

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING  
TUESDAY, OCTOBER 15, 2019**

Chairperson Bob Yoder 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; public hearing regarding proposed vacation of a portion of Road #13 (240<sup>th</sup> Street); Resolution 19-57 regarding road vacation and closing of a portion of Road #13 (240<sup>th</sup> Street); Resolution 19-59 regarding reclassification of a portion of Road #13 (240<sup>th</sup> Street); Resolution 19-58 regarding disposal of Bridge #336560 over Clemons Creek in Section 15 of Franklin Township; Resolution 19-61 regarding application for Washington County Riverboat Foundation Grant from Secondary Roads; personnel change requests – Sheriff; Treasurer’s Quarterly Fee Report; 28E Agreement with Keokuk and Henry Counties regarding Maintenance of Portable Traffic Lights; discussion and action regarding possible acquisition of real estate; public comment; adjourn. Supervisors Abe Miller, Stan Stoops, Richard Young, and Jack Seward were also present.

Others attending were: Sally Hart, KCII Radio; Mary Zielinski, The News; Gretchen Teske, SE Iowa Union; Cyndie Sinn, County IT/Budget Director; Jeff Garrett, County Treasurer; John Gish, County Attorney; Shawn Ellingson, Deputy Sheriff; Jennine Wolf, County Environmental Health Director; Danielle Pettit-Majewski, County Public Health Director; Amber Williams, Board of Supervisors Administrative Assistant; and citizens Bill Miller, Karyl Miller, Tom Duwa, Bette Brant, Charlotte Stalder, Ken Kiene, Duane Kiene, Greg Kiene, Joni Luke, and Dennis Stalder. County Engineer Jacob Thorius participated by way of telephone.

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.

On motion by Young, seconded by Miller, the Board voted to open a public hearing regarding the proposed vacation of a portion of Road #13 (240<sup>th</sup> Street). Auditor Dan Widmer stated that notice of the public hearing was published as legally required. Citizen Ken Kiene, who co-owns property with Citizen Duane Kiene along the portion of Road #13 being considered for vacation, stated his preference that no vacation take place. Having stated that preference however, K. Kiene also reluctantly added that he understood that some form of road vacation was going to take place. In order to allow easier access to the Kiene property K. Kiene asked that the vacation take place beginning with the property line instead of at the point called for in the proposed vacation action. D. Kiene provided additional clarification. County Engineer Jacob Thorius shared that K. Kiene had shared with him on numerous occasions the desire that the proposed road vacation be closer to the field driveway than at the point called for in the County proposal. Thorius continued by saying that if the vacation was done as requested by K. Kiene the result would be in actuality a private lane for the Kienes maintained with county funds. Thorius described the current proposed plan as being a compromise from the original plans which called for a complete vacation. Seward clarified that approval of the resolutions included on the agenda would result in the road vacation as proposed by Thorius. Citizen Greg Kiene provided additional comments while Citizen Joni Luke, who also owns property along Road #13, stated that no County maintenance had occurred for over 15 years along Road #13. Thorius stated that the road was a low maintenance priority and he added that to designate the road as Class C rather than vacating it would leave Washington County subject to potential liability issues. On motion by Miller, seconded by Seward, the Board voted to close the public hearing.

On motion by Seward, seconded by Young, the Board voted by way of roll call vote to approve Resolution 19-57 as follows and to authorize the Chairperson to sign Resolution 19-57 on behalf of the Board. Before the vote, Thorius again confirmed that passage of Resolution 19-57 would result in the vacation of a portion of Road #13 as he recommended.

**RESOLUTION 19-57  
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 Road #13 (240<sup>th</sup> Street) in Sections 10 and 15, Township 75, Range 8, Franklin Township, more particularly described as that portion of road beginning 400’ west of the NE Corner of Section 15, Township 75 North, Range 8 West thence west along the centerline of 240<sup>th</sup> Street to the NE Corner of Parcel A in said Section 15.

**WHEREAS**, there is a bridge, specifically bridge FHWA #336560, located over Clemons Creek on the above described stretch of road, approximately 1000 feet west of the Northeast corner of said Section 15; and

**WHEREAS**, the bridge has been closed since 1995, when the bridge was deemed not able to carry traffic any longer; and

**WHEREAS**, on October 6, 2015 the bridge was removed from Washington County’s bridge inventory; and

**WHEREAS**, there have been no plans to replace the bridge since it has been deemed to no longer be a necessary part of Washington County’s transportation system; and

**WHEREAS**, the County must do something positive with the disposition of the bridge, such as removing or selling the bridge; and

**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 October 15<sup>th</sup>, 2019 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.

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Washington County that the bridge described above be sold to the adjacent landowners for the consideration of \$1.00. This bridge is being sold as is, with no guarantee to its condition, expressed or implied.

On motion by Miller, seconded by Young, the Board voted by way of roll call vote to approve Resolution 19-59 as follows and to authorize the Chairperson to sign Resolution 19-59 on behalf of the Board.

**RESOLUTION 19-59  
CLASSIFY ROAD AS AREA SERVICE “C”**

**WHEREAS**, Washington County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and with restricted access; and

**WHEREAS**, the County, after consultation with the County Engineer, has Authority to specify certain roads within the County as Area Service “C” roads Pursuant to Iowa Code Section 309.57 (1995) as amended by House File 419 (1996);

**WHEREAS**, the County has received a request from all landowners adjoining the road, asking that the following road be classified as an Area Service “C” road:

Part of Road #13 (240<sup>th</sup> Street) in Sections 10 and 15, Township 75, Range 8, Franklin Township, more particularly described as that portion of road beginning at the NW Corner of Parcel A in said Section 15, thence east along the centerline of 240<sup>th</sup> Street to the NE Corner of Parcel A in said Section 15

1. Blading. Blading or dragging may not be performed.
2. Snow and Ice Removal. Snow and ice removal will not be performed. Sanding and salting will not be performed.
3. Bridges. Bridges on Area Service “C” roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
4. Weed, Brush, and Trees. Mowing or spraying weeds, cutting brush and tree removal may not be performed. Adequate sight distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be for traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service “C” roads.
7. Shoulders. Shoulders will not be maintained.
8. Crown. A crown will not be maintained.
9. Signing. Except for load limit posting for bridges, signing shall not be continued or provided.
10. Repairs. There will be no road repairs on a regular basis.
11. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
12. Inspections. Regular inspections will not be conducted.
13. Gate. A gate may be purchased, installed, and maintained by the adjoining landowners.

WHEREAS, the only persons who will have access rights to the road shall be:

- (1) the owner, lessee, or person in lawful possession of any adjoining land,
- (2) the agent or employee of the owner, lessee, or person in lawful possession of any adjoining land,
- (3) any peace officer,
- (4) any magistrate,
- (5) any public employee whose duty it is to supervise the use or perform maintenance of the road,
- (6) any agent or employee of any utility located upon the road.

**THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY** that this County does hereby establish the road described as an Area Service “C” road, with restricted access and a minimal level of maintenance.

On motion by Young, seconded by Stoops, the Board voted by way of roll call vote to approve Resolution 19-58 as follows and to authorize the Chairperson to sign Resolution 19-58 on behalf of the Board.

**RESOLUTION 19-58  
DISPOSITION OF COUNTY BRIDGE**

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

**WHEREAS**, the Board of Supervisors of Washington County, Iowa desires to dispose of the bridge in Washington County legally described as follows:

**WHEREAS**, there is a bridge, specifically bridge FHWA #336560, located over Clemons Creek, approximately 1000 feet west of the Northeast corner of Section 15, Township 75, Range 8, Franklin Township; and

**WHEREAS**, the bridge has been closed since 1995, when the bridge was deemed not able to carry traffic any longer; and

**WHEREAS**, on October 6, 2015 the bridge was removed from Washington County’s bridge inventory; and

**WHEREAS**, there have been no plans to replace the bridge since it has been deemed no longer a necessary part of Washington County’s transportation system; and

**WHEREAS**, the County must do something positive with the disposition of the bridge, such as removing or selling the bridge; and

**WHEREAS**, the secondary road, upon which the bridge sat, was vacated pursuant to Iowa Code Section 306.10;

**NOW THEREFORE BE IT RESOLVED**, by the Board of Supervisors of Washington County, that the bridge described above is sold pursuant to Iowa Code Chapters 331 and 306 and the above described property is to be transferred to the named individuals on the corresponding Purchase Agreement and Quit Claim Deed for the consideration of \$1.00 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.

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Washington County that the bridge described above is being sold as is, with no expressed or implied guarantee to its condition.

On motion by Seward, seconded by Miller, the Board voted by way of roll call vote to approve Resolution 19-61 as follows and to authorize the Chairperson to sign Resolution 19-61 on behalf of the Board.

#### **RESOLUTION 19-61**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, IOWA, ACKNOWLEDGING THE APPLICATION FOR THE PURPOSE OF RECEIVING BENEFITS FROM THE WASHINGTON COUNTY RIVERBOAT FOUNDATION.**

**WHEREAS**, the Washington County Riverboat Foundation has grant funds available that target Community Development and Beautification, Economic Development, Art and Education, Human and Social Needs, and

**WHEREAS**, the Washington County Riverboat Foundation has a grant application cycle that ends October 15, 2019, and

**WHEREAS**, the Washington County Board of Supervisors is supportive of these targets for improvements to the community and County, and

**WHEREAS**, one or more applications from Washington County and/or from organizations with projects that will take place on County property, will be submitted to the Washington County Riverboat Foundation by the October 15, 2019 deadline,

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Washington County, Iowa, that Washington County acknowledges the following grant application will be submitted to the Washington County Riverboat Foundation for the October 15, 2019 application cycle:

**Paving portions of the following Washington County Roads - 300<sup>th</sup> Street,  
Kiwi Avenue, and 290<sup>th</sup> Street**

On motion by Seward, seconded by Young, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the Sheriff for Rebecca Strong whose employment ended September 24, 2019.

On motion by Miller, seconded by Stoops, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the Sheriff for Sarah Garrett whose employment status will change from casual part-time to regular part-time effective October 15, 2019.

On motion by Miller, seconded by Stoops, the Board voted to acknowledge receipt of the County Treasurer's Report of Fees Collected for the 1<sup>st</sup> quarter of FY20 and to authorize the Chairperson to sign the report on behalf of the Board. The report, presented by County Treasurer Jeff Garrett, listed total motor vehicle fees of \$1,971,021.28 collected during the quarter with Washington County retaining \$71,544.09. The overall total retained by the County for the quarter was \$71,699.49. During the quarter over \$20 million in property taxes were received which was a 12.8% increase over the amount collected during the 1<sup>st</sup> quarter of FY 19. Of the total collected approximately \$8.7 million (43%) went to Washington County schools, approximately \$3.5 million (17%) went to cities in Washington County, approximately \$6.4 million (31.5%) was retained by the county, and approximately \$1.4 million (8.5%) went to various other county entities. Finally, Garrett shared that his office issued over 200 sets of the new black-out license plates during the quarter which resulted in approximately \$7,000.00 in revenue which was deposited in the state road use tax fund. The complete report is available in the office of the County Treasurer.

On motion by Seward, seconded by Young, the Board voted to adopt a 28E agreement with Henry and Keokuk Counties to provide for cooperative action pursuant to the purchase, use, and maintenance of portable traffic lights. The equipment will be shared by the three counties and will be used in conjunction with road projects. County Attorney John Gish expressed no concerns with the agreement.

The Board took up discussion of the possible acquisition of real estate located at 102 E Main in Washington (Federation Bank Building). Yoder shared that multiple closed sessions had taken place regarding the possibility of purchasing the property. Miller voiced concern regarding the acquisition of the property due to the property tax impact of such an acquisition. Young expressed agreement with Miller and cited existing bond indebtedness for roads, the jail, and the new Communications/Emergency Operations Center. Seward agreed with Miller and Young and he offered assurance that the Board had considered multiple payment strategies regarding the possible purchase of the property. Seward also voiced that the Board is keenly aware that new ownership of the property may require the Board to find a new location for Washington County Public Health. He added that one payment method considered was a lease-to-own agreement but under such a plan it was the Board's understanding that there would be contractual stipulations that would limit the type of building modifications that the County could undertake to increase the amount of useable space. Yoder agreed with Seward, Young, and Miller. Stoops stated he agreed with the rest of the Board and added that his opposition to the acquisition was due in part to input from his constituents. On motion by Miller, seconded by Young, the Board voted to take no action with regard to county acquisitions of real estate at the current time.

During the public comment portion of the meeting Public Health Administrator Danielle Pettit-Majewski requested clarification regarding the Board's apparent position to not take on any additional bond debt until at least 2030 when all present bond projects, which currently include jail, roads, and Communications/Operations Center, will be paid in full. Miller responded by stating that it would depend on the particular situation as well as future economic conditions. Seward voiced that he would not favor spending unless necessary but he also stated that he is not necessarily opposed to spending for a good project that he feels is the right thing to do and not simply the nice thing to do.

At 9:55 a.m. on motion by Young, seconded by Miller, the Board voted to adjourn.

ATTEST:

October 15, 2019

DANIEL L. WIDMER  
County Auditor

ROBERT C. YODER  
Chairperson, Board of Supervisors