

Office of Mills County Auditor  
Carol Robertson  
Courthouse  
Glenwood, IA

The Mills County Board of Supervisors met this 28th day of May, 2013, in the Courthouse in Glenwood with Ron Kohn, Richard Crouch and Lonnie Mayberry present.

Motion by Crouch, seconded by Mayberry to approve the May 28th agenda and May 21st, 2013 minutes as presented. Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Mayberry, seconded by Crouch to approve the accounts payable as presented. Motion carried on a vote: Ayes: 3 Nays: 0

Engineer Mayberry presented an option of re-building the 1998 H Caterpillar in the amount of \$149,204.59 or purchase a new 12MZ Motor Grader from Ziegler in Des Moines, Iowa, at a cost of \$256,388 with trade-in value of \$94,000 for a total cost of \$162,388. The Engineer recommended purchasing the new grader from the 2013/14 budget.

Motion by Mayberry seconded by Crouch to approve the recommendation of the Engineer and purchase the new 12MZ Motor Grader with trade in for a total cost of \$162,388.

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

Marci McClellan of Building & Zoning was present for the discussion of grading plan requirements for homeowners. The Engineer feels it would be in the best interest of the County to re-look at the grading plan specifications for homeowners putting in landscaping or building a home, garage and/or outbuildings. This will be placed on the Planning & Zoning's July 2, 2013 agenda for consideration.

There were no utility permits to report this week.

Health Rodney was not able to attend the meeting to discuss a request of tax incentives for a potential new business. He will reschedule at a later date.

Motion by Crouch seconded by Mayberry to approve the purchase of Lenova Thinkpad Edge laptop for Case Management department in the amount of \$1,084.99 from Medicaid Case Management funding.

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

The Public Hearing for the Sale of County Owned Property was opened at 10:00 A.M. by Chair Kohn. One bid was received. There were no written or verbal comments. The public hearing was closed at 10:11 A.M.

Motion by Mayberry seconded by Crouch to approve Resolution 13-15 – To authorize the sale of County owned property.

#### **RESOLUTION 13-15**

**‘A RESOLUTION AUTHORIZING THE SALE OF THE COUNTY’S INTEREST IN CERTAIN COUNTY REAL ESTAE BY QUIT CLAIM DEED PURSUANT TO PROCEDURES ADOPTED IN MILLS COUNTY RESOLUTION 13-10 AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF SUPERVISORS AND THE COUNTY AUDITOR TO EXECUTE THE PROPER DOCUMENTATION.’**

Whereas pursuant to Mills County Resolution No. 13-10, the Mills County Supervisors determined Mills County had certain excess real property no longer necessary for county purposes and

Whereas the County set forth its proposal to dispose of the real estate and the terms and conditions thereof in Resolution No. 13-10, and

Whereas the procedure for the disposition of the County’s interest in the real estate set forth in Resolution No. 13-10 has now been followed: Hearing has been held and the decision is by this resolution unanimously made that the Board sell

and transfer its interest in each parcel of real estate as hereafter set forth to the individual-individuals or entity so named:

Bidder –Alice Asmussen with bid in the amount of \$55,000

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°29'31E 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 that the Chairperson of the Board of Supervisors and the County Auditor are authorized to acknowledge acceptance of the proposal to acquire the County's interest in real estate and that the Chairperson of the Board of Supervisors and the Auditor are further authorized and directed to sign, seal and deliver a separate Quit Claim Deed to the parcel of real estate that was sold and which was listed in Resolution 13-10. The transfer of the County's interest is to be to the bidder set forth on the attachment to this resolution, upon receipt of the successful bid.

Be it further resolved that this resolution shall be recorded in the Office of the Mills County Recorder upon its passage and approval.

Be it further resolved that any resolution in conflict herewith is hereby repealed. This resolution shall be effective immediately upon its passage and approval by the Mills County Supervisors.

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

Patrick Binns, IT Director, presented an update of HVAC software and controller maintenance from Control Services for a software update to the Courthouse system in the amount of \$1735 and \$825 for the inspection of the controller for a total of \$2560.

Motion by Crouch seconded by Mayberry to approve this purchase of HVAC software and controller maintenance.

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

Becky Killpack, Mills County Treasurer was present to present Resolution 13-16 – Abatement of Taxes.

**Resolution 13-16**

The Mills County Board of Supervisors sitting in session on this 28th day of May, 2013 upon recommendation from the Treasurer and as per Senate file 478 and IA Code 445.16 shall abate the taxes, interest and penalties on the following described property and direct the County Treasurer to strike the amount due from the County system:

The Mills County Treasurer recommends that the taxes on property owned by Southwest Iowa Equipment Co, c/o Duda Company, Mills County, Iowa, property located in Section 29 Township 72 Range 41(089700030700000); building on leased land; (sign) located in Malvern Corporation in the East Mills School district in Mills County, IA, to be abated in the amount of **\$29.00**. This parcel has been removed and no taxes will be collected for fiscal year 2013-2014. Motion by Crouch seconded by Mayberry to approve Resolution 13-16 – Abatement of Taxes. Motion carried on a roll call vote: Kohn – Aye, Mayberry – Aye, Crouch – Aye

Motion by Mayberry seconded by Crouch to approve the 28E Agreement with Southwest Iowa MHDS Region.

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

Motion by Crouch seconded by Mayberry to approve Patrick Binns as full-time IT Director for Mills County effective July 1, 2013 at a salary of \$72,222.

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

Sheriff Goos joined the session at this time. Steve Riley from Prochaska and Associates presented the soft cost figures and other budget summary documents for the new Law Enforcement Center project. Prochaska will get the bid information to interested bidders and the Auditor will post in local newspapers for a bid opening on June 27, 2013. Supervisor Kohn and Sheriff Goos will review the plans at Prochaska’s office on June 3, 2013.

Richard Kerres, Pacific Junction City Councilman, presented a bill to the Board for assistance with the purchase of a paper recycling trailer for the City of Pacific Junction.

Motion by Mayberry seconded by Crouch to authorize the Auditor to submit a claim to be paid to the City of Pacific Junction in the amount of \$1,163.73.

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

Marci McClellan of Building & Zoning was present to bring information to the Board regarding a request from D.K. Hopp for a full refund of building permit fees.

Motion by Crouch seconded by Mayberry to deny the request for the refund per section 24.1.74 Chapter 24 of the Building and Property Maintenance of the Mills County Code of Ordinances which states the building official may authorize refunding of any fee paid which was erroneously paid or collected. The Board of Supervisors does not feel there were any errors made in the fees charged and it was Mr. Hopp’s decision to not complete the project.

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

The Board received the April jail report.

There being no further business to come before the Board at this time, they adjourned to meet on Tuesday, June 4, 2013.

Mills County Board of Supervisors

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Ron Kohn – Chairperson

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