

March 20, 2023

Appanoose County Board of Supervisors met in regular session March 20, 2023 at 9:00 A.M. in the Boardroom of the Courthouse. Present: Linda Demry, Chairperson, Mark McGill, and Jeff Kulmatycki Boardmembers. Absent: none.

The meeting started with the pledge.

Add Mexican Affair liquor license to agenda. McGill motioned to approve the amended agenda. Seconded by Kulmatycki. All voted aye.

McGill motioned to approve the minutes from the March 6, 2023 meeting. Seconded by Kulmatycki. All voted aye.

McGill motioned to approve the 3/17 payroll. Seconded by Kulmatycki. All voted aye.

Kulmatycki motioned to approve bills and the handwritten to Marty Sias for \$1,129.17.

Seconded by McGill. All voted aye.

Access Sys	Off. Supplies & Forms	108.00
Access Sys	Typing-Print.-Bind.Serv.	142.97
Agriland FS	Engineering Services	23545.96
Albia Newspapers	Typing-Print.-Bind.Serv.	458.57
Alliant	Gas & Heat	11282.34
Amazon	Law Enf. Equip & Weapons	88.94
Amer Home Fdg	Community Support Program	649.29
Sec Rds	Mileage & Transp. Expense	168.57
App Co Treas	Off. Supplies & Forms	183.58
App Comm Care	Homemaker-Home Health Aid	3170.50
Atomic Pest Control	Building Repair & Maintce	80.00
Bailey Off	Off. Supplies & Forms	24.50
Bratz Auto	Engineering Services	95.00
Bratz Oil	Vehicle Supplies-Access	2077.55
BUG PRO	Extermination Services	90.00
C-D Supply	Custodial Supplies	602.94
Calhoun Burns	Engineering Services	7856.40
Cantera Aggregates	E911 Other Capital Expens	10244.40
Capital Sanitary Supply	Off. Equip Repair & Maint	161.36
Card Services	Off. Supplies & Forms	450.49
CarQuest	Engineering Services	217.96
Cville Iron	Engineering Services	1495.20
Cville Wtrwks	Water & Sewer	59.62
C'ville Produce & Feed	Park Maint. & Supplies	220.06
Chariton Valley Elec	Electric Light & Power	409.54
City Cville	Contrib. & Purchase Serv	55989.71
Clark's Auto Rpr	Engineering Services	700.00
CocoBeen Reptiles	Park Maint. & Supplies	150.00
Davis Co Sch	Community Support Program	800.00
Davis Co Daycare	Community Support Program	1671.86
Davis Co Tire	Engineering Services	262.50
Davison Fuels & Oil	Fuels	122.79
Eastern IA Tire	Engineering Services	1076.54
Equipment Blades, Inc	Engineering Services	6420.00
Ervin Masonry	Park Maint. & Supplies	260.00
First National Bank	Dues & Memberships	37.50
Fogle TV	Equip. Parts & Supplies	742.98
Forbes Office Solns	Off. Supplies & Forms	46.85
Galls	Uniforms	135.96
Garden Spot	Uniforms	9999.00
D Gee	Off. Supplies & Forms	17.98
PJ Greufe	Health Insurance	1500.00
Hawkeye Truck Equip	Engineering Services	382.54
Hills San	Garbage Serv	525.00
Holiday Inn	Educational & Train.Serv.	772.80
Housby Mack	Engineering Services	795.82
Kelly Howard	Educational & Train.Serv.	102.77
Hy-Vee	Medical & Health Services	10430.70
IA Dept of Transp	Engineering Services	15505.43
Impressive Designs	Off. Supplies & Forms	30.00
Independent Salt	Engineering Services	3140.33
Interstate Batt	Engineering Services	913.70
IA Law Enforcement Academy	Educational & Train.Serv.	125.00
IA Media Network	Typing-Print.-Bind.Serv.	347.92
IA Prison Industries	Motor Vehicle	276.43
ISSDA	Educational & Train.Serv.	250.00
J & J Ready Mix	Engineering Services	1155.00
John Deere	Engineering Services	11775.92
Johnson Co Medical Examiner	Medical & Health Services	341.77

Kids World	Community Support Program	1680.00
Kinetic Edge	Educational & Train.Serv.	120.00
R Lamb	Medical & Health Services	300.00
J Lasley	Mileage & Transp. Expense	9.00
K Laurson	Off. Supplies & Forms	103.88
LexisNexis	Dues & Memberships	100.00
Lockridge	Park Land Acq. & Dev.	579.81
Mail Serv	Vehicle Renewal Notices	449.47
MATURA	Community Support Program	476.60
M Messamaker	Off. Supplies & Forms	164.80
MHC Kenworth	Engineering Services	1471.31
Midwest Alarm	Building Repair & Maintce	494.16
T Mihalovich	Building Repair & Maintce	225.00
MMIT	Off. Equip Repair & Maint	108.22
Monroe Pub Hlth	Community Support Program	5232.88
Natel	Telephone & Telegr.Serv.	55.00
O'Reilly	Engineering Services	119.70
Orchard Pl	Community Support Program	3599.14
Owl Pharm	Prescriptions & Medicine	94.37
Petty C-Sheriff	Educational & Train.Serv.	112.31
R Pfannebecker	Mileage & Transp. Expense	42.53
Polk Co Sheriff	Legal Serv. Dep-Subp-Tran	43.10
Prof Computer	Off. Equip Repair & Maint	31.95
RACOM	E911 Other Capital Expens	284333.70
Rainbo Oil	Engineering Services	635.30
RASWC	Engineering Services	64.10
RRWA	Engineering Services	54.00
Raw Metal Works	Park Land Acq. & Dev.	3789.00
RICOH	Off. Supplies & Forms	21.77
River Hills	Medical & Health Services	40.00
G Roefer	Medical & Health Services	100.00
SCICAP	Community Support Program	20667.80
Secretary of State	Off. Supplies & Forms	30.00
Seymour Tire	Engineering Services	48.95
Shield Technology	Other Equipment	2800.00
Simmons Bldg Materials	Equip. Parts & Supplies	2.00
Sinclair NAPA	Engineering Services	2015.89
B Skinner	Educational & Train.Serv.	61.46
Snap-On Tools	Engineering Services	203.50
Solutions	Computer & Microfilm Supp	6992.61
Stericycle	Off. Supplies & Forms	151.48
Underwood Law	Legal & Ct-Related Serv.	1280.00
UnityPoint	Engineering Services	84.00
US Bank	Off. Supplies & Forms	1208.40
US Cellular	Telephone & Telegr.Serv.	816.27
Warren Co Sheriff	Legal Serv. Dep-Subp-Tran	49.72
Watson & Ryan	Legal & Ct-Related Serv.	325.00
N Wendland	Engineering Services	40.00
Wex Bank	Mileage & Transp. Expense	120.73
Wigwam Daycare & Preschool	Community Support Program	1631.62
Windstream	Off. Supplies & Forms	1984.73
Winger	Building Repair & Maintce	500.00
Yutzy Repair	Engineering Services	40.00
Ziegler	Engineering Services	19488.65
Grand Total		555882.45

McGill motioned to approve the liquor licenses for K&T Damsite, Rathbun Marina (Buck Creek), Louies Lakeside Bistro BBQ and Mexican Affair. Seconded by Kulmatycki. All voted aye.

Kulmatycki motioned to approve the GIS Data Grant Agreement with the Iowa DOT ROW Bureau. Seconded by McGill. All voted aye.

McGill motioned to approve Resolution 2023-7. Seconded by Kulmatycki. All voted aye.

#### RESOLUTION NO. 2023-7

Authorizing Appanoose County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.,

WHEREAS, in 2018, the County Board of Supervisors authorized Appanoose County (the "County") to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC and von Briesen & Roper, s.c. (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the County and resources necessary to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants in 2018 and have been litigating against the Opioid Defendants since that time;

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc (the "Settling Defendants") have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements are set forth in the Teva and Allergan Settlement Agreement and the Walmart, Walgreens, and CVS Settlement Agreement (collectively "Settlement Agreements");

WHEREAS, the Settlement Agreements as well as a summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements and the MDL Court's Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements have been provided to the County prior to the execution of this Resolution;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Iowa including to the State of Iowa and Participating Subdivisions, as that term is defined in the Settlement Agreements ("Iowa Opioid Funds"), upon occurrence of certain events as defined in the Settlement Agreements;

WHEREAS, the Law Firms have engaged in extensive discussions with the State Attorney General's Office ("AGO") as to how the Iowa Opioid Funds will be allocated, which has resulted in the Iowa Opioid Allocation Memorandum of Understanding ("Allocation MOU"), which is an agreement between all of the entities who are signatories to the Allocation MOU;

WHEREAS, the Allocation MOU divides Iowa Opioid Funds as follows: (i) 50% to the State ("the Iowa Abatement Share") and (ii) 50% to Participating Local Governments ("LG Share"), net of fees and costs allocated to the Iowa Backstop Fund as set forth in Section D of the Allocation MOU and in this Resolution ("LG Abatement Share");

WHEREAS, the LG Abatement Share shall be distributed in direct payments to the Counties that are Participating Local Governments according to the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804) in the amounts set forth on Exhibit 2 to the Allocation MOU ("Direct Distribution Percentage"). The Direct Distribution Percentage will be multiplied by the total LG Abatement Share to arrive at the total allocation to the Participating Local Government (the "Direct Distribution Amount");

WHEREAS, 100% of the Iowa Abatement Share and the LG Abatement Share, regardless of allocation, shall be utilized only for Opioid Related Expenditures incurred after the Effective Date of this MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 of the MOU (Iowa State – Local Allocation MOU).

WHEREAS at least 75% of the Iowa Abatement Share and 75% of the LG Abatement Share shall be utilized for only the "Core Strategies" listed in Schedule A of Exhibit 1 to Allocation MOU;

WHEREAS, every Participating Local Government that receives a Direct Distribution Amount shall create a separate fund on its financial books and records that is designated for the receipt and expenditure of the entity's Direct Distribution Amount, called the "LG Abatement Fund;"

WHEREAS, Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government, but a Participating Local Government may invest LG Abatement Fund funds consistent with the investment of other funds of a Participating Local Government;

WHEREAS, Funds in a LG Abatement Fund may be expended by a Participating Local Government only for Opioid Related Expenditures, shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU and, for avoidance of doubt, funds in a LG Abatement Fund may not be expended for costs, disbursements or payments made or incurred prior to the Settlement;

WHEREAS, if any audit required by the Allocation MOU reveals an expenditure inconsistent with the terms of the Allocation MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure;

WHEREAS, the County must comply annually with the reporting requirements in the Allocation MOU;

WHEREAS, if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement and the Allocation MOU, provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreements stating the County's intention to be bound by the Settlement Agreements;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements.

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves and authorizes Linda Demry to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements by taking the following measures:

1. The execution and delivery of the Participation Agreement to the Settlement Agreements and any and all documents ancillary thereto.
2. The execution and delivery of any and all further and other documents necessary to effectuate the foregoing and the terms of this Resolution.

BE IT FURTHER RESOLVED: the County shall deposit the LG Share in its account titled "LG Abatement Fund" to receive the LG Abatement Share from the Settlement Agreements.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Appanoose County Board of Supervisors this 20<sup>th</sup> day of March, 2023

/s/: Linda Demry, Board Chair

ATTEST: /s/ Kelly Howard, County Auditor

McGill motioned to approve Resolution 2023-8. Seconded by Kulmatycki. All voted aye.

RESOLUTION NO. 2023-8

RESOLUTION SETTING TIME AND PLACE OF HEARING ON ACCEPTANCE OF OFFER TO PURCHASE REAL ESTATE

WHEREAS, Appanoose County, Iowa (the "County") is:

a) the owner of certain real estate locally known as being bare ground located at 1119 W. Van Buren and 1121 W. Van Buren, Centerville, Iowa 52544 (Assessor Parcel No. 340011035070000 and Parcel No. 340011021790000), legally described as follows:

THE EAST ONE-HALF OF LOT 12 AND WEST HALF OF LOT 13 IN THATCHER'S ADDITION TO THE CITY OF CENTERVILLE, APPANOOSE COUNTY, IOWA,

(the "W. Van Buren Property") and

b) the owner of a half interest (along with the City of Centerville (the "City")) of certain real estate locally known as being located on W. Washington, Centerville, Appanoose County, Iowa, (Assessor Parcel No. 340011005390000 and Parcel No. 340011005380000), legally described as follows (the "Property"):

LOT 6 IN T.M. FEE'S FIRST ADDITION TO THE TOWN OF CENTERVILLE, APPANOOSE COUNTY, IOWA, and THE WEST 50 FEET OF LOT 10 IN THATCHER'S ADDITION TO THE CITY OF CENTERVILLE, APPANOOSE COUNTY, IOWA,

(the "W. Washington Property"), and together, the W. Van Buren Property and the W. Washington Property, referred to herein as the "Property";

WHEREAS, the County Board of Supervisors desires to sell the Property to the City to be used for economic development purposes for \$34,000.00 and other valuable consideration (the "Purchase Price");

WHEREAS, the Property is being sold at fair market value;

WHEREAS, it would be in the best interests of the County to accept the City's offer to purchase the Property for the Purchase Price (the "Offer"); and

WHEREAS, in order to comply with Section 331.361, *Code of Iowa*, it is necessary to set a date, time and place of hearing on the acceptance of the Offer.

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

Section 1. The Offer will be considered by the County at a meeting to be held commencing at 9:15 A.M. on April 3, 2023, in the Board of Supervisors Office located at Appanoose County Courthouse.

Section 2. The County Auditor is hereby directed to publish a notice of the Offer, said notice to be published not less than four (4) nor more than twenty (20) days before the date of the hearing in a newspaper that meets the requirements of Section 618.14, *Code of Iowa*.

Section 3. This resolution shall become effective upon its passage and approval as provided by law.

PASSED AND APPROVED this 20<sup>th</sup> day of March, 2023.

/s/: Linda Demry, Chairman, Appanoose County Board of Supervisors

Attest: /s/ Kelly Howard, Appanoose County Auditor

McGill motioned to approve Resolution 2023-9. Seconded by Kulmatycki. All voted aye.

RESOLUTION #2023-9 FOR INTERFUND OPERATING TRANSFER

Whereas, it is desired to transfer monies from the Rural Services Fund to the Secondary Road Fund, and Whereas, said operating transfer is in accordance with section 331.432, *Code of Iowa*,

Now, therefore, be it resolved by the Board of Supervisors of Appanoose County, Iowa as follows:

Section 1. The sum of \$217,012.75 is ordered to be transferred from the Rural Services Fund to the Secondary Road Fund, effective 3-20-2023.

Section 2. The Auditor is directed to correct her books accordingly and to notify the Treasurer of this operating transfer.

The above and foregoing resolution was adopted by the Board of Supervisors of Appanoose County, Iowa, on 3-20-2023 the vote being as follows:

Ayes: Linda Demry, Mark McGill, Jeff Kulmatycki

Nayes: none

Attest: Kelly Howard, County Auditor

McGill motioned to approve Resolution 2023-10. Seconded by Kulmatycki. All voted aye.

Resolution # 2023-10

WHEREAS, it has been determined by the Board of Supervisors of Appanoose County, Iowa, that Tax Sale #2011-10767: Lot 4, Block 5, in J.S. Elgin's Second Addition to Mystic, Iowa is no longer needed for the purpose for which it was acquired by the County and it is in the best interest of the county that said property be sold:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF APPANOOSE COUNTY, IOWA;

1. That a public hearing be held April 3, 2023 at 9:20 A.M. in the Appanoose County Courthouse to consider the sale of the above-described property upon motion by McGill and seconded by Kulmatycki.
2. That following the public hearing an auction will be held in which the property will be sold to the highest bidder with the county reserving the right to accept or reject any or all bids; who will also pay the current year's taxes, the cost of publication of this notice and the cost of recording the deed.
3. That the Appanoose County Auditor is hereby authorized and directed to publish a notice of public hearing on said proposal to convey and sell property no less than four nor more than twenty days prior to that date of such hearing.
4. This resolution shall become effective upon its passage and publication.

Passed and adopted this 20<sup>th</sup> day of March, 2023.

APPANOOSE COUNTY BOARD OF SUPERVISORS

Ayes:/s/ Linda Demry, Mark McGill, Jeff Kulmatycki Nays: None

ATTEST/s/ Kelly Howard, Appanoose County Auditor

McGill motioned to approve the FY23 EMS Income Surtax Distributions. Seconded by Kulmatycki. All vote aye.

McGill motioned to approve the hiring of Britni McCarty as fulltime jailer effective 3/23/2023 with a starting pay of \$18.85/hr. Seconded by Kulmatycki. All voted aye.

Kulmatycki motioned to approve the position change of Nicholas Wendland as Licensed Chemical Applicator effective 3/9/2023 with wage of \$24.62/hr. Seconded by McGill. All voted aye.

Kulmatycki motioned to award projects for FM 2023 Rock letting FM-C004(124)-55-04 to Douds Stone and Cantera Aggregates and authorize the Engineer to sign the contract documents. Seconded by McGill. All voted aye.

McGill motioned to approve the funding agreement with the Iowa DOT for project FM-TSF-C004(123)-5B-04. Seconded by Kulmatycki. All voted aye.

McGill motioned to open the FY24 Max Tax Levy public hearing at 9:10 A.M. Seconded by Kulmatycki. All voted aye. There were no public comments. McGill motioned to close the public hearing at 9:11 A.M. Kulmatycki motioned to approve Resolution 2023-11. Seconded by McGill. All voted aye.

Resolution 2023-11

Approval of FY24 Maximum Property Tax Dollars

WHEREAS, the Appanoose County Board of Supervisors have considered the proposed FY24 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county website and/or social media accounts,

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 20, 2023.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Appanoose County that the maximum property tax dollars for General County Services and Rural County Services for FY24 shall not exceed the following:

General County Services - \$3,913,048

Rural County Services - \$1,175,122

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY24 does represent an increase of more than 102% from the Maximum Property Tax dollars requested for FY23.

By Roll Call Vote:

Ayes: /s/ Linda Demry, Mark McGill, Jeff Kulmatycki Nays: None

Passed and adopted the 20<sup>th</sup> day of March 2023.

/s/Linda Demry, Chairperson

/s/Attest: Kelly Howard, Appanoose County Auditor

Appanoose County Board of Supervisors

McGill motioned to open the increased level maintenance to service "A" public hearing at 9:15 A.M. Seconded by Kulmatycki. All voted aye. County Engineer, Brad Skinner spoke. There were no public comments. McGill motioned to close the public hearing at 9:16 A.M. McGill motioned to approve Resolution 2023-12. Seconded by Kulmatycki. All voted aye.

APPANOOSE COUNTY RESOLUTION NO. 2023-12

RESOLUTION FOR INCREASED LEVEL OF MAINTENANCE TO AREA SERVICE "A" ROAD

WHEREAS, Appanoose County desires to classify certain roads on the area service system in the County to provide for an increased level of maintenance; and

WHEREAS, Appanoose County, after consultation with the County Engineer, has the authority to reclassify certain roads within the County as Area Service "A" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County's road inventory systems have conflicting information regarding level of maintenance on the following described road; and

WHEREAS multiple citizens have relied upon said inventories in establishing residences and other improvements; and

WHEREAS, the Appanoose County Board of Supervisors, after consulting with the Appanoose County Engineer, desire to designate various roads in Appanoose County from Area Service "B" Roads to Area Service "A" Roads to provide for an increased level of maintenance in order to best utilize maintenance funds, and

WHEREAS, pursuant to Notice of Public Hearing duly published according to the Iowa Code, Public Hearing as held on the 20<sup>th</sup> of March, 2023 at 9:15 a.m. in the Board of Supervisors room at the Appanoose County Courthouse, Centerville, Iowa to hear support and/or objections from the public on roads so designated.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF APPANOOSE COUNTY that this County does hereby establish the road described as an Area Service "A" road, with increased access and an increased level of maintenance.

A strip of land 66 feet wide, being 33 feet on each side of the following described centerline of 219th Avenue; commencing at the intersection of the centerline of Boyer Ridge Road, Thence Northwesterly 70 feet along a curve whose radius is 125 feet; Thence Northwesterly 472 feet along a curve whose radius is 385 feet; Thence West 244 feet; Thence Northwesterly 410 feet along a curve whose radius is 550 feet; Thence Northwest 234 feet; Thence to the Northeasterly 375 feet along a curve whose radius is 280 feet; Thence Northeast 297 feet; Thence Northwesterly 308 feet along a curve whose radius is 235 feet; Thence Northwest 197 feet; Thence Northwesterly 272 feet along a curve whose radius is 560 feet; Thence Northwest 275 feet; Thence Northwesterly 207 feet along a curve whose radius is 390 feet; Thence Northwest 22 feet to the end of the described road, all in Section 31 Township 70N Range 17W and Section 36 Township 70N Range 18W.

Resolution adopted the 20<sup>th</sup> day of March, 2023.

Appanoose County Board of Supervisors

/s/ Linda Demry, Board of Supervisors Chairperson

ATTEST: /s/Kelly Howard, Appanoose County Auditor

McGill motioned to set the FY24 County Budget Public Hearing for 4/3/2023 at 9:25 A.M. Seconded by Kulmatycki. All voted aye.

McGill motioned to open public hearing to establish Area Service "B" on a portion of 219<sup>th</sup> at 9:20 A.M. Seconded by Kulmatycki. All voted aye. Skinner spoke. There were no public comments. McGill motioned to close the public hearing at 9:21 A.M. McGill motioned to approve Resolution 2023-13. Seconded by Kulmatycki. All voted aye.

APPANOOSE COUNTY RESOLUTION NO. 2023-13

RESOLUTION FOR INCREASED LEVEL OF MAINTENANCE TO AREA SERVICE "B" ROAD

WHEREAS, Appanoose County desires to classify certain roads on the area service system in the County to provide for an increased level of maintenance; and

WHEREAS, Appanoose County, after consultation with the County Engineer, has the authority to reclassify certain roads within the County as Area Service "B" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the Appanoose County Board of Supervisors, after consulting with the Appanoose County Engineer, desire to designate various roads in Appanoose County on the Area Service "B" System to provide for an increased level of maintenance in order to best utilize maintenance funds, and

WHEREAS, pursuant to Notice of Public Hearing duly published according to the Iowa Code, Public Hearing as held on the 20<sup>th</sup> of March, 2023 at 9:20 a.m. in the Board of Supervisors room at the Appanoose County Courthouse, Centerville, Iowa to hear support and/or objections from the public on roads so designated.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF APPANOOSE COUNTY that this County does hereby establish the road described as an Area Service "B" road, with increased access and a minimum level of maintenance.

That portion of an unnamed road (528th Street from the County road grid system) commencing at a point 250 feet West of the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 5 Township 68N Range 16W thence running east approximately 0.28 miles to the western right of way of 303rd Ave, all in Sections 4 and 5 Township 68N Range 16W with a right-of-way width of 40 feet.

Resolution adopted the 20<sup>th</sup> day of March, 2023.

Appanoose County Board of Supervisors

/s/Linda Demry, Board of Supervisors Chairperson

ATTEST: /s/ Kelly Howard, Appanoose County Auditor

McGill motioned to open public hearing to correct Resolution 2022-32 at 9:25 A.M. Seconded by Kulmatycki. All voted aye. Skinner spoke. There were no public comments. McGill motioned to close the public hearing at 9:26 A.M. Seconded by Kulmatycki. All voted aye. McGill motioned to approve Resolution 2023-14. Seconded by Kulmatycki. All voted aye.

RESOLUTION NO. 2023-14

RESOLUTION CORRECTING RESOLUTION NO. 2022-32

WHEREAS, a request has been made by the County Engineer to vacate a county alley which is described as follows:

The remaining portion of a 20-foot-wide alley running north and south 125 feet west of 138<sup>th</sup> Ave, in Sidle's 2<sup>nd</sup>, Subdivision Southwest Quarter of the Northeast Quarter Section 3 Township 68 North, Range 19 West is more particularly described as follows:

Beginning at the Northwest Corner of Lot 7 Block 8, then proceeding south to the Southwest corner of Lot 8 Block 8, thence west to the Southeast corner of Lot 5 Block 8, thence north to the Northeast corner of Lot 6 Block 8, thence east to the point of beginning all located in Sidle's 2<sup>nd</sup> Subdivision in the Southwest Quarter of the Northeast Quarter Section 3 Township 68 North, Range 19 Appanoose County Iowa.

WHEREAS, Resolution 2022-32 vacating an alley in Jerome, Iowa, was approved on November 21st, 2022 and was recorded by the Appanoose County Recorder on December 13<sup>th</sup>, 2022 in Book 2022 Page 3061; and

WHEREAS, Resolution 2022-32 as recorded contained minor scrivener's errors describing the property, and those errors should be corrected by resolution and recorded;

WHEREAS, on the 8<sup>th</sup> day of March 2023 notice of said hearing was sent by certified mail to the affected property owners and all utility companies whose facilities are on the road right-of-way; and

WHEREAS, on the 8<sup>th</sup> day of March 2023 a Notice of Public Hearing for the proposed road vacation was published in the Moravia Union, newspaper of general circulation in the County where said alley is located; and

WHEREAS, a hearing was held by the Appanoose County Board of Supervisors on the 20<sup>th</sup> day of March, 2023; and

WHEREAS, the Appanoose County Board of Supervisors have determined that provisions of Chapter 306 of the Iowa Code have been met; and

WHEREAS, it has been determined to in the best interest of the County and the affected property owners that the County vacate said alley; and

NOW, THEREFORE, BE IT RESOLVED by the Appanoose County Board of Supervisors that-

This document corrects scrivener errors in the Road Vacation Resolution 2022-32. Recorded document: Book 2022 Page 3061 as described above;

PASSED AND APPROVED this 20<sup>th</sup> day of March, 2023

Signed: Appanoose County Board of Supervisors Linda Demry, Mark McGill, Jeff Kulmatycki

ATTEST: /s Kelly Howard, County Auditor

County Engineer, Brad Skinner, provided an update to the board. Crack sealing will be done prior to the overlay sealcoat projects. A Roadside Management Plan will be presented to the board. It will allow the department to apply for grants. They're forming up the deck on the 135<sup>th</sup> bridge and plan to pour the deck early in April. They will be rockin selective roads due to soft and muddy spots. A discussion on the Old Highway 2 Bridge needs to be made. They're working on attachments to the graders in-house. McGill showed a picture of a road he received. Skinner stated it's their normal spring process.

John Hansen provided an update to the board on the jail project. He will send the certificates of completion to Ahlers & Cooney. They will work on making sure all the corrective action items are completed. He is working on getting the generator permit and has all the manuals on a thumb drive. The 3/1/2023 pay application was presented. McGill motioned to approve the 3/1/2023 pay application. Seconded by Kulmatycki. All voted aye. Hansen presented a plaque that will be hung at the jail.

Public Comments: Judy Lamb spoke about the Boyer Ridge upgrade. She was concerned they were going to make the road wider. Skinner stated there will be no major changes.

McGill motioned to adjourn. Seconded by Kulmatycki. All voted aye.

The Board adjourned to meet the call of the Auditor at 9:37 A.M.

Appanoose County Board of Supervisors

Erica Denny

Mark McGill

Steve Kulmatycki

Attest:

Kelly Howard

Kelly Howard, Appanoose County Auditor