

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

The Mills County Board of Supervisors met this 10th day of November, 2015, in the Board of Supervisors meeting room at the Mills County Courthouse in Glenwood with Supervisors Richard Crouch, Ron Kohn and Lonnie Mayberry present.

Motion by Kohn seconded by Mayberry to approve the November 10, 2015 agenda as presented and the November 3, 2015 minutes as corrected. Motion carried on a vote: Ayes: 3 Nays: 0

There were no utility permits to report this week.

Motion by Kohn seconded by Mayberry at the recommendation of Engineer Mayberry to approve the driveway variance request south of 56042 340<sup>th</sup> Street. The property does not meet the separation distance but does have adequate sight distance. Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Mayberry seconded by Kohn to purchase (2) – 2016 ¾ ton GMC pickups from Rhoden Chevrolet of Council Bluffs. Engineer Mayberry had requested bids but Rhoden was the only bid submitted. The cost of these vehicles is as follows: 1) 2016 ¾ ton GMC in the amount of \$30,056.48

2) 2016 ¾ ton GMC with shop manual included in the amount of \$30,306.48

Total cost of \$60,362.96. Motion carried on a vote: Ayes: 3 Nays: 0

Pay Voucher #12 (Final) for project BRS-CO65(93)—60-65, 330<sup>th</sup> Street Bridge over the West Nishnabotna River, will be rescheduled due to not all paperwork being available.

Motion by Mayberry seconded by Kohn to approve Resolution 15-08B, which is Resolution 15-08 with corrections that was passed originally on March 24, 2015.

**Resolution 15-08B (Amending 15-08)**

**RESOLUTION AUTHORIZING THE VACATION AND CLOSURE OF ROAD RIGHT-OF-WAY  
LOCATED IN MILLS COUNTY, IOWA**

WHEREAS, Mills County, Iowa, maintains certain road right-of-way described as:

Closure No. 1:

221<sup>st</sup> Street South

Legal Description:

A parcel of land located in part of the NW¼ SW¼ of Section 23, Township 72 North, Range 43 West of the 5<sup>th</sup> Principal Meridian, Mills County, Iowa more fully described

As follows:

Commencing at the Northwest Corner of the NW¼ SW¼ of said Section 23; thence S00°30'29"W along the West line of said NW¼ SW¼ a distance of 808.39 feet; thence S89°55'12"E a distance of 243.22 feet to the Point of Beginning said point being located on the West right-of-way line of 221<sup>st</sup> Street; thence continuing S89°55'12"E a distance of 91.39 feet; thence N21°38'06"E a distance of 222.44 feet; thence N56°07'54"W a distance of 86.97 feet to the West right-of-way line of said 221<sup>st</sup> Street; thence S21°38'06"W along said right-of-way line a distance of 274.44 feet to the Point of Beginning. Said parcel contains 0.48 acres, more or less, and is subject to easements of record.

Note: The West line of said Section 23 is assumed to bear N00°30'39"E for this description.

Closure No. 2

230<sup>th</sup> Street

Legal Description (amended):

A parcel of land located in part of Lot 3 of Van Pelt Addition located in the SW¼ SW¼ of Section 13, Township 73 North, Range 43 West of the 5<sup>th</sup> Principal Meridian, Mills County, Iowa more fully described as follows

Commencing at the Northwest Corner of the SW¼ SW¼ of said Section 13, said point also being the Northwest Corner of Lot 3 of Van Pelt Addition; thence N89°34'52"E along the North line of said SW¼ SW¼ and the north line of said Lot 3 a distance of 51.89 feet; thence S00°28'26"W a distance of 40.00 feet to the West Right-of-Way line of 230<sup>th</sup> Street and the Point of Beginning; thence continuing S00°28'26"W along said Right-of-Way line a distance of 178.16 feet to the Beginning of a curve concave Southeasterly having a central angle of 89°01'16" and a radius of 181.23 feet; thence Northeasterly along said curve and said right-of-way an arc length of 281.58 feet with a chord bearing and distance of N45°04'12"E, 254.10 feet to the end of said curve said point being on the South right-of-way line of said 230<sup>th</sup> Street; thence S89°34'52"W along said South Right-of-Way a distance of 178.43 feet to the Point of Beginning. Said parcel contains 0.16 acres, more or less, and is subject to easements of record.

Note: The North line of the SW¼ SW¼ is assumed to bear N89°34'52"E for this description.

Closure No. 3

395<sup>th</sup> Street

Legal Description (amended):

Parcel "A" NE ¼ SW ¼

A Parcel of land located in part of the NE ¼ SW ¼ of Section 3, Township 73 North, Range 40 West of the 5<sup>th</sup> Principal Meridian, Mills County, Iowa more fully described as follows:

Commencing at the Northeast Corner of the NE ¼ SW ¼ of said Section 3; thence N88°57'40"W along the North line of the NE ¼ SW ¼ of said Section 3 a distance of 50.00 feet to the Point of Beginning; thence continuing N88°57'40"W along said North line a distance of 30.00 feet to a point on the West Right-of-Way line of 395<sup>th</sup> Street; thence S01°05'41"W along said Right-of-Way line a distance of 1333.27 feet to the South line of the NE ¼ SW ¼ ; thence S88°54'19"E along said South line a distance of 30.00 feet; thence N01°05'41"E a distance of 1333.30 feet to the Point of Beginning. Said parcel contains 0.92 acres, more or less, and is subject to easements of record.

Note: The East line of the SW¼ of said Section 3 is assumed to bear N01°05'41"E for this description.

Legal Description (amended):

Parcel "A" SE ¼ SW ¼

A Parcel of land located in part of the SE ¼ SW ¼ of Section 3 Township 73 North, Range 40 West of the 5<sup>th</sup> Principal Meridian, Mills County, Iowa more fully described as follows:

Commencing at the Northeast Corner of the SE ¼ SW ¼ of said Section 3; thence N88°54'19"W along the North line of the SE ¼ SW ¼ of said Section 3 a distance of 50.00 feet to the Point of Beginning; thence S01°05'41"W a distance of 365.33 feet; thence N88°54'19"W a distance of 30.00 feet to the West Right-of-Way line of 395<sup>th</sup> Street; thence N01°05'41"E along said Right-of-Way line a distance of 365.33 feet to the North line of said SE ¼ SW ¼ Section 3; thence S88°54'19"E along said North line a distance of 30.00 feet to the Point of Beginning. Said parcel contains 0.25 acres, more or less, and is subject to easements of record.

Note: The East line of the SW ¼ of said Section 3 is assumed to bear N01°05'41"E for this description.

Note: Utilities are granted a permanent and perpetual easement for the continuance of maintaining existing facilities for such construction, reconstruction, replacement and repair thereof as may be deemed necessary by the utilities in the future.

And

WHEREAS, the above-described road right-of-way is not used by the general public; and

WHEREAS, the Mills County Board of Supervisors determined that it is in the best interest of Mills County, Iowa, to vacate and close the above-described road right-of-way; and

WHEREAS, Iowa Code Sections 306.10 and 306.11 authorizes the Mills County Board of Supervisors to vacate certain road right-of-way located in Mills County, Iowa, upon conclusion of a public hearing considering the vacation and closure of the above-described road right-of-way; and

WHEREAS, the Mills County Auditor published notice of the time and place of the public hearing considering the vacation and closure of the above-described road right-of-way in the Glenwood Opinion Tribune on March 18, 2015 and the Malvern Leader on March 19, 2006 as required by Iowa Code Sections 306.12 and 306.13; and

WHEREAS, the Mills County Engineer notified all adjoining property owners and all utility companies whose facilities are on the above-described road right-of-way of the time and place set for hearing as required by Iowa Code Sections 306.12 and 306.13; and

WHEREAS, the Mills County Board of Supervisors held a public hearing on March 24, 2015, at 9:00 A.M. in Mills County Courthouse, Glenwood, Iowa as set forth in the published notice; and

WHEREAS, the Mills County Board of Supervisors duly considered all comments made both for and against the vacation and closure of the above-described road right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE MILLS COUNTY BOARD OF SUPERVISORS That the Mills County Board of Supervisors on March 24, 2015 agreed to vacate and close the above-described road right-of-way, and hereby affirm that action with the amended legal descriptions for closures 2 and 3. The actual parcels to be vacated did not change, this amendment corrects the parcels described as closure 2 and 3 to match the legal descriptions on the plats of survey for those parcels.

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

Motion by Mayberry seconded by Kohn to authorize the chair to execute the Quit Claim Deed for a vacated driveway to Alice Asmussen. Motion carried on a vote: Ayes: 3 Nays: 0

Brittney Morrow Ferrin, Justin Ferrin, Engineer Mayberry, Sheriff Goos, Deputy Auditor Pam Madison, and E911 /Emergency Management Director Larry Hurst joined the session.

Motion by Mayberry seconded by Kohn to go into Closed Session according to Iowa Code 20.0 – Scope of Negotiations at 10:01 A.M. to discuss strategy of labor negotiation.

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

Motion by Mayberry seconded by Kohn to return to open session at 11:12 A.M.

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

Real Estate Deputy Kristine Schoening, Engineer Mayberry and Building & Zoning Official Darin Whatcott were present to discuss the 2 mile agreement revisions.

Motion by Mayberry seconded by Kohn to authorize Darin Whatcott to provide an updated version of the 2 mile agreement to Glenwood City Attorney, Matt Woods. Whatcott will also request the City of Glenwood to share the draft before final approval is made by the City Council. Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Kohn seconded by Mayberry to approve the Elevator Maintenance Agreement in the amount of \$168 per examination, 4 times per year for a total cost of \$672. Motion carried on a vote: Ayes: 3 Nays: 0

The Board of Supervisors left the general session to meet as a Board of Canvasses. The results are as follows:

Emerson Mayor – Max Austin

Emerson City Council – Heidi Pullen, Jennifer Shaw and Ronald Stephens Jr.

Hastings Mayor – Rich Moore

Hastings City Council – at large - Ivan Crawford, Alita Jones, Luke Miller and Susan Perkins

Hastings Treasurer – Jesse Jones

Henderson Mayor – Michael W. Baumfalk

Henderson City Council – at large – Cody Carrigan, Nicole Schondelmeyer, and Janelle R Williams

Malvern Mayor – Michael K Blackburn

Malvern City Council – at large - Bruce Breeding and Kevin Willims

Pacific Junction Mayor – Andy Young

Pacific Junction City Council – at large – Richard Kerres, William Butch Green, Connie Turner, Earl Smith and Linda Harmon

Silver City Mayor – Tommy Jensen

Silver City City Council – at large – Brett Christensen, Amy Freuck and Paula Reeves

Silver City City Council to Fill Vacancy – write in Barb Miller and Amy Freuck

The City of Glenwood has a Runoff Provision and since candidates for Mayor, At-Large and Ward 2 did not have a simple majority plus 1, an election will be held December 1, 2015 to determine the outcome of this election. The Ward 1 Council seat official results declared Jeremy Wade Rodman elected.

There being no further business to come before the Board at this time, they adjourned to meet on Monday, November 16, 2015.

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Richard Crouch, Chairman

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ATTEST: Carol Robertson, Auditor