

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, AUGUST 27, 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; approve agreement for payment of costs for 285th Street Road Improvement Project; establish quote due date for Grading and Surfacing Project on 285th Street West of Ivy Avenue; review bids and award contract for Pavement Patching Project FM-C092 (106)--55-92 on various roads; discussion regarding the handling of hazardous materials delivered by citizens of the City of Washington to the Washington County Rural Solid Waste and Recycling Center; closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation; discussion and possible action regarding Iowa Court of Appeals decision for FBMB v. Board of Supervisors; public comment; adjourn. Supervisors Abe Miller, Stan Stoops, and Jack Seward were also present. Supervisor Richard Young was absent.

Others attending were: Mary Zielinski, The News; Bill Monroe, SE Iowa Union; Sally Hart, KCII Radio; Danielle Pettit-Majewski, County Public Health Director; Cyndie Sinn, County IT/Budget Director; Jacob Thorius, County Engineer; Marissa Reisen, County Emergency Management Coordinator; Jeff Garrett, County Treasurer; Lynn Whaley, WEMIGA Waste Management; Brent Hinson, Washington City Administrator; and citizens Karyl Miller, Bill Miller, Tom Duwa, and Bette Brant.

All motions were passed unanimously unless noted otherwise.

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

County Engineer Jacob Thorius presented a proposed agreement between Washington County (County) and John D. and Jenna L. Greiner (Landowners) that was approved and signed by the Landowners prior to the board meeting. The purpose of the agreement is to outline the responsibilities of the County and the Landowners related to a project involving the grading and rocking of a portion of 285th Street from Ivy Avenue west approximately ¼ mile with 100% of the project costs to be reimbursed to the County by the Landowners within 30 days of project completion. The cost of the project is estimated to be \$55,000.00 with the final cost being determined for reimbursement at the time of completion. Should the Landowners fail to make the full payment on or before the date it is due, the Landowners agree that the amount of payment that is owed shall be certified to the County Auditor as a special assessment and entered upon the tax list. Washington County will perform the grading project in accordance with the relevant engineering standards and in the judgement of the Washington County Engineer. The contract does not guarantee any particular completion date but the project is expected to be completed by the summer of 2020. The Washington County Engineer will have sole discretion over the design of the road and the Landowners will have no authority to determine the appropriateness of the grading or construction work nor who completes the work. On motion by Miller, seconded by Stoops, the Board voted to accept a contract agreement with John and Jenna Greiner related to the necessary grading and rocking of a portion of 285th Street from Ivy Avenue west approximately ¼ mile in order to upgrade this portion of 285th Street from Class B to Class A and to authorize the County Engineer to sign the contract on behalf of the Board of Supervisors.

With regard to the previous agenda item, on motion by Miller, seconded by Stoops, the Board voted to establish 9:00 a.m. on September 9, 2019 as the deadline for quotes to be submitted for grading and surfacing a portion of 285th Street from Ivy Avenue west approximately ¼ mile with quotes due in the Washington County Engineer's Office. The location of the Washington County Engineer's office is 210 W. Main, Washington, Iowa 52353 and office hours are weekdays from 8:00 a.m. until 4:30 p.m. Thorius stated that quotes are required, as opposed to bids, due to the fact that the \$55,000.00 estimated cost of the project is well under the threshold level for bids.

Thorius presented the Board with three bids for project FM-C092 (106)--55-92 involving pavement patching on County Roads W38 (Wellman Road), W61 (Riverside Road), W55 (Wayland Road), and County Road G36. The bids were as follows:

<u>Name</u>	<u>Address</u>	<u>Bid Amount</u>
Midwest Contractors, Inc.	Cedar Falls, IA	\$264,898.62
Cedar Falls Construction Co. Inc.	Cedar Falls, IA	\$358,697.90
Iowa Civil Contracting Inc.	Victor, IA	\$366,907.90

The Engineer's estimate for the project was \$250,000.00. Before recommending that the low bid from Midwest Contractors, Inc. be accepted, Thorius shared that the late start date for the project will be sometime in May 2020 and that farm to market funds will be used to pay for the project. On motion by Seward, seconded by Miller, the Board voted to award the contract for project FM-C092 (106)--55-92 in the amount of \$264,898.62 to Midwest Contractors, Inc. and to authorize the Chairperson to sign pertinent contract documents.

The Board took up discussion with regard to the disposal of hazardous materials at the Washington County Recycling Center. Presently the County has a contractual agreement with WEMIGA Waste Management (WEMIGA) that allows rural residents to drop off hazardous materials at the Washington County Recycling Center where they become the responsibility of Southeast Iowa Multi-County Solid Waste Agency Landfill (SEMCO). The City of Washington, meanwhile, has a contract with SEMCO to accept hazardous waste at the SEMCO site but there is no contract for transporting such items to the SEMCO site. In other words, City of Washington residents and businesses are responsible for transporting hazardous materials to SEMCO. The Board took no formal action.

At 9:25 a.m. on motion by Stoops, seconded by Miller, the Board voted to go into closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

At 9:38 a.m. the Board returned to open session.

The Board did not discuss nor take action regarding an Iowa Court of Appeals decision for FBMB v. Board of Supervisors.

There was no public comment.

At 9:45 a.m. on motion by Miller, seconded by Stoops, the Board voted to adjourn.

ATTEST:

August 27, 2019

ROBERT C. YODER
Chairperson, Board of Supervisors

DANIEL L. WIDMER
County Auditor