

BOARD OF SUPERVISORSDistrict 1 | **Stacey Walker**District 2 | **Ben Rogers**District 3 | **Louis J. Zumbach****JEAN OXLEY LINN COUNTY PUBLIC SERVICE CENTER**

935 2ND ST. SW

CEDAR RAPIDS, IA 52404

PH: 319-892-5000 | FAX: 319-892-5009

LinnCounty.org

**LINN COUNTY BOARD OF SUPERVISORS
MEETING AGENDA**

Monday, December 6, 2021

11 a.m.

Formal Board Room—Jean Oxley Public Service Center
935 2nd St. SW, Cedar Rapids, IA**Call to Order****Public Comment: Five Minute Limit per Speaker**

This comment period is for the public to address topics on today's agenda.

Minutes

Discuss and decide on meeting minutes.

Presentation by East Central Iowa Council of Governments (ECICOG) on Lower Cedar Watershed Management Authority Fiscal Year 2023 funding request.

Discuss reclassification of Prosecutor III position.

Public Hearing and first consideration on an ordinance 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.

Discuss and decide on public input opportunities at Coggon Solar Meetings.

Discuss and decide on a Vacancy Form requesting a temporary Account Tech for the Auditor's department

Discuss Change Order Number 2 from Garling Construction, Inc. for the Fillmore Building Reroofing project.

Discuss and decide on the acceptance of a competitive quotation of \$13,746.68 from Robison Construction, Inc. for the Secondary Road District #1 Shop Salt Shed Derecho Repair project and authorize Chair to sign a Notice to Proceed notifying Robison Construction, Inc. to commence work on the project

Discuss and decide on the acceptance of a competitive quotation of \$135,600.00 from Loecke Building Service, Inc. for the Wanatee Park Shop Building Office Addition project and authorize Chair to sign a Notice to Proceed notifying Loecke Building Service, Inc. to commence work on the project

Discuss and decide on an Amendment to the Purchase/Sale Contract dated September 27, 2021 for the purchase/sale of 1017 12th Avenue SW, Cedar Rapids and authorize Chair to sign the Amendment

Public Comment: Five Minute Limit per Speaker

This is an opportunity for the public to address the board on any subject pertaining to board business.

Payroll Authorizations

Discuss and decide on Employment Change Roster (payroll authorizations).

Claims

Discuss and decide on claims.

Correspondence

Appointments

1:30
Formal Board Room

Review of proposed Fiscal Year 2022 budget for Board Other

Other budget discussions if necessary.

Adjournment

For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors office at 319-892-5000 or at bd-supervisors@linncountyiowa.gov.

Prepared by Jessie Black
Linn County Planning & Development
935 2nd Street S.W., Cedar Rapids, Iowa 52404-2100
(319) 892-5130
Return to Becky Shoop, Auditor's Office

LINN COUNTY ORDINANCE # _____
AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA
BY AMENDING PROVISIONS IN CHAPTER 107

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. SEE ATTACHMENT A

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Public hearing and first consideration on the 6th day of December, 2021

Second consideration on the 8th day of December, 2021

Third and final passage on the 15th day of December, 2021

Published in the Gazette on the _____ day of December, 2021

LINN COUNTY BOARD OF SUPERVISORS

Chairperson

Supervisor

Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

STATE OF IOWA)
) SS
COUNTY OF LINN)

I, _____, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on _____, 2021 and published as provided by law on _____, 2021.

Linn County Auditor

Subscribed and sworn to me this _____ day of _____, 2021.

Notary Public, State of Iowa

ATTACHMENT A

Text that is being deleted is shown as ~~striketrough~~; new or replacement language will be displayed as underlined text.

PROPOSED AMENDMENTS:

ARTICLE IV, DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS, SECTION 107-72 LAND DIVISION PROCESSES AND REQUIREMENTS:

1. **Subsection (2)(f)(11):**

11. *Final plat filing requirements.* ~~Four~~ Two copies of the final plat, together with copies of forms and certificates as specified in subsection (2)g of this section, shall be submitted to the planning and development department in bound form, ~~together with an additional two unbound copies of the final plat.~~

2. **Subsection (2)(g)(1):**

1. *Filing document requirements.* Required filings with the county recorder shall include all of the following documents:
- (i) Owner's certificate and dedication certificate executed in the form provided by state law, dedicating to the county the title to all property intended for public use, including public roads.
 - (ii) Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located.
 - (iii) Surveyor's certificate.
 - (iv) Auditor's certificate.
 - (v) Resolution of the planning and zoning commission.
 - (vi) Resolution of the board of supervisors.
 - (vii) Resolution of approval or waiver of review by applicable municipalities.
 - (viii) Treasurer's certificate.
 - (ix) Agricultural land use notification.
 - (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument.
 - (xi) ~~Twelve~~ Ten original signed plat drawings.
 - (xii) Covenant for a secondary road assessment.

3. **Subsection (4)(b)(4):**

- (4) *Residential parcel split.*

4. If the remaining land is less than 35 net acres or does not otherwise meet zoning requirements, the remaining land shall be included in the minor subdivision for the residential parcel split and shall be noted as follows: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed."

4. **Subsection (5):**

(5) *Minor boundary change.*

- a. *Purpose.* The purpose of this subsection is to prescribe uniform procedures for review of an adjustment to a common boundary between no more than two adjacent parcels or tracts of land.
- b. *Conditions.*
 1. A minor boundary change shall not create any additional parcels or tracts, and shall not result in the creation of any additional buildable parcels or tracts. A parcel or tract is considered non-buildable if it cannot comply with the provisions of this chapter, including but not limited to the provisions for nonconforming lots and legal lots of record in section 107-49.
 2. No new violations of this chapter shall be created by the action.
 3. Such division of land shall not be in conflict with any other state or lawful municipal regulations regarding division of land.
 4. The plat of survey parcel(s) shall be considered non-buildable until such time as it comes into compliance with this chapter, and a note shall be filed on the plat of survey indicating this.
- c. *Application.* An application for a minor boundary change shall be submitted on a form as established by the zoning administrator, along with an application filing fee as established by the board of supervisors. In addition, all of the following shall be submitted with the application and required fee:
 1. A review copy of the plat of survey, including the plat of survey number, describing the areas to be conveyed between the adjacent property owners;
 2. ~~Deed restrictions combining any areas conveyed to the receiving parcel or tract;~~
 3. Any proposed or required easement agreement;
 4. An accompanying sketch plan that demonstrates all site and structure requirements for the zoning district in which the parcels of land are located can be maintained.
- d. *Review and approval.* Review of applications for minor boundary changes shall be by the zoning administrator or designee, who shall notify the surveyor of approval or of any required changes. The auditor's office shall receive a copy of the notification.
- e. *Recording of plat of survey.* The surveyor shall submit the plat of survey to the auditor's office following the zoning administrator's review, along with the required fees and documentation established by that office. The plat of survey shall be recorded in accordance with the provisions set forth in I.C.A. § 355.10.
- f. *Recording of ~~deed restrictions or~~ easement agreements.* Upon notification that the plat of survey has been recorded, the planning and development department shall record any ~~deed restriction or~~ easement agreement submitted with the application.

- g. *Not subject to MLS or LESA requirements.* Minor boundary changes are not subject to the minimum levels of service requirements in section 107-69; nor are they subject to the land evaluation and site assessment requirements of section 107-70.

5. **Subsection (8)(b)(5):**

(8) *Land preservation parcel split.*

- 5. The deed restriction attached to the land preservation parcel shall be recorded with the plat. The deed restriction will describe the limitations for future development of the land preservation parcel and will include, at a minimum, the following provisions:
 - (i) Other than as stipulated below, no new principal, conditional or accessory uses (including farm dwelling) shall be permitted on the land preservation parcel under the terms of the deed restriction as long as the restriction remains in place.
 - (ii) Subject to applicable zoning and building permit requirements, the deed restriction shall allow, on the land preservation parcel, the construction, reconstruction, alteration, or enlargement of accessory buildings or structures (such as agricultural buildings) associated with the use of the land preservation parcel.
 - (iii) If, in the future, the land preservation parcel subject to the deed restriction meets the county's development requirements in effect at the time development is proposed, the deed restriction may be removed through approval of such proposed development through appropriate platting and zoning applications, including the recordation of a document affirming that the conditions for development approval have been met and the restrictions no longer have force and effect.
 - ~~(iv) The deed restriction shall automatically "sunset" upon the completion of annexation of the land preservation parcel into an incorporated city. Annexation shall be completed when all annexation documents have been recorded in the office of the county recorder.~~



VACANCY FORM

SELECT ONE:

☒ NEW POSITION

☐ REPLACEMENT

REPLACES: _____

SELECT ONE:

☐ NEW JOB CLASSIFICATION

☒ EXISTING JOB CLASSIFICATION

JOB TITLE: Account Tech

DEPARTMENT: Auditor

SHIFT/HOURS: 15 hours/week

VACANCY DATE: est 12/14/21

NUMBER OF POSITIONS: 1

REASON TO ADD NEW POSITION (if

applicable): ☐ BUDGET OFFER

☐ GRANT FUNDING

☒ OTHER: staff vacancy

NEW POSITION FUNDING SOURCE(S):

available vacancy position budget until permanent

replacement is hired

POST TO INSIDE: ☐ YES ☒ NO

ADVERTISE: ☐ YES ☒ NO

IF NO, GIVE EXPLANATION (i.e. not filling due to operational needs): Hiring Deanna Coulter (former payroll account tech) as a temporary account tech to assist due to vacancy

POSITION TYPE:

☐ FULL-TIME ☒ PART-TIME 15 # of hours/week ☒ TEMPORARY/SEASONAL

☐ ON-CALL/SUBSTITUTE ☐ GRANT-FUNDED

BARGAINING UNIT: ☐ Clerical ☐ Maintenance ☒ Para Professional ☐ Professional

☐ Attorneys ☐ Conservation ☐ Sergeants ☐ PPME

☐ NON-BARGAINING UNIT (Management and Confidential Employees)

APPROVED BY: Rhonda Betsworth Digitally signed by Rhonda Betsworth
Date: 2021.12.02 11:01:58 -06'00'

12/2/2021

DEPARTMENT HEAD (original signature required)

DATE

By signing above, I acknowledge my understanding of the following about external job postings: Failure to make a good faith effort to begin the interview process within one month of receiving candidates' applications will result in HR charging the cost of advertising back to the department.

FOR HUMAN RESOURCES DEPARTMENT USE ONLY:

PAY GRADE: _____ STARTING SALARY: _____

HR DIRECTOR COMMENTS: _____

FINANCE/BUDGET DIRECTOR COMMENTS: _____

APPROVED BY: Lisa D. Powell
HUMAN RESOURCES DIRECTOR

12-2-21
DATE

APPROVED BY: Bohoves
FINANCE/BUDGET DIRECTOR

12/3/21
DATE

APPROVED BY: _____
CHAIRPERSON/BOARD OF SUPERVISORS

DATE

**AIA**[®]**Document G701™ – 2017****Change Order****PROJECT:** *(Name and address)*Fillmore Building Reroof
520 11th Street, NW**CONTRACT INFORMATION:**Contract For: General Construction
Date: March 25, 2020**CHANGE ORDER INFORMATION:**Change Order Number: 002
Date: 11.19.2021**OWNER:** *(Name and address)*Linn County Board of Supervisors
935 2nd Street, SW
Cedar Rapids, IA 52404**ARCHITECT:** *(Name and address)*Design Dynamics, Inc.
119 14th Street, SE
Cedar Rapids, IA 52403**CONTRACTOR:** *(Name and address)*Garling Construction, Inc.
1120 11th Street
Belle Plaine, IA 52208**THE CONTRACT IS CHANGED AS FOLLOWS:***(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

COR 10 Delete the replacement of two concrete sidewalks east of the building. Deduct (\$2,325.00)

COR 11 Delete cost of damages to the building caused by Blackhawk roofing. Deduct (\$24,730.00)

The original Contract Sum was	\$	926,900.00
The net change by previously authorized Change Orders	\$	7,566.14
The Contract Sum prior to this Change Order was	\$	934,466.14
The Contract Sum will be decreased by this Change Order in the amount of	\$	27,055.00
The new Contract Sum including this Change Order will be	\$	907,411.14

The Contract Time will be unchanged by Zero (0) days.

The new date of Substantial Completion will be N/A

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Design Dynamics, Inc.

ARCHITECT *(Firm name)*

SIGNATURE

Robert W Peck, President

PRINTED NAME AND TITLE

DATE

Garling Construction, Inc.

CONTRACTOR *(Firm name)*

SIGNATURE

Troy Pins, President

PRINTED NAME AND TITLE

11-23-21

DATE

Linn County Board of Supervisors

OWNER *(Firm name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE



AMENDMENT TO PURCHASE/SALE CONTRACT

For the purchase/sale of: 1017 12th Avenue Southwest, Cedar Rapids, IA 52404

Purchase/Sale Contract dated: 09/27/2021

The following changes in terms and conditions are hereby incorporated into the above described Purchase/Sale Contract:

1. Closing date to be December 17, 2021 in lieu of November 19, 2021 to allow time for a Phase II environmental report to be completed to meet ARPA funding requirements. The Phase II report is not a contingency to the sale unless it shows a major contamination that impacts the building from its primary or secondary uses.

2. Seller to allow Buyer to drill fence holes along rail lines, provided it is north of the 20' easement area granted to CRANDIC for the rail easement, so that fencing can be installed after closing to avoid possible frozen ground in December/January.

All other conditions of the Purchase/Sale Contract to remain the same.

BUYER

DATE

SELLER

DATE

BUYER

DATE

SELLER

DATE