Call to Order

Pledge of Allegiance

Public Comment: Five Minute Limit per Speaker
This comment period is for the public to address topics on today’s agenda.

Consent Agenda
Items listed on the consent agenda are routine and will be considered by one motion without individual discussion unless the Board removes an item for separate consideration.

Authorize Chair to sign, retroactive to February 10, 2020, letters to the Iowa Senate and the Iowa House of Representatives supporting syringe access programs.

Authorize Chair to sign, retroactive to February 10, 2020, letters to the Iowa Senate and the Iowa House of Representatives supporting voter rights restoration.

Reports
Receive and place on file Treasurer’s (Auto Dept.) Report to the County Auditor Receipts and Disbursements for the Month of January 2020.

Resolutions
Resolution authorizing conveyance of vacated right-of-way to Edwin W. Dudley of Linn County, Iowa’s interest of vacated right-of-way along former alleys adjacent to Lots 1 & 2 of Block 4 in Paris, Iowa

Resolution authorizing Chair to sign Quit Claim Deed conveying Linn County, Iowa’s interest to Edwin W. Dudley of the vacated right-of-way along former alleys adjacent to Lots 1 & 2 of Block 4 in Paris, Iowa

Resolution to approve Residential Parcel Split for Kopf Addition, Case JPS19-0024

Contract and Agreements
Approving and authorize Chair to sign a Quit Claim Deed to Edwin W. Dudley of Linn County, Iowa’s interest of vacated right-of-way along former alleys adjacent to Lots 1 & 2 of Block 4 in Paris.

Approve and authorize Chair to sign Amendment Number 1 to the professional services Agreement between Linn County and Design Dynamics, Inc. for the Fillmore Building Reroofing project, increasing the original stipulated compensation sum of $33,500 by $5,500
Approve and authorize Chair to sign “Adopt-A-Roadside” for Neighbors Who Care to adopt Stone Rd from Hwy 151 to Marion Airport Rd and Marion Airport Rd from Stone Rd to Hindman Rd.

Licenses & Permits

Regular Agenda

Discuss and Decide on Consent Agenda

Minutes
Discuss and decide on meeting minutes.

Third and final consideration of an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code.

Third and final consideration of a Floodplain ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code.

Discuss and decide on a resolution for a residential parcel split for Big Creek Farms First Addition Case JPS19-0016.

Discuss and decide on an Agreement between Linn County and Garling Construction, Inc. for the Mental Health Access Center project.

Discuss a proposal from Monawar Studios to create videos for the 2020 State of the County presentation.

Discuss Fiscal Year 2021 SF 634 resolution on total maximum property tax dollars, authorize publication of Max Levy Notice, and set the public hearing date and time.

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.

Claims
Discuss and decide on claims.

Board Member Reports

Legislative Update

Correspondence

Appointments

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@linncounty.org.
February 10, 2020

Iowa Senate
State Capitol
Des Moines, IA 50319

Dear Senators:

The Linn County Board of Supervisors is pleased to support the Iowa Harm Reduction Coalition in its mission to expand awareness and implementation of Syringe Services Programs (SSP) for injection drug users.

SSPs are community-based programs that provide access to sterile syringes free of cost, facilitate safe disposal of used needles and syringes, and provide public health services for people who use drugs. They are a proven, positive, and common-sense solution to a serious public health issue that will reduce deaths and disease transmission, assist in restoring public safety and community spaces, and connect people who use drugs with resources for treatment.

On behalf of the Linn County Board of Supervisors, I encourage you to support legislation that would authorize syringe access programs in Iowa.

Sincerely,

Ben Rogers
Chair
February 10, 2020

Iowa House of Representatives
State Capitol
Des Moines, IA 50319

Dear Representatives:

The Linn County Board of Supervisors is pleased to support the Iowa Harm Reduction Coalition in its mission to expand awareness and implementation of Syringe Services Programs (SSP) for injection drug users.

SSPs are community-based programs that provide access to sterile syringes free of cost, facilitate safe disposal of used needles and syringes, and provide public health services for people who use drugs. They are a proven, positive, and common-sense solution to a serious public health issue that will reduce deaths and disease transmission, assist in restoring public safety and community spaces, and connect people who use drugs with resources for treatment.

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Sincerely,

Ben Rogers
Chair
February 10, 2020

Iowa Senate
State Capitol
Des Moines, IA 50319

Dear Senators:

The Linn County Board of Supervisors strongly supports the automatic restoration of voter rights for felony offenders who have finished their criminal sentence, and we stand with the Iowa Harm Reduction Coalition and the ACLU of Iowa in their advocacy efforts.

We appreciate your consideration of this matter and look forward to working with you to advance this important legislation.

Sincerely,

Ben Rogers
Chair
February 10, 2020

Iowa House of Representatives
State Capitol
Des Moines, IA 50319

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Sincerely,

Ben Rogers
Chair
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LINN COUNTY TREASURER

Sharon Jones

[Signature]
RESOLUTION 

CONVEYANCE OF VACATED RIGHT-OF-WAY

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

WHEREAS, the Board of Supervisors, Linn County, Iowa, has vacated the portions of right-of-way described as:

LEGAL DESCRIPTION

A portion of Town of Paris, Block 4, located in the SE 1/4 SE 1/4, Sec. 19, T. 86N., R. 06W., of the 5th P.M., Linn County, Iowa, described as follows:

The east half of the alley lying adjacent to the west line of Lots 1 and 2 of said Block 4 from the center of said Block 4, south to the north line of vacated Walnut Street and the south half of the alley lying adjacent to the north line of said Lots 1 and 2 from the center of said Block 4, east to the west ROW line of Sutton Road.

Said deed area contains 2,246 sf or 0.05 acres, subject to easements and restrictions of record.

and,

WHEREAS, Edwin W. Dudley, owner of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County, Iowa may have in the above described parcel of vacated right-of-way, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, has pursuant to §331.361, Code of Iowa, conducted a public hearing upon the proposal to convey by quit claim deed whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way shall be conveyed to Edwin W. Dudley, owner of real property adjacent to the above described vacated right-of-way, by quit claim deed.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors, Linn County, Iowa, hereby authorize to execute said quit claim deed conveying whatever interest Linn County, Iowa, may have in the above described parcel of vacated right-of-way to Edwin W. Dudley.

Dated at Cedar Rapids, Linn County, Iowa, this _____ day of_______, 20____.
BOARD OF SUPERVISORS
LINN COUNTY, IOWA

Chairperson
Vice Chairperson
Supervisor

ATTEST:

Linn County Auditor

STATE OF IOWA  )
COUNTY OF LINN)SS
I, ________________________, County Auditor of Linn County, Iowa, Linn County, Iowa, hereby certify
that at a regular meeting of the said Board, the foregoing resolution was duly adopted by a vote of ___ aye, ___ nay and
___ abstained from voting.

Linn County Auditor

Subscribed and sworn to before me by the aforesaid on this ___ day of ____________, 20___.

__________________________
Notary Public, State of Iowa
RESOLUTION #

APPROVE QUIT CLAIM DEED

WHEREAS, there is presented to the Board of Supervisors, Linn County, Iowa, for its approval, a quit claim deed executed and acknowledged by __________________________, Chairperson of the Board of Supervisors, Linn County, Iowa, and __________________________, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Edwin W. Dudley, and

WHEREAS, said deed conveys the following real estate described as follows:

LEGAL DESCRIPTION

A portion of Town of Paris, Block 4, located in the SE 1/4 SE 1/4, Sec. 19, T. 86N., R. 06W., of the 5th P.M., Linn County, Iowa, described as follows:

The east half of the alley lying adjacent to the west line of Lots 1 and 2 of said Block 4 from the center of said Block 4, south to the north line of vacated Walnut Street and the south half of the alley lying adjacent to the north line of said Lots 1 and 2 from the center of said Block 4, east to the west ROW line of Sutton Road.

Said deed area contains 2,246 sf or 0.05 acres, subject to easements and restrictions of record.

and

WHEREAS, said deed was executed by __________________________, Chairperson of the Board of Supervisors, Linn County, Iowa, and __________________________, County Auditor of Linn County, Iowa, pursuant to resolution __________________________ adopted by the Board of Supervisors, Linn County, Iowa, on the _______ day of __________________, 20___.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the above described quit claim deed, dated the ______ day of __________________, 20___, conveying whatever interest Linn County, Iowa, may have, to Edwin W. Dudley, be and the same is hereby approved.

Resolved this ______ day of __________________, 20___, at Cedar Rapids, Iowa.
BOARD OF SUPERVISORS
LINN COUNTY, IOWA

ATTEST:

Linn County Auditor

Chairperson

Vice Chairperson

Supervisor

STATE OF IOWA

COUNTY OF LINN)

I, ____________________________, County Auditor of Linn County, Iowa, Linn County, Iowa, hereby certify that at a regular meeting of the said Board, the foregoing resolution was duly adopted by a vote of ____ aye, ____ nay and ____ abstained from voting.

Linn County Auditor

Subscribed and sworn to before me by the aforesaid on this ____ day of ______________________, 20______.

Notary Public, State of Iowa
LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # __________________________

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of KOPF ADDITION (Case # JPS19-0024) 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 NWSW of Section 13, Township 85 North, Range 08 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the West Quarter Corner of Section 13, Township 85 North, Range 8 West of the Fifth Principal Meridian; thence S0°44'55"E along the west line of the Southwest Quarter of said Section 13, a distance of 1071.29 feet to the point of beginning; thence continuing S0°44'55"E along said west line, 330.00 feet; thence N89°15'05"E, 440.00 feet; thence N0°44'55"W, 330.00 feet; thence S89°00'1505"W, 440.00 to the point of beginning.

WHEREAS, said plat is accompanied by a certificate acknowledging that said subdivision is by, and with the free consent of the propietors, and is accompanied by a certificate dedicating certain property to the public, as shown on the plat; and

WHEREAS, said plat and its attachments thereto have been found to conform to the requirements of the comprehensive plan and the subdivision ordinance; and the requirements of other ordinances and state laws governing such plats; and

WHEREAS, the following conditions as listed on the Planning and Development Staff Report of NOVEMBER 20, 2019 as last amended on DECEMBER 16, 2019 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400
1. Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article IV, Sec. 107-72 § 2 (h)(5). All approved entrances shall be brought into conformance with County standards. One entrance per parcel is allowed. An additional access may be allowed with justification and permit.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Schultz Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement for conditions applicable to residential parcel split cases. County Standard Specifications, Section 1.

IOWA DEPARTMENT OF TRANSPORTATION
1. Not within the jurisdiction of the Iowa Department of Transportation.

LINN COUNTY PUBLIC HEALTH DEPARTMENT
1. No conditions to be met.

NATURAL RESOURCES CONSERVATION SERVICE
1. No conditions to be met.

LINN COUNTY CONSERVATION DEPARTMENT
1. No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT
1. No conditions to be met.

LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION
1. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Various revisions to the site plan and final plat.
3. Prior to approval of the final plat, the owner must sign an “Acceptance of Conditions” form. The “Acceptance of Conditions” form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.

4. This plat lies within the 2-mile jurisdiction of the City of Center Point. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided.

5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.

6. The remaining land of the parent parcels will be combined by deed restriction, to be included with the bound documents, and will be buildable.

7. The proposed subdivision name and proposed names of all roads, streets and lanes shall be submitted for review and approval by the Linn County Auditor’s office prior to approval of the final plat.

8. One original and 3 complete copies of the final plat bound documents that must include the following:
   (i) Owner’s certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County 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. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article V, Section 107-91, § (h) of the Unified Development Code.
   (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
   (xi) Three (3) copies of the surveyor’s drawing
   (xii) A covenant for a secondary road assessment

9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **DECEMBER 16, 2020** as per Article IV, Section 107-72, § (1)(g), and shall be recorded within 1 year of that approval, as per Article IV, Section 107-72, § (2)(f), of the Unified Development Code.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors’ Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by **FEBRUARY 12, 2021** to be valid.
Passed and approved this 12th day of FEBRUARY, 2020.

Linn County Board of Supervisors

_________________________
Chair

_________________________
Vice Chair

_________________________
Supervisor

Aye:  
Nay:  
Abstain:  
Absent:  
Attest:  

_________________________
Joel Miller, Linn County Auditor

Linn County Engineer

_________________________
Brad Ketels, Engineer

State of Iowa  )
( ) SS
County of Linn  )
Linn County Board of Supervisors
I, Joel Miller, County Auditor of Linn County, Iowa, hereby certify that at a regular meeting of the said Board of Supervisors, the foregoing resolution was duly adopted by a vote of:

___ Aye ___ Nay ___ Abstain ___ Absent

________________________________________

Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, ________________________,
on this _____ day of _____________________, 2020.

________________________________________

Notary Public State of Iowa
QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS:

That Linn County, Iowa (Grantor) in consideration of the sum of one dollar and other valuable consideration does hereby quitclaim unto Edwin W. Dudley all of the County's right, title, interest, estate, claim and demand in the following described real estate situated in Linn County, Iowa, to-wit:

A portion of Town of Paris, Block 4, located in the SE 1/4 SE 1/4, Sec. 19, T. 86N., R. 06W., of the 5th P.M., Linn County, Iowa, described as follows:

The east half of the alley lying adjacent to the west line of Lots 1 and 2 of said Block 4 from the center of said Block 4, south to the north line of vacated Walnut Street and the south half of the alley lying adjacent to the north line of said Lots 1 and 2 from the center of said Block 4, east to the west ROW line of Sutton Road.

Said deed area contains 2,246 sf or 0.05 acres, subject to easements and restrictions of record.

This transfer is an exempt transaction by a governmental subdivision as transferor pursuant to Iowa Code §428A.2(6).

Signed this 12th day of February, 2020.

LINN COUNTY, IOWA

BY:

Ben Rogers, Chairperson
Linn County Board of Supervisors

Joel D. Miller
Linn County Auditor
STATE OF IOWA  )
    ) ss:
COUNTY OF LINN  )

On this 12th day of February, 2020, before me ________________________, a Notary Public in and for the State of Iowa, personally appeared Ben Rogers and Joel D. Miller, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and the County Auditor, respectively, of the County of Linn, Iowa; that the instrument was signed on behalf of the corporation, by authority of its Board of Supervisors, as contained in resolution number ______ adopted by the Board of Supervisors on the 12th day of February, 2020 and Ben Rogers and Joel D. Miller acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

NOTARY PUBLIC
STATE OF IOWA
CONTRACT AMENDMENT NO. 1
TO
AGREEMENT BETWEEN LINN COUNTY BOARD OF SUPERVISORS AND DESIGN DYNAMIC INC.
FOR
Fillmore Building Reroofing Project
LINN COUNTY, IOWA

(DDI Project No. 052-19)

THIS AMENDMENT, made on the 10th day of February 2020, between Linn County Board of Supervisors (hereinafter referred to as OWNER) and Design Dynamics, Inc. (hereinafter referred to as ARCHITECT).

The OWNER and the ARCHITECT agree to amend, as follows:

PROJECT SCOPE
The OWNER desires professional assistance for the following Project Scope revisions and modifications to related services:

Construction Document Phase Services
• Provide additional design and construction documentation for the replacement of the existing electrical service to the building and subpanels located in the project area on the roof also the demolition of the existing canopy east of the building and the replacement of the associated sidewalk.

PROJECT COMPENSATION
The OWNER and the ARCHITECT agree to amend the compensation paid to the ARCHITECT for providing the scope of services as shown in the original agreement, and OWNER approved amendments, as follows:

The Consultant shall be reimbursed on a lump sum fee basis for additional Construction Documents work.

Amend the Article 11 Compensation as follows:

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</table>

This Amendment is subject to all the terms and conditions of the original AIA Document B104 Standard Abbreviated Form of Agreement Between Owner and Architect, dated September 9th
2020. Upon execution of this Amendment, this document shall become part of the original Professional Services Agreement as if bound therein.

Design Dynamics, Inc.

[Signature]

Robert W. Peck, President

Date: February 4, 2020

Linn County Board of Supervisors

[Signature]

Date: __________, 2020

Ben Rogers, Chairperson
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 JANUARY, 2020.

Second consideration on the 8th day of JANUARY, 2020.

Third and final passage on the 12th day of FEBRUARY, 2020.

Published in the Gazette on the ______ day of __________________, 2020.
Linn County Board of Supervisors

Chairperson

Supervisor

Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

STATE OF IOWA  )
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 ________________________, 2020 and published as provided by law on ________________________, 2020.

__________________________
Linn County Auditor

Subscribed and sworn to me this _____ day of ____________, 2020.

__________________________
Notary Public, State of Iowa
ATTACHMENT A

AN ORDINANCE AMENDING THE LINN COUNTY CODE OF ORDINANCES

1. Article VII Zoning Classifications. Density, Dimensional Standards and Allowed Uses, Section 107-147-1, Use Table.

<table>
<thead>
<tr>
<th>AG</th>
<th>RR 1/2/3</th>
<th>VR</th>
<th>VM</th>
<th>USR</th>
<th>USR-MF</th>
<th>HC</th>
<th>GC</th>
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<tr>
<td>Lawn, garden and yard maintenance services</td>
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2. Article VI Specific Development Standards, Section 107-115 Standards for Retail, Service and Commercial Uses, subsection (k) Business and household services, lawn, garden and yard maintenance services.

(k) Business and household services, lawn, garden and yard maintenance services. Lawn, garden and yard maintenance services shall meet the following standards:

(1) Major site plan required. A major site plan shall be submitted and reviewed prior to the approval of lawn, garden and yard maintenance service.

(2) Street access. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(4) Parking. Parking and loading shall meet the standards in section 107-93(e).

(5) VM Village Mixed-Use District. Within the VM Village Mixed-Use District, outdoor storage area shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet in height.

(6) AG Agricultural District. Within the AG Agricultural District, Lawn, Garden, and Yard Maintenance Services may have a maximum of 10 employees at any one time. Outdoor storage areas shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet in height.

(i) Uses in conjunction with a residential use shall follow the standards in section 107-113(h).

3. Article VI Specific Development Standards, Street Access.

All uses in this Article containing a provision regarding “Street Access” is amended as follows:

Street access. The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate, with continuous hard surfaced connection to a county arterial, or state or federal highway.
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 3rd day of February, 2020

Second consideration on the 5th day of February, 2020

Third and final passage on the 12th day of February, 2020

Published in the Gazette on the ______ day of February, 2020
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 ________________________, 2020 and published as provided
by law on ________________________, 2020.

______________________________
Linn County Auditor

Subscribed and sworn to me this _____ day of _____________, 2020.

______________________________
Notary Public, State of Iowa
ATTACHMENT A

Proposed UDC Amendments:

Below is the entire text of the proposed ordinance. The existing Section 107-144 in Article VII will be repealed and replaced with the following. Additionally, changes to Section 107-180, Article IX (Definitions) are proposed in support of the new language in Section 107-144. For changes to the definitions, text with a strikethrough represents deleted text and underlined text represents new text.

Sec. 107-144. - Floodplain Overlay District.
(a) Purpose. It is the purpose of the Floodplain Overlay District to promote the public health, safety, and general welfare by minimizing flood losses by adopting provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

4. Protect individuals from buying lands which are unsUITed for intended purposes because of flood hazard.

5. Ensure that property owners in the county maintain eligibility to purchase flood insurance through the national flood insurance program.

(b) Geographic location. The Floodplain Overlay District shall apply to all lands within the jurisdiction of the county as shown on the flood boundary and floodway maps to be within the base flood elevation (BFE) boundaries.

(c) Establishment of official floodplain zoning map. The county and incorporated areas flood insurance rate map (FIRM), prepared as part of the Federal Emergency Management Agency (FEMA) flood insurance study, dated April 5, 2010, and digital FIRM equivalents are hereby adopted by reference and declared to be the official floodplain zoning map.

(d) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(e) Floodplain administration. The administrative procedures for applying for, reviewing, ruling, and appealing floodplain permits are described below.

1. Duties and responsibilities of zoning administrator. The zoning administrator shall administer and enforce this chapter. Duties and responsibilities of the zoning administrator shall include, but not necessarily be limited to, the following:

   a. Review all floodplain development permit applications to ensure that the provisions of this chapter will be satisfied.

   b. Review all floodplain development permit applications to ensure that all necessary permits have been obtained from federal, state or local governmental agencies.

   c. Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding.
d. Record and maintain a record of:
   1. The elevation (in relation to National Geodetic Vertical Datum 1929 or North American Vertical Datum 1988) of the lowest floor of all new or substantially improved structures; or
   2. The elevation to which new or substantially improved structures have been floodproofed.

e. Notify adjacent communities and/or counties and the department of natural resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to FEMA.

f. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this chapter.

g. Submit to the federal insurance administrator an annual report concerning the county's participation in floodplain management measures, utilizing the biannual report form supplied by the federal insurance administrator.

h. Notify the federal insurance administration of any annexations or modifications to areas within the county's jurisdiction.

i. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the board of supervisors of potential conflicts.

j. Maintain the accuracy of the county's flood insurance rate maps when;

   1. Development placed within the floodway district results in any of the following:
      (i) An increase in the base flood elevations, or
      (ii) Alteration to the floodway boundary

   2. Development placed in Zones A, AE, AH, and A1-30, as designated on current FEMA flood insurance rate maps, that does not include a designated floodway that will cause a rise of more than one foot in the base flood elevation; or

   3. Development relocates or alters the channel.

   Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

k. Perform site inspections to ensure compliance with the standards of this chapter.

l. Forward all requests for variances to the board of adjustment for consideration.

m. Forward all requests for floodway district conditional use permits to the planning and zoning commission and board of adjustment.

n. Ensure all requests in subsections (l) and (m) of this section include the information ordinarily submitted with applications as well as any additional information deemed necessary.

(2) **Floodplain development permit required.** A floodplain development permit issued by the zoning administrator shall be secured prior to initiation of any floodplain development (any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

a. **Application for floodplain development permit.** Application for a floodplain development permit shall be made on forms supplied by the zoning administrator and shall include the following information:
1. Description of the work to be covered by the permit for which application is to be made.

2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

3. Location and dimensions of all buildings and building additions.

4. Identification of the use or occupancy for which the proposed work is intended.

5. Elevation of the base flood.

6. Elevation (in relation to National Geodetic Vertical Datum 1929 or North American Vertical Datum 1988) of the lowest floor (including basement) of building or of the level to which a building is to be floodproofed.

7. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

8. Such other information as the zoning administrator deems reasonably necessary for the purpose of this chapter.

b. Action for permit application. The zoning administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable provisions and standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The zoning administrator shall not issue permits for conditional uses or variances except as directed by the board of adjustment.

c. Construction and use to be as provided in application and plans. Development permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction.

d. Violations. Any use, arrangement, or construction differing from what is authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the state, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

(3) Floodway district conditional uses, variances.

a. Floodway district conditional uses. Requests for floodway district conditional uses shall be submitted to the zoning administrator, who shall forward such to the board of adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the zoning administrator.

b. Variances. The board of adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. No variance shall be granted for any development within the floodway district which would result in any increase in the base flood elevation (BFE). Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. Variances shall only be granted upon:

   (i) A showing of good and sufficient cause;
(ii) A determination that failure to grant the variance would result in unnecessary hardship to the applicant; and

(iii) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances, or cause fraud on or victimization of the public, or conflict with existing local codes or ordinances.

3. A variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the zoning administrator that:

(i) The issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

(ii) Such construction increases risk to life and property.

5. All variances granted shall have the concurrence or approval of the department of natural resources.

c. **Hearings and decisions of the board of adjustment.**

1. **Hearings.** Upon the filing of a request for floodway district conditional use or a variance with the board of adjustment the board shall hold a public hearing. The board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance or evaluation of a professional engineer or other expert person or agency, including the department of natural resources.

2. **Decisions.** The board of adjustment shall arrive at a decision on a floodway district conditional use or variance within a reasonable time. The board of adjustment may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons of its decision.

3. **Factors.** For a floodway district conditional use or variance application, the board of adjustment shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in subsection (e)(3)c.4 of this section:

   (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.

   (ii) The danger that materials may be swept on to other lands or downstream to the injury of others.

   (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

   (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

   (v) The importance of the services provided by the proposed facility to the county board.

   (vi) The requirements of the facility for a floodplain location.
(vii) The availability of alternate locations not subject to flooding for the proposed use.

(viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(x) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(xi) The expected height, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.

(xii) Such other factors which are relevant to the purpose of this chapter.

4. **Conditions attached to floodway district conditional uses or variances.** Upon consideration of the factors listed above, the board of adjustment may attach such conditions to the granting of floodway district conditional uses or variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but are not necessarily limited to:

(i) Modification of waste disposal and water supply facilities.

(ii) Limitation on periods of use and operation.

(iii) Imposition of operational controls, sureties and deed restrictions.

(iv) Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the department of natural resources and are deemed the only practical alternative to achieving the purposes of this chapter.

(v) Floodproofing measures

(f) **Establishment of floodplain overlay districts.** The floodplain areas within the jurisdiction of this chapter are hereby divided into the following overlay districts:

(1) **Floodway (overlay) district.** The floodway district shall be consistent with those areas identified as floodway on the official floodplain zoning map.

(2) **Floodway fringe (overlay) district.** The floodway fringe district shall be those areas identified as Zone AE on the official floodplain zoning map but excluding those areas identified as floodway.

(3) **General floodplain (overlay) district.** The general floodplain district shall be those areas identified as Zone A on the official floodplain zoning map.
Illustration of Flood Hazard Areas

(g) **Allowable uses, conditional uses, and performance standards.** Allowable uses and conditional uses in the floodplain overlay districts shall be determined by the more restrictive of the uses listed in the floodplain districts below and those listed in the use table, Table 107-136, for the underlying zoning district. Performance standards for both the overlay and base zoning district must be met. If overlay and base zoning district performance standards are in conflict the more restrictive standard will apply.

(1) **Floodway district allowable uses.** The following uses within the floodway district shall be allowed to the extent that they are not prohibited or controlled by any other section of this chapter or underlying zoning district as shown in Table 107-136. The following uses are allowed provided they meet applicable performance standards of the floodway district and receive any additional permit approvals as required by the U.S. Army Corps of Engineers or Iowa department of natural resources.

   a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

   b. Private and public recreational uses such as, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, hunting and fishing areas, hiking and horseback riding trails.

   c. Residential uses such as lawns, gardens, parking areas and play areas.

   d. Open-space uses.

   e. Extraction of sands, gravel and other materials.

   f. Marinas, boat rentals, docks, piers, wharves.

   g. Uses or structures accessory to open-space uses.

   h. Utility transmission lines, underground pipelines.

   i. Bridges, dams, levees, floodwalls, or similar infrastructure.

(2) **Floodway district conditional uses.** The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, and affect an area of disturbance equal to or greater than 1 acre, may be permitted only upon issuance of a floodway district conditional use permit, unless prohibited in the underlying zoning district. Such uses must also meet the applicable provisions of the floodway district performance standards.

   a. Uses or structures accessory to open-space uses.
b. Utility transmission lines, underground pipelines.

c. Bridges, dams, levees, floodwalls, or similar infrastructure

(3) Floodway district performance standards. All floodway district uses allowed as a permitted or conditional use shall meet the following standards:

a. No use shall be permitted in the floodway district that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

b. All uses within the floodway district shall:
   1. Be consistent with the need to minimize flood damage.
   2. Use construction methods and practices that will minimize flood damage.
   3. Use construction materials and utility equipment that are resistant to flood damage.

c. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

d. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe district and shall be constructed or aligned to present the minimum possible resistance to flood flows.

e. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

f. Storage of materials or equipment that is buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway district within the time available after flood warning.

g. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the department of natural resources.

h. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

i. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

(4) Floodway fringe district permitted uses. Permitted uses within the floodway fringe district shall be identical to those identified in the land use table, Table 107-136, for the underlying zoning district, provided the land uses meet applicable performance standards of the floodway fringe district.

(5) Floodway fringe district performance standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

a. All structures shall:
   1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
   2. Be constructed with materials and utility equipment resistant to flood damage; and
   3. Be constructed by methods and practices that minimize flood damage.

b. Maximum Damage Potential Uses, Structures, and Facilities – All new or substantially improved maximum damage potential uses, structures, and facilities shall:

   (1) Have the lowest floor (including basement) elevated a minimum of one (1) foot above
the elevation of the 0.2% annual chance flood, or together with attendant utility and sanitary systems, be floodproofed to such a level.

(2) Have, when floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 or National Geodetic Vertical Datum 1929) to which any structures are floodproofed shall be maintained by the Administrator.

(3) Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, contact the Iowa Department of Natural Resources to compute such data. The applicant will be responsible for providing the department of natural resources with sufficient technical information to make such determinations.

c. Residential structures. Residential structures shall meet the following performance standards:

1. All new or substantially improved residential structures shall have the lowest floor, including basements, utility systems, such as heating and cooling equipment, water heaters and similar devices, elevated a minimum of two feet above the base flood elevation.

2. Construction shall be upon compacted fill which shall, at all points, be no lower than two feet above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

3. Alternate methods of elevating (such as piers or extended foundations) may be allowed, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstanding the various forces and hazards associated with flooding.

4. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the zoning administrator determines, based on information provided by the applicant, there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

d. Non-residential structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of two feet above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the state shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum 1929 or North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the zoning administrator.

e. New or substantially improved structures. All new or substantially improved structures shall meet the following performance standards:

1. Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
(i) A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(iv) The enclosed areas, shall be solely used for low damage potential uses such as parking of vehicles, limited storage, and/or access to the building.

(v) A non-conversion agreement shall be executed and recorded with the county recorder's office.

2. New or substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New or substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) elevated or floodproofed to at least two feet above the base flood elevation.

f. Factory-built homes. All new and substantially improved factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement, and shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of two feet above the base flood elevation. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

g. Utility and sanitary systems. Utility and sanitary systems shall meet the following performance standards:

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than two feet above the base flood elevation.

2. On-site wastewater disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than two feet above the base flood elevation.

4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

5. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of two feet above the base flood elevation. Other material and equipment must either be similarly elevated, or not be subject to major flood damage and be anchored to prevent movement due to floodwaters, or be readily removable from the area within the time available after flood warning.

h. Flood control structures. Flood control structural works such as levees, flood walls, etc., shall provide, at a minimum, protection from a base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the department of natural resources.
i. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

j. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the department of natural resources.

k. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of a base flood. Proposals for subdivisions shall include base flood elevation data for those areas located within the floodway fringe district. All subdivisions must comply with Article IV, Development Review Processes and Requirements.

l. Elevation exemption of detached garages, sheds, and similar structures.

1. Detached garages, sheds, and similar structures that are accessory to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

   (i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet. Those portions of the structure located less than two feet above the base flood elevation must be constructed of flood-resistant materials.

   (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

   (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

   (iv) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

   (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least two feet above the base flood elevation.

   (vi) The structure's walls shall include openings that satisfy the provisions of subsection (5)e. of this section.

2. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(6) General floodplain district permitted uses. All uses within the general floodplain district shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the general floodplain district and receive any additional permit approvals as required by the U.S. Army Corps of Engineers or Iowa department of natural resources.

a. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the department of natural resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the department of natural resources with sufficient technical information to make the determination.

b. Review by the Iowa department of natural resources is not required for the proposed construction of new or replacement bridges or culverts where:
1. The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and

2. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

(7) General floodplain district performance standards

1. All uses, or portions thereof, to be located in the floodway as determined by the department of natural resources shall meet the applicable provisions and standards of section 107-144(g)3.

2. All uses, or portions thereof, to be located in the floodway fringe as determined by the department of natural resources shall meet the applicable provisions and standards of the floodway fringe district section 107-144(g)5.

(h) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. In order to receive approval for a floodplain development permit, variance, or other approval, the county shall require the applicant to submit a plan or document certified by a registered, professional engineer, stating that floodproofing measures performed by the applicant are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to, the following:

(1) Anchorage to resist flotation and lateral movement.

(2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.

(3) Reinforcement of walls to resist water pressures.

(4) Use of paints, membranes, or mortars to reduce seepage of water through walls.

(5) Addition of mass or weight structures to resist flotation.

(6) Installation of pumps to lower water levels in structures.

(7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

(8) Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.

(9) Construction to resist rupture or collapse caused by water pressure or floating debris.

(10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures.

(11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will ensure they are not subject to flooding.

(i) Performance standards for recreational vehicles not associated with a campground. Recreational vehicles may not be parked on-site for more than 180 days in a calendar year and must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles on site for more than 180 days shall be consider factory built homes and must comply with section 107-177(g)5.f.

(j) Nonconforming Uses - floodplain overlay district. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this ordinance.

Article IX, Definitions.

*Base Flood* means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event the flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").

*Development* means any division of land into parcels or lots, including single lot splits; any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations; or the deposit of refuse waste; or storage of equipment or materials.

*Enclosed area below lowest floor* means the floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of in section 107-144(g.5.e.1 of this chapter, and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

d. The enclosed area is not a "basement" as defined in this section.

*Existing construction* means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the county.

*Existing factory-built home park or subdivision* means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

*Expansion of existing factory-built home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Factory-built home* means a structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes, and modular homes; and also includes park trailers, travel trailers, and "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

*Five hundred (500) year flood* means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
Flood insurance study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations a report published by FEMA for a community issued along with the county’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

**Floodplain** is any land area susceptible to being inundated by water as a result of a flood.

**Floodway** means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities. Floodways are designated based on specific flood events, such as the 100-year flood cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**Floodway fringe** means those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities for a specifically designated flood event, such as the 100-year flood special hazard area outside the floodway.

**Lowest floor** means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor are met.

**Lowest floor** means the floor of the lowest enclosed area in a building including a basement except when all the criteria listed in the definition of enclosed area below lowest floor are met following criteria are met.

1. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of section 107-144;

2. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage-potential uses such as building access, parking or storage;

3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and

4. The enclosed area is not a basement as defined in this section.

In cases where the lowest enclosed area satisfies the criteria of subsections (1), (2), (3) and (4) of this definition, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

**Maximum damage potential uses, structures and facilities** means the flood damage potential associated with health care facilities and like institutions likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood; buildings or building complexes containing documents, data, or instruments of great public value; structures, buildings, building complexes or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials dangerous to the public; public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood including power installations needed in an emergency; communication towers and equipment cabinets; police stations, fire stations, and emergency operations centers that are needed for flood response activities before, during and after a flood and buildings or building complexes similar in nature or use to those listed above.

**Mobile home and/or factory-built home park** means any site, lot, field, or tract of land upon which two or more occupied mobile or factory-built homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
New construction (new buildings, factory-built home parks), flood-insurance rate map, means those structures or development for which the start of construction commenced on or after the effective date of the flood insurance rate map first floodplain management regulations adopted by the county.

New factory-built home park or subdivision means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the county.

Recreational vehicle means a vehicle that is:

1. Built on a single chassis;
2. Designed to be self-propelled or permanently towable by a light duty truck;
3. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use; and
4. Four hundred (400) square feet or less when measured at the largest horizontal projection

Routine maintenance of existing buildings and facilities means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure.

Special flood hazard area (SFHA) means the land within the county subject to the "base flood". This land is identified on the county's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

Start of construction, includes substantial improvement, and means the date the building permit was issued, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), and includes substantial improvement, and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair at market rate.

Substantial improvement means any repair, improvement, reconstruction or addition to improvement of a structure, except where the improvement will correct existing violations of state or local health, sanitary, or safety codes, or where the alteration is to an historic structure, provided that the alteration will
not preclude the structure's continued designation as an historic structure. The proposed improvement is considered to be substantial if it satisfies either of the following criteria: structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the first improvement of the structure, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

This term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”.

(2) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after September 1, 1987, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Violation means the failure of a structure or other development to be fully compliant with Linn County’s Unified Development Code.
LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # ________________________

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of BIG CREEK FARMS FIRST ADDITION (Case # JPS19-0016) to Linn County, Iowa, containing one (1) lot, numbered lot 1 has been filed for approval, a subdivision of real estate located in the SWNW 03-82-06 of Section 3, Township 82 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the E 1/4 Corner of said Section 4; thence S89°12'47"W along the south line of said SE 1/4 NE fll 1/4, 61.86 feet; thence N03°55'52"W, 216.26 feet; thence N89°09'01"E, 218.24 feet; thence S13°12'09"E, 55.08 feet; thence N82°04'10"E, 241.29 feet to the west line of Lot 1, Lnenicka's 2nd Addition to said County; thence S05°52'23"E along said west line, 190.86 feet to the south line of said SW 1/4 NW fll 1/4; thence S89°19'54"W along said south line, 411.40 feet to the Point of Beginning, containing 2.11 acres

WHEREAS, said plat is accompanied by a certificate acknowledging that said subdivision is by, and with the free consent of the proprietors, is accompanied by a certificate dedicating certain property to the public, as shown on the plat; and

WHEREAS, said plat and its attachments thereto have been found to conform to the requirements of the comprehensive plan and the subdivision ordinance; and the requirements of other ordinances and state laws governing such plats; and

WHEREAS, the following conditions as listed on the Planning and Development Staff Report of June 19, 2019 as last amended on JULY 15, 2019 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400
1. Entrance permit required for new entrances and existing un permitted entrances, Sec.11 and the Unified Development Code, Article IV, Sec. 107-72 § 2 (h)(5). All approved entrances shall be brought into conformance with County standards. One entrance per parcel is allowed. An additional access may be allowed with justification and permit.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 50' of right-of-way on Cedar Woods Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions similar to residential parcel split cases. County Standard Specifications, Section 1.

IOWA DEPARTMENT OF TRANSPORTATION
1. Not within the jurisdiction of the Iowa Department of Transportation.

LINN COUNTY PUBLIC HEALTH DEPARTMENT
1. Existing sewage disposal system must have one of the following completed: If the property ownership is being transferred and does not qualify for one of the DNR exemptions, a Time of Transfer inspection must be performed by a certified septic contractor. The report must be submitted to this department. If the property is not transferring ownership, the septic must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 10, Article VI Private Sewage Disposal Systems.
2. Existing house must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 105, Article VI Property Maintenance Regulations. If applicable, correction of
3. Certain deficiencies may require permits, inspections and final approval from the Building Division of Linn County Planning & Development.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. No conditions to be met.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. No conditions to be met.

**LINN COUNTY EMERGENCY MANAGEMENT**

1. No conditions to be met.

**LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION**

1. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Various revisions to the site plan and final plat.
3. Prior to approval of the final plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.
4. This plat lies within the 2-mile jurisdiction of the City of Bertram and, as per the 28E Agreements between the City and the County, will require approval or a waiver of the right to review from the City of Bertram.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
6. There is an existing deed restriction between the parent parcels. An updated deed restriction is required to be submitted as a condition of approval reflecting the exclusion of Big Creek Farms First Addition.
7. The proposed subdivision name and proposed names of all roads, streets and lanes shall be submitted for review and approval by the Linn County Auditor's office prior to approval of the final plat.
8. One original and 3 complete copies of the final plat bound documents that must include the following:
   (i) Owner's certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County 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. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article V, Section 107-91, § (h) of the Unified Development Code.
   (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
   (xi) Three (3) copies of the surveyor's drawing
   (xii) A covenant for a secondary road assessment
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **JULY 15, 2020 JANUARY 21, 2021** as per Article IV, Section 107-72, § (1)(g), and shall be recorded within 1 year of that approval, as per Article IV, Section 107-72, § (2)(f), of the Unified Development Code.
NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by FEBRUARY 12, 2021 to be valid.

Passed and approved this 12TH day of FEBRUARY, 2020.

Linn County Board of Supervisors

__________________________
Chair

__________________________
Vice Chair

__________________________
Supervisor

Aye:
Nay:
Abstain:
Absent:
Attest:

__________________________
Joel Miller, Linn County Auditor
State of Iowa  )
                  ) SS
County of Linn  )

I, Joel Miller, County Auditor of Linn County, Iowa, hereby certify that at a regular meeting of the said Board of Supervisors, the foregoing resolution was duly adopted by a vote of:

___ Aye ___ Nay ___ Abstain ___ Absent

________________________________________
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, ______________________________
on this _____ day of ______________________, 2020.

________________________________________
Notary Public State of Iowa
This proposal is in partnership and collaboration between the Linn County Board of Supervisors and Monawar Studios.

Outlined in detail below, the project that is presented in this proposal will be completed for the State of the County on May 6th, 2020.

The proposal detailed is for:

**3 Minute Introduction Video:** In collaboration and partnership with Linn County Board of Supervisor Ben Rogers and his team, Monawar Studios will be producing a 3-minute introduction video that will play at the beginning of the State of The County address to send a powerful, inspirational and hopeful message in preparation to the presentation ahead. This video will be a narrative piece that will embody 20-30 people who highlight different departments, areas and careers within Linn County. The 20-30 on-screen individuals will recite a script that will be written as a collaboration piece. The final video will be these 20-30 individuals narrating the video story, an uplifting music bed, motion graphics and animation to tell a story and set the tone for the presentation.

**Two :60 Second Videos:** In collaboration and partnership with Linn County Board of Supervisor Ben Rogers and his team, Monawar Studios will be producing two :30 second videos that will play during the State of the County address and will be set the tone for the next phase of the presentation, and work as a “break” in segments to go from one big topic/phase of the presentation to the next. These videos will be short vignette pieces that showcase two different stories that the team wants to feature.

The production for all three of these projects will require:

1 - Initial meetings (phone, video or in-person) with client to set up a schedule of timeline for filming, production, and delivery of final videos.
2 - Planning of goals for the desired final videos, including scripting needs.
3- Production of video that will require 1-2 days of filming on location (including interviews and b-roll footage).
4- Collaboration with the team to review two revisions for changes, edits, before final videos are delivered.
5 - Delivery of the final videos by May 1st to begin practicing and preparing for the presentation.

**Schedule & Production Timeline**

The proposed kick off dates for production are as follows:

The estimated start time for pre-production is: 
March 2020
The proposed finish time and delivery of final videos upon completion of post production is: 
May 1st 2020
YOUR STORY. BEAUTIFULLY TOLD.

We believe that investing in professional video and photography is a catalyst for launching a successful return on investment for your company, to further enhance your personal sales and launch a variety of successful opportunities.

High quality video and photography beautifully displays your brand, your voice, and your overall message.

We strive in telling your story and are forever grateful for your investment and faith in our creativity and art.

We look forward to having the honor of serving you and helping to tell your brand story.

Thank you for this privilege in starting a conversation!
The Investment for Entire Proposal

Investment Includes:
3 Minute Introduction Video
Two :60 Second Videos

Total Investment (Full Proposal)
$5,000.00

(Important Tax Information - Please Note: taxes will be applied for companies and organizations that are non-tax-exempt)

CONTRACT & INVOICING Note:
Upon approval, you will receive a simple digital contract to review and sign (which will contain all messaging and project details listed in this proposal). This project will be billed in two invoices, split evenly. The first invoice is to be sent in for review/processing at the time of contract signing and must be paid before any production begins. Second and final invoice will be submitted at the time of final video deliveries.

Any project beyond the scope listed in this proposal and all project details above will be an additional investment.

(This Proposal & Investment For Production Above Is Valid Through 02/10/2020)

Monawar Studios LLC | www.monawarstudios.com | 319.200.4279
Thank you for the honor of allowing us to help tell your story.