

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, APRIL 4, 2017**

Chairperson Richard Young called the meeting to order at 9:30 a.m. in the Courthouse chambers in regular session. Items on the agenda were: discussion and possible action regarding vacating a portion of Nutmeg Avenue located in sections 17 and 20 of English River Township; discussion and possible action regarding Resolution 17-06 related to vacating a portion of Nutmeg Avenue located in sections 17 & 20 of English River Township; presentation regarding hazard mitigation planning and grant administration services; review bids and award contract for project LFM-A-202; review bids and award contract for tied projects L-B-223 & L-B-234; establishment of letting date for Nutmeg Avenue grading project L-J-088; approval of Washington County Secondary Roads Department FY 2018 Iowa Department of Transportation budget; approval of Washington County Secondary Roads Department FY 2018 Five-Year Construction Program; establishment of bid letting date for FY18 Washington County fuel contract; discussion and possible action regarding 28E Agreement with Southeast Iowa LINK; Quarterly Report – Veteran Affairs Director; Quarterly Report – General Assistance Director; discussion and possible action regarding acquisition of property. Supervisors Stan Stoops, Jack Seward, Bob Yoder, and Abe Miller were present.

Others attending were: Xiomara Levsen, Washington Evening Journal; Mary Zielinski, Kalona News; Sally Hart, KCII Radio; Jacob Thorius, County Engineer; Danielle Pettit-Majewski, County Public Health Director; Jeff Garrett, County Treasurer; Jennine Wolf, County Environmental Health Director; John Gish, County Attorney; Cyndie Sinn, County IT/Budget Director; Ethan Fickau, KCRG News; Jo Greiner, County Recorder; Bobbie Wulf, County Mental Health/Disability Services Director; Alicia Presto, ECICOG; Sue Rich, County Veteran Affairs/General Assistance Director; Amber Williams, Board of Supervisors Administrative Assistant; and citizens Laurie Canady, Les Zickefoose, Bill Miller, Karyl Miller, Ed Hershberger, Donna Jones, C.J. Rauch, Steve Rauch, Enos L. Yoder, Robert Yoder, Rick Hofer, Mary Wenman, Richard Wenman, William W. Bremner, Henry Swantz, Steve Maxon, Scott Allen, Chauncey Moulding, and Doris Park.

All motions were passed unanimously by those supervisors in attendance unless noted otherwise.

On motion by Stoops, seconded by Yoder, the Board voted to approve the agenda as published.

Washington County Engineer Jacob Thorius provided background on the possible vacation of a portion of Nutmeg Avenue in sections 17 and 20 of English River Township in rural Washington County. He mentioned the public hearing held February 22, 2017 in Kalona and stated there had also been numerous comments from the public who did not attend the public hearing. Stoops spoke of the ongoing legal dispute over ownership of the Bunker Mill Bridge which is located near the portion of Nutmeg Avenue being considered for vacation. Seward, Thorius, and Young all responded by saying that the bridge is not owned by Washington County and the current legal dispute was a civil matter which did not involve Washington County. Thorius added that there were some citizens that were hoping the Bunker Mill Bridge could at some point in the future be a part of a Washington County trail between Kalona and Richmond. However, according to Thorius, Washington County is not interested in such a trail due to the expense and time investment that would be involved. Stoops responded by saying that he would like to see those who are proponents of a trail get such a trail yet at the same time he would also like to see area landowners have privacy. Yoder opined that vacating the road would not result in a decrease in trash or trespassing and that keeping the road open would allow it to be used in the future as a key component of a trail. Thorius reminded the Board that with the portion of Nutmeg that has already been vacated, Washington County would need to negotiate with three private landowners in order to establish a trail. Furthermore, according to Thorius, he has spoken with two of the landowners and both are not interested in a trail. Yoder disagreed with Thorius. In response to a question from Seward, Yoder stated he has spoken with landowners but not necessarily with individuals who own land between the Bunker Mill Bridge and Richmond. Thorius emphasized land had already been vacated and that such land, as a result of the vacation, was now private property and in order for a trail to cross such property an easement would be required, the land would have to be sold to a party that would grant an easement, or condemnation would need to take place. Yoder pointed out that opinions could change as land ownership changes in the future. Miller moved that the Washington County Board of Supervisors take the necessary steps to proceed with classifying Nutmeg Avenue in sections 17 and 20 in English River Township as a Class C road. The motion died due to a lack of a second. Seward moved, and Young seconded, to proceed with the vacation of a portion of Nutmeg Avenue south of the English River Bridge that borders land adjacent to John Canady in section 17 & 20 of English River Township. Discussion ensued with Young voicing that adequate time and effort had been spent on the topic at hand and it was time to render a decision. Seward stated he has received much comment on the vacation question and that he understood the comments from those who oppose vacating Nutmeg Avenue due to the resulting adverse effect on their interest in the Bunker Mill Bridge and a future trail. Seward also stated he understands that in 2013, after a fire damaged the bridge, the Board of Supervisors determined that the Bunker Mill Bridge would no longer serve as a part of the Washington County transportation system and in turn decided to demolish the bridge. However, after learning that various citizens did not want the bridge to be destroyed, Washington County sold the bridge to a local group for \$1 and also diverted the \$80,000 originally budgeted for the demolition of the bridge to instead be used towards the renovation of the bridge. Since that time a dispute has developed between two groups over ownership of the bridge as well as responsibility for the renovation and repair of the bridge. Seward stressed that Washington County has no involvement in that dispute nor the legal action that is taking place. The fact remains that Washington County gave up the right-of-way and responsibility due in part to repair costs as well as liability. The right-of-way over the English River was given up when Washington County divested itself of the bridge in 2013. Seward also stated he understood that when Washington County gave up ownership of the bridge, individuals were inaccurately informed that the bridge would be able to be used for light traffic at a later date. Seward maintained that the present dead end to nowhere on Nutmeg Avenue is good for no one, and especially so after dark. Seward expressed that the principles that he was elected upon include personal responsibilities, personal liberties, and the limited role of government in the lives of citizens. Seward stated that he has heard about, read about, thought about, and talked about all the wishes, hopes, and dreams related to the matter at hand but he has concluded that all are secondary to a decision as to whether to vacate Nutmeg Avenue. Seward continued by saying that the wishes of the land owner as well as the land owner's property

rights are paramount. Access over the bridge ended in 2003 and landowners on the south side of the English River and to the east of the bridge have not had road access to their property since the road was closed in the 1980s. This situation would remain unchanged no matter what is decided regarding the current matter at hand. Washington County Attorney John Gish agreed with Seward in the opinion that Washington County is not in danger of having to reverse its action should the Board decide to vacate the portion of Nutmeg Avenue currently under consideration. Yoder disagreed with Seward and stated he felt issues such as trespassing and illegal dumping would not be solved by vacating the road. He added that the citizens he had communicated with, by a 10 to 1 ratio, favored leaving the road open and added that trespassing issues were the responsibility of the landowner to deal with. Yoder advocated for a long-term approach to the question of whether to vacate Nutmeg Avenue. Miller agreed and stated vacating the road would not alleviate the problems of motorcycles and 4-wheelers traveling on the road. Young called for a vote on the motion on the floor and the motion passed 3 to 2 as follows: Aye-Young, Seward, Stoops; Nay-Yoder, Miller.

On motion by Seward, seconded by Stoops, the Board voted by way of roll call vote to approve Resolution 17-06 as follows and to authorize the Chairperson to sign Resolution 17-06 on behalf of the Board.

**RESOLUTION 17-06
VACATION AND CLOSING OF COUNTY ROAD**

WHEREAS, the road described below is no longer required for public access and

WHEREAS, the Board of Supervisors of Washington County, Iowa desires to vacate the road in Washington County legally described as follows:

Part of County Road #36 (Nutmeg Avenue) in English River Township in Sections 17 & 20, Township 77 North, Range 7 West, more particularly described as that portion of road beginning at a point on the centerline of Nutmeg Avenue and the South line of the NW ¼ NW ¼ of Section 20, Township 77 North, Range 7 West, thence Northerly and Easterly along the centerline of said road to a point on the centerline of the East-West portion of said road and 66 feet West of the former Easterly Right of Way line of the previously vacated North-South portion of said road recorded in Book 2013, Page 3874 in the office of the Washington County Recorder.

WHEREAS, the County, after consultation with the County Engineer, has authority to vacate certain roads within the County pursuant to Iowa Code Section 306.10; and

WHEREAS, a public hearing on the matter was conducted on February 22nd 2017 following publication and service of notice as required by law;

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Washington County, that the road described above is vacated and closed pursuant to Iowa Code Section 306.10 and the above described property is to be transferred to the named individuals on the corresponding Quit Claim Deeds for no consideration as the Washington County Board of Supervisors deem it to be in the public interest for the transfer of said property. All existing utility easements shall remain in full force and effect.

The vote on the motion: Aye-Young, Seward, Stoops; Nay-Yoder, Miller.

Alicia Presto, on behalf of the East Central Iowa Council of Governments (ECICOG), addressed the Board regarding the possibility of ECICOG providing consulting services to Washington County for the preparation of an updated multi-jurisdictional hazard mitigation plan for Washington County. Such services would include mapping, administration services, planning, meeting facilitation, as well as compliance with FEMA guidelines. According to Presto, ECICOG provided the same services related to the multi-jurisdictional hazard mitigation plan that is currently in place. However, Presto anticipates that ECICOG involvement would result in improvements from that of the current plan. ECICOG would charge \$93 per hour and the total cost would not exceed \$30,000 or 322 hours. Since Washington County has received funds through the Pre-Disaster Mitigation Program, federal funds shall not exceed \$22,500. Washington County would be responsible for the required local match in the amount of \$7,500. ECICOG would document the time local individuals spend performing tasks related to the hazard mitigation plan which would be credited toward the County's match responsibility. The Board took no formal action.

Thorius presented the Board with one bid for project LFM-A-202 involving culvert improvements to County Road W-61 (Riverside Road). The lone bid was received from Iowa Bridge and Culvert, L.C., Washington, in the amount of \$281,613.07. The Engineer's estimate for the project was approximately \$260,000. Thorius recommended that the Board accept the bid from Iowa Bridge and Culvert. On motion by Stoops, seconded by Yoder, the Board voted to award the bid in the amount of \$281,613.07 to Iowa Bridge and Culvert, L.C.

Thorius presented three bids which were received for combined projects L-B-223 and L-B-234. The projects involve improvements to 130th Street north of 140th Street towards 125th Street and also Kiwi Avenue from 140th Street to 125th Street and 130th Street from Juniper Avenue to Kiwi Avenue. The bids received were as follows:

<u>Bidder</u>	<u>Option A</u>	<u>Option B</u>
McCulley Culvert Inc., Barnes City	\$217,630.14	\$188,218.14
DeLong Construction, Washington	\$171,627.71	\$140,667.71
Cornerstone Excavating, Washington	\$269,348.52	\$244,271.02

Thorius stated that Option A includes hauling and placing of rock while Option B includes only placement of rock. Thorius added that the Engineer's estimate for the projects was approximately \$220,000 for Option A. Thorius recommended approval of the bid from DeLong Construction for Option A in the amount of \$171,627.71. On motion by Seward, seconded by Miller, the Board voted to approve the bid from DeLong Construction in the amount of \$171,627.71 and to authorize the Chairperson to sign appropriate documents.

On motion by Miller, seconded by Seward, the Board voted to set 9:00 a.m. on April 25, 2017 as the bid letting date for project L-J-088 involving road re-shaping and surfacing on Nutmeg Avenue from West 18th Street north to 200th Street. Bids will be accepted no later than 9:00 a.m. Tuesday, April 25, 2017, in the office of the Washington County Auditor, 222 W. Main, Washington, IA 52353 with such bids to be opened shortly after that time in the Chambers of the Washington County Supervisors located in the basement of the Washington County Courthouse.

Thorius stated that although the Secondary Roads budget had already been approved by the Board of Supervisors last month, that same budget must be submitted in a slightly different format to the Iowa Department of Transportation (IDOT) for approval. On motion by Seward, seconded by Stoops, the Board voted to approve the FY17-18 IDOT budget for Secondary Roads and to authorize the Chairperson to sign. The complete report is available by contacting the Washington County Engineer's office.

With regard to the FY17-18 Washington County Secondary Roads Five-Year Construction Plan (Plan), Thorius explained to the Board that Iowa law requires completion of the Plan. On March 28, 2017 the Board held a work session to review the proposed Plan which, in its present form, contains over \$19.24 million in construction with \$10.75 million currently available for funding. Thorius commented that while only \$10.75 million in funding is currently available, road construction projects must be included in the Plan in order to be eligible for funding. Thorius is hopeful that additional funding will become available in the future which would allow for quicker completion of construction projects. The \$10.75 million in funding comes from the following sources: \$2 million (19%) in local secondary road funding, \$5.5 million (51%) in Farm to Market state gas tax funding, \$1.75 million (16%) in federal bridge funding, and \$1.5 million (14%) in funding from the federal gas tax. The overall goal of the Plan is to continue to replace aging structures and improve gravel road systems. Projects are selected based on the consideration of the impact on the entire Washington County road system and funding availability. Thorius also stressed that the Plan is a "living" plan that can be updated and modified as the road system and funding options change. On motion by Miller, seconded by Yoder, the Board voted to approve the Washington County Secondary Roads Five-Year Road Construction Plan that begins with FY17-18 and to authorize the Chairperson to sign necessary documents. The complete report is available by contacting the Washington County Engineer's office.

On motion by Stoops, seconded by Yoder, the Board voted to set 9:00 a.m. on May 2, 2017 as the bid letting date for the FY17-18 Fuel Contract. Prior to the vote, Thorius shared that the contract would be on a one year basis with an option for a second year. He also stated the contract is for the delivery costs of fuel for all Washington County locations and not the purchase price of the fuel itself.

Mental Health and Disability Services Director Bobbie Wulf was present to discuss some proposed changes in the to the 28E agreement with SE Iowa LINK (SEIL). The proposed changes would allow SEIL the flexibility to employ one or more individuals on a regional basis if necessary and if approved by the SEIL Board. If the SEIL board approves the 28E agreement on April 12, 2017, the agreement will be returned in final form to the various member counties for approval. Seward stressed that at this time he was only looking for comments and suggestions to the draft agreement. The Board took no formal action.

Veteran Affairs Executive Secretary Sue Rich presented the 3rd quarter Washington County Veterans Affairs report for FY16-17. She reported that during the recently concluded 3rd quarter of the current fiscal year, Veterans Affairs paid a total of \$901.03 in benefits to three successful applicants. On motion by Seward, seconded by Miller, the Board voted to acknowledge receipt of the quarterly Veterans Affairs report. The complete report is available in the office of the Washington County Auditor.

General Assistance Director Sue Rich presented the 3rd quarter Washington County General Assistance report for FY16-17. She reported that during the recently concluded 3rd quarter of the current fiscal year, General Assistance paid \$1,138.64 in assistance benefits to 10 successful applicants. On motion by Stoops, seconded by Seward, the Board voted to acknowledge receipt of the quarterly General Assistance report. The complete report is available in the office of the Washington County Auditor.

Miller led a discussion concerning the possible acquisition by Washington County of property located at 1701 East Washington Street, site of the former Pamida Discount store, and whether the 35,000 square foot building could serve as a solution to current space needs. Miller highlighted various items contained in an inspector's report that was recently completed. Among other things, the report listed concerns related to health and safety, heating and air conditioning systems that are nearing their end-of-life stages, the septic system, mold, the roof, ceiling insulation, and gutters. Also discussed were positive aspects of the building which include parking, one floor accessibility, and the openness of the interior. Miller estimated the cost to remove and replace insulation at \$100,000 and the cost to completely restore the roof at a minimum of \$100,000. Stoops expressed reluctance at investing a large amount of money into the building in order to bring it up to a proper condition. Yoder opined that the location and the lot add value and also cited the fact that the building is on one floor at ground level. Miller expressed that he would like to get input from Department Heads as to their various space needs. The Board took no formal action.

At 10:50 a.m. on motion by Seward, seconded by Stoops, the Board voted to adjourn.

ATTEST:
APRIL 4, 2017

RICHARD L. YOUNG
Chairperson, Board of Supervisors

DANIEL L. WIDMER
County Auditor