

Office of Mills County Auditor  
Carol Robertson  
Courthouse  
Glenwood, IA

The Mills County Board of Supervisors met this 30th day of April, 2013, in the Courthouse in Glenwood with Ron Kohn, Richard Crouch and Lonnie Mayberry present.

Motion by Mayberry, seconded by Crouch to approve the April 30th agenda and the April 23, 2013 minutes as presented.

Motion carried on a vote: Ayes: 3 Nays: 0

There were no utility permits to report.

The Board of Supervisors discussed road concerns with Engineer Mayberry.

Dale Howard was present to discuss the condition of 207<sup>th</sup> Street. He stated there is a dip in the road and very little rock, which makes it muddy. Mayberry stated the dip was put there as a backup by the State in case the dam above the road would break. Mayberry will contact Mr. Howard to look at these issues to see if anything can be done.

Engineer Mayberry stated he has been contacted by Page County about overseeing the Page County's roads department for a 2½ year interim basis. The Supervisors were concerned about the ability of the Engineer to perform the full time duties required by the Mills County Roads Department and the part-time requirements of Page County over a 2½ year time period. Mayberry had similar concerns along with the time needed to travel between the two counties and indicated that he will contact Page County Supervisors and decline their offer.

Motion by Mayberry seconded by Crouch to approve the BC liquor license renewal for Lincoln Farm & Home #3 which includes Sunday sales.

Motion carried on a vote: Ayes: 3 Nays: 0

Formal action was tabled on the Investment Policy. The Board requested that Becky Killpack, Mills County Treasurer, invite a Malvern Trust & Savings Bank representative and a Promontory Interfinancial Network representative to attend a future Board of Supervisors meeting to discuss Investment options.

Motion by Crouch seconded by Mayberry to authorize chair to sign the HAVA election equipment disposal certification.

Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Crouch seconded by Mayberry to approve Resolution 13-10 – Disposal of County Property.

#### **Resolution 13-10**

#### **“A RESOLUTION SETTING NOTICE AND A DATE FOR PUBLIC HEARING ON THE MATTER OF THE PROPOSAL FOR THE DISPOSITION AND SALE OF THE COUNTY'S INTEREST IN CERTAIN REAL PROPERTY.”**

Whereas this County has determined that it owns or is in possession of interests in a certain parcel of real estate that is no longer deemed necessary for County purposes and is excess real estate, and

Whereas, Iowa Code 331.361 (2) provides that a County may not dispose of an interest in real estate without first holding a public hearing and publishing notice of said public hearing, and Whereas, this County proposes to dispose of its interest in the following real estate as provided by law, with the sale to be by sealed bid. The sale is to be subject to and shall be held after the notice and public hearing required by law. The County's conveyance of its interest in the real estate will be by sale of individual parcels by Quit Claim Deed. No abstract will be furnished. And,

Whereas the parcel of excess real estate which the County intends to dispose is described legally and also described by parcel number as listed below:

Parcel number is 052510050100000 and legally described as: Part of the Southwest Quarter (SW ¼) Section Twenty-three (23), Township Seventy-two (72) North, Range Forty-Three (43) West of the Fifth Principal Meridian Mills County, Iowa, more particularly described as follows: Commencing at the West Quarter (W1/4) Corner of Section Twenty-three (23), township Seventy-two (72) North, Range Forty-Three (43) West, thence along the West line of the Southwest Quarter (SW ¼) of Section Twenty-Three (23), S00°00'00"E 281.10 feet to the Point Of Beginning thence N90°00'00"E 33.00 feet to the Centerline of a drainage ditch, thence along said Centerline the following courses, S30°05'13"E 115.38 feet, S48°35'08"E 128.58 feet, S61°20'57"E 17.03 feet to the Westerly right-of-way of Old Highway 34 and Highway 385, thence along said right-of-way S21°05'04"W 951.57 feet to the West line Southwest Quarter (SW ¼) Section Twenty-Three (23), thence along said line N 00°00'00"E 1157.89 feet to the Point of Beginning. Said tract contains 4.421 acres more or less, including County Road Right-of-Way along Westerly side of tract which contains 0.845 acres more or less. Note: The West line Southwest Quarter (SW1/4) Section Twenty-Three (23), Township Seventy-Two (72) North, Range Forty-Three (43) West assumed to bear N00°00'00"E. Excepting therefrom the following on the Acquisition Plat filed in the Condemnation of Certain Rights in Land by the Iowa Department of Transportation filed at Book 380 Pages 852-857 described as: Commencing at the Southwest Corner of said Section 23; thence N00°30'29"E 1294.37 feet along the west line of the Southwest Quarter (SW ¼) of said Section Twenty-Three (23); thence S89°29'31"E 33.00 feet to a point on the present easterly right of way line of 220<sup>th</sup> Street, the Point of Beginning; thence N00°30'29"E 542.44 feet along said present easterly right of way line; thence S89°55'12"E 210.22 feet to a point on the present westerly right of way line of Primary Road No. IA 978; thence S21°38'06" W 583.22 feet along said present westerly right of way line to the Point of Beginning. Said exception contains 1.31.acres. Said parcel contains 2.25 net acres m/l. Now therefore, be it resolved by the Mills County Board of Supervisors that the County Auditor shall publish notice of this resolution and that this publication shall be the required published notice of the County's intention to dispose of the County's interest in the property described to this resolution.

Be it further resolved that the publication shall be one time in a newspaper of general circulation in the County with publication to be not less than four (4) days or more than twenty (20) days before the date of public hearing on the proposal.

Be it further resolved that after the public hearing the Supervisors will, unless otherwise decided, then and there dispose of said real estate.

Be it further resolved that the public hearing on the sale of the County's interest in said parcel described in this resolution is set for 10:00 a.m. on the 28<sup>th</sup> day of May, 2013 in the Board Room of the Mills County Courthouse, Glenwood, Iowa.

Be it further resolved that any individual desiring to be heard shall either file comments with the Mills County Auditor by 9:00 a.m. on the date set for said hearing, or may be present and heard at the hearing.

Be it further resolved that the minimum bid is set for \$50,000.00 and the successful bidder will be responsible for all recording costs.

Be it further resolved that this resolution and the proof of publication thereof shall be recorded in the office of the Mills County Recorder, on or before the hearing date.

Be it further resolved that the County reserves the right to reject any bid or to waive any irregularity in the sale proceedings.

Be it further resolved that any resolution in conflict herewith is repealed.

Be it further resolved that this Resolution shall be effective immediately upon its passage and approval by the Board of Supervisors.

Motion carried on a roll call vote: Mayberry – Aye, Crouch – Aye, Kohn – Aye

Motion by Crouch seconded by Mayberry to approve Resolution 13-11 – Sale of County GO Bonds.

**Resolution 13-11**

Resolution approving preliminary Official Statement

WHEREAS, pursuant to an election held on August 7, 2012, the voters of Mills County (the “County”) authorized the Board of Supervisors of the County to enter into a loan agreement and issue General Obligation County Public Safety Center Bonds in a principal amount not to exceed \$6,400,000 (the “Bonds”); and

WHEREAS, a preliminary official statement (the “Preliminary Official Statement”) has been prepared related to the sale of the Bonds, and it is now necessary to make provision for the approval of the Preliminary Official Statement and to authorize its use by Northland Securities;

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

Section 1. The use by Northland Securities of the Preliminary Official Statement relating to the Bonds, in substantially the form as has been presented to and considered by the Board of Supervisors, is hereby approved, and Northland Securities is hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the Preliminary Official Statement, but with such changes therein as are required to conform the same to the terms of the Bonds and, when adopted, the resolution authorizing the issuance of the Bonds, and the County Auditor is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. The Preliminary Official Statement as of its date is deemed final by the County within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Section 2. All resolutions and orders or parts thereof in conflict with the provisions of this resolution, to the extent of such conflict, are hereby repealed.

Motion carried on a roll call vote: Crouch – Aye, Mayberry – Aye, Kohn – Aye

Motion by Mayberry seconded by Crouch to authorize chair to sign the 28E Agreement with the City of Glenwood regarding the Communications Center.

Motion carried on a vote: Ayes: 3 Nays: 0

Supervisor Crouch discussed the Mental Health meeting he attended.

Supervisor Kohn and the Board discussed possibly placing a recycle building for paper at the plaza and the Resource Center would pick it up.

There being no further business to come before the Board at this time, they adjourned to meet on Tuesday, May 7, 2013.

Mills County Board of Supervisors

\_\_\_\_\_  
Ron Kohn – Chairperson

Attest: \_\_\_\_\_  
Carol Robertson, Auditor