

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, JANUARY 24, 2023**

At 9:00 a.m. Chairperson Bob 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; review and approval of revised 28E Agreement regarding the Weiler W430B Road Widener; Public Hearing regarding an application for Minor Plat – Angus Acres; Public Hearing regarding demolition and removal of structures and materials located at 221 West 2nd Street, Washington; Resolution 23-03 regarding Acceptance and Approval of Minor Plat for Angus Acres; Resolution 23-04 for Dedication of Right of Way for Angus Acres; discussion and action regarding acceptance of demolition bid for County-owned structures located at 221 West 2nd Street, Washington; personnel change request – County Attorney; personnel change requests – Washington County Ambulance Services; Quarterly Report – Recorder; Quarterly Report – Sheriff; Liquor License renewal – Wooden Wheel Winery; Resolution 23-08 to fix a date for a public hearing on Washington County’s Interest in Abandoned Railroad between East Harrison and East Polk Streets in the City of Washington; appointments of various commission, board, and committee members; department head comment; adjourn. Supervisors Jack Seward, Jr., Marcus Fedler, Richard Young, and Stan Stoops were also present.

Others in attendance included the following: Jennifer Wilkerson, KCII Radio; Kalen McCain, SE Iowa Union; Tammy Stewart and Amber Armbruster, Deputy Auditors; Jacob Thorius, County Engineer; John Gish and Anthony Janney, County Attorney’s Office; Jason Mellinger, CornerStone Excavating, Inc.; Mary Audia, WEDG Director; and citizen Richard Bordwell. Various other individuals listened and/or watched remotely by way of electronic means.

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

On motion by Young, seconded by Fedler, the Board voted to approve the agenda after it was amended as follows: Deletion of agenda item “Quarterly Report – Recorder”

Deletion of agenda item “Quarterly Report – Sheriff”

Deletion of agenda item “Discussion and action regarding acceptance of demolition bid for

C ounty-owned structures located at 221 West 2nd Street, Washington”

Addition of agenda item “Appointment of Acting County Attorney”

Addition of agenda item “Resolution 23-09 to Accept Bid for the Demolition of County-owned

Property at 221 W. 2nd Street, Washington, Iowa

During the public comment portion of the meeting Washington Economic Development Director Mary Audia made note of the upcoming Greater Washington Annual Dinner which will take place on February 27th, 2023, and will highlight area businesses for their growth and success in Washington County. The Board took no formal action.

On motion by Young, seconded Seward, the Board voted to approve an amended 28E Agreement regarding the purchase and maintenance of a Weiler W430B Road Widener with each individual supervisor signing the agreement.

On motion by Seward, seconded by Fedler, the Board voted to open a public hearing regarding an application for Minor Plat – Angus Acres. Deputy Auditor Tammy Stewart presented the Board with plans for a minor plat proposed by Angus Acres that would be located at the intersection of Vine Avenue and 202nd Street approximately two miles north of Ainsworth. Stewart stated the proposed sub-division is owned by Bryan Lasek and would consist of two residential lots. The plat of survey has been approved by all necessary County departments. Stewart also informed the Board that an additional 10 feet of right-of-way on Vine Avenue will be dedicated to the County. Stewart recommended approval of the plat of survey. Auditor Dan Widmer stated publication of notice of public hearing had occurred as required and his office had received no public comment prior to the hearing. There was no public comment from those gathered. On motion by Fedler, seconded by Young, the Board voted to close the public hearing.

On motion by Seward, seconded by Young, the Board voted to open a public hearing regarding the demolition and removal of structures and materials located at 221 West 2nd Street, Washington. Citizen Richard Bordwell expressed agreement with the plans to demolish and remove such structures and materials. There was no other public comment from those gathered. Widmer stated publication of the notice of public hearing had occurred as required and his office received no public comment prior to the hearing. On motion by Seward, seconded by Fedler, the Board voted to close the public hearing.

On motion by Seward, seconded by Fedler, the Board voted by way of roll call vote to approve Resolution 23-03 as follows and to authorize the Chairperson to sign Resolution 23-03 on behalf of the Board.

**RESOLUTION 23 – 03
ACCEPTANCE AND APPROVAL OF MINOR PLAT FOR
ANGUS ACRES**

WHEREAS, Bryan Lasek, owner of the property described herein, wishes to voluntarily subdivide the same property and has filed for approval of the Minor Plat of Angus Acres, a subdivision of real estate the part of which is described as follows, to wit:

“ANGUS ACRES”

A parcel of land located in part of the Southwest Quarter of the Northwest Quarter of Section 27, Range 76 North, Range 6 West of the 5th PM, Washington County Iowa.

The property is located at the intersection of Vine Avenue and 202nd Street, approximately 2 miles north of Ainsworth. The owner is creating a two-lot subdivision for purposes of building new residences.

WHEREAS, Washington County, Iowa has adopted a Subdivision Ordinance, per Chapter 354 of the Code of Iowa, as amended; and

WHEREAS, said plat, application and the submissions have been examined by the Washington County Board of Supervisors and the Washington County Subdivision Coordinator and have been found to conform to the requirements of the Washington County Subdivision Ordinance and County Standards and the requirements of other ordinances and with the laws of the State of Iowa governing such plats;

NOW, THEREFORE, BE IT RESOLVED that the subdivision as it appears on the Plat known as Angus Acres is hereby accepted and approved by the Washington County Board of Supervisors; and

BE IT FURTHER RESOLVED that the Chairperson of the Washington County Board of Supervisors and the County Auditor are hereby authorized and directed to certify this Resolution which shall be affixed to the plat.

On motion by Fedler, seconded by Seward, the Board voted by way of roll call vote to approve Resolution 23-04 as follows and to authorize the Chairperson to sign Resolution 23-04 on behalf of the Board.

**RESOLUTION 23-04
DEDICATION OF RIGHT-OF-WAY
ANGUS ACRES**

WHEREAS, Bryan R. Lasek does hereby certify and state that he is the owner and proprietor of Angus Acres, consisting of two lots, located in the Southwest Quarter of the Northwest Quarter of Section 27, Township 76 North, Range 6 West of 5th Principal Meridian, Washington County, Iowa, and

WHEREAS, the owner and proprietor of Angus Acres further states that the dedication of an additional 10-foot-wide strip of land, lying easterly, adjacent and contiguous to the existing 40-foot-wide road right-of-way along Angus Acres along Vine Avenue, 27-76-6, as shown in the final plat of Angus Acres to Washington County, Iowa, is with their free consent and desire, and

WHEREAS, a right-of-way easement in the above-described subdivision is hereby dedicated to Washington County, Iowa for use as a public street as provided by Chapter 354 of the 2022 Code of Iowa, and

WHEREAS, it is in the best interests of Washington County to accept the dedication of right-of-way easement from Angus Acres, Washington County, Iowa;

BE IT THEREFORE RESOLVED, by the Board of Supervisors of Washington County, Iowa that Washington County hereby approves and accepts the dedication of an additional 10 feet of Angus Acres as shown on the Final Plat.

County Engineer Jacob Thorius presented three bids related to demolition and removal of structures and materials located at 221 West 2nd Street, Washington. The bids were as follows:

<u>Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
D.W. Zinser Company, Inc.	Walford IA	\$ 37,400.00
DeLong Construction, Inc.	Washington IA	\$ 44,500.00
CornerStone Excavating, Inc.	Washington IA	\$ 72,450.00

Discussion took place regarding the discrepancy between the three bid amounts but ultimately on motion by Seward, seconded by Young, the Board voted to award the bid for the demolition of structures and the removal of debris from 221 West 2nd Street, Washington Iowa, to D.W. Zinser Company, Inc. of Walford, IA., in the amount of \$37,400.00. The vote on the motion: Aye-Yoder, Seward, Young; Nay-none; Abstain-Fedler, Stoops.

On motion by Seward, seconded by Young, the Board voted by way of roll call vote to approve Resolution 23-09 as follows and to authorize the Chairperson to sign Resolution 23-09 on behalf of the Board.

RESOLUTION 23-09

Resolution to Accept Bid for the Demolition of County-owned Property at 221 W. 2nd Street, Washington, Iowa.

WHEREAS, the Board of Supervisors of Washington County, Iowa (the “County”), pursuant to Iowa Code Section 331.361, desires to demolish unused County-owned structures located at 221 W. 2nd Street, and legally described as follows (the “Property”):

Lot Number Eight (8) in Block Number Six (6) in the Original Plat of the town, now City, of Washington, except the North Fifty (50) feet thereof; in Washington County, Iowa (Parcel number 1117309017).

WHEREAS, the Property contains structures and materials that are not used and not functional.

WHEREAS, the County desires to demolish and remove said structures and materials on the Property.

WHEREAS, a public hearing on the matter was conducted on January 24, 2023, following the passage of Resolution 22-50, 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, accepts the bid submitted by D.W. Zinser Company, Inc., Walford, IA, for the demolition of County-owned structures on the Property.

The vote on the motion: Aye-Yoder, Seward, Young; Nay-none; Abstain-Fedler, Stoops.

On motion by Young, seconded by Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the County Attorney’s office for County Attorney John Gish whose final day of employment will occur January 29, 2023. The vote on the motion: Aye-Yoder, Fedler, Seward, Young; Nay-Stoops.

On motion by Seward, seconded by Stoops, the Board voted to appoint Anthony Janney as Acting County Attorney until such time as the office of Washington County Attorney is filled.

On motion by Seward, seconded by Young, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for the promotion of Aaron Olson to Level 4 Field Supervisor at the rate of \$37.41 per hour effective January 19, 2023.

On motion by Young, seconded by Seward, the Board voted to acknowledge, and to authorize the Chairperson to sign, a personnel change request from Ambulance Services for the promotion of Joshua Mohror to Level 5 Field Supervisor and for an increase in compensation to \$39.81 per hour effective January 19, 2023.

On motion by Seward, seconded by Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for Level 1 EMT Josh Laws whose classification will change from part-time to full-time status effective February 1, 2023. There is no change in Law's rate of compensation.

On motion by Young, seconded by Seward, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for Level 1 EMT Trevor Viohl whose classification will change from part-time to full-time effective February 1, 2023. There is no change in Viohl's rate of compensation.

On motion by Seward, seconded by Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for the hiring of Ian Gannon as a full-time non-exempt Level 4 Paramedic effective February 1, 2023, at the rate of \$30.73 per hour. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Young, seconded by Seward, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for the hiring of Jordan Wright as a regular part-time non-exempt Level 5 Paramedic effective February 1, 2023, at the rate of \$34.89 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 Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for the hiring of Tanner Tarvin as a regular part-time non-exempt Level 3 EMT effective February 1, 2023, at the rate of \$24.19 per hour. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Young, seconded by Stoops, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for the hiring of Jake Petersen as a regular part-time non-exempt Level 1 EMT effective February 1, 2023, at the rate of \$22.69 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 Stoops, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for the hiring of Jack Flesner as a regular part-time non-exempt Level 2 EMT effective February 1, 2023, at the rate of \$23.19 per hour. The County Auditor is hereby authorized to issue pay warrants upon proper certification from the Department Head.

On motion by Young, seconded by Seward, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Ambulance Services for Billing Coder Elizabeth Duncan whose rate of compensation will increase to \$28.09 per hour effective January 25, 2023.

On motion by Seward, seconded by Fedler, the Board voted to approve an application for renewal of a Class C Retail Alcohol License from Wooden Wheel Vineyards, LLC, Keota, Iowa, for the period of February 15, 2023 to February 14, 2024. Sheriff Jared Schneider expressed no issues with the application.

On motion by Young, seconded by Stoops, the Board voted by way of roll call vote to approve Resolution 23-08 as follows and to authorize the Chairperson to sign Resolution 23-08 on behalf of the Board.

RESOLUTION 23-08

Resolution to fix a date for a public hearing on Washington County's Interest in Abandoned Railroad between E. Harrison and E. Polk Streets

WHEREAS, the Board of Supervisors of Washington County, Iowa (the "County") is asked to consider releasing its potential interest in Real Property to adjacent landowners pursuant to Iowa Section 331.361, which is described as follows (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, this real estate was previously owned by Burlington Northern Railroad Company until its abandonment in the 1980s.

WHEREAS, Washington County purchased an interest in the Property through Tax Sale Deed, recorded on August 21, 1990 at TLD 68, Page 92.

WHEREAS, the Property remained on tax rolls for adjoining landowners.

WHEREAS, this issue was not discovered until an individual with an interest in land that overlapped with the Property had a law office conduct a title opinion.

WHEREAS, the issue is complex and presents an opportunity for needless and expensive litigation.

WHEREAS, Washington County previously conducted a public hearing on this matter and elected to release its interest in the property, but public notice contained an incorrect property description.

WHEREAS, the County desires to resolve this in a reasonable and efficient manner by releasing whatever interest it has in the Property to private, adjacent landowners.

WHEREAS it is now necessary to fix a date of public hearing of the Board of Supervisors at which it is proposed to take action to release its interest in the Property and to give notice thereof as required by law.

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

Section 1. The Board of Supervisors shall meet on the 7th day of February, 2023, 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 to release the County's interest in the Property, the time when and place where the said public hearing 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 public hearing, 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 RELEASE THE COUNTY'S INTEREST IN AN ABANDONED RAILROAD BETWEEN EAST HARRISON AND EAST POLK STREETS IN WASHINGTON, IOWA, AND PURCHASED BY THE COUNTY VIA TAX SALE AND RECORDED ON AUGUST 21, 1990.

The Board of Supervisors shall meet on the 7th day of February, 2023, 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 the release of interest in the following described property to adjacent, private landowners:

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.

This real estate was acquired by Washington County and is no longer required. 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 release its interest in the Property to adjacent landowners, 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 release the property interest, a petition may be filed with the County Auditor asking the question of release of the property interest, be submitted to the registered voters of the County.

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 Young, seconded by Stoops, the Board voted to appoint Deanna McCusker to a term on the ECICOG Board of Directors that ends December 31, 2025.

On motion by Young, seconded by Stoops, the Board voted to appoint Jaron Rosien as an alternate on the ECICOG Board of Directors that ends December 31, 2025.

On motion by Young, seconded by Stoops, the Board voted to appoint Marcus Fedler as an alternate on the ECICOG Board of Directors that ends December 31, 2023.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Jacob Thorius to a term on the ECICOG Technical Advisory Committee that ends December 31, 2025.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Kelly Farrier as an alternate on the ECICOG Technical Advisory Committee that ends December 31, 2023.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Mary Audia as an alternate on the ECICOG Technical Advisory Committee that ends December 31, 2024.

On motion by Seward, seconded by Fedler, the Board voted to appoint Zach Rozmus to a term on the ECICOG Trails Advisory Committee that ends December 31, 2024.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Richard Young as an alternate on the ECICOG Trails Advisory Committee that ends December 31, 2024.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Stan Stoops as an alternate on the ECICOG Trails Advisory Committee that ends December 31, 2024.

On motion by Seward, seconded by Fedler, the Board voted to appoint Bobbi Wulf to a term on the ECICOG Passenger Transportation Advisory Committee that ends December 31, 2024.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Emily Tokheim as an alternate on the ECICOG Passenger Transportation Advisory Committee that ends December 31, 2024.

On motion by Stoops, seconded by Young, the Board voted to appoint Bob Yoder to a term on the ECICOG Transportation Policy Committee that ends December 31, 2024.

On motion by Stoops, seconded by Young, the Board voted to appoint Marcus Fedler as an alternate on the ECICOG Transportation Policy Committee that ends December 31, 2024.

On motion by Stoops, seconded by Fedler, the Board voted to appoint Jacob Thorius as an alternate on the ECICOG Transportation Policy Committee that ends December 31, 2024.

On motion by Seward, seconded by Fedler, the Board voted to appoint Terry Engelken to a term on the ECICOG Revolving Loan Fund Committee that ends December 31, 2023.

On motion by Seward, seconded by Fedler, the Board voted to appoint Joel Huber to a term on the Washington County Board of Adjustment that ends December 31, 2027.

On motion by Seward, seconded by Fedler, the Board voted to appoint the following individuals to one-year terms on the Washington County Eminent Domain Commission ending December 31, 2023: **LICENSED REAL ESTATE SALE PERSONS OR BROKERS:** Charla Howard, Patty Elliott, Jeff Hazelett, Heather Marek, Haley Hershberger, Jenny Morgan, and Connie Larsen.

On motion by Young, seconded by Fedler, the Board voted to appoint the following individuals to one-year terms on the Washington County Eminent Domain Commission ending December 31, 2023: **OWNER-OPERATORS OF AGRICULTURE PROPERTY:** David Birney, Keith Murphy, Jerome Vittetoe, Keith Hora, Larry Marek, and Mark Dunn.

On motion by Fedler, seconded by Seward, the Board voted to approve the appointment of the following individuals to one-year terms on the Washington County Eminent Domain Commission ending December 31, 2023: **BANKERS, AUCTIONEERS, PROPERTY MANAGERS, INDIVIDUALS RESPONSIBLE FOR MAKING LOANS ON PROPERTY AND PROPERTY APPRAISERS:** Greg Giardino, Jim Mostek, and Melissa Myers.

There was no comment from Department Heads.

At 10:08 a.m. on motion by Fedler, seconded by Young, the Board voted to adjourn.

ATTEST:
January 24, 2023

ROBERT C. YODER, CHAIRPERSON
Washington County Board of Supervisors

DANIEL L. WIDMER
Washington County Auditor