

LINN COUNTY BOARD OF SUPERVISORS  
CEDAR RAPIDS, LINN COUNTY, IOWA  
WEDNESDAY, MARCH 6, 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 March 5, 2024 as printed.

Motion by Rogers, seconded by Zumbach to approve claims for payable checks dated 3/6/24 #71013828-#71013935 in the amt. of \$212,403.86; and ACH in the amt. of \$1,661,230.96; for a total of \$1,873,634.82; payable voided ACH \$100.00.

Motion by Rogers, seconded by Zumbach to approve payment to Supervisor Running-Marquardt in the amt. of \$265.64. VOTE: Running-Marquardt – Abstain                      Rogers – Aye                      Zumbach - Aye

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

Resolution 2024-3-27 RESOLUTION AWARDING CONTRACT FOR HOT MIXED ASPHALT PROJECT THROUGHOUT LINN COUNTY WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the M-HMA PATCHING (24), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as Hot Mixed Asphalt (HMA) patching and leveling at various locations throughout Linn County; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from L.L. Pelling Company, Inc., in the amount of \$420,049.00 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, Garrett A. Redish, Curtis A. Logan, the County Engineer or Assistant County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let on 2/27/2024.

Resolution 2024-3-28 RESOLUTION AWARDING CONTRACT FOR PAVEMENT MARKINGS PROJECT THROUGHOUT LINN COUNTY WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the M-PAVEMENT MARKINGS (24), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as pavement markings on various roads in Linn County; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from L.L. Pelling Company, Inc., in the amount of \$215,139.00 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, Garrett A. Redish, Curtis A. Logan, the County Engineer or Assistant County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let on 2/27/2024.

Resolution 2024-3-29 WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the M-BRIDGE 1699 REHAB(24), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as bridge repair on bridge 1699 on Springfield Road; and WHEREAS, the Board has sought appropriate professional guidance for the

concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate

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and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from Taylor Construction, Inc., in the amount of \$254,300.50 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, Garret A. Reddish, or Curtis A. Logan, the County Engineer or Assistant County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let on 2/27/2024.

Resolution 2024-3-30 WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the M-BRIDGE 2605 REHAB(24), hereafter referred to as "the project" is in the best interest of Linn County, Iowa, and the residents thereof. The project is defined as bridge repair on bridge 2605 on West Mount Vernon Road; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Linn County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from Taylor Construction, Inc., in the amount of \$174,406.50 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Linn County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bradley J. Ketels, Garret A. Reddish, or Curtis A. Logan, the County Engineer or Assistant County Engineer for Linn County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let on 2/27/2024.

Resolution 2024-3-31 A RESOLUTION ACCEPTING WORK COVERING THE PRIORITY #2 LINN COUNTY FACILITIES DERECHO REPAIRS PROJECT WHEREAS, Martin Gardner Architecture is the Project Architect ("Architect") for the Priority #2 Linn County Facilities Derecho Repairs Project ("Project"); and WHEREAS, the Architect reviewed, found, and certifies to the Linn County Board of Supervisors ("Board") that to its best knowledge, information, and belief Unzeitig Construction Company ("Contractor") performed and substantially completed the work of the project in accordance with the terms of the contract documents for said Project. BE IT THEREFORE RESOLVED that the Board finds and determines that the Contractor completed the work of constructing the Project in accordance with the terms of the contract, the Board hereby accepts and approves the work, and authorizes the chairperson to execute the Certificate of Substantial Completion for said Project.

Approve and authorize the Chair to sign a Management Agreement between the State of Iowa, acting through the Iowa Department of Natural Resources (DNR), and Linn County, acting through the Linn County Conservation Board for the care and maintenance of state-owned real property, locally known as Wood Duck Bottoms.

Approve and sign a 28E Agreement with the City of Cedar Rapids for a maintenance project for trail crossing improvement on shared portions of F Ave NW.

Approve a purchase order PO573 for \$22,745.33 to Pitney Bowes for a postage machine for the Linn County Purchasing/mailroom.

Approve and authorize the Chair to sign a Warranty Deed to convey to Linn County, Iowa for \$986.42, real estate in connection with Linn County's project No. CST-030-7(221)--5C-57 on Highway 30.

Approve Special Class "C" Retail Alcohol License for Kernels Concessions - Prospect Meadows, 1850 Prospect Dr., noting all conditions have been met.

Chairperson Running-Marquardt read the following Proclamation: International Women's Day March 8, 2024.

Motion by Rogers, seconded by Running-Marquardt to adopt Proclamation: International Women's Day March 8, 2024.

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Garret Reddish, Asst. Co. Eng., explained Resolution to establish surface treatment costs for seal coat and dust control palliatives for 2024 and clarified that the only increase is calcium chloride. Sealcoat costs have not increased from last year.

Supervisor Rogers noted that the resident that came in last week had concerns with the pricing, therefore the Board moved the resolution to this week for further clarification.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2024-3-32 ESTABLISH SURFACE TREATMENT COSTS WHEREAS, the Board of Supervisors, Linn County, Iowa, has developed a policy regulating dust control, and WHEREAS, the Board of Supervisors, Linn County, Iowa by policy annually sets prices for seal coat, chloride, and other surface materials. NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Linn County, Iowa this date, meeting in lawful session, and upon recommendation of the Linn County Engineer, does hereby establish the following prices for dust palliative and road surface treatments applied by and through the Linn County Secondary Road Department as listed below: Dust Control Material Price Calcium Chloride \$0.95 per foot (conditional use/road agreements) MC-3000 Single Seal – 1st seal (0.30 gal./sq. yd.) \$8.50 per foot MC-3000 Single Seal - 2nd seal (additional) \$4.50 per foot Entrance Surface Material (adjacent to project) Price Paved Drive Adjustment/Replacement \$6.00 per square foot Rock (15 ton minimum) \$15.00 per ton These prices shall remain in effect for the 2024 calendar year.

Discussion: Chairperson Running-Marquardt thanked Reddish for meeting with her and the gentleman to discuss the costs along with other policy questions. Vote: All Aye

Dawn Jindrich, Finance Dir., presented a Resolution to allow Linn County Conservation to spend Land and Water Legacy bond proceeds prior to the next bond issuance. She stated that the next issuance will be around July 2025.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2024-3-33 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: Section 1. Recitals. (a) 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. (b) 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 (c) The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified. Section 2. Official Intent Declaration. (a) 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: Maximum Amount of Bonds Projects Expected to be Issued for Projects Land and Water Legacy Conservation \$10,000,000 (b) 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 (c) This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations. Section 3. 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. Section 4. 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. Section 5. Repealer.

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

Sara Bearrows, Budget Dir., presented a request to set a public hearing date of March 27, 2024, at 9 a.m. for the budget statement hearing.

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Motion by Rogers, seconded by Zumbach to set a public hearing date of March 27, 2024, at 9 a.m. for the budget statement hearing.

Treasurer Brent Oleson presented a Resolution appointing Lacey Nicole Hastings as Deputy Treasurer.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2024-3-34 *WHEREAS*, pursuant to Section 331.903(1), Code of Iowa, Brent C. Oleson, Linn County Treasurer, has submitted to the Board of Supervisors, Linn County, Iowa, for approval of Lacey Nicole Hastings, for appointment as Deputy Linn County Treasurer, and *WHEREAS*, the Board of Supervisors, Linn County, Iowa, finds Lacey Nicole Hastings to be qualified to serve as Deputy Linn County Treasurer and that the appointment of Lacey Nicole Hastings will not exceed the number of deputies authorized for the Linn County Treasurer'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 Lacey Nicole Hastings as Deputy Linn County Treasurer by Brent C. Oleson, Linn County Treasurer, is hereby approved.

Mayor Don Gray, Central City, explained their request for \$50,000 of American Rescue Plan Act funding for the Central City Senior Dining Program. They serve Central City, Center Point, Alburnett, Coggon, Walker, Troy Mills and Prairieburg.

Supervisor Zumbach stated that he met with Mayor Gray about six months ago to see what Linn County could do to help and they discovered that they could apply for ARPA funds.

Chairperson Running-Marquardt thanked Mayor Gray for not only looking out for his community but for also representing other communities that are food insecure. That area is quite large and significant.

Motion by Zumbach, seconded by Rogers to approve request for American Rescue Plan Act funding to Central City for the Central City Senior Dining Program.

Discussion: Supervisor Rogers also extended his thanks and gratitude for Mayor Gray's work on a variety of issues. He noted that the person delivering the meals may be the only contact these residents have and it has a profound impact on elderly shut ins. This is a critically important service that addresses the socially vulnerable and food insecure folks. Vote: All Aye

Public Comment: A member of the public stated that he will be exercising his right under the Fourth Amendment of the Iowa Constitution. He referred to Case #LACV103490 filed on Nov. 14, 2023. The defendants in the case are Monica Slaughter and Nicholas Maybanks. This case talks about harassment and retaliation (and certain "B" and "C" words that were used). He read through sections of the case and compared those with a case filed against Casey Van Nevele. He respectfully asked the Board to reconsider his viewpoints, read the lawsuit and discuss with him the corruption within the Linn County Courthouse.

Supervisor Rogers stated that a Jackson County Commissioner, Dan Brenner, is present at today's meeting to learn from Linn County's Planning & Development Dept. and particularly solar.

Legislative Update – The Board discussed various bills that affect mental health and the Workforce Housing Grant.

Adjournment 10:29 a.m.

Respectfully submitted,

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

APPROVED BY:

KIRSTEN RUNNING-MARQUARDT, Chairperson  
Board of Supervisors