

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, SEPTEMBER 15, 2021 11:00 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.

Public Comment: Don Raytora, 3443 Adeline Crt, SW, spoke with regard to the proposed road vacation of Timothy Lane. He understands that Mr. Unash stated that he will maintain the road once it is vacated. Raytora stated that if they all count on Unash and something would happen (property is sold, health issues, etc.) then they cannot rely on him. Another thing is that this is a democracy and there are four players in this game with three against the vacation. That says a lot. In closing, he stated that a vacated Timothy Lane benefits no one and devastates everyone.

Dan Stoner, VG Stoner and Sons, stated that he spoke on Monday about the four-acre lot that his son wants to build a house on. He is not sure a bank would loan money for a lot that is on a road that has been vacated.

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

Approve and authorize Chair to sign a Vacancy Form requesting a Public Health Deputy Director for Public Health.

Receive and place on file the Treasurer's (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of August 2021.

Resolution 2021-9-150

Resolution relating to financing of certain proposed Land and Water Legacy projects to be undertaken by Linn County, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

BE IT RESOLVED by the Board of Supervisors (the "Board") of Linn County, Iowa (the "County"), as follows:

Recitals.

The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse a county for project expenditures made by a county prior to the date of issuance.

The Regulations generally require that a county make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing and that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within a certain period after the payment of the expenditure or the date the projects are placed in service; and The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Official Intent Declaration.

The County proposes to undertake the following projects and to make original expenditures with respect thereto prior to the issuance of bonds, notes or other obligations (the "Bonds") and reasonably expects to issue the Bonds for such projects in the maximum principal amount shown below:

<u>Projects</u>	<u>Maximum Amount of Bonds Expected to be Issued for Projects</u>
Land and Water Legacy Conservation	\$7,000,000

Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds or (ii) expenditures made not earlier than sixty days prior to the date of this Resolution or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the projects have heretofore been made by the County for which the County will seek reimbursement from the proceeds of the Bonds.

This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Budgetary Matters.

As of the date hereof, there are no County funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the projects, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Reimbursement Allocations.

The County's Finance Director shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make payment of the prior costs of the projects. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the Bonds from any restriction under the bond resolution or

other relevant legal documents for the Bonds, and under any applicable state statute, which would apply to the unspent proceeds of the Bonds.

Repealer.

All resolutions, parts of resolutions, or actions of the Board in conflict herewith are hereby repealed, to the extent of such conflict.

Approve and authorize Chair to sign revised Linn County Commission of Veteran Affairs General Policy and Emergency Assistance Guidelines.

Approve and authorize Chair to sign change order from GovSense in the amount of \$78,750 for additional implementation work performed.

Approve and authorize Chair to sign change order from GovSense in the amount of \$21,000 for projects, grants, and contracts module enhancements.

Approve and authorize Chair to sign change order from GovSense in the amount of \$57,414 for Public Health additional user licenses and integration of inspection fees.

Approve and authorize Chair to sign a 28E agreement between Cedar Rapids Community School District and Linn County Child Development Center regarding a statewide voluntary preschool program for four-year old children.

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

Approve and authorize Chair to sign a 36-month copier lease agreement at \$331.21 per month with Gordon Flesch Company, Inc. for the Health Department.

Approve Dharma's Class C Liquor License, 5898 Troy Mills Rd., Troy Mills, noting all conditions have been met.

Motion by Rogers, seconded by Zumbach to approve minutes of September 13 & 14, 2021 as printed.

Motion by Rogers, seconded by Zumbach to approve Claims for AP checks #71004207-#71004264 in the amt. of \$214,887.95 and AP ACH in the amt. of \$1,355,586.81.

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

- Numbers are down slightly.
- The second largest school district is now mandating masks.
- Vaccinations are increasing slightly (1.2%).
- 59% of residents have had at least 1 vaccination (behind national average).

Discussion continued regarding the ancillary stress and impact on those in health care and the judge's ruling to allow mask mandates in schools is a big victory for parents.

Joi Alexander, Communications Dir., gave a brief update regarding the upcoming website switch from dot org to dot gov. Also present: Phil Lowder, IT Dir. and Matt Warfield, Deputy Auditor.

Motion by Walker, seconded by Rogers to approve an agreement with Advocates for Social Justice to provide all necessary services related to the Linn County Expungement Clinic Program, for an amount not to exceed \$8,000.

Discussion: Supervisor Zumbach stated that he has no problem with the Expungement Clinic but does have some concerns about the organization in this agreement. He hopes that it is a success. Supervisors Walker and Rogers discussed success stories as a result of past Expungement Clinics.

VOTE: Walker & Rogers - Aye Zumbach - Nay

Brad Ketels, County Engineer, presented resolution to vacate excess road right-of-way of Old Dubuque Road right-of-way east of the right-of-way for Alderman Road and lying north of Iowa DOT right-of-way for Dubuque Road and recapped Monday's public hearing.

Motion by Walker, seconded by Rogers to adopt Resolution 2021-9-151

WHEREAS, the Linn County Board of Supervisors desire to vacate a portion of excess road right-of-way, more particularly described as follows.

All of Old Dubuque Road right-of-way east of the right-of-way for Alderman Road and lying north of Iowa DOT right-of-way for Dubuque Road, located in the W ½ NW ¼, Section 27, Township 84 North, Range 05 West, Linn County, Iowa, extending 1200 feet east of the west line of said Section 27. WHEREAS, pursuant to Chapter 306.12 and 306.13 of the Code of Iowa, notice was published in the Cedar Rapids Gazette, a copy of said notice being attached hereto, and WHEREAS, all adjoining land owners, all utility companies and the Iowa Department of Transportation have been notified by certified mail pursuant to Chapter 306.12 of said vacation and the hearing thereon, and WHEREAS, the Linn County Board of Supervisors pursuant to the aforesaid notice held a hearing on the proposed vacation of the aforementioned right-of-way, and WHEREAS, it being deemed in the best interest of Linn County to vacate said right-of-way, and WHEREAS, this vacation is subject to easements of record at time of the public hearing including a utility easement, and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Linn County Board of Supervisors this date met in lawful session to vacate as described below:

All of Old Dubuque Road right-of-way east of the right-of-way for Alderman Road and lying north of Iowa DOT right-of-way for Dubuque Road, located in the W ½ NW ¼, Section 27, Township 84 North, Range 05 West, Linn County, Iowa, extending 1200 feet east of the west line of said Section 27.

in Linn County, Iowa, be and the same is hereby vacated, and shall no longer be deemed public road right-of-way.

Ketels presented a resolution to vacate excess road right-of-way of Timothy Lane and recapped Monday's public hearing. Three of the four property owners are opposed to the road vacation. Ketels explained that something that was not mentioned on Monday is that there is 400 ft. beyond the "End of County Maintenance" sign. The county does not maintain anything at this time and do not plan to. This 400 ft. section is not included in the proposed vacation.

A lengthy discussion continued regarding the 400 ft. section and how that would affect the four landowners compared to the proposed vacation described on today's agenda.

Supervisor Zumbach proposed that the county change the road to a level B road rather than vacating the road. The Board agreed to explore the pros and cons of a level B road.

Motion by Zumbach, seconded by Rogers to deny the proposed Timothy Lane road vacation and direct the county Engineer to explore the last 400 ft. as a level B. road.

VOTE: All Aye

Asst. County Atty. Lisa Epp clarified that Supervisor Zumbach's motion was to decide in the negative, which complies with today's agenda item.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2021-9-152

WHEREAS this Board previously proposed to convey to Lois M. Hart portions of a vacated alley and street right-of-way in the unincorporated town of Viola, Iowa in return for payment of all out-of-pocket costs incurred by the County in connection with the process; and, WHEREAS that proposal came on for public hearing this date as previously scheduled; and, WHEREAS no objections were voiced at the public hearing held this date to conveyance of the alleyway and street right-of-way in question to Ms. Hart; and, WHEREAS this Board believes it would be in the County's best interests to convey the portions of alley and street right-of-way in question to Ms. Hart;

BE IT RESOLVED, THEREFORE, that the Chairman of this Board execute and deliver to Lois M. Hart a quit claim deed for the following described real estate:

The East 80 feet of the vacated alley lying between John Street and Williams Street in Brown's Addition to the unincorporated town of Viola, Iowa and all of vacated Williams Street lying West of Lots 42 and 43 of Brown's Addition to the unincorporated town of Viola, Iowa and the West Half of the balance of vacated Williams Street to the North lying South of County Home Road, upon receipt from Ms. Hart of reimbursement for all out-of-pocket costs incurred by the County in connection with the transaction, payment of which shall be evidenced by the recording of the quit claim deed with the Linn County Recorder.

Motion by Zumbach, seconded by Rogers to adopt Resolution 2021-9-153

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quit claim deed executed and acknowledged by Stacey Walker, 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 Lois M. Hart

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

LEGAL DESCRIPTION

The East 80 feet of the vacated alley running from John Street East to Williams Street in Brown's Addition to the unincorporated town of Viola, Iowa; and, All of vacated Williams Street lying West of Lots 42 and 43 of Brown's Addition to the unincorporated town of Viola, Iowa and the West Half of the balance of vacated Williams Street to the North lying South of County Home Road.

WHEREAS, said deed was executed by Stacey Walker, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, pursuant to resolution 2021-9-153 adopted by the Board of Supervisors, Linn County, Iowa, on the 15th day of September, 2021.

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 quit claim deed, dated the 15th day of September, 2021, conveying whatever interest Linn County, Iowa, may have, to Lois M. Hart, be and the same is hereby approved.

Motion by Rogers, seconded by Zumbach to authorize Chair to sign a Quit Claim Deed to Lois M. Hart of Linn County, Iowa's interest of vacated right-of-way as follows: The East 80 feet of the vacated alleyway lying between John Street to the West and Williams Street to the East in Brown's Addition to the unincorporated town of Viola, Iowa along with all that part of vacated Williams Street lying West of Lots 42 and 43 of Brown's Addition to the unincorporated town of Viola, Iowa and the West Half of the balance of Williams Street North thereof to the South right-of-way line of County Home Road

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The Board received and placed on file the following correspondence: Invitation to the Feed Iowa First Shop; notice of proposed voluntary annexation to the city of Cedar Rapids; and notice of voluntary annexation to the city of Hiawatha.

Adjournment at 11:58 a.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors