

July 2, 2019

The Lee County Board of Supervisors met on Tuesday, July 2, 2019, at 9:00 a.m. at the Correctional Center.

Present: Gary Folluo, Rick Larkin, Ron Fedler, Rich Harlow and Matt Pflug.

All votes are unanimous unless otherwise indicated.

The Board opened the meeting by reciting the Pledge of Allegiance.

Moved by Larkin, seconded by Pflug, to approve the agenda. Motion carried.

Moved by Fedler, seconded by Harlow, to approve the Tuesday, June 25, 2019 Board minutes. Motion carried.

Moved by Pflug, seconded by Fedler, to approve payment of claims. Motion carried.

Public Input: Kurt Enke, Denmark, asked the Board to do something about vehicles and a shed that are on a County road obstructing traffic.

County Engineer Ben Hull and Conservation Director Nathan Unsworth gave the Board an update on the progress of a Roadside Management Plan for the County.

Moved by Fedler, seconded by Pflug, to approve hiring a Maintenance Worker III in Secondary Roads. Motion carried.

Moved by Pflug, seconded by Fedler, to approve an agreement with the Iowa Fertilizer Company for security services with the Sheriff's Office, terminating at the completion of the Turn-Around Period. Motion carried.

Moved by Pflug, seconded by Larkin, to approve Resolution #2019-70. Roll call: Pflug-aye, Larkin-aye, Harlow-aye, Fedler-present and Folluo-aye. Motion carried.

RESOLUTION OF THE LEE COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2019-70

RESOLUTION SETTING PUBLIC HEARING ON A PROPOSAL TO VACATE AND CONVEY A CERTAIN PLATTED STREET WITHIN THE UNINCORPORATED TOWNSHIP OF DENMARK, LEE COUNTY, IOWA

WHEREAS, the Lee County Board of Supervisors is the Agency as defined by Iowa Code Section 306.2 that has jurisdiction over the secondary roads and alleyways in the unincorporated township of Denmark, Lee County, Iowa; and

WHEREAS, a certain street within the unincorporated township of Denmark is no longer being utilized by the public and serve no benefit to the public, and/or has been converted by private landowners for private use; and

WHEREAS, the certain portions of the street to be vacated are located on Ninth Street and specifically legally described as follows:

1. The West Half of 9th Street Lying East and Adjacent to the South 20 Feet of Out lot 12, in the Town of Denmark, Lee

County, Iowa;

2. The West Half of 9th Street Lying East and Adjacent to the North 280 Feet of Out lot 12, in the Town of Denmark, Lee County, Iowa
3. The East Half of 9th Street Lying West and Adjacent to Lot 4 Block 7 in the Town of Denmark, Lee County, Iowa
4. The East Half of 9th Street Lying West and Adjacent to Lot 3 Block 7 in the Town of Denmark, Lee County, Iowa

WHEREAS, Sections 306.10 through 306.16 and 354.23 Code of Iowa, 2019 vest the County Board of Supervisors the authority to vacate and convey said roads and alleyways; and

WHEREAS, the proposal to vacate and convey has been reviewed by the Secondary Roads Department, the Environmental Services Department of the Lee County Health Department, and the Lee County Treasurer's Office for tax payments and again by the Lee County Engineer's for utility easements. No objections or issues having been raised; and

WHEREAS, the adjoining landowners are as follows:

1. Dravis, Duane H/Ruth E -12-05-04-29-452-0040
2. Bonar Farms Corp -12-05-04-29-452-0030
3. Dravis, Duane H/Ruth E husband and wife, as joint tenants, with full rights of survivorship and not as tenants in common-12-05-04-29-455-0040
4. Smith, Paul T -12-05-04-29-455-0050

WHEREAS, all known utility permits on file with the County whose facilities adjoin the road right-of-way or are on the road right-of-way are as follows:

1. #510 water line service
2. #546 water service line
3. #164 and #203 water main and house services

WHEREAS, these landowners and utility owners are entitled to notice of the vacation. The Auditor of Lee County shall mail a copy of this proposed resolution to adjoining landowners and utility owners by ordinary and by certified mail; and

WHEREAS, Section 354.23 of the Code of Iowa provides in part:

That the county shall vacate by resolution or following public hearing or by ordinance and the vacating instrument shall be recorded. The county may convey the vacated property by deed or may convey the property to the adjoining proprietor through the vacation instrument. The vacating instrument is used to convey property and the instrument shall include a list of adjoining proprietors to whom the vacating property is being conveyed along with the corresponding description of each parcel conveyed, a recording instrument which conforms to this section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the recorder and auditor.

NOW THEREFORE BE IT RESOLVED that the following proposed resolution be set for public hearing on the 16th day of July, 2019, at 9:01 o'clock a.m. in the conference room of the Lee County Sheriff's Department, 2530 255th Avenue, Montrose, Iowa. The Auditor is instructed to publish notice as required by Section 331.305. The proposed resolution is as follows:

BE IT RESOLVED that the Lee County Board of Supervisors pursuant to its authority under Section 354.23, Code of Iowa, 2019, hereby vacates the following described platted street in the unincorporated township of Denmark, Lee County, Iowa:

1. The West Half of 9th Street Lying East and Adjacent to the South 20 Feet of Out lot 12, in the Town of Denmark, Lee County, Iowa;
2. The West Half of 9th Street Lying East and Adjacent to the North 280 Feet of Out lot 12, in the Town of Denmark, Lee County, Iowa
3. The East Half of 9th Street Lying West and Adjacent to Lot 4 Block 7 in the Town of Denmark, Lee County, Iowa
4. The East Half of 9th Street Lying West and Adjacent to Lot 3 Block 7 in the Town of Denmark, Lee County, Iowa

BE IT FURTHER RESOLVED that pursuant to its authority under section 354.23, Code of Iowa, 2019, the Board now conveys the property so vacated to the surrounding landowners as follows:

1. The West Half of 9th Street Lying East and Adjacent to the South 20 Feet of Out lot 12, in the Town of Denmark, Lee County, Iowa is hereby conveyed to adjoining landowner Dravis, Duane H/Ruth E -12-05-04-29-452-0040
2. The West Half of 9th Street Lying East and Adjacent to the North 280 Feet of Out lot 12, in the Town of Denmark, Lee County, Iowa is hereby conveyed to adjoining landowner Bonar Farms Corp -12-05-04-29-452-0030
3. The East Half of 9th Street Lying West and Adjacent to Lot 4 Block 7 in the Town of Denmark, Lee County, Iowa is hereby conveyed to adjoining landowner Dravis, Duane H/Ruth E, husband and wife, as joint tenants, with full rights of survivorship and not as tenants in common -12-05-04-29-455-0040
4. The East Half of 9th Street Lying West and Adjacent to Lot 3 Block 7 in the Town of Denmark, Lee County, Iowa is hereby conveyed to adjoining landowner Smith, Paul T -12-05-04-29-455-0050

Consistent with the conveyances as listed above the adjoining property owners are conveyed the said legally described and designated vacated portions of 9th street to the center line of such vacated street.

Upon approval, pursuant to Section 354.23, Code of Iowa, 2019, this Resolution will serve as the lawful conveyance of the said vacated property.

Dated this the 2nd day of July, 2019.

LEE COUNTY BOARD OF SUPERVISORS. /s/ Gary Folluo, Chairman; /s/ Rick Larkin, Vice-Chair; /s/ Ron Fedler, Member; /s/ Rich Harlow, Member and /s/ Matt Pflug, Member. Attest: /s/ Denise Fraise, Lee County Auditor. Motion carried.

Moved by Harlow, seconded by Larkin, to appoint Todd Shields to a three year term on the Veteran Affairs Commission. Motion carried.

Moved by Pflug, seconded by Harlow, to appoint Heather Ballew to the Board of Health, term expiring January 1, 2020. Roll call: Pflug-aye, Harlow-aye, Larkin-aye, Fedler-aye and Folluo-aye. Motion carried.

Moved by Harlow, seconded by Larkin, to approve use of the East Parking Lot at the North Office Building in Fort Madison, on July 4th, to Rollin Tacos. Motion carried.

Moved by Pflug, seconded by Larkin, to approve the Personnel Policy Grid for Fiscal Year 2020. Roll call: Pflug-aye, Larkin-aye, Harlow-aye, Fedler-aye and Folluo-aye. Motion carried.

Moved by Fedler, seconded by Pflug, to approve Self-funded Insurance Premiums for Fiscal Year 2020. Motion carried.

Moved by Pflug, seconded by Larkin, to approve an addition to the Publication of Wages for Fiscal Year 2020-Daniel Mehl, Township Trustee, from \$7.25/hr. to \$10.00/hr. Motion carried.

Moved by Pflug, seconded by Harlow, to approve a new hire for Secondary Roads, David Sugars, Road Maintenance, \$19.06/hr., effective 7/22/19; wage increase for Ryanne Wood, CPC Administrator, from \$68,453.54/annually to \$88,453.54/annually, effective 7/1/19 and new hire for the Maintenance Department, Jason Mott, part-time Building and Ground Maintenance Worker, \$16.50/hr., effective 7/8/19. Motion carried.

Received and filed a Manure Management Annual Update for Holtkamp Farms in Franklin Township and the Auditor's Report of Fees Collected for the month of June.

Committee Reports: Larkin reported on an Economic Development Board meeting, a Conservation Board meeting and a meeting with Folluo on some County issues. Harlow also attended the Conservation Board meeting. Fedler reported on an Iowa Crime Commission meeting and a Juvenile Detention Board meeting. Folluo and Fedler attended a meeting with Iowa Fertilizer Company employees regarding the agreement with the Sheriff's Office.

At 10:08 a.m., a motion was made by Harlow and seconded by Fedler, to adjourn. Motion carried.

The next meeting of the Board of Supervisors will be Tuesday, July 9, 2019 at 9:00 a.m. at the South Lee County Courthouse.

Gary Folluo, Chairman

Attest: _____

Denise Fraise, Lee County Auditor