

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

The Mills County Board of Supervisors met this 24th day of March, 2015, in the meeting room at the Mills County Courthouse in Glenwood with Richard Crouch, Lonnie Mayberry and Ron Kohn present. Also present: Bob Spetman and Ted Golka.

Motion by Mayberry seconded by Kohn to approve the agenda of March 24, 2015 and minutes of March 17, 2015 as presented.

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

Motion by Kohn seconded by Mayberry to approve the accounts payable as presented.

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

There are no utility permits to report at this time.

Bob Smiley, representing Crushed Aggregate was present for bid opening for project #FM-CO65(101)-55-65, Farm to Market Granular Surfacing for 2015.

There were 2 bids for 10,148 ton of rock:

- 1) Crushed Aggregate Products LLC, Omaha, NE – with bid bond received for \$15.73 ton in the amount of \$159,628.04
- 2) Schildberg Construction, Greenfield, IA – with bid bond received for \$15.01 ton in the amount of \$152,321.48

The low bidder is Schildberg Construction.

Motion by Mayberry seconded by Kohn to award project #FM-CO65(101) – 55-65, Farm to Market Granular Surfacing for 2015 to Schildberg Construction in the amount of \$152,321.48.

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

Chairman Crouch opened the public hearing at 9:08 A.M. for Vacation of excess right-of-way. There were no written or oral comments received.

The public hearing was closed at 9:09 A.M.

Motion by Kohn seconded by Mayberry to approve Resolution 15-08 – Authorizing the Vacation of Road Right-of-Way. Resolution 15-07 was approved March 3, 2015, with date set for Public Hearing.

Resolution 15-07

RESOLUTION PROPOSING THE VACATION OF ROAD RIGHT-OF-WAY LOCATED IN MILLS COUNTY, IOWA, SETTING A PUBLIC HEARING TO CONSIDER SAID VACATION AND AUTHORIZING THE NOTIFICATION OF ADJOINING PROPERTY OWNERS

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

Closure No. 1:

221st Street South

Legal Description:

A parcel of land located in part of the NW¹/₄ SW¹/₄ of Section 23, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa more fully described

As follows:

Commencing at the Northwest Corner of the NW¹/₄ SW¹/₄ of said Section 23; thence S00°30'29"W along the West line of said NW¹/₄ SW¹/₄ 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 221st 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 221st 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

230th Street

Legal Description:

A parcel of land located in part of Lot 3 of Van Pelt Addition located in the SW¹/₄ SW¹/₄ of Section 13, Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa more fully described as follows

Commencing at the Northwest Corner of the SW¹/₄ SW¹/₄ of said Section 13, said point also being the Northwest Corner of Lot 13 of Van Pelt Addition; thence N89°34'52"E along the North line of said Lot 13 a distance of 51.89 feet; thence S00°28'26"W a distance of 40.00 feet to the Point of Beginning; thence continuing S00°28'26"W a distance of 178.16 feet to a point on the East right-of-way line of 230th Street and 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 230th Street; thence S89°34'52"W 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 SW¹/₄ SW¹/₄ is assumed to bear N89°34'52"E for this description.

Closure No. 3

395th Street

Legal Description:

A parcel of land located in part of the SW¹/₄ of Section 3, Township 73 North, Range 40 West of the 5th Principal Meridian, Mills County, Iowa more fully described as follows.

Commencing at the Northeast Corner of the SW¹/₄ of said Section 3; thence N88°57'41"W along the North line of the SW¹/₄ of said Section 3 a distance of 50.00 feet to the Point of Beginning; thence continuing N88°57'41"W along said North line a distance of 30.00 feet to a point on the West right-of-way line of 395th Street; thence S01°05'41"W along said right-of-way line a distance of 1698.60 feet; thence S88°54'19"E a distance of 30.00 feet; thence N01°05'41"E a distance of 1698.63 feet to the Point of Beginning. Said parcel contains 1.17 acres, more or less, and is subject to easements of record.

Note: The East line of the SW¹/₄ of said Section 3 is assumed to bear N01°05'41"E for this description.

Closure No. 4

Old 230th Street

Legal Description:

A parcel of land located in part of the SW¹/₄ SW¹/₄ of Section 12, Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa more fully described as follows.

Commencing at the Southwest Corner of the SW¹/₄ SW¹/₄ of said Section 12; thence N00°35'05"E along the West line of Said Section 12 a distance of 40.26 feet to the Point of Beginning; thence continuing N00°35'05"E along said West line a distance of 296.10 feet; thence S85°22'54"E a distance of 33.08 feet to the East right-of-way line of vacated 230th Street; thence S00°29'06"W along said right-of-way line a distance of 35.00 feet; thence S07°28'54"E along East right-of-way line a distance of 202.02 feet; thence S45°05'54"E along said right-of-way line a distance of 84.39 feet; thence N89°19'03"W a distance of 121.79 feet to the Point of Beginning. Said parcel contains 0.37 acres, more or less, and is subject to easements of record.

Note: The West line of the SW¹/₄ SW¹/₄ is assumed to bear N00°35'05"E for this description.

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 Section 306.10 enables Mills County, Iowa, the jurisdiction with control over the above-described road right-of-way, to vacate and close same on motion of the Mills County Board of Supervisors; and

WHEREAS, Iowa Code Section 306.11 requires the Mills County Board of Supervisors to fix a date and time for a hearing on the vacation and closing of the above-described road right-of-way; and

WHEREAS, Iowa Code Section 306.12 states notice of the hearing, as set forth in Iowa Code Section 306.13, shall be published in a newspaper of general circulation in Mills County, Iowa, not less than four (4) nor more than twenty (20) days prior to the date of the hearing; and

WHEREAS, Iowa Code Section 306.12 also states Mills County Board of Supervisors shall notify, by certified mail, as set forth in Iowa Code Section 306.13, 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.

NOW, THEREFORE, BE IT
RESOLVED BY THE MILLS
COUNTY BOARD OF SUPERVISORS

That the Mills County Board of Supervisors hereby agrees to hold a public hearing on Tuesday, March 17, 2015, at 9:00 a.m. in the Mills County Courthouse, Glenwood, Iowa, to consider the vacation and closure of the above-described road right-of-way located in Mills County, Iowa. Furthermore, the Mills County Board of Supervisors hereby directs the Mills County Auditor to publish notice of said public hearing in accordance with Iowa Code Sections 306.11, 306.12 and 306.13. In addition, the Mills County Board of Supervisors hereby directs the Mills County Engineer to notify all adjoining property owners and all utility companies whose facilities are on the above-described road right-of-way in accordance with Iowa Code Section 306.12 and 306.13. Finally, the Mills County Board of Supervisors hereby agrees to consider Resolution 15-08 authorizing the vacation and closure of the above-described road right-of-way.

Resolution 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:

221st Street South

Legal Description:

A parcel of land located in part of the NW¹/₄ SW¹/₄ of Section 23, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa more fully described

As follows:

Commencing at the Northwest Corner of the NW¹/₄ SW¹/₄ of said Section 23; thence S00°30'29"W along the West line of said NW¹/₄ SW¹/₄ 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 221st 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 221st 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

230th Street

Legal Description:

A parcel of land located in part of Lot 3 of Van Pelt Addition located in the SW¹/₄ SW¹/₄ of Section 13, Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa more fully described as follows

Commencing at the Northwest Corner of the SW¹/₄ SW¹/₄ of said Section 13, said point also being the Northwest Corner of Lot 13 of Van Pelt Addition; thence N89°34'52"E along the North line of said Lot 13 a distance of 51.89 feet; thence S00°28'26"W a distance of 40.00 feet to the Point of Beginning; thence continuing S00°28'26"W a distance of 178.16 feet to a point on the East right-of-way line of 230th Street and 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 230th Street; thence S89°34'52"W 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 SW¹/₄ SW¹/₄ is assumed to bear N89°34'52"E for this description.

Closure No. 3

395th Street

Legal Description:

A parcel of land located in part of the SW¹/₄ of Section 3, Township 73 North, Range 40 West of the 5th Principal Meridian, Mills County, Iowa more fully described as follows.

Commencing at the Northeast Corner of the SW¼ of said Section 3; thence N88°57'41"W along the North line of the SW¼ of said Section 3 a distance of 50.00 feet to the Point of Beginning; thence continuing N88°57'41"W along said North line a distance of 30.00 feet to a point on the West right-of-way line of 395th Street; thence S01°05'41"W along said right-of-way line a distance of 1698.60 feet; thence S88°54'19"E a distance of 30.00 feet; thence N01°05'41"E a distance of 1698.63 feet to the Point of Beginning. Said parcel contains 1.17 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.

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, 2015 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 hereby agrees to vacate and close the above-described road right-of-way.

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

Motion by Kohn seconded by Mayberry to approve voucher #5 for project BRS-CO65(93)-60-65, 330th Street bridge over the West Nishnabotna River in the amount of \$348,061.27 of which 33% of this project has been paid to date. The Iowa D.O.T. will make payment from the Farm to Market funds and 80% will be reimbursed from the Federal Bridge fund.

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

Motion by Mayberry seconded by Kohn to approve the Federal Aid Agreement between Iowa D.O.T. and Mills County for project BROS-CO65(99)-5F-65, 390th Street bridge and authorize the Chair and Auditor to sign.

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

Kristine Schoening, Real Estate Deputy, County Attorney Tricia McSorley and Nick Johnson from the County Attorney's office were present for discussion on Chapter 25, Subdivision Regulations of the Mills County Code of Ordinances.

Motion by Mayberry seconded by Kohn to approve Resolution 15-11 – Kirojen vs Mills County

RESOLUTION 15-11

WHEREAS Mills County, Iowa has recorded an auditor's subdivision plat on February 10, 2012 at Book 2012 Page 404, Miscellaneous Records.

WHEREAS Iowa Code Chapter 354.13 provides the auditor shall notify the proprietors of the parcels within the tract for which no plat has been recorded as required by law.

WHEREAS the proprietors of the parcels within the above referenced auditor's subdivision plat stipulate to such notice and consent to the recording of the auditor's plat by virtue of a Stipulation appearing in Case No. EQCV025918 in the District Court in and for Mills County, Iowa.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Mills County, Iowa agrees to waive the notification requirements as set out in Section 354.13 of the Iowa Code regarding the auditor's subdivision plat filed for record on February 10, 2012 at Book 2012 Page 404, Miscellaneous Records of Mills County, Iowa.

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

Motion by Kohn seconded by Mayberry to authorize Chair to sign the Heartland Regional Compact.

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

Danelle Bruce, Disability Services Director and Suzanne Watson, CEO of the Regional Mental Health were present to give a presentation on Southwest Iowa Mental Health.

Motion by Kohn seconded by Crouch to authorize Supervisor Mayberry to sign the Juvenile Detention Labor Agreement and 28E Agreement.

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

Those present for discussion of the courthouse drive and courthouse security were: Sheriff Goos, Chief Deputy Paulsen and building custodian Michael Roenfeld.

The Board of Supervisors will move forward with reactivating a Courthouse Security Committee.

The Board will also continue to discuss what needs to be done with the front drive and will try to remedy the issue that Deputies incur when exiting the sally port due to the current design.

Bonnie Millsap from the Glenwood Senior Center was present to request that Mills County remove the last few items from the garage on the old jail property. Carol Robertson, Mills County Auditor reported that the custodial staff had removed everything this week and if anything else was left, to have Konfrst Trash Service haul it away and send the bill to Mills County.

Motion by Mayberry seconded by Kohn to approve a 6 month liquor license for IM Pumper Inc. for an event at Harley Davidson.

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

Motion by Kohn seconded by Mayberry to approve the payment for the Avtec Radio System maintenance in the amount of \$10,494.45 from the County's infrastructure LOST funds.

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

There being no further business to come before the Board at this time, they adjourned to meet on Tuesday, March 31, 2015.

Richard Crouch - Chairman

ATTEST: Carol Robertson, Auditor