

The Board of Supervisors met this 17<sup>th</sup> day of January 2023, at the Mills County Courthouse in Glenwood with Supervisors Lonnie Mayberry, Richard Crouch, and Carol Vinton were present.

Motion by Vinton, seconded by Crouch to approve the Consent Agenda and Minutes as presented from January 10, 2023, and Class B Beer Permit Renewal for Keg Creek Brewery Co LLC. Motion carried on vote: Ayes: 3, Nays: 0

Jacob Ferro, Mills County Engineer, was present for his scheduled meeting. Ferro informed the Board of he has no Utility Permits to report.

Motion by Crouch, seconded by Vinton to approve the purchase of a used set of tractor duals in the mount of \$5,000 from John Deere. Motion carried on vote: Ayes: 3, Nays: 0.

Motion by Vinton, seconded by Crouch on Approval to Sign CFYP Resolution 23-04, Bunge Ave Overlay. Motion carried on vote: Ayes: 3, Nays: 0 Roll Call vote: Crouch – Aye, Mayberry – Aye, Vinton – Aye

**2023 County Five Year Program Resolution 23-04**

**Mills County Secondary Roads**

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Five Year Program and previous revisions, requiring changes to the sequence, funding, and timing of the proposed work plan.

The Board of Supervisors of Mills County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2023), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

The following projects shall be ADDED to the Program's Accomplishment year:

Project Number Name Project ID	Project Location Description of Work	AADT Length Bridge ID	Type of Work Fund	Total
LFM-1 --7X-65 Bunge Resurfacing with Reinforced Fibers and Milling 52896	On H10, from the east BNSF RR ROW line, NE 1.2 miles to the Mills/Pottawattamie County Line	5382 1.100 miles	366 HMA Paving Local	\$550,000

Fund	Accomplishment Year		
	Previous Amount	New Amount	Net Change
Local	\$625,000	\$1,175,000	\$550,000
Farm-to-Market	\$3,650,000	\$3,650,000	\$0
Special	\$6,500,000	\$6,500,000	\$0
SWAP	\$400,000	\$400,000	\$0
Federal Aid	\$500,000	\$500,000	\$0
Totals	\$11,675,000	\$12,225,000	\$550,000

The Engineer informed the board that he will be attending FEMA class next week.

Josh England, Chief Deputy, and Ryan Pittman, Lieutenant Deputy, joined the session for their scheduled meeting.

Motion by Crouch, seconded by Vinton to accept the resignation of jailer, Zachary Chase, who accepted a position with the Glenwood Police Department and requested approval to hire replacement. Motion carried on vote: Ayes: 3, Nays: 0.

Motion by Crouch, seconded by Vinton to approve for the Chair to sign MOU for bringing back a former employee to return at ending rate of pay, which is Claire O'Donnell, at a salary of \$44,518, effective Monday, January 23, 2023. Motion carried on vote: Ayes: 3, Nays: 0.

Motion by Crouch, seconded by Vinton to approve the Sherriff's Department to advertise to hire new jailers until fully staffed. Motion carried on vote: Ayes: 3, Nays: 0.

Andrew Rainbolt, Economic Development, was present for his scheduled meeting. Motion by Crouch, seconded by Vinton on Approval to Sign Resolution 23-03, Board to call for Hotel/Motel Tax Election. Motion carried on vote: Ayes: 3, Nays: 0 Roll Call vote: Crouch – Aye, Mayberry – Aye, Vinton – Aye

### RESOLUTION NO. 23-03

Resolution calling an election on the proposition of imposing a hotel and motel tax

**WHEREAS**, Chapter 423A of the Code of Iowa authorizes counties to impose a hotel and motel tax, subject to an election at which a majority of those voting favor such tax; and

**WHEREAS**, the Board of Supervisors of Mills County, (the "County") wishes to set a date for an election on the imposition of a hotel and motel tax within the County;

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

**Section 1.** A special county election is hereby called and ordered to be held in and for the County on March 7, 2023, at which there will be submitted to the voters of the unincorporated areas of the County the following proposition:  
*"Shall Mills County, Iowa, be authorized to impose a hotel and motel tax, pursuant to Chapter 423A of the Code of Iowa, at the rate of 7%, beginning July 1, 2023?"*

**Section 2.** The County Commissioner of Elections is hereby authorized and requested to issue a proclamation and notice of the election on the proposition and of the time and place thereof and to take all other actions necessary pursuant to state law to conduct the election.

**Section 3.** All of the foregoing matters are adopted and resolved by this Board, and the County Auditor is hereby directed to give written notice thereof by submitting a copy of this resolution at least forty-six (46) days before the date of the election to the Mills County Commissioner of Elections, who has the duty to conduct this election, for approval, ratification and confirmation to the extent required by Iowa law, and such County Commissioner of Elections shall signify such approval, ratification and confirmation and shall order the election to be conducted in the manner set forth herein by each signing the order attached to this resolution.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Jennie Rubek, Mills County Chamber Executive Director, was present for her scheduled meeting. Rubek updated the Board on opportunities the Tourism committee is taking along with the Chamber to promote Mills County. Motion by Vinton, seconded by Crouch to approve the amount of \$6,500 for Tourism, to assist with a new website and extra personal cost for maintenance. Motion carried on vote: Ayes: 3, Nays: 0.

Rubek also requested the County to continue support for the Chamber in the amount of \$10,000. Motion by Vinton, seconded by Crouch to approve the amount of \$10,000 for the Chamber. Motion carried on vote: Ayes: 3, Nays: 0.

Lu Anne Christiansen, Mills County Recorder, was present for her scheduled meeting. Motion by Crouch, seconded by Vinton to approve the purchase of 2 WASP Label printers in the amount of \$1,055.98. Motion carried on vote: Ayes:3, Nays:0.

Carol Robertson, Mills County Auditor, was present for her meeting. Motion by Crouch, seconded by Vinton to authorize the Chair to sign the Annual Construction Evaluation Resolution #23-02. Motion carried on vote: Ayes: 3, Nays: 0.

### RESOLUTION #23-02 CONSTRUCTION EVALUATION RESOLUTION

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2023 and January 31, 2024 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's

recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

There being no further business to come before the Board, they adjourned to meet on Tuesday, January 24, 2023.

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Lonnie Mayberry, Chair

ATTEST:

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Carol Robertson, Auditor