

LINN COUNTY BOARD OF SUPERVISORS
CEDAR RAPIDS, LINN COUNTY, IOWA
WEDNESDAY, AUGUST 4, 2021 11:00 A.M.

The Board met in session at the Linn County Dr. Percy and Lileah Harris Building, 1020 6th Street SE, Cedar Rapids, IA. Present: Chairperson Walker, Vice Chairperson Rogers and Supervisor Zumbach. Board members voting "AYE" unless otherwise noted.

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

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

Resolution 2021-8-123

AUTHORIZE 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

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 0.26 acres more or less, subject to easement and restrictions of record. and, WHEREAS, Tom A. and Kimberly J. Sindelar, 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 Tom A. and Kimberly J. Sindelar, 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 Tom A. and Kimberly J. Sindelar.

Resolution 2021-8-124 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 Stacey Walker, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, conveying the interests of Linn County, Iowa, to Tom A. and Kimberly J. Sindelar, and WHEREAS, said deed conveys the following real estate described as follows: 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 0.26 acres more or less, subject to easement and restrictions of record. and

WHEREAS, said deed was executed by Stacey Walker, Chairperson of the Board of Supervisors, Linn County, Iowa, and Joel D. Miller, County Auditor of Linn County, Iowa, pursuant to resolution 2021-8-124 adopted by the Board of Supervisors, Linn County, Iowa, on the 4th day of August, 2021. NOW, THEREFORE, BE IT AND IT IS 4th day of August, 2021 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 4th day of August, 2021, conveying whatever interest Linn County, Iowa, may have, to Tom A. and Kimberly J. Sindelar, be and the same is hereby approved.

The following description is a summary of Resolution No. as passed and approved by Linn County Board of Supervisors, effective August 04, 2021. A Residential Parcel Split of BAUMANN ACRES FIRST ADDITION (Case # JPS21-0011) 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 NE SW of Section 21, Township 86 North, Range 05 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the SE Corner of said NE 1/4 SW 34; thence S88° 38'48"W along the south line of said NE 1/4 SW 1/4, 1328.58 feet to the SW Corner of said NE 1/4 SW 1/4; thence S88° 38'43"W along the south line of said NW 1/4 NE 1/4, 833.42 feet; thence N23° 32'40"E, 281.62 feet; thence N00° 34'59"W, 16.12 feet; thence N75° 05'13"E, 1034.04 feet; thence N85° 13'58"E, 406.72 feet; thence NI 7° 08'20"E, 452.67 feet; thence N00° 57'05"W, 358.76 feet to the north line of said NE 1/4 SW 1/4; thence N88° 49'15"E along said north line, 479.00 feet to the NE Corner of said NE 1/4 SW </4, • thence SOI° 39'09"E along the east line of said NE 1/4 SW 1/4, 1324.80 feet to the Point of Beginning, containing 31.54 acres which includes 1.22 acres of road right of way. The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular

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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 2021-8-126

A Resolution approving a six lot final plat to be named Foley Group Farms Addition. The following description is a summary of Resolution No. 2021-8-123 as passed and approved by Linn County Board of Supervisors, effective August 4, 2021. Foley Group Farms Addition (Case #JF21-0009) to Linn County, Iowa, containing six (6) lots, numbered Lot 1, lettered Lot A and Lot B, Outlot A, Outlot B, and Outlot C, a subdivision of real estate located in the SESE of Section 33, Township 86 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows: Beginning at the East Quarter Corner of Section 33, Township 86 North, Range 5 West of the Fifth Principal Meridian; thence S1° 20'02"E along the east line of the Southeast Quarter of said Section 33, a distance of 1096.05 feet; thence S88° 39'58"W along the north boundary of

Baker's First Addition to Linn County, Iowa, 63.24 feet; thence N58°02'06"W along said north boundary, 580.84 feet to the Northwest Corner of said Baker's First Addition; thence S1°22'08"E, 393.77 feet to the Southwest Corner of said Baker's First Addition; thence S57°34'41"E along the southerly boundary of said Baker's First Addition, 587.52 feet; thence N88°39'58"E along said southerly boundary, 60.00 feet to said east line of the Southeast Quarter; thence S1°20'02"E along said east line, 488.25 feet; thence S88°29'01"W along the north line of the South Quarter of said Southeast Quarter, 2641.07 feet; thence N1°06'56"W along the west line of said Southeast Quarter, 1983.57 feet to the Center of Section; thence N88°26'15"E, 2633.52 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

Resolution 2021-8-127

A Resolution approving a three lot final plat to be named Rinken Acres First Addition. The following description is a summary of Resolution No. 2021-8-127 as passed and approved by Linn County Board of Supervisors, effective August 4, 2021. Rinken Acres First Addition (Case # JPS21-0006) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered lot A and outlot A, a subdivision of real estate located in the SE NW of Section 8, Township 84 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows: Commencing as a point of reference at the W ¼ Corner of said Section 8; thence N88°58'21"E along the south line of the SW FRL ¼ NW FRL ¼ of said Section 8, 1646.56 feet to the Point of Beginning; thence N01°38'30"W along the west line of said SE ¼ NW FRL ¼, 1330.55 feet; thence N88°53'53"E along the north line of said SE ¼ NW FRL ¼, 1328.25 feet; thence S01°45'49"E along the east line of said SE ¼ NW FRL ¼, 1332.31 feet; thence S88°58'21"W along the south line of said SE ¼ NW FRL ¼, 1331.10 feet to the Point of Beginning, containing 40.64 acres which includes 1.22 acres of road right of way. The full text of the Resolution may be inspected in the Linn County Auditor's Office located at 935 Second Street SW, Cedar Rapids, Iowa, during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday or on the Linn County website at www.linncounty.org

Resolution 2021-8-128

Resolution approving a one lot final plat to be named Witches' Second Addition. The following description is a summary of Resolution No. 2021-8-128 as passed and approved by Linn County Board of Supervisors, effective August 4, 2021. Witches' Second Addition (Case # JF21-0010) to Linn County, Iowa, containing one (1) lot, numbered lot 1, a subdivision of real estate located in the NWNE of Section 21, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows: Lot 1, Witches' First Addition to Linn County, Iowa. 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 2021-8-129

WHEREAS, the Board of Supervisors, Linn County, Iowa, designated the following named newspapers as the Official County Newspapers pursuant to Chapter 349, Code of Iowa, on January 4, 2021: The Gazette Company The Marion Times The Linn Newsletter The Sun WHEREAS, effective July 29, 2021 the Marion Times is no longer in circulation. BE IT RESOLVED, that the Board of Supervisors, Linn County, Iowa, hereby designates the following named newspapers as the Official County Newspapers pursuant to Chapter 349, Code of Iowa:
The Gazette Company The Linn Newsletter The Sun
The Gazette Company is to receive compensation based on one full designation and the two weekly newspapers will share equally in the remaining two designations.

Approve and authorize Chair to sign a Quit Claim Deed to Tom A. and Kimberly J. Sindelar of Linn County, Iowa's interest of vacated right-of-way along a portion of Boy Scouts Road in section 17 described as Parcel A, Plat of Survey No. 2548.

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Approve and authorize Chair to sign the amended contract between Options of Linn County -Linn County Community Services and MH/DS of the East Central Region for the period of July 1st, 2021 to June 30, 2022 for amended rates.

Award AgVantage FS contract for an estimated 30,000 gallons of LP gas to be delivered to the various Secondary Road Department locations in the amount of \$37,500.00.

Approve and authorize Chair to sign a Memorandum of Agreement between the Conservation Board and the Board of Supervisors

Approve Five Day Beer Permit for West Linn Community Group, 1010 1st St. & 812 Iowa Ave., Palo, for the Big Town Showdown Truck and Tractor Pull on Aug. 21, 2021, noting all conditions have been met.

Motion by Rogers, seconded by Zumbach to approve AP checks #71003490-#71003590 in the amt. of \$285,554.26 and AP ACH in the amt. of \$3,245,045.10.

Pramod Dwivedi, Public Health Dir., gave a Covid 19 update by Public Health and their recommendations.

Dr. Meyers, Mercy Medical Center, gave an update regarding hospital protocol and noted that they have no concern that they will get overwhelmed. He is supportive of the CDC recommendations.

Chairperson Walker stated that there is a strong recommendation for Linn County to issue a mask mandate for county buildings (staff and individuals in those buildings).

Greg Smith, Cedar Rapids Fire Chief, stated that the city of Cedar implemented a mask mandate for city buildings and employees yesterday. They plan to re-evaluate weekly.

Supervisor Rogers noted that Linn County does offer a \$50 gift card to get either the primary or the secondary vaccination.

Discussion continued regarding data from a year ago and projections for the remainder of 2021 with the primary focus on the Delta variant.

Chairperson Walker stated that the Board will be meeting on Friday to institute a mask mandate of employees and occupants of county buildings regardless of vaccination status and he encouraged other municipalities to do the same.

Janet Pilcher, 4404 Witwer Ln. SE, Cedar Rapids, stated that there will be children in the schools that cannot be vaccinated, so it is important that others be masked to not spread to them.

Motion by Zumbach, seconded by Rogers to adopt Resolution 2021-8-130

ESTABLISH ASSESSMENT DISTRICT - WAYSIDE CIRCLE

WHEREAS, final hearing was held on the apportionment of the assessment of the cost of the secondary road assessment district, improvement of Wayside Circle, located in section 36-84-8 within Blair Ridge Estates Addition and Blair Ridge Estates Second Addition, 0.33 miles as shown on the plat of the assessment district on August 4, 2021 and described below. WHEREAS, said Board has determined that the Linn County Engineer's Report concerning said apportionment should be affirmed as an equitable and just apportionment, and NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session, that the special assessment for above named Secondary Road Assessment District shall bear interest at the rate of three and one-half percent (3.5%) per annum commencing 20 days from the date of levy, and shall be collected at the September 30, 2022 semi-annual payment of ordinary taxes. (Date of Levy being August 5, 2021.)

Blair Ridge Estates Addition

Owner	Lot	Assessment
Todd Stelling & Sue Kaness	1	\$3,693.28
Farl & Elizabeth Greene	2	\$3,693.28
Charles & Vanessa Naber	3	\$3,693.28
Donald & Margaret Lakose	4	\$3,693.28
Andrew & Joyce Folkmann Trust	5	\$3,693.28
Chris & Angela Cummings	6	\$3,693.28

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James & Jennifer Jacobs	9	\$3,693.28
Kenneth & Susan Clayton	10	\$3,693.28
Darren & Lisa Finch	11	\$3,693.28
Gregory & Rosemary Berckes	12	\$3,693.28
Matthew Koch	13	\$3,693.28

James Stone	14	\$3,693.28
Joseph & Terrie Mlodzik	15	\$3,693.28
Diane Talyat	16	\$3,693.28

Blair Ridge Estates Second Addition

Owner	Lot	Assessment
David & Mary Mosher	1	\$3,693.28
Stoller USA Inc.	2	\$3,693.28

Motion by Rogers, seconded by Zumbach to approve upon second Consideration on an ordinance amending the Code of Ordinances, Linn County, Iowa by amending provisions in Chapter 107, Unified Development Code. Staff is proposing several text amendments to the UDC. The Iowa Department of Natural Resources has provided suggested updates to the Floodplain Overlay District regulations that will help ensure that the county continues to comply with the minimum requirements of the National Flood Insurance Program (NFIP).

Charlie Nichols, Planning & Development Dir., presented a letter from John Ryal objecting to the above-mentioned rezoning noting that it is a serene setting right now and row crops will be taken out of production.

Motion by Rogers, seconded by Walker to approve upon second consideration for rezoning case JR21-0007, request to rezone property located in the 400 Block of Wilder Dr, 19-83-06, from the AG (Agricultural) zoning district to the RR2 (Rural Residential 2-Acre) zoning district, approximately 35.0 acres, STACO Corporation, owners.

Public Comment: Janet Pilcher, 4404 Witwer Ln SE, Cedar Rapids, stated that there have been constant fires all day and all night in a development in the area just off of East Post Rd. Open burning was approved due to the Derecho a year ago. She voiced concerns with the air quality warnings from the California fires and she is sitting in an area that is much worse than that. She also stated that there is constant trucks and dust due to the development.

Chairperson Walker asked Fire Chief Smith to meet with Pilcher after the meeting.

The Board received and placed on file a letter from John Ryal objecting to rezoning of 35 acres near 400 Wilder Dr.

Adjournment 11:45 a.m.

Respectfully submitted,

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

Approved by:

STACEY WALKER, Chairperson
Board of Supervisors