

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, MAY 2, 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 tobacco use and e-cigarette use on County property; acknowledge quotes for FY 2018 fuel contract – County Engineer; Resolution 17-15 related to a permanent easement in English River Township for Tobias and Nona Miller; personnel change requests – County Engineer; personnel change request – Conservation; personnel change request – Public Health; personnel change request – Sheriff; Class C Native Wine Liquor License Application – Revasser Winery, Ainsworth; Washington County Recycling Update – Lynn Whaley, WEMIGA Waste Systems; discussion and action regarding labor agreement between Washington County and Chauffeurs, Teamsters, and Helpers Local Union #238; discussion and action regarding acquisition of real estate; items as approved by Board Chairperson; closed session pursuant to Code of Iowa, Chapter 21.5 (a), to discuss records which are required or authorized by state or federal law to be kept confidential. Supervisors Stan Stoops, Bob Yoder, Abe Miller and Jack Seward, Jr., were also present.

Others attending were: Sally Hart, KCII Radio; Xiomara Levsen, Washington Evening Journal; Mary Zielinski, Kalona News; Jacob Thorius, County Engineer; John Gish, County Attorney; Jeff Garrett, County Treasurer; Jennine Wolf, County Environmental Health Director; Shawn Ellingson, County Sheriff's Office; Jo Greiner, County Recorder; Cyndie Sinn, County IT/Budget Director; Amber Williams, Board of Supervisors Administrative Assistant; and citizens Les Zickefoose, Charlotte Stalder, Denny Stalder, Tom Duwa, and Bette Brant.

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

On motion by Miller, seconded by Seward, the Board voted to approve the agenda as published after the following agenda items were deleted: personnel change request – Public Health; personnel change request – Sheriff.

The Board continued discussion regarding establishing a policy related to tobacco and e-cigarette use on County property. Seward began the discussion by saying Iowa Code contains language that cites the penalty for individuals that violate a smoke-free area is \$50.00 while elsewhere Iowa Code cites the penalty at \$100.00 for the first offense. County Attorney John Gish clarified by stating that the first-time civil penalty for violators of a smoke-free area is \$50.00 with the penalty increasing with subsequent violations. He continued by stating that the \$100.00 first offense penalty that Seward spoke of is imposed on a County that fails to enforce that statute. Seward was also unclear as to Iowa Code which states the smoking ban encompasses the boundary of the courthouse grounds and whether such language includes the parking lot north of the courthouse because Iowa Administrative Code states that a parking lot may be designated as exempt. Seward also questioned whether the County could impose a local ordinance similar to a parking violation, which in turn could be enforced by the sheriff or police department with a penalty of \$10.00 or less. Gish discouraged such action due to a concern related to pre-emption by existing state law. Discussion continued with Seward commenting that state code does not include smokeless tobacco and vaping. The Board took no formal action.

County Engineer Jacob Thorius outlined the two bids received by his office related to delivery of fuel for Secondary Roads, Sheriff's Department, and Minibus. The bidders were Cobb Oil, Brighton and Agri-Land FS, Washington. Cobb Oil was the low bidder at \$1,312.00 compared to a bid of \$3,582.00 received from Agri-Land. The bid from Cobb Oil was arrived at as follows: 80,000 gallons at .0059 cents per gallon for ethanol blended gasoline, 15,000 gallons at .0084 cents per gallon for No. 1 premium diesel, 85,000 gallons at .0084 cents per gallon for No. 2 premium diesel, and .019 cents per gallon for cold flow. Thorius stated the bid is for FY 2017-18 with an additional one year option. He added that the number of gallons of each type of fuel is an estimate based on past usage. According to Thorius, the cost of the fuel itself is based on the "rack" price from the Iowa Department of Transportation. On motion by Miller, seconded by Seward, the Board voted to accept the fuel bid received from Cobb Oil for FY 2017-18.

On motion by Seward seconded by Yoder, the Board voted by way of roll call vote to approve Resolution 17-15 as follows and to authorize the Chairperson to sign Resolution 17-15 on behalf of the Board.

**RESOLUTION NO. 17-15
PUBLIC HIGHWAY EASEMENT**

[For real estate located in Sec. 12-77N-8W]

BE IT RESOLVED by the Board of Supervisors of Washington County, Iowa that a Permanent Easement for a Public Highway in English River Township (12-77N-8W) dated May 2, 2017 from:

Tobias E. Miller and Nona A. Miller, husband and wife

to Washington County, Iowa, be accepted and approved at a cost of \$238.75 and that the alteration in the public highway be established as described in said Easement.

Property in above-mentioned easement is described as:

A permanent right of way easement in the NE1/4 NE1/4 NW1/4 of Section 12, Township 77 North, Range 8 West in Washington County, Iowa described more particularly as follows: Beginning at the N1/4 Corner of said Section 12; thence S00°43'34"E 55.00 feet along the east line of said NE1/4 NE1/4 NW1/4 Section 12; thence S89°16'26"W 60.00 feet; thence N00°43'34"W 55.00 feet to the north line of said NE1/4 NE1/4 NW1/4; thence N89°16'26"E 60.00 feet along the north line of said NE1/4 NE1/4 NW1/4 to the point of beginning and containing 0.02 acres excluding existing highway easements

On motion by Yoder, seconded by Seward, the Board voted to approve, and authorize the Chairperson to sign, a personnel change request from the County Engineer for the hiring of Caleb Statler as a temporary Summer Intern, effective May 8, 2017, at the rate of \$10.00 per hour. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Seward, seconded by Miller, the Board voted to approve, and authorize the Chairperson to sign, a personnel change request from the County Engineer for a change in compensation rate for Summer Intern Blake Weidman, from \$10.40 per hour to \$12.10 per hour, effective May 22, 2017.

On motion by Seward, seconded by Yoder, the Board voted to approve, and authorize the Chairperson to sign, a personnel change request from the County Engineer for the hiring of Hunter Bell as a temporary Summer Intern effective May 8, 2017 at the rate of \$12.10 per hour. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Yoder, seconded by Stoops, the Board voted to approve, and authorize the Chairperson to sign, a personnel change request from Washington County Conservation for a change in compensation rate for Jayse Horning, from \$19.00 per hour to \$19.50 per hour, effective April 27, 2017. The change is a step increase related to Horning receiving his Iowa Law Enforcement Academy certification and ensuing promotion to the position of Ranger-Technician.

On motion by Miller, seconded by Stoops, the Board voted to approve an application from Awe Winery LLC, 1749 Yucca Avenue, Ainsworth, for a Class C Native Wine Permit to include outdoor service, Sunday Sales, and living quarters, with an effective date of May 9, 2017, and an expiration date of May 8, 2018. Washington County Sheriff Jared Schneider expressed no issues with the application.

Lynn Whaley, of WEMIGA Waste Systems, briefed the Board on activity at the Washington County Recycling Center for the months of March and April of 2017. For the month of March, the facility processed 73.71 landfill tons, 26.33 recyclables tons, 8 appliances, 23 televisions and other electronic devices, 24 tires, and 4 gallons of used oil. For the month of April, the facility processed 111.54 landfill tons, 33 recyclables tons, 12 appliances, 23 televisions and other electronic devices, 11 tires, and 16 gallons of used oil. Whaley explained that he was continuing to research various means of handling ashes and stated he had learned a covered container could be rented for \$150 per month or purchased for \$1,250. Whaley also informed the Board that he was waiting on final settlement from ICAP regarding an insurance claim related to the repair of fencing that was damaged by high winds. The Board took no formal action.

On motion by Seward, seconded by Yoder, the Board voted to approve a labor contract between Washington County and Chauffeurs, Teamsters, and Helpers Local Union #238. The term of the contract is July 1, 2017 to June 30, 2019.

Auditor Dan Widmer stated that the County had been approached about purchasing a property at 302 W. Main, located directly across the street from the Courthouse, by a representative of the estate of Ron Goff with the asking price being \$50,000. Widmer expressed that the property could potentially assist in solving office space needs or provide off-street parking. Miller questioned purchasing the property when plans for the site of the former Washington County Jail were unresolved and stated that the jail property would result in more parking spaces than the property at 302 W. Main. Seward opined that the jail property might be better put to use in the future as a County office building. Young added that the jail site might also be needed in the future as a new site for Communications. Yoder agreed with Seward in that when taking into account the proposed price, acquisition of property directly across the street from the Courthouse made sense. Widmer stated that the assessed value of the property is just under \$80,000 although the County would have to potentially pay demolition costs. Miller restated his concern not with the price of the property but with how it fit into future plans. Widmer responded that in the future should the property be deemed as unneeded it could be sold. On motion by Seward, seconded by Yoder, the Board voted to direct the County Auditor to take the necessary steps to purchase property located at 302 W. Main, Washington, from representatives of the Ron Goff estate, in the amount of \$50,000. The vote on the motion: Aye-Young, Seward, Yoder, Stoops; Nay-Miller.

There was no public comment from those gathered.

At 10:20 a.m. on motion by Stoops, seconded by Miller, the Board voted by way of roll call vote to go into closed session per Code of Iowa Chapter 21.5(1)(a) – to discuss strategy for imminent litigation.

At 10:44 a.m. the Board returned to open session.

At 10:45 a.m. on motion by Miller, seconded by Stoops, the Board voted to adjourn.

ATTEST:
May 2, 2017

RICHARD L. YOUNG
Chairperson, Board of Supervisors

DANIEL L. WIDMER
County Auditor