carole Teater, Greg Johnston, Craig Aldrich and Jean Widenheft to the Roadside Advisory Committee, terms ending June 30, 2024.

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

VOTE: Rogers - Aye Walker - Aye Zumbach - Aye

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

VOTE: Rogers - Aye Walker - Aye Zumbach - Aye

Adjournment at 11:08 a.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors