

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, AUGUST 7, 2018**

Chairperson Abe Miller called the meeting to order at 9:00 a.m. in the Courthouse chambers in regular session. Items on the agenda included the following: approval of agenda; waiver of enforcement of separation distance for Havel "Sow Farm" located in Section 25 of Oregon Township; Engineer's report; culvert replacement at Washington County Recycling Center; Resolution 18-35 regarding Traffic Safety Improvement Program grant application for temporary lights; approval of TSIP Grant application for temporary lights; Resolution 18-34 regarding public hearing to release easement for Kewash Trailhead; Secondary Road Use Request – Courage Ride; approval of modifications to Washington County Employee Handbook; personnel change request – Public Health; personnel change request – County Attorney; public comment; adjourn. Supervisors Stan Stoops, Jack Seward, Jr., Richard Young; and Bob Yoder were also present.

Others attending were: Mary Zielinski, The News; David Hotle, Washington Evening Journal; Zach Ulin, KCII Radio; John Gish, County Attorney; Danielle Pettit-Majewski, County Public Health Director; Jacob Thorius, County Engineer; Steve Anderson, County Conservation Director; Jo Greiner, County Recorder; Jeff Garrett, County Treasurer; Rachel Rinner, Knee Deep Solutions; Amber Williams, Board of Supervisors Administrative Assistant; and citizens Denny Lyle, Denny Stalder, Charlotte Stalder, Erica Robison, Dan Havel, and Les Zickefoose.

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

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

The Board took up discussion of a request from Rachel Rinner of Knee Deep Solutions on behalf of Daniel and Lori Havel for a waiver of enforcement of separation distance. The request is for property owned by the Havels located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, T-75-N, R-6-W, Oregon Township. Washington County is responsible for the maintenance of 262nd Street which is a public thoroughfare according to Iowa Code. The road right-of-way extends 55.86755 feet east of the centerline of 262nd Street. The Havels plan to add on to an existing confinement building which will be approximately 51 feet from the eastern boundary of the road right-of-way. Pursuant to Iowa Code a separation distance of 100 feet is required between a swine confinement building and the right-of-way of the public thoroughfare. On motion by Seward, seconded by Stoops, the Board voted to adopt a waiver of enforcement of separation distance for the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, T-75-N, R-6-W. The vote on the motion: Aye-Miller, Young, Stoops, Seward; Nay-Yoder.

The Board reviewed a report provided by County Engineer Jacob Thorius that listed maintenance activities performed by Secondary Roads staff during the week of July 29. The list included blading of gravel and dirt roads, hauling rock, cutting brush, mowing and miscellaneous work on paved and gravel road shoulders, shoulder improvement work on 210th Street east of Riverside Road, replacement of crossroad and entrance pipes, cold patch and PCC work on various roads, and sign installation. The list also included construction work consisting of continued progress on the shoulder areas of Riverside Road, deck work on the 275th St. Bridge project located east of Hoot Owl Hollow, grinding work on Highway W47 (Coppock Road) and finally the removal of a bridge on Orange Avenue southeast of Richmond that will be replaced with a culvert. The Board took no formal action.

Thorius addressed the Board regarding a planned project involving the paving of the driveway at the Washington County Recycling Center and specifically with regard to replacing the culvert at the end of the driveway. Thorius stated that while presently the culvert does not need to be replaced there will be a time in the future the culvert would need to be replaced. According to Thorius it would be much easier and less expensive to replace the culvert at the present time rather than after the paving project is completed and the culvert is covered with concrete. Thorius estimated the cost to replace the culvert at \$1,600.00. Thorius recommended replacing the culvert before the paving project takes place. Board discussion ensued with Stoops and Seward agreeing with the recommendation made by Thorius. Thorius stated that typically on culvert replacement projects such as the one being discussed the land owner is responsible for the costs. On motion by Stoops, seconded by Yoder, the Board voted to accept the recommendation of County Engineer Jacob Thorius to replace the culvert at the Washington County Recycling Center and that payment for the project expenses come from the Washington County Auditor's budget.

On motion by Young, seconded by Seward, the Board voted by way of roll call vote to approve Resolution 18-35 as follows and to authorize the Chairperson to sign Resolution 18-35 on behalf of the Board. Prior to the vote Thorius noted that the grant will cover the entire \$60,000 cost to purchase portable temporary traffic signals. The temporary signals will be used instead of personnel acting as flaggers. Thorius explained that the signs will greatly enhance safety and reduce the chance of serious injury by eliminating the need for flaggers. The grant request is being pursued jointly by Washington, Keokuk, and Henry Counties. It is planned that the portable lights will be housed in Washington County and made available for use by each of the three counties with maintenance costs shared jointly between the three counties.

RESOLUTION 18-35
APPROVAL OF TRANSPORTATION SAFETY IMPROVEMENT PROGRAM APPLICATION FOR
TEMPORARY TRAFFIC SIGNALS

WHEREAS, the Iowa Department of Transportation has adopted Administrative Rule 761 – Chapter 164, which created the Traffic Safety Improvement Program (TSIP) to allow for funding to be provided to local jurisdictions for eligible traffic safety improvement projects; and

WHEREAS, Washington County had determined that providing temporary traffic signals for use during maintenance activities will aid in improving safety for flaggers, maintenance workers and the traveling public in road work zones; and

WHEREAS, portable temporary traffic signals are a recognized temporary traffic control devices in the Manual on Uniform Traffic Control Devices, 2009 Edition; and

WHEREAS, TSIP funds are available for traffic control devices; and

WHEREAS, the Washington County Engineer recommends a TSIP application be submitted to the Iowa Department of Transportation for possible safety funding of the above mentioned traffic control devices.

IT IS THEREFORE RESOLVED by the Washington County Board of Supervisors to endorse the above mentioned project and hereby commits to accepting and maintaining these temporary traffic signals;

BE IT FURTHER RESOLVED that the Chairperson of the Washington County Board of Supervisors be authorized to sign said funding application and direct the County Engineer to submit the application to the Iowa Department of Transportation for possible Traffic Safety Improvement Funding.

On motion by Seward, seconded by Yoder, the Board voted to approve an application for Transportation Safety Improvement Program grant funding for temporary lights.

On motion by Young, seconded by Yoder, the Board voted by way of roll call vote to approve Resolution 18-34 as follows and to authorize the Chairperson to sign Resolution 18-34 on behalf of the Board.

RESOLUTION 18-34

Resolution to fix a date for a public hearing on proposal to enter into an Agreement for the release of an easement located in Section 30, Township 76 North, Range 9 West of the 5th P.M. with no consideration to the County.

WHEREAS, the Board of Supervisors of Washington County, Iowa (the “County”) proposes to enter into an agreement (the “Agreement”) pursuant to Iowa Code Section 331.361 for the release of an easement to Vision Ag, LLC:

The North 50 feet of a permanent easement, 100 feet in width, being 50 feet either side of the centerline of the Kewash Railroad, for ingress and egress, commencing at a point on the centerline of said railroad right-of-way, 500 feet east of the point where the centerline of the Kewash Railroad intersects with the Washington/Keokuk County Line, the point of beginning, thence westerly 500 feet to the point where the Kewash Railroad intersects with the Washington/Keokuk County Line. The above description being the permanent easement granted to the Washington County Conservation Board by Kewash Railroad, Inc. by Quit Claim deed, filed for record at Book 100 page 344

WHEREAS, this real estate was previously owned by the Kewash Railroad, Inc.

WHEREAS, the Washington County Conservation Board acquired a permanent easement from the Kewash Railroad, Inc. for the purpose of establishing the Kewash Trailhead.

WHEREAS, the parties desire to re-route the Kewash Trailhead.

WHEREAS, the County no longer plans to use the current easement, and Vision Ag, LLC desires to take possession of the easement, and thereby assume all risks of railway line reactivation under the National Trails System Act, 16 U.S.C. 1247(d).

WHEREAS, the release of the easement is a condition to the approval of the Agreement, wherein the City of Keota shall purchase property from Vision Ag, LLC for the purposes of re-routing the Kewash Trailhead.

WHEREAS, the Washington County Conservation Board has approved the Agreement and release of the easement, and asks the County to approve the Agreement and release of the easement.

WHEREAS, as part of the Agreement, the County shall bear no costs associated with the transfer of the real estate.

WHEREAS it is now necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to enter into the Agreement and to give notice thereof as required by law.

Be It Resolved by the Board of Supervisors of Washington County, Iowa, as follows:

Section 1. The Board of Supervisors shall meet on the 14th day of August, 2018, at the Washington County Courthouse, 222 West Main Street, Washington, Iowa, at 9:00 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Agreement. The County Auditor is hereby authorized to select a different date for the public hearing, should it be necessary to meet the notice and publication requirements as set forth in Section 2 of this resolution.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Agreement setting forth the terms of the Agreement, including the purchase price, the time when and place where the said meeting will be held by publication at least once and not less than four days and not more than 20 days before the date selected for the meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO AN AGREEMENT FOR THE RELEASE OF AN EASEMENT AT THE KEWASH TRAILHEAD LOCATED IN SECTION 30, TOWNSHIP 76 NORTH, RANGE 9 WEST OF THE 5TH P.M. TO VISION AG, LLC FOR NO CONSIDERATION TO THE COUNTY.

The Board of Supervisors shall meet on the 14th day of August, 2018, at the Washington County Courthouse, 222 West Main Street, Washington, Iowa, at 9:00 o'clock a.m., for the purpose of instituting proceedings and taking action on an agreement (the “Agreement”) for the release of an easement over the following described property to Vision Ag, LLC for no consideration to the County:

The North 50 feet of a permanent easement, 100 feet in width, being 50 feet either side of the centerline of the Kewash Railroad, for ingress and egress, commencing at a point on the centerline of said railroad right-of-way, 500 feet east of the point where the centerline of the Kewash Railroad intersects with the Washington/Keokuk County Line, the point of beginning, thence westerly 500 feet to the point where the Kewash Railroad intersects with the

Washington/Keokuk County Line. The above description being the permanent easement granted to the Washington County Conservation Board by Kewash Railroad, Inc. by Quit Claim deed, filed for record at Book 100 page 344

This real estate was acquired by the Washington County Conservation Board from the Kewash Railroad, Inc. for the purpose of the Kewash Trailhead, and the property is no longer required as a result of a new planned location for the Kewash Trailhead. As part of the terms of the Agreement, the County will pay no costs associated with this transfer.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Agreement. After receiving objections, the County may determine to enter into the Agreement and release the easement to Vision Ag, LLC of Keota, Iowa, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

At any time before the date fixed for taking action to enter into the Agreement, a petition may be filed with the County Auditor asking the question of entering into an Agreement with Vision Ag, LLC, Keota, Iowa, for the release of an easement located in Section 30, Township 76 North, Range 9 West of the 5th P.M., in Washington County, Iowa, be submitted to the registered voters of the County.

By order of the Board of Supervisors of Washington County, Iowa.

Daniel L. Widmer
County Auditor

Section 3. All resolutions or parties thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

On motion by Yoder, seconded by Seward, the Board voted to approve, and authorize the Chairperson to sign, a request for a Secondary Road Use permit received from Courage Ride (Seth A. Bailey Foundation) for Saturday, August 18, 2018. Washington County roads scheduled to be used in conjunction with the event include County Road W-38, Highway 22, and County Road G-26.

On motion by Seward, seconded by Stoops, the Board voted to approve an amendment to Section 1 of the Washington County Employee Handbook. Prior to the vote Auditor Dan Widmer explained that the minor modification involved clarification as to which county employees are covered under the various policies listed in the employee handbook. County Attorney John Gish acknowledged his review and approval of the change.

On motion by Yoder, seconded by Stoops, the Board voted to acknowledge a personnel change request from Public Health for the hiring of Tina Garrett as a casual part-time Parent Educator at the rate of \$20.00 per hour, effective August 9, 2018. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Seward, seconded by Young, the Board voted to acknowledge a personnel change request from the County Attorney's office for a change in employment status from full-time non-exempt to casual part-time for Shane McChurch, effective August 11, 2018.

During the public comment portion of the meeting Thorius reminded those present that railroad bridge repairs over Iowa 1 North/Iowa 92 West, between Green Meadows Drive and Parkside Estate Road, in the City of Washington, will require closing the roadway to traffic beginning 7:00 a.m. Monday, August 20, for approximately two weeks weather permitting.

At 9:42 a.m. on motion by Seward, seconded by Stoops, the Board voted to adjourn.

ATTEST:
August 7, 2018

ABE C. MILLER
Chairperson, Board of Supervisors

DANIEL L. WIDMER
County Auditor