

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, JANUARY 10, 2023**

At 9:00 a.m. Chairperson Robert C. Yoder called to order in regular session a meeting of the Washington County Board of Supervisors which took place in the Washington County Courthouse. Items on the agenda included the following: approval of agenda; public comment related to agenda items; Public Hearing regarding Washington County's interest in Abandoned Railroad between E. Harrison and E. Polk Streets in the City of Washington; Resolution 23-02 Releasing Washington County's interest in Abandoned Railroad between E. Harrison and E. Polk Streets in the City of Washington and approval of quit claim deed; WEMIGA Waste Management Report for calendar year 2022; presentation and FY24 funding request – HACAP; presentation and FY24 funding request – Washington County Fair Association; presentation and FY24 funding request – Washington County Mini Bus; mileage expense reimbursement rate; personnel change request - County Attorney; discussion and action regarding method of filling County Attorney vacancy; personnel change requests - Sheriff; personnel change request - Secondary Roads; approval of Final Payment for STBG-SWAP-C092(114)--FG-92, Riverside Road Overlay; proposal from Encite Architecture & Design for design services for proposed renovations to County facilities; appointment of 2023 Board of Supervisors Vice-Chairperson; employee compensation; department head comment; adjourn. Supervisors Jack Seward, Marcus Fedler, and Stan Stoops were also present. Supervisor Richard Young participated by remote means.

Others attending included Jennifer Wilkerson, KCII Radio; Kalen McCain, SE Iowa Union; John Gish, County Attorney; Tammy Stewart, Deputy Auditor; Jeff Garrett, County Treasurer; Jared Schneider, County Sheriff; Zach Rozmus, County Conservation Director; Jacob Thorius, County Engineer; Lynn Whaley, WEMIGA Waste Management; Kurt Dallmeyer and Nick Shelman, Washington County Fair Association; Dan Phillips and Kim Davis, Access Energy; Amber Williams, Board of Supervisors Administrative Assistant. Various other individuals listened and/or watched remotely by way of electronic means.

All motions were passed unanimously unless noted otherwise.

On motion by Fedler, seconded by Stoops, the Board voted to approve the agenda after it was amended to delete the following agenda item: presentation and FY24 funding request – HACAP.

During the public comment portion of the meeting the Board heard from Access Energy Director of Operations Dan Phillips along with Director of Member Services Kim Davis. Access Energy is an electric cooperative with facilities in 10 counties in southeast Iowa, including Washington County, and is based in Mt. Pleasant, Iowa. The two expressed gratitude on behalf of Access Energy to the Board and stated they appreciate and wish to nurture the good relationship that Access Energy has with Washington County. They encouraged the Board to reach out if questions or concerns arise. The Board took no formal action.

On motion by Fedler, seconded by Stoops, the Board voted to open a public hearing regarding Washington County's interest in abandoned railroad between E. Harrison and E. Polk Streets in the City of Washington. Auditor Dan Widmer stated that notice of the public hearing was published as required and no public comment was received in the Auditor's office. County Attorney John Gish stated that sometime during the decade of the 1980s a railroad line that traveled through the City of Washington was abandoned. In 1990 the County, by way of tax sale deed, purchased and recorded the tract of land stretching from E. Harrison and E. Polk Streets. At some point after such purchase, the adjoining property owners to the abandoned tract of land claimed interest in the land. Recently Gish became aware of the ownership conflict when a developer attempted to sell property that included the former railroad property that was abandoned. In order to solve the dilemma and to avoid litigation Gish proposed that the County relinquish its interest in the tract of land. Gish added that the land was purchased for less than \$150.00 by the County. There were no comments from the public. On motion by Stoops, seconded by Fedler, the Board voted to close the public hearing.

On motion by Stoops, seconded by Seward, the Board voted by way of roll call vote to approve Resolution 23-02 as follows and to authorize the Chairperson to sign Resolution 23-02 on behalf of the Board.

RESOLUTION 23-02

Resolution Releasing Washington County's Interest in Abandoned Railroad between E. Harrison and E. Polk Streets, and Approving Quit Claim Deed.

WHEREAS, the below legal description was contained on a Tax Sale Deed and acquired by Washington County (the "Property"):

Irregular Part Abandoned Railroad Right-of-way through from Harrison to Polk Streets situated in the City of Washington, County of Washington, State of Iowa (Parcel Number 11-20-211-013) on Tax Sale Certificate FY88-043.

WHEREAS, Washington County then recorded the Tax Sale Deed on August 21, 1990 at TLD 68, Page 92.

WHEREAS, the Property was returned to, remained on, private tax rolls for adjoining landowners.

WHEREAS, a public hearing on the matter was conducted on January 10, 2023, following the passage of Resolution 22-53, setting the public hearing, and publish of notice, as required by law.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Washington County, Iowa, that Washington County, Iowa, disclaims any interest in the Property, and pursuant to the Quit Claim Deeds attached to this Resolution, transfers its interests in the Property to the adjoining landowners referenced therein.

NOW THEREFORE BE IT FURTHER RESOLVED, the Board of Supervisors of Washington County, Iowa approve and adopt the Quit Claim Deed attached to this Resolution

Lynn Whaley of WEMIGA Waste Management (WEMIGA) presented a report that detailed WEMIGA activities for calendar year 2022. During the year WEMIGA processed 805.37 landfill tons, 2.47 tons of glass, 25.78 tons of paper, 25.19 tons of plastic, 78.09 tons of cardboard, 56.74 tons of tin and aluminum, 181.61 tons of recyclable material, 205 appliances, 340 televisions and other electronic devices, 32 batteries, 211 tires, and 118 gallons of used oil. Whaley also provided a report that detailed WEMIGA activity for each calendar year beginning with 2015 and ending with 2022. Whaley noted that the data indicated, among other things, that in general landfill tons are at their highest levels during the summer months and that through the years overall annual recycling tonnage is decreasing. The Board took no formal action. The complete report is available for review in the Auditor's office.

On behalf of the Washington County Fair Association (WCFA), Fair Board officers Kurt Dallmeyer and Nick Shelman provided an annual WCFA update and funding request for the fiscal year ending September 30, 2022. During the 2022 Fair there were a total of 279 livestock exhibitors, 1,117 livestock exhibits, and 220 non-animal exhibits. Receipts for 2022 included fair income of \$199,699.00, non-fair income of \$81,297.00, county funding of \$41,000.00, grants of \$1,600.00, and state funding of \$10,113.00 for a total of \$333,709.00. Total fair expenses for the 2022 edition of the fair included \$151,250.00 in general fair expenses, \$137,716.00 in non-fair expenses, and \$26,250.00 in equipment purchases for a total of \$315,246.00. Total attendance at the 2022 Fair was estimated at 16,000. The Washington County 4-H program, for individuals in grades 4 through 12, continues to be among the 10th largest programs in the state. Dallmeyer and Shelman were also pleased to report that the Washington County Fairgrounds are used on many dates other than for the Washington County Fair and briefly described several such events. Capital plans currently under consideration include an upgrade to the grandstand area fence, construction of a maintenance shed, a new entrance sign, and new bathrooms north of the depot. Appreciation was expressed to the many volunteers who assist before, during, and after the fair. Dallmeyer and Shelman requested no change in the amount of county funding from the current fiscal year which is \$24,000.00 for the fairgrounds and \$17,000.00 for 4-H support. The Board took no formal action. The complete report is available for review in the Auditor's office.

Washington County Mini Bus (WCMB) Director Cris Gaughn provided the WCMB report for FY22 via Zoom and reported that during the year funding sources for WCMB were as follows: 26% from fares, 29% from East Central Iowa Council of Governments, 36% from local option sales tax, 7% from Washington County, 1% from the City of Kalona, and 1% from other miscellaneous sources. During the year WCMB provided 50,799 rides and traveled 206,430 miles. WCMB transported an average of 161 riders each day supported by a staff of four full-time employees and 14 part-time employees. WCMB maintains a fleet of 16 buses with an average of eight buses on the road each day. The current budget for the organization is approximately \$895,900.00. Gaughn requested funding from the County in the amount of \$50,000 for FY24 which is equal to the level of funding for the current fiscal year. In closing Gaughn emphasized WCMB's need for additional drivers. The Board took no formal action. The complete report is available in the Auditor's office.

On motion by Seward, seconded by Fedler, the Board voted to approve an increase to the county employee business mileage reimbursement rate to coincide with the Internal Revenue Service rate of 65 and ½ cents per mile effective January 1, 2023.

On motion by Stoops, seconded by Seward, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the County Attorney's office involving a classification change for Assistant County Attorney Anthony Janney from casual part-time exempt to full-time exempt effective January 16, 2023.

The Board took up discussion and action regarding a method of filling the upcoming County Attorney vacancy created by the resignation of current County Attorney John Gish. Seward suggested that the vacancy be filled by Board appointment and made the recommendation that the Auditor and Deputy Auditor prepare a job posting to be published in the official newspapers for Washington County. Seward also recommended that the deadline for returning applications and resumes be two weeks from the date of publication of the job posting. It was noted that per Iowa Code the appointment of an individual to fill the County Attorney vacancy would extend until the next General Election on November 5, 2024. In turn the winner of the 2024 election for County Attorney would stand for election at the next General Election on November 3, 2026. Seward offered that filling the position by appointment would result in a bigger pool of applicants for the position. He also offered that a two-year term would allow the appointee a reasonable amount of time to evaluate and determine their level of satisfaction with the position. On motion by Seward, seconded by Stoops, the Board voted to begin the process of appointing an individual to replace the current Washington County Attorney.

On motion by Fedler, seconded by Stoops, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the Sheriff for Rescue Squad member Luis Murguia-Castillo whose final day of employment occurred January 4, 2023.

On motion by Stoops, seconded by Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the Sheriff for Chad Ellis who was promoted to the position of Lieutenant effective January 12, 2023, and whose pay rate will increase to a bi-weekly rate of \$3,754.85 effective January 12, 2023.

On motion by Fedler, seconded by Seward, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the Secondary Roads Department for Mechanic Roberto Gaytan whose final day of employment will occur on January 13, 2023.

County Engineer Jacob Thorius informed the Board that the Riverside Road Overlay project was complete and thus a final retainage fee in the amount of \$30,000.00 was owed by Washington County to Flynn Company, Inc., Dubuque, IA. A brief discussion ensued and on motion by Fedler, seconded by Seward, the Board voted to approve and authorize the Chairperson to sign pertinent documents for final payment in the amount of \$30,000.00 to Flynn Company, Inc., with regard to Project STBG-SWAP-C092(114)--FG-92, Riverside Road Overlay. Thorius stated that the total cost of the project was \$3,698,413.64 which includes the \$30,000.00 retainage.

The Board next took up discussion of a proposal from Encite Architecture & Design (Encite) to provide design services for the proposed renovations to various County buildings. Fedler provided a brief timeline from the beginning of efforts related to remodeling various County buildings in order to alleviate crowded County offices. Fedler stated that an updated proposal had been received the prior day which included renovations not only to Orchard Hill facilities but to the Courthouse as well. The updated proposal calls for a cost of \$4,100,000 for the proposed project which includes \$500,000.00 to renovate the Courthouse which at the rate of 9.5% results in a fixed fee of \$389,500.00 in architecture and design costs for Orchard Hill and the Courthouse. It was also noted that reimbursable costs were not included in the Encite proposal. Yoder was unsure as to the answer to a question from Seward on whether acceptance of the Encite proposal would eliminate the possibility of purchasing the Federation Bank building located at 110 N. Iowa, Washington. Fedler opined that it might be possible to not only renovate Orchard Hill and the Courthouse but to also purchase the Federation Bank building. Discussion followed as to whether an additional building for Secondary Roads at its maintenance garage location at 821 E. 7th Street in Washington was included in the proposal from Encite. Fedler definitively stated that it was not part of the Encite proposal due to the fact that the proposed building would not require the talent and skills of a design architect such as Encite and instead could be designed in-house. Stoops stated he was beginning to question remodeling and moving staff to Orchard Hill and cited the intersection of Highway 1 and 5th Street as well as the possible purchase of the Federation Bank property as just two of many reasons for his opinion. He also stated that there was still time for the Board to reconsider its proposed renovation plans. Yoder expressed that he too had reservations about a move to Orchard Hill. Young, in response to Stoops, requested that Stoops provide his other reasons for his opposition to moving to Orchard Hill in addition to the ones that was provided. Further discussion followed but the Board took no action.

Seward announced that he no longer wished to serve as Vice-Chairperson of the Board of Supervisors for calendar year 2023 and therefore he was resigning from the position effective immediately. It was noted that Seward was not resigning from his position as a Washington County Supervisor. Stoops moved to nominate Fedler for the position of Vice-Chairperson of the Board of Supervisors for calendar year 2023 and Seward seconded the motion. There was no discussion and upon hearing no other nominations the Board voted to appoint Fedler as Board of Supervisors Chairperson for the remainder of calendar year 2023 with such appointment to take effect immediately. The vote on the motion was as follows: Aye-Young, Yoder, Stoops, Fedler; Abstain-Seward.

The Washington County Compensation Board (WCCB) met on Monday, January 9, 2023 and Stoops expressed a problem with the compensation recommendations of WCCB which included a 12% increase for the County Sheriff, a 10% increase for the County Attorney, Auditor, Recorder, and Treasurer, and finally a 4% increase for the County Supervisors. In particular Stoops expressed that such compensation percentage increases result in a widening of the “spread” between the largest salaries and the smallest salaries. Seward responded that one solution to Stoop’s concern was to give a specific dollar amount per hour to all hourly employees rather than a percentage. He also reminded Stoops that some employees have their own Board, such as Conservation, Emergency Management, and Public Health, that set compensation for employees. Sheriff Jared Schneider reminded that the compensation for elected officials impacts their deputies who are paid a percentage of the amount paid to their various supervisors. The Board took no formal action.

There was no comment from Department Heads.

At 11:00 a.m. on motion by Fedler, seconded by Stoops, the Board voted to adjourn.

ATTEST:
January 10, 2023

ROBERT C. YODER, CHAIRPERSON
Washington County Board of Supervisors

DANIEL L. WIDMER
Washington County Auditor