

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, MAY 7, 2025 10:02 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center. Present: Vice Chairperson Running-Marquardt and Supervisor Scheetz. Absent: Chairperson Meisheid (other county business). Board members voting "AYE" unless otherwise noted.

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

Motion by Running-Marquardt, seconded by Scheetz to approve minutes of May 5, 2025 as printed.

Motion by Scheetz, seconded by Running-Marquardt to approve accounts payable checks dated 5/7/25 #71017701 to 71017806 in the amount of \$350,673.57; and ACH in the amount of \$1,666,820.84 for a total of \$2,017,494.41.

Motion by Running-Marquardt, seconded by Scheetz to remove from the Consent Agenda: Approve and authorize the Chair to sign a Permanent Access Easement Agreement between the Linn County Conservation Board and the City of Center Point, Iowa and Approve and authorize the Chair to sign an Agreement Re: Central City Well #5 on Property titled in Linn County, Iowa.

Motion by Running-Marquardt, seconded by Scheetz to approve amended Consent Agenda:

Resolution 2025-5-71

NOTICE TO ALL PROPERTY OWNERS AND MANAGERS WEED NOTICE!

Pursuant to the provisions of Title VIII Chapter 317.4 Subsection 2, Iowa Code, which can be found online at: <https://www.legis.iowa.gov/law/iowaCode> and Iowa Administrative Code (otherwise referred to as Iowa Administrative Rules) Agriculture and Land Stewardship Chapter 58 Noxious Weeds, it is hereby resolved by the Linn County Board of Supervisors and ordered by the Linn County Weed Commissioner acting on behalf of the Linn County Board of Supervisors:

That between May 7, 2025 to October 1, 2025 each owner and each person in the possession or control of lands in Linn County including both incorporated and unincorporated shall: eradicate all Class A noxious weeds listed in Iowa Administrative Rules 21-58.4(317); and control all Class B noxious weeds thereon, at such time in each year and in such manner as shall prevent said weeds from blooming or coming to maturity.

Class A Noxious Weeds for Eradication: Palmer Amaranth (*Amaranthus palmeri*)

Class B Noxious Weeds for Control:

Canada Thistle (*Cirsium arvense*)

Teasel (*Dipsacus spp.*) biennial

Leafy Spurge (*Euphorbia esula*)

Bull Thistle (*Cirsium vulgare*)

Multiflora Rose (*Rosa multiflora*)

European Morning Glory or Field Bindweed (*Convolvulus arvensis*)

All other species of thistles belonging in the Genus of *Carduus*

That the Linn County Road Department shall control noxious weed infestations and other vegetation deemed appropriate for control growing in county road rights of way for the purposes of maintaining public health, preventing economic loss, or affecting safe travel. Methods for eradication/control and/or prevention of seed production will be performed in a manner consistent with the county's integrated roadside vegetation management plan.

That it is recommended noxious weeds be cut, burned or otherwise controlled or destroyed on or before June 1st, 2025, so as to prevent the production of seed by all varieties of listed Noxious weeds. This includes noxious weeds on all lands within the limits of the County regardless of jurisdiction. Control or elimination measures associated with Class A and B Noxious Weeds located on lands enrolled in the Conservation Reserve Program (CRP) will comply with the Conservation Reserve Program contract requirements for that land.

That persons not in compliance with Iowa's Weed Law, Code of Iowa Chapter 317 Noxious Weeds, and Iowa Administrative Rules Agriculture and Land Stewardship Chapter 58 Noxious Weeds will be notified to use appropriate methods to eradicate or control the weed problem. Failure to do so can incur penalties including, but not limited to, daily fines for non-compliance, and the Weed Commissioner or Deputies entering upon the land to control the weed problem, with all costs, including fines and administrative costs, levied against the landowner. Iowa law provides these assessments can be attached to the real estate tax of the land for collection. Weed eradication/control will still be required to be implemented in all cases where penalties are assessed.

More information regarding Linn County's weed control program can be found under the Soil Conservation section at www.linncountyiowa.gov or by contacting Linn County Weed Commissioner: Jonathan Gallagher at 319-377-5960 Ext. 3.

Resolution 2025-5-72

SET PUBLIC HEARING TO DISPOSE OF INTEREST IN REAL PROPERTY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under the authority of §331.361, Code of Iowa, to dispose of the right, title, interest, estate, and claim of Linn County, Iowa, in real property, and

WHEREAS, Notice is Hereby Given: That there is now on file in the Linn County Conservation Department at 10260 Morris Hills Road an easement agreement between the Linn County Conservation

Board and the City of Center Point, Iowa for the grant of an easement with respect to property legally described as:

Part of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 4, Township 85 North, Range 8 West of the Fifth Principal Meridian, City of Center Point, Linn County, Iowa described as follows:

Beginning at the Northwest Corner of Parcel A in the South Half of the Southwest Quarter of Section 4, Township 85 North, Range 8 West of the Fifth Principal Meridian; thence N0°09'08" W along the east line of the Northeast Quarter of the Southwest Quarter of said Southwest Quarter, 57.58 feet; thence S78°50'43" W, 82.31 feet to the southerly right of way of the Cedar Valley Nature Trail; thence 91.00 feet southeasterly along said right of way and the arc of a 4533.66 foot curve, concave southwesterly, chord bears S62°45'35" E, 91.00 feet, to the point of beginning.

WHEREAS, The City of Center Point, Iowa, desires an easement with respect to the above described real estate for purposes of construction, maintaining and operating a public road, specifically Ash Lane, over and across a portion of the Cedar Valley Nature Trail, as described in attached as Exhibit A, and 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 grant the easement in the above-described real estate.

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 grant the above easement.

BE IT FURTHER RESOLVED that said hearing shall be held May 21, 2025, at 10:00 am, 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 2025-5-73

SET PUBLIC HEARING TO DISPOSE OF INTEREST IN REAL PROPERTY

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under the authority of §331.361, Code of Iowa, to dispose of the right, title, interest, estate, and claim of Linn County, Iowa, in real property, and

WHEREAS, Notice is Hereby Given: That there is now on file in the Linn County Conservation Department at 10260 Morris Hills Road an easement agreement between the Linn County Conservation Board and the City of Central City, Iowa for the grant of an easement with respect to property owned by Linn County, specifically Pinicon Ridge Park, and

WHEREAS, The City of Central City, Iowa, desires an easement with respect to the above described real estate for purposes of constructing, operating and maintaining a well, as described in attached as Exhibit A, and

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 grant an easement in the above-described real estate.

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 grant the above easement.

BE IT FURTHER RESOLVED that said hearing shall be held May 21, 2025, at 10:00 am, 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.

Approve purchase order PO753 in the amount of \$8,760 to Patten Equipment for a replacement Tilt-N-Go tandem axle trailer for the Conservation Department.

Approve purchase order PO755 in the amount of \$10,720 to Patten Equipment for a replacement gravity tilt trailer for the Conservation Department.

Approve purchase order PO756 in the amount of \$132,330 to Superior Crane Corporation for a five-ton bridge crane for the Secondary Road Headquarters Project.

Approve purchase order PO760 in the amount of \$58,545.50 to Kay Park Recreation Corp for the replacement of 13 paddle boats for Pinicon Ridge Park.

Approve an application for Display Fireworks permit for Dave Hulshizer to conduct a display at 2549 Janette Nehl Lane, Central City on August 9, 2025, with a rain date of August 10, 2025, noting all conditions have been met.

Approve and authorize the Chair to sign the Signature Authorization for CEO Change form for Planning and Development, Community Development Block Grant (CDBG) contract 20-DRH-20.

Approve and authorize the Chair to sign the Signature Authorization for Alternate Signators form for Planning and Development, Community Development Block Grant (CDBG) contract 20-DRH-20.

Approve the annual allocation of \$10,000 from the Capital Projects budget to the Risk Management budget for the maintenance and replacement of fitness center equipment.

Brad Wylam, Planning & Development, stated that they have not received any additional comments for a request to rezone 22.48 acres located in the 1500 block of Big Creek Road, Cedar Rapids, Iowa, from Rural Residential One-Acre (RR1) and Agricultural (AG) to Rural Residential Two-Acre (RR2).

Motion by Running-Marquardt, seconded by Scheetz to approve Second Consideration of a request to rezone 22.48 acres located in the 1500 block of Big Creek Road, Cedar Rapids, Iowa, from Rural Residential One-Acre (RR1) and Agricultural (AG) to Rural Residential Two-Acre (RR2).

Wylam also presented a resolution approving a Final Plat for Dennis E. and Angela M. Jordan Trust Addition to Linn County, Iowa, Case # PF25-0001 noting that this is to combine 2 pieces of land into 1. The plat went to the Planning & Zoning Commission in January and has their approval. A couple of neighbors did attend that meeting that were in opposition. All the conditions have been met at this point and staff recommends approval.

Public Comment: Dennis & Angela Jordan, 965 Quarry Oak Dr., Marion, stated that they are the people purchasing this property from their family. His family has owned this property since 1979 and have prided themselves on being good neighbors and will continue to do so. They have worked at length with county staff and adhered to and met all the requirements as was stated by Wylam. They are happy to answer any questions or concerns and thanked the Board for considering their request.

Russ Hotz, 1617 Springville Rd., Mt Vernon, stated that he represents his son-in-law and himself, as they are the property owners affected by the highway where their house is located within 300 feet of where the Jordan's are planning to build. There are drainage concerns and things have been changed 2 or 3 times now. He thought it was a requirement that everything went back through the process again. Hotz shared his frustrations over taking ag land out of production and building in someone's yard. He stated that he is appalled that there is no consideration during this process for the neighbors.

Discussion continued regarding different changes that have been made to this final plat and the minor change that was made to address the drainage concerns. The current parcel is a buildable lot, and they could apply for a permit today and it would be approved.

Board members suggested that Hotz meet with Planning & Development staff to address his concerns.

Motion by Running-Marquardt, seconded by Scheetz to adopt Resolution 2025-5-74

A Resolution approving a FINAL PLAT for DENNIS E & ANGELA M JORDAN TRUST ADDITION.

The following description is a summary of Resolution No. 2025-5-74 as passed and approved by Linn County Board of Supervisors, effective May 7, 2025.

DENNIS E & ANGELA M JORDAN TRUST ADDITION (Case # PF25-0001) 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 27, Township 83 North, Range 05 West of the 5th P.M., Linn County, Iowa, described as follows:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL A, PLAT OF SURVEY #2915;
THENCE N88°00'31"E ALONG THE SOUTH LINE OF LOT 1, HOTZ FIRST ADDITION, 179.06 FEET TO A SOUTHEASTERLY CORNER OF SAID LOT 1;
THENCE N00°49'53"W ALONG THE EAST LINE OF SAID LOT 1, 72.92 FEET TO A SOUTHEASTERLY CORNER OF SAID LOT 1;
THENCE N88°02'01"E ALONG THE SOUTH LINE OF SAID LOT 1, 251.48 FEET TO A SOUTHEASTERLY CORNER OF SAID LOT 1;
THENCE N01°17'29"W ALONG THE EAST LINE OF SAID LOT 1, 225.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE N88°01'20"E ALONG THE SOUTH LINE OF LOT 2, HOTZ FIRST ADDITION, 570.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;
THENCE S01°16'27"E ALONG THE EAST LINE OF THE W3/4 SW1/4 SW1/4 OF SAID SECTION 22, 225.11 FEET TO THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 22;
THENCE S88°02'01 "W ALONG SAID SOUTH LINE, 422.88 FEET TO THE NORTHEAST CORNER OF SAID PARCELA, PLAT OF SURVEY#2915;
THENCE S54°28'06"W ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL A, 643.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF SPRINGVILLE ROAD;
THENCE S89°10'29"W ALONG THE SOUTH LINE OF SAID PARCEL A, 48.92 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A;
THENCE N00°49'31"W ALONG THE WEST LINE OF SAID PARCEL A, 281.67 FEET TO THE POINT OF BEGINNING CONTAINING 5.20 ACRES MORE OR LESS.
SUBJECT TO EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

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

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Adjournment at 10:21 a.m.

Respectfully submitted,

TODD E. TAYLOR, Linn County Auditor
By: Amanda Brown, Deputy Auditor

Approved by:

KIRSTEN RUNNING-MARQUARDT, Vice Chairperson
Board of Supervisors