

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, DECEMBER 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.

Supervisor Rogers welcomed his friends that are attending today's meeting for a school civic project.

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

Approve and authorize Chair to sign a vacancy form requesting a HR Coordinator position for Human Resources.

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

Resolution 2021-12-191 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, 2024, and

WHEREAS: Bradley J. Ketels, P.E. and Garret Reddish, 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 and Garret Reddish, P.E., Assistant County Engineer, to serve in the capacity of Linn County Engineer and perform all duties of the Linn County Engineer.

Resolution 2021-12-192 A Resolution approving a two lot Residential Parcel Split to be named Rozum Family Homestead Addition. The following description is a summary of Resolution No.2021-12-192 as passed and approved by Linn County Board of Supervisors, effective December 15, 2021.

Rozum Family Homestead Addition (Case # JPS21-0020) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A, a subdivision of real estate located in the SWSE of Section 34, Township 82 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SECTION 34, TOWNSHIP 82 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, LINN COUNTY, IOWA; THENCE N89°10'43"E, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 34, A DISTANCE OF 856.70 FEET TO THE POINT OF BEGINNING; THENCE N04°11'00"W, 97.90 FEET; THENCE N85°49'00"E, 16.75 FEET; THENCE N04°11'00"W, 764.00 FEET; THENCE N32°00'00"W, 92.35 FEET; THENCE N53°00'00"W, 105.33 FEET; THENCE S89°10'43"W, 125.00 FEET; THENCE N21°44'15"W, 299.48 FEET; THENCE N89°10'43"E, 262.26 FEET; THENCE S00°49'17"E, 240.00 FEET; THENCE S53°00'00"E, 115.00 FEET; THENCE S32°00'00"E, 71.14 FEET; THENCE S04°11'00"E, 814.29 FEET; THENCE N85°49'00"E, 19.25 FEET; THENCE S04°11'00"E, 101.78 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 34; THENCE S89°10'43"W, ALONG SAID SOUTH LINE, 66.11 FEET TO THE POINT OF BEGINNING, CONTAINING 2.24 ACRES AND IS SUBJECT TO 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, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov

Approve and authorize Chair to sign an Iowa Department of Transportation (IDOT) Final Contract Construction Voucher for project FM-C057(150) - - 55-57, HMA resurfacing on Business 30 from Lisbon city limits to Adams Avenue in Cedar County.

Approve and authorize Chair to sign a 5th Amended Decat Contract # DCAT4-19-066 "Community Partnerships for Protecting Children (CPPC)".

Approve and authorize Chair to sign a Public Bidder Tax Sale Certificate Abatement for a property located at 1323 Ellis Blvd NW, Cedar Rapids, Iowa.

Motion by Rogers, seconded by Zumbach to approve minutes of December 14, 2021 as printed.

Motion by Zumbach, seconded by Rogers to approve claims for AP checks #71005294-#71005376 in the amt. of \$180,356.17 and AP ACH in the amt. of \$1,457,685.57.

Motion by Rogers, seconded by Zumbach to approve upon third and final consideration Ordinance #19-12-2021 amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code. Staff is proposing amendments to Article IV, Section 107-72 Land Division Processes and Requirements related to final plat document and filing requirements, Residential Parcel Splits, Minor Boundary Changes, and Land Preservation Parcel Splits.

Motion by Rogers, seconded by Zumbach to approve participation in opioid class action and authorize Chair to sign participation agreement.

Discussion: Supervisor Rogers noted that a previous Board of Supervisors was lobbied by an attorney for Linn County to join a private suit and seek a settlement. The Board members did not agree to do that and he is pleased that they went the route that they did.

Chairperson Walker stated that these funds will be used to support ongoing efforts to help rehabilitate individuals suffering from substance abuse disorder and to support the Mental Health Access Center which is turning out to be a most necessary initiative for this community.

VOTE: All Aye

The Board discussed a Notice of Intent to appoint to fill Linn County Attorney vacancy.

Chairperson Walker stated that the County Attorney has submitted his resignation effective December 31, 2021 and this notice is to notify the public that this Board will be filling that position through appointment. The general consensus is that it is in the best interest of the community that the appointee be the individual who has considerable knowledge of the operations of the office.

Motion by Rogers, seconded by Zumbach to approve a Notice of Intent to Appoint to Fill Linn County Attorney Vacancy.

Discussion: Supervisor Zumbach stated that he will support the appointment of Mr. Maybanks. He made several phone calls and received several calls from both parties. Maybanks has a great reputation to be proud of. He also noted that there is no one else interested in the position or came forward.

Supervisor Rogers stated that there has been considerable discussion openly and publicly about the skills and expertise of Nick Maybanks. This elected official's position requires a law degree in good standing and the Sheriff has to be a sworn deputy. The other elected official positions have no requirements. It is this governing body's responsibility to appoint or call for a special election (county wide). It makes sense to make an appointment, which will have a seamless transition. The Board will make the appointment on January 4, 2022 at 11:00 a.m.

Chairperson Walker noted that when he came into office, he was quickly involved with the County Attorney's office with regard to high profile incidents in this community. It was quite the journey building and repairing relationships in this community. They were lucky to have Nick Maybanks and Monica Slaughter involved in that work. He looks forward to Maybank's efforts to modernize the County Attorney's Office and all the good work they will do in the coming years.

VOTE: All Aye.

Darrin Gage, Dir. of Pol. and Admin., presented a Resolution approving the appointment of Criminal Division Head-Deputy Assistant County Attorney, Jordan N Schier. He stated that the Code of Iowa gives the responsibility to the Board of Supervisors to set the number of deputies and assistants that Elected Officials can appoint. There are three authorized in the County Attorney's Office and this will increase it to four.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2021-12-193
DETERMINING THE AUTHORIZED NUMBER OF DEPUTY ASSISTANT COUNTY ATTORNEYS AND APPOINTING JORDAN SCHIER AS CRIMINAL DIVISION HEAD -
DEPUTY ASSISTANT COUNTY ATTORNEY

WHEREAS, pursuant to Iowa Code Section 331.903(1), Linn County Attorney Jerry Vander Sanden has submitted to the Linn County, Iowa Board of Supervisors for approval of a request to increase from three (3) to four (4) the number of approved deputy assistant county attorney positions; and,

WHEREAS, the Linn County Board of Supervisors finds that the volume of work and the nature of work in the Linn County Attorney's Office justifies the approval of one (1) additional deputy assistant county attorney position; and,

WHEREAS, pursuant to Iowa Code Section 331.903(1), Linn County Attorney Jerry Vander Sanden has submitted to the Linn County, Iowa Board of Supervisors for approval of Jordan N. Schier, for appointment as Criminal Division Head - Deputy Assistant County Attorney; and,

WHEREAS, the Linn County Board of Supervisors finds Jordan N. Schier to be qualified to serve as Criminal Division Head - Deputy Assistant County Attorney, and that the

appointment of Jordan N. Schier will not exceed the number of deputies authorized for the Linn County Attorney's Office by the Board of Supervisors, Linn County, Iowa.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Linn County Board of Supervisors determines that the Linn County Attorney's Office is authorized to appoint no more than four (4) deputy assistant county attorney positions, and the appointment of Jordan N. Schier, Criminal Division Head – Deputy Assistant County Attorney by Jerry Vander Sanden, Linn County Attorney, effective January 1, 2022, is hereby approved.

Discussion: Chairperson Walker stated that this Board is well versed on this issue, noting that it has been discussed at length in previous board meetings and during the budget session. He asked Maybanks to explain the design of the office.

Maybanks explained the three divisions of the County Attorney's office (Criminal, Juvenile and Civil). Currently they have division heads in Civil and Juvenile and in order to set up the prosecutors for success, he would like to add a division head to the Criminal division. He also explained the prosecutorial discretion of the county attorney's office.

Supervisor Rogers thanked Maybanks for his advocacy for this position and he has heard great feedback on this person and pleased he will become the Criminal Division Head.

Supervisor Zumbach also thanked Maybanks and his staff for taking care of the financial questions and he supports the Resolution.

VOTE: All Aye

Motion by Rogers, seconded by Zumbach to approve a Vacancy Form requesting an Assistant County Attorney-Criminal Division Head for the Linn County Attorney's Office.

Dave Thielen, LCCS Dir., presented and explained an amended contract between Linn County Mental Health Access Center (MHAC) and Abbe Health and a contract between MHAC and Unity Point.

Motion by Rogers, seconded by Zumbach to approve an amended contract between Linn County Mental Health Access Center (MHAC) and Abbe Health for the period of December 15th through June 30th, 2022. This contract amendment accounts for new service responsibilities and a business reorganization for Abbe Health, which now includes Penn Center, at the MHAC.

Discussion: Supervisor Rogers stated that he is appreciative of how these services have evolved over time.

VOTE: All Aye

Motion by Rogers, seconded by Zumbach to approve contract between Linn County Mental Health Access Center (MHAC) and Unity Point for the period of December 15th through June 30th, 2022. This contract accounts for new service responsibilities for Unity Point at the MHAC.

Brent Oleson, Deputy Dir. of Policy & Comm. Relations, presented Linn County's state legislative priorities for 2022 as discussed on Monday. He explained changes in language suggested on Monday.

Chairperson Walker stated that he will live with the outcome but he did make a case on Monday about moving Cannabis Legalization that is listed as "additional priority" to a "top priority". He noted that almost half of the states in the union have done this and he is tired of people of color arrested and charged at higher rates for the same crimes as their white peers.

Motion by Walker to move Cannabis Legalization to the "top priorities" list. Supervisor Rogers seconded the motion for discussion.

Discussion: Supervisor Zumbach stated that he is firmly against that motion and suggested that Chairperson Walker put his name on the ballot and run for a state office and then he will find out it's harder to get things through than people think. He explained his experiences while serving as a legislator. This will cause it to be harder to get realistic priorities passed. Next year would be a better year.

Supervisor Rogers stated that while he normally support's Walker's endeavors, he will not on this one as he thinks that there is some wisdom in waiting noting that the General Assembly will be focused on other issues. He will not support moving it because this is not the appropriate legislative session to try to accomplish that.

Chairperson Walker stated that he appreciates comments from his colleagues but that there is a place and an obligation for Elected Officials to try to force a conversation on issues even knowing it is a losing battle.

VOTE: Walker – Aye Rogers and Zumbach- Nay

Motion by Rogers, seconded by Walker to approve Linn County's state legislative priorities for 2022 as presented.

Oleson also presented the Urban County Coalition's state legislative priorities for 2022.

Motion by Rogers, seconded by Zumbach to approve the Urban County Coalition's state legislative priorities for 2022 as presented.

Board Member Reports - Supervisor Rogers reported that he attended the MHAC Adv. Board discussions on interoperations of the Access Center as well as ongoing partnerships with agencies housed there; attended the Board's Learning Institute, LCCS Advisory Board and weekly COVID guideline conference call. He chaired the ASAC Board meeting and had the opportunity to speak on women's health care issues. He plans to attend the Large Investor Council of Economy Alliance.

The Board received and placed on file the following correspondence: City Development Board re: Hiawatha and Cedar Rapids voluntary annexations; and letter from the City of Marion re: voluntary and non-consenting annexation request for properties in Marion Township.

The Board recessed at 11:55 a.m. and reconvened at 1:30 p.m. to review proposed Fiscal Year 2023 budgets. Also present: Dawn Jindrich, Finance Dir.; Sara Bearrows, Budget Dir.; and Steve Estenson, Risk Manager.

Risk Management – Appropriations meet the Board's guidelines.

Steve Estenson presented the budget narrative and KPI's.

Walker joined meeting at this time (1:40 p.m.).

Motion by Rogers, seconded by Zumbach to approve Risk Management FY23 appropriations in the amount of \$347,308 and revenue in the amount of \$346,308.

Court Expense – Proposed appropriations meet the Board guidelines.

Motion by Rogers, seconded by Zumbach to approve Court Expense FY23 appropriations in the amount of \$32,500.

Adjournment at 2:00 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Rebecca Shoop, Deputy Auditor
and Amanda Hoy, Executive Assistant

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors