

**PROCEEDINGS OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS MEETING  
TUESDAY, FEBRUARY 8, 2022**

At 9:00 a.m. Chairperson Richard Young 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 proposed action to institute proceedings to enter into an agreement for release of easement on property located in Section 17, Township 75 North, Range 7 West, to Matnic LLC for consideration of \$28,300.00; Resolution 22-03 related to release of easement on property located in Section 17, Township 75 North, Range 7 West, to Matnic LLC for consideration of \$28,300.00 and also approval of purchase agreement; discussion and action regarding contract with Martin Gardner Architecture, P.C., for feasibility study of various County facilities; 28E Agreement with the City of Wellman for services associated with a bridge reconstruction; personnel change request – Communications; personnel change request – Sheriff; application for renewal of Class C Native Wine (WCN) Liquor License – Wooden Wheel Vineyards, LLC, Keota; appointments to various commissions, boards, and/or committees; department head comment; adjourn. Supervisors Jack Seward, Jr., Marcus Fedler, Bob Yoder, and Stan Stoops were also present.

Other individuals in attendance included Sam McIntosh, KCII Radio; Kalen McCain, SE Iowa Union; Shawn Ellingson, Chief Deputy Sheriff; Jacob Thorius, County Engineer; Craig Capps, Conservation Board; Zach Rozmus, Conservation Director; Jeff Garrett, County Treasurer; Amber Williams, Board of Supervisors Administrative Assistant; and citizens David Good, Nina Hunter, Mayne Knutson, Juan Barrera, Nila Herrera, Benito Herrera Sosa, and Luke Hertzler. 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 Seward, seconded by Stoops, the Board voted to approve the agenda as published.

During public comment a number of individuals expressed their desire to address the Board regarding the use and allocation of Federal ARPA funds received by the County. The group was not allowed to speak as public comment is limited to agenda items only. However, the group was informed that in the near future the Board's agenda will include an item related to the use of Federal ARPA funds in Washington County. The Board took no formal action.

On motion by Yoder, seconded by Stoops, the Board voted to open a public hearing regarding proposed action to institute proceedings to enter into an agreement for release of easement on property located in Section 17, Township 75 North, Range 7 West, to Matnic LLC for consideration of \$28,300.00. Auditor Dan Widmer stated that notice of the public hearing had been published as required and he added his office had received no public comment in advance of the hearing. Washington County Conservation Board (WCCB) Director Zach Rozmus added that he had responded in the affirmative to an individual who had questioned whether Rozmus had reached out to the Iowa Natural Heritage Foundation which is an organization that deals with easements and land acquisitions for trail projects. The property in question is a duplex constructed in 2021, located at 503 West 5<sup>th</sup> Street in Washington, and which borders the KeWash Nature Trail. However, a problem exists in that the lot is too small for the duplex to be legally occupied per City of Washington zoning regulations. The duplex was built without a permit and without seeking formal zoning approval until July 2021 when construction was nearly complete. In an effort to solve the problem, Developer Matt Lepic formally requested that the WCCB release its easement. The request was denied by the WCCB. Developer Lepic again approached the WCCB in October of 2021 about the possibility of WCCB releasing its easement. This occurred after the Washington City Board of Adjustment met on three occasions before denying a request for a variance which would have solved the problem. Due to mistakes committed by both the City of Washington and Lepic Fedler opined that the County now found itself in the difficult position of having to either release its easement as requested by Lepic in order to enable the property to be sold or to deny the request that the easement be released which would in turn prohibit the sale of the property. Fedler also clarified that he felt the WCCB was not to be blamed for the problems and offered instead that blame fell equally on an overly zealous developer (Lepic) and the City of Washington. The question arose as to why the City of Washington was not being called on to bear some financial responsibility for its error(s) similar to that of Lepic. Fedler responded that in his experience it is always the builder that is held responsible if issues arise and not the other party. Rozmus expressed that it was not an easy decision for the WCCB to release the easement. Stoops, who also serves as a member of the Conservation Board, voiced that the \$10.00/square foot price was definitely not intended to set precedent in any way and that the decision to sell the real estate to Matnic LLC was the decision of the entire WCCB and not Rozmus. Rozmus commented that it is likely that the WCCB will have to deal with similar easement requests again in the future along the KeWash Nature Trail which stretches between the cities of Washington and Keota. Rozmus reminded the Board that all easement land along the KeWash Nature trail is still right-of-way land and as such ownership of the land would revert back to the railroad should railroad service ever be re-established. On motion by Fedler, seconded by Seward, the Board voted to close the public hearing.

On motion by Fedler, seconded by Seward, the Board voted by way of roll call vote to approve Resolution 22-03 as follows and to authorize the Chairperson to sign Resolution 22-03 on behalf of the Board.

**RESOLUTION 22-03  
RELEASING EASEMENT AND APPROVING PURCHASE AGREEMENT**

**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 pertaining to the release of a portion of a Kewash Nature Trail easement to Matnic LLC (Matthew D. Lepic and Nicole Lepic).

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

**A PORTION OF THE FORMER RIGHT-OF-WAY OF THE KEWASH RAILROAD LOCATED IN LOT 1 AND LOT 4, BLOCK 4, MARGARET M. YOUNG ADDITION, LOCATION THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 75 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF WASHINGTON, WASHINGTON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, ALSO BEING THE NORTHEAST CORNER OF LOT 4, MARGARET M. YOUNG'S ADDITION TO THE CITY OF WASHINGTON, WASHINGTON COUNTY, IOWA, AS RECORDED IN TOWN LOT DEED BOOK D, PAGE 408 IN THE RECORDS OF THE WASHINGTON COUNTY RECORDERS OFFICE, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF THE FORMER KEWASH RAILROAD; THENCE S00°15'55"E, ALONG THE EAST LINE OF SAID LOT 4; THENCE N00°07'30"W, ALONG THE WEST LINE OF SAID LOT 4 AND LOT 1, BLOCK 4, A DISTANCE OF 41.04 FEET; THENCE N80°19'04"W, 49.96 FEET, THENCE N00°14'28"E, 31.92 FEET; THENCE N89°41'38", 74.60 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4, BLOCK 4, A DISTANCE OF 16.24 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID FORMER KEWASH RAILROAD; THENCE S82°39'22" E ALONG SAID NORTH RIGHT-OF-WAY LINE, 124.55 FEET THE POINT OF BEGINNING, CONTAINING 0.06 ACRE (2,829 SQUARE FEET) AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.**

**WHEREAS**, the County no longer plans to use the current easement, and Matnic 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**, a public hearing on the matter was conducted on February 8<sup>th</sup>, 2022, following the passage of Resolution 22-02, 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 the easement above is released, and pursuant to the Purchase Agreement between Washington County and Matnic LLC, for a consideration of \$28,300 to be paid to Washington County.

**NOW THEREFORE BE IT FURTHER RESOLVED**, the Board of Supervisors of Washington County, Iowa approve and adopt the Purchase Agreement between Washington County and Matnic LLC.

There was no discussion and the Board took no action taken with regard to a contract with Martin Gardner Architecture, P.C. for a feasibility study of various County facilities.

On motion by Seward, seconded by Fedler, the Board voted by way of roll call vote to approve, and authorize the Chairperson to sign, a 28E Agreement with the City of Wellman for services associated with a bridge reconstruction. Language contained in the agreement stipulates that the County will provide certain services to the City of Wellman necessary to complete the reconstruction of Bridge #51870 on 9<sup>th</sup> Avenue in the City of Wellman. Such services include preliminary survey, property acquisition survey, right-of-way plat preparation, construction inspection, staking and construction contract costs, and contractual administration including resident engineering. In turn the County shall be reimbursed for its actual costs to provide such services by the City of Wellman.

On motion by Seward, seconded by Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from Communications for Sean Saleminck whose final day of employment will occur February 9, 2022.

On motion by Yoder, seconded by Fedler, the Board voted to acknowledge, and authorize the Chairperson to sign, a personnel change request from the Sheriff for the hiring of Aaron McPherson as a full-time non-exempt Jailer at the rate of \$18.64 per hour effective February 10, 2022. 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 approve an application for renewal of a Class C Native Wine (WCN) Liquor License from Wooden Wheel Vineyards, LLC, Keota, Iowa, for the period of February 15, 2022 to February 14, 2023. Sheriff Jared Schneider expressed no issues with the application.

On motion by Fedler, seconded by Yoder, the Board voted to appoint Mitchell Elliott to fill an unexpired term as Oregon Township Clerk that ends December 31, 2022.

On motion by Seward, seconded by Stoops, the Board voted to appoint Patty Elliott, Jeff Hazelett, Haley Hershberger, Jenny Morgan, Connie Larsen, Charla Howard, and Heather Marek who are licensed real estate sales persons and/or brokers, to individual one-year terms ending on December 31, 2022 on the Washington County Eminent Domain Commission.

On motion by Fedler, seconded by Yoder, the Board voted to appoint David Birney, Jim Dunn, Keith Hora, Keith Murphy, Dale Roberts, Eugene Steele, and Jerome Vittetoe, who are owners and/or operators of agricultural property, to individual one-year terms ending on December 31, 2022 on the Washington County Eminent Domain Commission.

On motion by Yoder, seconded by Fedler, the Board voted to appoint Ron Ornduff and Ralph Schnoebelen who are city or town property owners to individual one-year terms ending on December 31, 2022 on the Washington County Eminent Domain Commission.

There was no department head comment.

At 10:55 a.m. on motion by Yoder, seconded by Stoops, the Board voted to adjourn.

ATTEST:  
February 8, 2022

RICHARD L. YOUNG, CHAIRPERSON  
Washington County Board of Supervisors

DANIEL L. WIDMER  
County Auditor