

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, JULY 14, 2021 11:00 A.M.

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

Chairperson Walker called the meeting to order and led pledge of allegiance.

Motion by Walker, seconded by Rogers to remove the following agenda item: Approve Liquor License for F.B. & Co., 4185 Whittier Rd., Central City, noting all conditions have been met.

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

Receive and place on file the Recorder's Quarterly Report for April 1 through June 30, 2021

Resolution 2021-7-109

Resolution providing for notice of hearing on proposed Amendment to the Linn County Urban Revitalization Plan

WHEREAS, pursuant to the provisions of Chapter 404 of the Code of Iowa (the "Act") Linn County, Iowa (the "County"), has proposed designating certain real property situated within the County as an Urban Revitalization Area (the "Urban Revitalization Area") and has proposed adoption of an Urban Revitalization Area Plan (the "Plan") for such Urban Revitalization Area; and

WHEREAS, it has been proposed that the Plan be amended to remove commercial property from applicable property and to remove commercial property from the tax exemption schedules; and

WHEREAS, pursuant to the provisions of the Act, before amending the Plan, the County must prepare an amended plan, hold a public hearing thereon, and otherwise comply with the procedures set forth in the Act; and

WHEREAS, an amended and restated plan (the "Restated Plan") is being prepared for presentation to the Board of Supervisors for consideration in accordance with the provisions of the Act, said Restated Plan is available for review in the Linn County Planning and Development Department and is attached hereto as Exhibit A;

NOW, THEREFORE, be it resolved by the Board of Supervisors of Linn County, Iowa, as follows:

Section 1. It is hereby determined and reaffirmed that:

The Linn County Urban Revitalization Area is an area which is appropriate as an economic development area as defined in Section 403.17 of the Code of Iowa.

The economic development of the Linn County Urban Revitalization Area is necessary in the interest of public welfare of the residents of the County and the Linn County Urban Revitalization Area substantially meets the criteria set forth in Section 403.17 of the Act.

Section 2. It is hereby directed that the Restated Plan be prepared for consideration by the Board of Supervisors.

Section 3. This This Board of Supervisors will meet at the Linn County Jean Oxley Public Service Center, Cedar Rapids, Iowa, on the 28th day of July, 2021, at 11:00 o'clock a.m., at which time and place it will hold a public hearing on the Restated Plan.

Section 4. The County Auditor is hereby directed to publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Linn County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Resolution 2021-7-110

A Resolution approving Temporary Use Permit JTU21-0009 requesting permission to operate a RAGBRAI Beer Sales event.

The following description is a summary of Resolution 2021-7-110 as passed and approved by Linn County Board of Supervisors, effective July 14th, 2021.

Resolution approving Temporary Use Permit, Case JTU21-0009, Mike Pillard, owner; and Backpocket Brewing LLC, c/o Whitney Daniels, petitioner; requesting permission to operate a RAGBRAI Beer Sales event, located at 4562 Prairieburg Rd, Anamosa, Iowa. The outdoor event will be held on Thursday July 29th, between the hours of 9am and 8pm. Food and beer concessions will be provided by Backpocket Brewing LLC and Brewers Family Farms for riders participating in the RAGBRAI event. Seating and washrooms will also be available. Parking for the general public will not be allowed on the property and no parking will be permitted along Prairieburg Road. Setup for the event will begin on Wednesday July 28th, 2021.

The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncounty.org

Resolution 2021-7-111

A Resolution approving a land preservation parcel split to be named G & M Fourth Addition.

The following description is a summary of Resolution No. 2021-7-111 as passed and approved by Linn County Board of Supervisors, effective July 14th, 2021.

G & M FOURTH ADDITION (Case # JLPS21-0003) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and outlot A, has been filed for approval, a subdivision of real estate located in the SESE of Section 21, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the Southeast Corner of Section 21, Township 83 North, Range 6 West of the Fifth Principal Meridian; thence S89°21'53"W, 1321.70 feet to the Southwest Corner of the Southeast Quarter of the Southeast Quarter of said Section 21; thence N0°55'31"W, 1322.45 feet to the Northwest Corner of said Southeast Quarter of the Southeast Quarter; thence N89°20'39"E, 1321.80 feet to the Northeast Corner of said Southeast Quarter of the Southeast Quarter; thence S0°55'15"E, 1322.92 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, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncounty.org

Approve and authorize Chair to sign a contract between Linn County and East Central Mental Health Region to provide support for services at the Mental Health Access Center.

Approve and authorize Chair to sign a 28E Agreement between Linn County and the City of Lisbon for asphalt paving on shared portions of Business 30.

Approve revision number 7 of Linn County Engineering and Secondary Road Department Winter Maintenance Operations Policy, Policy #SR-12

Approve and authorize Chair to sign the Edward Byrne Justice Assistance Grant Program FY 2021 Local Solicitation --Certifications and Assurances by the Chief Executive of the Applicant Government.

Approve purchase order PO146 for \$127,670.05 to Insight Public Sector for annual software maintenance for the IT Department.

Approve purchase order PO147 for \$84,777.00 to Insight Public Sector for annual software maintenance for the IT Department.

Approve purchase order PO151 for the Secondary Road Department to purchase conference room chairs from Saxton, Inc. in the amount of \$5,042.60.

Approve Class B Beer Permit for Backpocket Brewing to sell beer during RAGBRAI on July 29, 2021 at 4562 Prairieburg Rd., noting all conditions have been met.

Motion by Walker, seconded by Rogers to approve minutes of July 12 & 13, 2021 as printed.

Motion by Rogers, seconded by Zumbach to approve claims for AP checks #71003255-#71003337 in the amt. of \$206,831.93; AP ACH in the amt. of \$901,155.18; payment for Sharon Gonzalez p-card w/no receipt in the amt. of \$3.00; payment for Pat Brady's p-card w/no receipt in the amt. of \$48.33; and payment for Chad Shover's p-card w/no receipt in the amt. of \$37.48.

Motion by Rogers, seconded by Zumbach to approve upon third and final consideration ordinance #11-7-2021 amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code, related to Home Occupations and Floodplain Overlay District.

Mae Hingtgen, MHDS East Central Region, highlighted SF619 and the regions priority initiatives.

Charlie Nichols, Planning & Development Dir., discussed the affected taxing entities on the proposed amendment to the Linn County Urban Renewal Plan for the Linn County Urban Renewal Area noting that notices were mailed to all that were affected in that area. They can now proceed with the next step in the process.

Motion by Rogers, seconded by Zumbach to approve upon second consideration an Ordinance Amending Chapter 18 Article VI Snow and Ice Removal.

Motion by Rogers, seconded by Zumbach to adopt Resolution 2021-7-112

SET PUBLIC HEARING FOR CONVEYANCE OF VACATED RIGHT-OF-WAY

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

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

LEGAL DESCRIPTION

Part of the Northeast quarter of the Southwest quarter, Section 17, Township 85 North, Range 5 West of the Fifth Principal Meridian, Linn County, Iowa, and more particularly described as follows:

Quit claim all of Parcel A, Plat of Survey No. 2548.

Said area contains 0.25 acres more or less, subject to easement and restrictions of record.

and
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WHEREAS, Charles M & Bernadine E & Tommie A Sindelar, owner of real property adjacent to the above described parcel of vacated right-of-way desire to obtain whatever interest Linn County 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 a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to Charles M & Bernadine E & Tommie A Sindelar, whatever interest 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 on the 2nd day of August, 2021, at 11o'clock, 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.

Brent Oleson, Deputy Dir. of Policy & Comm. Relations, presented two resolutions for approval of the ballot language for Local Option Sales Tax and Gambling Game reauthorization.

Motion by Rogers, seconded by Zumbach to adopt Resolutions 2021-7-113 and 2021-7-114. Resolution 2021-7-113

A RESOLUTION CALLING FOR A LOCAL OPTION SALES TAX REFERENDUM FOR THE UNINCORPORATED AREA OF LINN COUNTY, IOWA.

WHEREAS, in accordance with Iowa Code 423B.1, Linn County currently collects a 1% local sales and services tax from the unincorporated areas of the county, which shall expire June 30, 2024, and

WHEREAS, pursuant to a resolution of the Council of the City of Cedar Rapids, Iowa, which represents more than 50% of the county population, the Linn County Auditor may set an election date for the imposition of a one percent (1%) local sales and services tax, and

WHEREAS, Iowa Administrative Code 721-21.800(3) indicates that the Linn County Board of Supervisors may instruct the Auditor to call the local option sales tax referendum for unincorporated Linn County, and shall provide the rate of tax, the date the tax will be imposed, the approximate amount of local option tax revenues that will be used for property tax relief in the jurisdiction, and a statement of the specific purposes other than property tax relief for which revenues will be expended in the jurisdiction.

WHEREAS, the Board of Supervisors of Linn County, Iowa has been advised and does believe it would be in the best interest of Linn County, Iowa, to make a designation of the property tax relief, if any, and use of the remaining local sales and services tax revenues.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa which this date met in lawful session that the Linn County Commissioner of Elections is hereby directed to submit the question of imposition of a local sales and services tax in the unincorporated area of Linn County, Iowa.

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

That revenues from a one percent local sales and services tax which may be imposed in the unincorporated areas of Linn County, Iowa, on and as of July 1, 2024, shall be allocated as follows:

Fifty percent (50%) for the Linn County Secondary Roads system, including but not limited to construction, maintenance and operation of Linn County secondary roads, farm to market roads, and bridges.

Twenty-five percent (25%) for property tax relief exclusively on property located in the rural unincorporated areas of Linn County, Iowa.

Twenty-five percent (25%) for Linn County conservation projects and programs, including but not limited to those administered by the Linn County Conservation Board.

WHEREAS, Iowa Code 423B and Iowa Administrative Code 721-21.800(2) allow the County to direct the Linn County Commissioner of Elections to submit the question of imposition of a local sales and services tax to the registered voters in the unincorporated area of Linn County, Iowa at the earliest possible date specified in Section 39.2(4)(a), Code of Iowa.

BE IT FURTHER RESOLVED that the Linn County Commissioner of Elections is further directed to submit the question of imposition of a local sales and services tax in the unincorporated area of Linn County, Iowa on November 2, 2021, the earliest possible date pursuant to Section 39.2(4)(a).

Resolution 2021-7-114

WHEREAS, when a proposition to operate gambling games is approved by a majority of the electorate, Section 99F.7(11)(d), Code of Iowa, requires that the Board of Supervisors direct the commissioner of elections to again submit to the registered voters of the County a proposition to approve or defeat gambling games in the County as provided in Section 99F.7(11)(e) unless the operation of gambling games is terminated earlier as provided in Chapter 99D or 99F, Code of Iowa, and

WHEREAS, on March 5, 2013, the majority of the electorate of Linn County approved the operation of gambling games in Linn County, and

WHEREAS, gambling games have not been earlier terminated as so provided, and

WHEREAS, Section 99F.7(11)(e), Code of Iowa, further provides that such a referendum shall not be held until the eighth calendar year of the prior referendum, and

WHEREAS, Iowa Administrative Code 721-21.820(2) (99F) requires that if an excursion gambling boat or gambling structure election is to be held with a local option tax

election, the supervisors shall provide the commissioner at least 60 days' written notice.

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WHEREAS, the Linn County Board of Supervisors is aware that a Local Option Tax Election may be included on the November 2, 2021 ballot

WHEREAS, under the aforementioned circumstances the Board of Supervisors is required pursuant to Section 99F.7(11)(d) to direct the Commissioner of Elections to submit to the registered voters of Linn County a proposition to approve or defeat gambling games in Linn County at a special election.

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 Linn County Commissioner of Elections is hereby directed to submit to the registered voters of Linn County, Iowa, a proposition to approve or defeat gambling games in Linn County, Iowa, at a special election to be held on November 2, 2021.

BE IT FURTHER RESOLVED that the Board of Supervisors, Linn County, Iowa, hereby submits to the Linn County Commissioner of Elections the complete text of the proposition to approve or defeat gambling games in Linn County, Iowa, to be submitted to the registered voters of Linn County, Iowa, at election on November 2, 2021, as set forth on the proposed sample ballot marked as Exhibit "A", attached hereto, and incorporated herein by referenced.

Exhibit A

Public Measure ____

Shall the following public measure be adopted?

Yes

No

Summary: Gambling games on an excursion gambling boat or at a gambling structure in Linn County are approved.

Gambling games with no wager or loss limits, on an excursion gambling boat or at a gambling structure in Linn County are approved. If approved by a majority of the voters, operation of gambling games with no wager or loss limits may continue. If disapproved by a majority of the voters, the operation of gambling games on an excursion gambling boat or at a gambling structure will end within 60 days of this election.

Board Member Reports: Supervisor Zumbach attended some meetings with NextEra and the City of Palo; invited to Public Health yesterday and looking into some projects.

Supervisor Rogers met with Feed Iowa First; participated in joint city and county press conference regarding the American Rescue Recovery Plan Act; Community Services Board meeting yesterday regarding homeless and housing challenges; will be meeting with the Mayor of Palo regarding solar Friday.

Supervisor Walker gave tour of Harris Bldg.; met with Carter Oswood (Food Systems Council); met with Leslie Wright (resiliency after action report); will be calling in to the Board meetings on Monday and Tuesday next week and in person Wednesday.

Adjournment at 12:03 p.m.

Respectfully submitted,

JOEL D. MILLER, Linn County Auditor
By: Amanda Hoy, Executive Assistant

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors