

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, DECEMBER 11, 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 December 6, 2024 as printed.

Motion by Rogers, seconded by Zumbach to approve minutes of December 10, 2024 as printed.

Motion by Rogers, seconded by Zumbach to approve accounts payable checks dated 12/11/24 #71016352 to 71016403 in the amount of \$509,410.99; and ACH in the amount of \$686,626.02; for a total of \$1,196,037.01 and voided checks in the amount of \$371.50.

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

Resolution 2024-12-185

SET PUBLIC HEARING TO VACATE EXCESS RIGHT-OF-WAY AND FOR CONVEYANCE OF THE VACATED RIGHT-OF-WAY WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under the authority of §306, Code of Iowa, to dispose of the right, title, interest, estate, and claim of Linn County, Iowa, in real property, and WHEREAS, the Board of Supervisors, Linn County, Iowa, shall vacate the right-of-way described as: LEGAL DESCRIPTION A portion of Toddville, Block 4, located in the SE 1/4 SE 1/4, Section 12, T. 84N., R. 08W. of the 5th P.M., Linn County, Iowa described as follows: The alley lying between Lots 1 through lot 8, Block 4 of said Toddville. Said vacated area = 1,600 sf or 0.04 acres. and WHEREAS, property owners, listed in the table below, owners of real property adjacent to the above-described parcel of vacated right-of-way desire to obtain, through Quit Claim deed, whatever right, title, interest, estate, and claim Linn County may have in the above-described parcel of vacated right-of-way. No. Property Owner Legal Description 1 Daniel & Debra Remington Trust TODDVILLE LOTS 3, 5, 7 & E'LY 40 FT LOTS 4, 6 & 8 BLK 4 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 vacate all interest Linn County, Iowa, may have in the above-described parcel of right-of-way. BE IT FURTHER RESOLVED THAT 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 the above listed property owners, whatever right, title, interest, estate, and claim 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 Monday, January 6, 2025, at 10:00am, 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 2024-12-186

A RESOLUTION APPROVING PETITIONS FOR THE SUSPENSION OF THE COLLECTION OF FISCAL YEAR 2025/ASSESSMENT YEAR 2023 PROPERTY TAXES WHEREAS, the Linn County Board of Supervisors is this day presented with properly filed, duly sworn petitions for the suspension of the collection of property taxes and/or special assessments pursuant to Iowa Code Section 427.8; and WHEREAS, the properties for which the assessments against the Petitioners are made lie within Linn County, Iowa; and WHEREAS, the Petitioners are unable to contribute to the public revenue by reason of age, infirmity, or both. BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors, this date met in lawful session, that the attached petitions are approved for the Petitioners, parcels, and tax years described as follows: PETITIONER PARCEL # TAX YEARS SPECIAL # Dutton, Joan 10293-26012-01027 2025 Martin, Kaitlyn 15061-59016-00000 2025 BE IT FURTHER RESOLVED the Linn County Board of Supervisors orders the Linn County Treasurer to suspend the collection of the property taxes assessed against the Petitioners or the Petitioner's estates, for the parcels listed above for the tax years as indicated.

Resolution 2024-12-187

A Resolution approving a Residential Parcel Split for DAVIDSON FIRST ADDITION TO LINN COUNTY, IOWA..The following description is a summary of Resolution 2024-12-187 as passed and approved by Linn County Board of Supervisors, effective December 11, 2024.

DAVIDSON FIRST ADDITION TO LINN COUNTY, IOWA (Case # PPS23-0005) 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 NW NW of Section 17, Township 83 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

DAVIDSON FIRST ADDITION TO LINN COUNTY, IOWA, is a part of the NW¼ NW¼ of Section 17, Township 83 North, Range 5 West of the 5th Principal Meridian, Linn County, Iowa described as follows: Beginning at the NE Corner of said NW¼ NW¼;
thence S00°55'01"E along the east line of said NW¼ NW¼, 491.06 feet;
thence S89°04'58"W, 356.00 feet; thence N00°55'02"W, 488.21 feet to the north line of said NW¼ NW¼;

thence N88°37'27"E along said north line, 356.01 feet to the Point of Beginning, containing 4.00 acres which includes 0.33 acres of road right of way.

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.

Resolution 2024-12-188

APPOINT COUNTY ENGINEERS WHEREAS: The Linn County Board of Supervisors is required to hire one or more registered Civil Engineers to serve in the capacity of County Engineer, in accordance with Chapter 309 of the Code of Iowa. WHEREAS: These engineers oversee the operation of the Linn County Secondary Road system which includes establishing and following a budget, approving claims for expenditure of funds, approving payroll, accepting subdivision platted roadways, and administering various programs approved by the Linn County Board of Supervisors, and WHEREAS: These engineers shall serve for a term not less than three years, and WHEREAS: This term shall end December 31, 2027, and WHEREAS: Bradley J. Ketels, P.E., Garret A. Reddish, P.E. and Curtis A. Logan, P.E., are qualified to act in the capacity of County Engineer for Linn County, Iowa. NOW THEREFORE BE IT RESOLVED that the Linn County Board of Supervisors hereby appoint Bradley J. Ketels, P.E., County Engineer, Garret A. Reddish, P.E., Assistant County Engineer and Curtis A. Logan, P.E., Assistant County Engineer, to serve in the capacity of Linn County Engineer and perform all duties of the Linn County Engineer. Moved by Supervisor, Seconded by Supervisor that the above

Approve and authorize the Chair to sign a 28E Agreement between Cedar Rapids Community School District and Linn County Child Development Center, regarding the statewide free AM Voluntary Preschool Program for four-year-old children running Monday through Friday from August 1, 2024, through June 1, 2025.

Approve and authorize the Chair to sign a quote proposal between Linn County and T&M Services for moving cubicles into the Sustainability office in the amount of \$795 with American Rescue Plan (ARPA) funds.

Approve the quoted proposal between Linn County and Presentations, Inc. for Sustainability signs at the Public Services Center in the amount of \$1450 with American Rescue Plan (ARPA) funds.

Approve funding allocations for the fiscal year 2025 Legacy and Community Attraction Grant in the following amounts: The History Center - \$33,000; Cedar Rapids Museum of Art - \$5,000; Central City Historical Society - \$7,000 and Indian Creek Nature Center - \$5,000 for a total of \$50,000.

Dennis Goemaat, Conservation Dir., asked the Board to remove from the agenda the Public Hearing and related Resolution regarding the granting of an underground easement to Interstate Power & Light Co. The request was withdrawn.

Motion by Running-Marquardt, seconded by Rogers to remove the following from the agenda: Public Hearing to dispose of interest in real property – an underground electric line easement agreement between Linn County and Interstate Power and Light Company.

Motion by Running-Marquardt, seconded by Rogers to remove from the agenda the Resolution authorizing the granting of an underground electric line easement to Interstate Power and Light Company.

Motion by Running-Marquardt, seconded by Zumbach to approve upon third and final consideration Ordinance #8-12-2024, amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code, relating to detached accessory structure size and height limits primarily in residential zoning districts.

Sara Bearrows, Budget Dir., presented a Resolution Authorizing the Transfer of \$35,000 from the Sheriff Appropriations to the Court Expense Appropriations stating there has been an increase in expenses.

Motion by Zumbach, seconded by Rogers to adopt Resolution 2024-12-189

WITHIN THE LINN COUNTY FISCAL YEAR 2025 ANNUAL BUDGET WHEREAS, the Linn County Board of Supervisors previously approved the Linn County Fiscal Year 2025 Annual Budget; and, WHEREAS, it has been determined that it is necessary to transfer appropriations within the Public Safety and Legal Services area of said budget; and, WHEREAS, sufficient appropriations are available to provide for the necessary transfer; and, WHEREAS, said transfer is within the Public Safety and Legal Services service area, and is made by resolution of the Board of Supervisors in accordance with Iowa Code Section 331.434(6). NOW, BE IT THEREFORE RESOLVED by the Linn County Board of Supervisors that appropriations within the Linn County Fiscal Year 2025 Annual Budget are revised as follows: Organization Transfer 27 Court Expense \$35,000 21 Sheriff (\$35,000).

Charlie Nichols, Planning & Development Dir., presented a PowerPoint regarding the Hazardous Liquid Pipeline Ordinance including the following:

- Permitting & Siting Requirements
- Minimum Siting Requirements
- Avoidance of Damages to Public Infrastructure
- Pipeline Planning Consultation Area
- Agricultural Impact Mitigation Plan
- Enforcement

Supervisor Zumbach asked that the ordinance include language that public and private drainage systems will be repaired by the applicant.

Chairperson Running-Marquardt stated that the last time they worked on this, they added specifically what public dwellings were and she will have a conversation with Nichols to make sure they don't need anything more specific.

Nichols also stated that some of the public feedback was addressing safety issues (not a component of this ordinance), separation distances be as large as possible and concerns of not enough protections. The pipeline industry's feedback was regarding the planning consultation area.

Motion by Running-Marquardt, seconded by Zumbach to approve upon first consideration an Ordinance Amending Chapter 14 of the Code of Ordinances, Linn County, Iowa, by Adding Thereto a New Article IV Pertaining to Hazardous Liquid Pipelines.

Motion by Running-Marquardt, seconded by Rogers to recess at 10:23 a.m.

The Board reconvened at 1:30 p.m. to review the County Attorney Fiscal Year 2026 budget. Also present: Dawn Jindrich, Finance Dir., Sara Bearrows, Budget Dir., Nick Maybanks, County Atty.; Monica Slaughter and Lisa Epp, Asst. County Atty's; and Gayle Keiser, Office Manager.

County Attorney – Bearrows stated that appropriations total \$6,525,937 and revenues are \$143,654. The budget is over guidelines by \$17,787 due to increases in contracts and transcripts.

Co. Atty. Maybanks acknowledged Supervisor Zumbach and wished him well. He also welcomed Supervisor Elect Meisheid and introduced his staff.

Maybanks presented his budget in detail with department overview – Criminal, Civil & Juvenile. The following Offers were presented: Felony Prosecutor, Victim Witness Coordinator and Civil Attorney.

Supervisor Rogers stated that he appreciates conversations they've had regarding the County Attorney's challenges and opportunities. He stated that Maybanks has been nothing but transparent and forthcoming year after year on behalf of his assistants and employees. It does not go unnoticed. He asked Maybanks what differentiates Linn County from other counties.

Maybanks responded that it's so important to have transparency and trust. To maintain the standards of excellence that office has had over the years, they need to continue to grow. The most important thing he has that other county's do not is their relationship with law enforcement.

Motion by Running-Marquardt, seconded by Zumbach to approve County Attorney preliminary FY26 appropriations in the amt. of \$6,525,937 and revenues in the amt. of \$143,654.

Adjournment at 2:21 p.m.

Respectfully submitted,

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

APPROVED BY:

KIRSTEN RUNNING-MARQUARDT, Chairperson
Board of Supervisors