

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, FEBRUARY 21, 2024 10:00 A.M.

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

Chairperson Running-Marquardt called the meeting to order and led the Pledge of Allegiance.

Motion by Running-Marquardt, seconded by Rogers to approve minutes of February 19 & 20, 2024 as printed.

Motion by Rogers, seconded by Zumbach to approve claims for payable checks dated 02/21/2024 #71013720 to #71013777 in the amount of \$218,118.53; and ACH in the amount of \$1,263,451.13; for a total of \$1,481,569.66; to approve segregated claims: Joel Miller –Adobe – no receipt - \$21.19; Matthew Cerruto – HR plastic forks & spoons for department use - \$33.08; Ryan Schlader – Conservation – Food for meeting expense - \$135.59.

Motion by Running-Marquardt, seconded by Rogers to approve Consent Agenda as follows:

Resolution 2024-2-23

A Resolution approving a Residential Parcel Split for SHULISTA THIRD ADDITION.

The following description is a summary of Resolution No. 2022-2-23 as passed and approved by Linn County Board of Supervisors, effective February 21, 2024.

SHULISTA THIRD ADDITION (Case # PLPS23-0010) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A has been filed for approval, a subdivision of real estate located in the SW SW of Section 29, Township 85 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

SHULISTA THIRD ADDITION TO LINN COUNTY, IOWA, is Parcel A, Plat of Survey No. 2724 in the SW¼ SW¼ of Section 29, Township 85 North, Range 6 West of the 5th P.M., as Recorded in Book 11521 Page 35362, Office of the Recorder, Linn County, Iowa

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, 7:30 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Approve a purchase order PO552 for \$38,528.09 to McGrath Chevrolet for a 2024 Chevrolet Traverse for the Juvenile Detention Center.

Approve and authorize the Chair to sign an amendment to the subaward agreement between Linn County and the City of Coggon for the Coggon Watermain Infrastructure Project with no change to the amount of obligated funds.

Approve and authorize the Chair to sign a certification regarding lobbying related to the County's Government to Government Environmental Protection Agency (EPA) grant for the rental rehab program.

Approve and authorize the Chair to sign a grant requirements assurances form related to the County's Environmental Protection Agency (EPA) Government to Government grant for the rental rehab program.

Approve Special Class C Retail Alcohol License for the Gardner Golf Course, 5101 Golf Course Rd., noting all conditions have been met.

Supervisor Rogers read the following Proclamation: Government Communications Day Feb. 24, 2024.

Motion by Rogers, seconded by Zumbach to approve said Proclamation.

Brent Oleson, Treasurer, discussed the authorization of a temporary fifth Deputy Treasurer starting March 18 through May 3, 2024. They are in the process of interviewing candidates and hope to have the new Deputy Treasurer start March 18th, noting that date is simply a goal. The additional Deputy Treasurer is to allow for training in the office before the retirement on May 3rd of another Deputy Treasurer.

Supervisor Zumbach stated that Oleson spoke to him regarding this and Zumbach is willing to support it.

Motion by Zumbach, seconded by Rogers to approve the authorization of a temporary fifth Deputy Treasurer starting March 18 through May 3, 2024.

Discussion: Supervisor Rogers asked if a resolution would revert the number of deputies back once the retirement takes place and Oleson responded no due to the fixed dates they put in there.

Lisa Powell, HR Dir., confirmed that if the resolution is fixed with dates nothing else needs to be done.

VOTE: All Aye

Darrin Gage, Dir. of Policy & Admin., discussed awarding contract for the Linn County Isolation Cell Buildout Project noting that bids were received and opened on Monday. Garling Construction is the low

bidder. A 5% contingency was added with the project coming in at \$2.1 to \$2.2 million. The ARPA grant is for \$1.7 million, and the remainder can be paid through the Sheriff's Office 60/40 money.

Motion by Zumbach, seconded by Rogers to adopt Resolution 2024-2-24

A RESOLUTION AWARDDING CONTRACT FOR

THE LINN COUNTY CORRECTIONAL CENTER ISOLATION CELL BUILDOUT PROJECT

WHEREAS, pursuant to a Notice to Bidders duly posted as authorized and directed by Resolution 2024–2–17 of the Linn County, Iowa Board of Supervisors ("Board"), and as required by Iowa law, the Board received sealed bids for the Linn County Correctional Center Isolation Cell Buildout Project ("Project"); and

WHEREAS, each bid submitted for the Project received careful consideration, and it is now necessary and advisable to award the contract for the Project.

BE IT THEREFORE RESOLVED by the Board as follows:

The sealed bid for the Project submitted by the contractor, and in the amount set out below, is the lowest responsible bid received for the Project, and is fully responsive to the plans and specifications for the Project.

<u>Contractor</u>	<u>Bid Amount</u>
Garling Construction	\$1,797,000.00

5607 4th Street Ct SW, Suite A
Cedar Rapids, IA 52404

The Board hereby awards the contract for the Project to such contractor, and for the total estimated cost set out above, with final settlement to be made on the basis of the unit prices set out in said contract, and on the actual final quantity of each class of material(s) furnished, and said contract is subject to the Notice to Bidders, the plans and specifications for the Project, and the terms of the bidder's written proposal.

The Board hereby fixes the amount of the contractor's performance and/or payment bonds at 100 percent of the amount of the contract.

Jessica Black, Admin. Asst., discussed Fiscal Year 2024 Witwer Trust Fund grant allocations noting that a decision needs to be made to allocate the remaining dollars.

Motion by Zumbach, seconded by Rogers to approve Fiscal Year 2024 Witwer Trust Fund grant allocations as follows: Eastern Iowa Health Center (EIHC) - \$4,250.00; Feed Iowa First - \$10,000.00; Foundation 2 Crisis Services - \$3,000.00; Four Oaks Family and Children's Services - \$3,500.00; Horizons, A Family Service Alliance - \$7,500.00; Iowa Legal Aid - \$4,000.00; Linn County 3rd Fire District Foundation, Inc. - \$5,000.00; Marion-East Cedar Rapids Rotary Club - \$1,000.00; Riverview Center - \$5,000.00; Willis Dady Homeless Services - \$5,000.00; YPN - \$4,500.00.

Supervisor Rogers stated that they received an appeal by Sara and Allen Coghlan regarding "Notice of Animal That Has Been Deemed Vicious" by Linn County Sheriff's office in accordance with Linn County Ordinance Chapter 6, Article III, Sec. 6-57 and Sec. 6-70 noted that the Board does not have the final say.

Lt. Dave Beuter, Sheriff's Office, stated that Mr. Coghlan was bitten by his dog on November 17, 2023 in Marion. Coghlan was seen at a medical center, and they reported it to Public Health. The Marion Police Dept. did not have a report on this as it was not reported through law enforcement. On January 19, 2024, the Sheriff's Office received a call for service in Springville. Mr. Coghlan had already been treated for serious injuries on his hand and right thigh at the hospital. It was stated that the Coghlan's had a visitor over and the dog got excited and bit him. The dog was placed in a room and somehow got out of the room. Coghlan was afraid to go into the house to obtain records due to the dog. Reports are passed on to Public Health and the Cedar Valley Humane Society. Deputies attempted to make contact with Mr. Coghlan on February 1st and their calls were not returned so further assistance was requested. Deputies tried to reach Coghlan several times with no luck. On February 8, 2024 detectives were finally able to make contact at the residence in Springville and the notice was served to Coghlan. They attempted to have the Cedar Valley Humane Society come out and get the dog but were not able to. The dog was surrendered the following day.

Supervisor Rogers stated that he spoke with the Cedar Valley Humane Society and doesn't believe the dog has been surrendered. The dog is at the Humane Society but has not been surrendered.

Allen Coghlan, 507 6th Avenue, Springville, made comments regarding an arrest warrant that would be issued if he did not surrender the dog.

Rogers asked about the dog being deemed vicious. How does that limit the ability for the animal to be sheltered or placed elsewhere in Linn County and Beuter responded that the dog has two unprovoked bites now and the owner was too scared to go back into the property.

Allen Coghlan stated that the first bite was not unprovoked, and he does not feel the dog is vicious.

Sara Coghlan added that the second dog bite on his hand was not serious, however the first bite was. She explained the sheet you have to fill out at the hospital and that she filled it out the best she could. Allen told her later on what happened with the incident. They have an older dog, and it was fighting with

the other dog and Allen tried to break it up. The Humane Society would not come pick up the dog since it is not a stray and isn't in their contract. There was apprehension after the second bite. The Sheriff's
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Office told them that the dog had to be quarantined for 10 days and they didn't hear anything back after that. The Humane Society did eventually take the dog.

Beuter explained that some of the delay was due to Public Health. There is a 10-day quarantine period. They could not find the dog's rabies records. If the Sheriff's Office is unable to get access to the animal, they can go to the courts and apply for a search warrant to enter the premises and obtain the animal if needed. He is not aware of an arrest warrant.

Supervisor Running-Marquardt asked if after the first bite the dog got the shots it needed, and Sara responded that the dog had his shots. Running-Marquardt also questioned if they tried any training after the first attack and Allen responded that they had a vet appointment to get the dog fixed.

Sara added that Allen went to the hospital, but it wasn't a serious injury with the second bite. It was a pitbull and husky that got into the dog fight.

Supervisor Zumbach stated that this is the first time he has dealt with an issue like this. He does not want to be the Supervisor where the third time this dog bites someone it rips a child apart. He asked what the next steps are.

Lisa Epp, Asst. County Attorney, stated that if the Board upholds that this is a vicious dog, the next step is that they can appeal to the district court. The dog will not be euthanized without written consent.

Sara stated that they are aware of the process to appeal.

Rogers stated that he is sorry the circumstances have brought them here today and he appreciates the Coghlan's attending and trying to advocate. He is basing his decision off the report. This could happen to Allen or someone else in the future. Rogers is in favor of denying the appeal, upholding the notice and allowing the Coghlan's their day in court. This is a difficult decision, but it is about public safety if a dog is deemed vicious.

Motion by Rogers, seconded by Zumbach to deny an appeal by Sara and Allen Coghlan regarding "Notice of Animal That Has Been Deemed Vicious" by Linn County Sheriff's office in accordance with Linn County Ordinance Chapter 6, Article III, Sec. 6-57 and Sec. 6-70.

Garret Reddish, Asst. County Engineer, presented the Five Year Construction Plan (focusing on bridges, paved and rock roads and preventative maintenance) and Jerad Kelley, Oper. Supt., presented the 2024 Maintenance Plan for the Secondary Road Department.

Supervisor Running-Marquardt expressed her appreciation for all of the Secondary Road's Dept. work on various committees and projects.

Adjournment at 11:35 a.m.

Respectfully submitted,

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

APPROVED BY:

KIRSTEN RUNNING-MARQUARDT, Chairperson
Board of Supervisors