

Office of Mills County Auditor  
Carol Robertson  
Mills County Courthouse  
Glenwood, IA

The Mills County Board of Supervisors met this 9th day of September, 2014, in the meeting room at the Mills County Courthouse in Glenwood with Lonnie Mayberry, Richard Crouch and Ron Kohn present.

Motion by Crouch, seconded by Kohn to approve the September 9, 2014 agenda and the September 26, 2014 minutes as corrected.

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

Assistant Engineer Richard Parks was present in the Engineer's absence.

There were no utility permits to report.

Motion by Kohn seconded by Crouch to approve pay voucher #2 (final) for FM-CO65(96)-55-65, 2014 Farm to Market Seal Coat to Manatts as a final payment in the amount of \$11,970.85 from the Farm to Market account.

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

There was no discussion on the official report of the County Highway due to the Engineer's absence. This will be discussed at a later date.

The Board discussed several road concerns located throughout the County.

County Attorney Eric Hansen, Sanitarian Mike Sukup and Mary Jo Villegas were present to discuss a nuisance on Deacon Road.

Villegas has concerns regarding property next to where she resides and wasn't sure where to file a formal complaint. She claims the individuals living there have vicious dogs that are not locked up. These dogs have attacked several individuals that jog on Deacon Road. She explained that the house has broken windows, scattered trash and after 9:30 P.M. play loud music that prohibits local residents from enjoying a good quality of life. Villegas explained that she has tried to talk to the neighbors and has summoned County deputies on different occasions to no avail. Mills County has no nuisance ordinance so there is little the County can do to rectify the problem. County Attorney Eric Hansen suggested that Villegas contact a private attorney for a civil suit and to continue to call law enforcement regarding the loud music for disorderly conduct. It also appears that the number of dogs that reside at the residence would fall under the ordinance of needing a kennel license.

Motion by Kohn seconded by Crouch to accept County Attorney Eric Hansen's resignation effective September 9, 2014.

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

Motion by Crouch seconded by Kohn to appoint assistant County Attorney Tricia McSorley as County Attorney effective September 10, 2014 until the canvass of the November General election.

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

Magistrate Whitacre was present to swear Tricia McSorley in after her appointment.

VA Commissioners Paul Hathaway and Larry Hurst and VA Director Melissa Gray were present to recommend James Schoening as the new VA commissioner.

Motion by Kohn seconded by Crouch to approve the recommendation of the VA Commission to appoint James Schoening of Silver City to fill the vacancy on the VA Board.

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

Tricia McSorley was present with Chris Fleshner from Peterson Contractors Inc. to discuss Resolution 14-15 – Dirt Borrow Fees. Fleshner has been negotiating a contract with David Strand to remove dirt from his borrow area since July and discussion was held regarding the 35 cent per cubic yard surcharge that was being imposed through Resolution 14-15. Fleshner felt the

time period from when the Resolution was adopted to the time it became effective was not long enough.

Fleshner stated that this cost would not have been included in his bid so this would be an unforeseen cost. McSorley asked Fleshner if they had been hauling dirt and he stated that they had. McSorley stated that the County followed the timeline allowed for passage of the Resolution and that Fleshner was aware of the fee so there is no reason to grant a variance.

Motion by Kohn seconded by Crouch to not grant a variance on Resolution 14-15.

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

Jim Hughes and Diane Knox from Hughes Real Estate, Sheri Bowen and Mike Sukup from Mills County Public Health, Mills County Assessor Christina Govig, and Darin Whatcott – Building & Zoning Official were present to discuss Non-Conforming Bedrooms.

Hughes asked how the numbers of bedrooms a residence has during an inspection is determined and what criteria determines that it is a qualifying bedroom. Hughes expressed concerns regarding the cost associated with updating septic systems due to the number of bedrooms a home has even if the seller does not use these existing rooms as bedrooms. Due to new guidelines there is no question regarding a non-conforming bedroom on new construction but on previously constructed homes there is an issue.

Sukup stated the Public Health Board uses the number of bedrooms that the Mills County Assessor has identified. Hughes then asked Assessor Govig if she gets the number of bedrooms by doing an inspection of the home. Mills County Assessor Govig explained when the Assessor's office staff is allowed into a residence they make that determination or the homeowner signs an affidavit stating the number of bedrooms. Govig uses the Iowa Assessor's Manual for guidance and stated that if a homeowner disputes the number of bedrooms then the Assessor may do an inspection and can change the number if all parties agree.

The Board of Health uses the Mills County Assessor's determination because they do not feel they are qualified to do so.

The Board of Health stated that the Assessor determines if there is a change other than what was previously reported, Public Health will accept that change and attach it to the septic permit.

Hughes stated he would like to see inspections done since the Assessor's cards may not be up to date.

Todd Wright was present to discuss a request for variance according to Chapter 17 water hook-up since this is not a new residence construction. The house had burnt down leaving an existing well and septic. The Board stated that since the well was in existence and if it meets the guidelines and passes all testing with the information being reported to the Sanitarian, then the Board of Supervisors does not have a problem with him using the existing well.

Wright asked for documentation of this approval to use the existing well per the guidelines and the Board told him they would send him a copy of the minutes after they are approved at the next Board meeting. No action was taken as a variance is not needed.

There being no further business to come before the Board at this time, they adjourned to meet on Tuesday, September 16, 2014.

---

Chairman, Lonnie Mayberry

ATTEST: \_\_\_\_\_  
Carol Robertson, Auditor