

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, SEPTEMBER 27, 2023 10:00 A.M.

The Board met in session at the Linn County Jean Oxley Public Service Center. Present: Chairperson Zumbach, Vice Chairperson Rogers and Supervisor Running-Marquardt. Board members voting "AYE" unless otherwise noted.

Chairperson Zumbach called the meeting to order and led the Pledge of Allegiance.

Motion by Zumbach, seconded by Rogers to approve minutes of September 26, 2023 as presented.

Motion by Rogers, seconded by Running-Marquardt to approve claims for payable checks dated 09/27/2023 #71012329 - #71012384 in the amount of \$957,367.91 and ACH in the amount of \$1,972,779.70, for a total of \$2,930,147.61. and payable voided checks in the amount of \$362.62.

Motion by Rogers, seconded by Zumbach to approve payment to Kirsten Running-Marquardt in the amount of \$326.11 for ISAC expenses.

VOTE: Rogers – Aye Zumbach – Aye Running-Marquardt – Abstain

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

Resolution 2023-9-124

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 a real estate agreement between Linn County, Linn County Conservation and Kirk L. Osborn and Kimberly A. Osborn ("the Osborns") for the transfer of approximately 1.59 acres legally described as: Parcel A of Plat of Survey No. 786, attached as Exhibit A, and WHEREAS, the Osborns, owners of real property adjacent to the above-described parcel have granted and will grant Linn County easements in their property for purposes of construction of a recreational trail in exchange for a Quit Claim deed to whatever right, title, interest, estate, and claim Linn County may have in the above-described real estate. 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 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 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, October 2, 2023, 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 2023-9-125 Resolution approving a Residential Parcel Split for CDW FIRST ADDITION TO LINN COUNTY, IOWA.

The following description is a summary of Resolution 2023-9-125 as passed and approved by Linn County Board of Supervisors, effective September 27, 2023. CDW FIRST ADDITION TO LINN COUNTY, IOWA (Case # PFP23-0002) to Linn County, Iowa, containing three (3) lots, numbered lot 1 and lettered lot A and Lot B, a subdivision of real estate located in the NW NW of Section 2, Township 82 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing as a point of reference at the SW corner of Section 35, Township 83 North, Range 6 West of said 5th P.M.; thence N88°20'01"E along the north line of said NW frl ¼ NW frl ¼, 188.08 feet to the Point of Beginning of Part A; thence continuing N88°20'01"E along said north line, 372.49 feet to the SW-ly line of Parcel A, Plat of Survey No. 2381; thence S45°03'00"E along said SW-ly line, 1213.09 feet to the east line of the West 45 feet of said NE frl ¼ NW frl ¼; thence S02°14'06"E along said east line, 572.61 feet to the centerline of E. Bertram Road; thence N63°57'13"W along said centerline, 51.10 feet to the east line of said SW ¼ NW frl ¼; thence S02°14'06"E along said east line, 1109.37 feet to the SE corner of said SW ¼ NW frl ¼; thence S89°28'47"W along said south line of said SW ¼ NW frl ¼, 1152.32 feet to the east line of the West 2.55 chains of the NW frl ¼ of said Section 2; thence N02°14'16"W along said east line of the West 2.55 chains, 2516.93 feet to the Point of Beginning of Part A; AND Commencing as a point of reference at the SW corner of Section 35, Township 83 North, Range 6 West of said 5th P.M.; thence N88°20'01"E along the north line of said NW frl ¼ NW frl ¼, 698.17 feet to the Point of Beginning of Part B; thence continuing N88°20'01"E along said north line, 686.90 feet to the east line of the West 45 feet of said NE frl ¼ NW frl ¼; thence S02°14'06"E along said east line, 734.54 feet to the NW-ly line of Parcel A, Plat of Survey No. 2381; thence N45°03'00"W along said NW-ly line, 1010.64 feet to the Point of Beginning of Part B, all containing 65.79 acres which includes 2.65 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, 7:30 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncountyiowa.gov.

Resolution 2023-9-126 Resolution approving a Residential Parcel Split for SLEEPER ADDITION. The following description is a summary of Resolution 2023-9-126 as passed and approved by Linn County Board of Supervisors, effective September 27, 2023.

SLEEPER ADDITION (Case # PF23-0006) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lot 2, and lettered lot A, a subdivision of real estate located in the SE NW of Section 10, Township 85 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of the Northwest Quarter of Section 10, Township 85 North, Range 6 West of the Fifth Principal Meridian; thence N89°38'16"W, 53.50 feet to the Southwest Corner of Lot 31, "Auditor's Plat No. 94"; thence N1°39'29"E along the west line of said Lot 31, a distance of 596.03 feet to the south right of way of the Chicago Central & Pacific Railroad; thence S89°37'56"E along said right of way, 94.74 feet; thence easterly 236.14 feet along said right of way and the arc of a 1755.34 foot radius curve, concave northerly, chord bears N85°57'40"E, 235.96 feet; thence northeasterly 1197.61 feet along said right of way and the arc of a 1488.18 foot radius curve, concave northwesterly, chord bears N58°08'31"E, 1165.56 feet; thence northeasterly 113.06 feet along said right of way and the arc of a 1550.72 foot radius curve, concave northwesterly, chord bears N32°23'32"E, 113.04 feet to the north line of Lot 25, of said "Auditor's Plat No. 94"; thence S89°44'46"E along said north line, 1210.33 feet; thence S0°18'00"E along the west boundary of a parcel described in deed book 1137, page 603, Office of the Recorder, Linn County, Iowa, a distance of 440.00 feet; thence S44°42'00"W along said west boundary, 780.00 feet; thence S0°18'00"E along said west boundary, 335.72 feet to the south line of said Lot 25; thence N89°38'16"W, 2010.17 feet to the point of beginning.

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.

Resolution 2023-9-127

A RESOLUTION APPROVING AN APPROPRIATIONS TRANSFER WITHIN THE LINN COUNTY FISCAL YEAR 2024 ANNUAL BUDGET WHEREAS, the Linn County Board of Supervisors previously approved the Linn County Fiscal Year 2024 Annual Budget; and, WHEREAS, it has been determined that it is necessary to transfer appropriations within the Capital Projects area of said budget; and, WHEREAS, sufficient appropriations are available to provide for the necessary transfer; and, WHEREAS, said transfer is within the Capital Projects 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 2024 Annual Budget are revised as follows: Organization Transfer 65 CIP \$500,000 46 Conservation (\$500,000) PASSED.

Resolution 2023-9-128 The following description is a summary of Resolution 2023-9-128 as passed and approved by Linn County Board of Supervisors, effective September 27, 2023. 2024.

County Five Year Program Resolution 1.1 Linn County Secondary Roads

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Five Year Program and previous revisions, requiring changes to the sequence, funding, and timing of the proposed work plan. The Board of Supervisors of Linn County, Iowa, In accordance with Iowa Code section 309.22, initiates and recommends modification of project(s) in the accomplishment year (State Fiscal Year 2024), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT instructional Memorandum 2.050. 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.

Approve and authorize Chair to sign a contract between Linn County and SWANK Motion Pictures, Inc for copyright privileges at the Linn County Juvenile Detention Center. The contract is effective September 1st, 2023 – August 31st, 2024 at the cost of \$530.00.

Approve and authorize the Chairperson to sign a partial acquisition contract by and between Linn County, Iowa, and Linn County, in the amount of \$500.00, for right-of-way acquired in connection with Linn County's project No. FM-C057(BR 797)-24 on Matsell Park Road.

Approve and authorize the Chairperson to sign a partial acquisition contract by and between Linn County, Iowa, and Linn County Conservation Board, in the amount of \$1,516.90, for rightof-way acquired in connection with Linn County's project No. FM-C057(BR 797)-24 on Matsell Park Road.

Approve and authorize the chairperson to sign an Acknowledgement of Offer and Acceptance from Schnoor-Bonifazi Engineering & Surveying to provide surveying, platting, and subdivision services in the amount of \$12,440 plus reimbursable expenses.

Approve Class C retail Alcohol License for Edith Lucielle's Bait Shack, 6913 Mt. Vernon Rd. SE, noting all conditions have been met.

Approve and authorize Chair to sign a Vacancy Form requesting an Administrative Assistant I - Confidential position for the Public Health Department.

Approve and authorize Chair to sign a Vacancy Form requesting an Administrative Secretary for the Secondary Road Department.

Approve a request for the Linn County Treasurer's Office to carry forward \$41,260.00 from the Fiscal Year 2023 budget to the Fiscal Year 2024 budget.

Approve an Assessment Year 2022/Fiscal Year 2024 homestead allowance for parcel #14283- 82003-00000.

Jennifer Dunn and Heidi Steffen, Linn County Fair Assoc., gave a verbal and video presentation of the 2023 Linn County Fair highlights. Also present: Albert Martin, Mike, Tim & Kathy Clemens. An application has been submitted for the Fiscal Year 2024 Legacy and Community Development Fund. Chairperson Zumbach noted funding is limited due to budget cuts from the State.

Charlie Nichols, Planning & Development Dir., continued his discussion from Monday regarding his request to carry forward FY 23 funds. He noted that it was suggested that the \$16,000 for office chairs be funded by the CIP fund. He discovered that there is no immediate funding in CIP but that it is something they could pursue in the future.

Supervisor Running-Marquardt stated that after further conversations with staff, she is comfortable supporting the request to use carry forward funds for the chairs.

Motion by Rogers, seconded by Running-Marquardt to approve request from the Planning & Development Department to carry forward funds from the Fiscal Year 2023 budget to the Fiscal Year 2024 budget.

Discussion: Chairperson Zumbach stated that the Board will need to start deliberating requests by looking at "wants" and "needs".

Vote: All Aye

Sara Bearrows, Budget Dir., presented and explained the Fiscal Year 2024 budget amendment requests.

Motion by Rogers, seconded by Running-Marquardt to set a public hearing on the proposed FY 24 amended budget for 10:00 a.m. on October 18, 2023.

Public Comment:

Jessica Wiskus, Lisbon, brought to the Board's attention a letter by PHMSA re: Wolf carbon pipeline which she sent to the Board along with a summary sheet. She stated that the letter clarifies authority that empowers local Boards and read quotes from the letter. The Board has the responsibility for those within the kill zone of the pipeline as well as all that are at risk. She stated that the Board had no problem adopting an ordinance with setbacks for solar panels and compared solar panels to a pipeline incident and its threats. She stated that it is time to ask themselves what moral fiber they are made of.

Mike Daly, rural Lisbon, stated that he sent emails to the Board regarding a staff report concerning hazardous pipeline materials. There have been a lot of developments in the last few weeks with the Summit hearings, including water use, energy demands and the PHMSA report. He continued to give statistical information that needs to be addressed in a Linn County ordinance, specifically setback requirements.

David Wiskus, rural Lisbon, stated that his daughter and the other speaker are on top of this issue. PHMSA is reaching out to local people to see what they think and stated that this is an opportunity for the Board to speak out and write an ordinance so that PHMSA knows they are concerned. He stated that just because there are only a few at today's meeting, it affects a lot of people. If something were to happen, it's not like an oil pipeline cleanup. This one has the potential to break, and people will die. He stated that the Board has more power than he does and it's an opportunity to do something before something terrible happens.

Bill Laymen, Solon resident and farmer near Ely, spoke regarding the proposed Wolf pipeline. He stated that he has been involved in this issue and has attended IUB hearings. There was a lot of deception by Summit Pipeline in the comments that the CEO made. He has met with Wolf and they will not share plume modeling and other important information. He asked the Board to adopt an ordinance to protect the citizens.

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Adjournment at 10:46 a.m.

Respectfully submitted,

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

APPROVED BY:

LOUIS J. ZUMBACH, Chairperson
Board of Supervisors