

February 25th, 2020

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, February 25th, 2020, with Chairman Tom Broeker, Vice-Chair Jim Cary and Member Bob Beck present.

Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meet with Department Heads: County Auditor Terri Johnson stated the Burlington School District Special Election is next week on March 3rd. Johnson also reported according to an agenda item Concordia Township will have an opening for a Trustee. Assistant Land Use Administrator Jarred Lassiter stated his office is busy and they are working on ordinance updates. Conservation Director Chris Lee reported the timber harvest at Hunt Woods is finished and the park is now open. Lee stated the ash trees have been removed from in front of the conservation office and it now looks bare and several ash trees in parks will be removed. The Ameri Corp group will be in the area to help conservation March 9th – April 23rd. First Assistant County Attorney Todd Chelf reported the jury trials continue. One jury trial received a change of venue and was moved to Van Buren County. Maintenance Supervisor Rodney Bliesener reported his department was busy and thanked the Conservation crew for removing the ash trees. Safety Director Angie Vaughan referenced the recent snow and warned everyone to slow down and be careful. Public Health Administrator Christa Poggemiller reported her department is busy and they are working on immunization clinics at schools. She gave a flu update and discussed the coronavirus illness. She introduced Gloria Waddell and stated she is retiring and thanked her for her 15 yrs. of service at the Health Department. Others present: Secondary Roads Administrative Assistant Julie Winter, IT Director Colin Gerst, and CDS Director Ken Hyndman.

Cary motioned to open the public hearing for the sale of an overhang easement to ITC Midwest, LLC on property owned by Des Moines County in the City of Burlington and seconded by Beck. First Assistant County Attorney Todd Chelf addressed the easement request and had reviewed the documents. No other comments were received. Beck motioned to close the public hearing and seconded by Cary. Cary motioned to approve the sale of the overhang easement and seconded by Beck.

**Des Moines County
Resolution No. 2020-010**

A resolution regarding the transfer of a Perpetual Overhang Easement to ITC Midwest, LLC, a Michigan limited liability company.

WHEREAS Des Moines County has been approached by representatives of ITC Midwest wanting to secure a Perpetual Overhang Easement on county owned property located on Vineyard Street, Burlington, Iowa and having been assigned a local parcel number 11-31-176-003; and

WHEREAS the requested Perpetual Overhang Easement is for utility purposes and crosses a lot that is currently vacate; and

WHEREAS ITC Midwest, LLC, has offered to compensate Des Moines County in the amount of \$4,896.36; and

WHEREAS the proposed Perpetual Overhang Easement is legally described as:

A perpetual overhang easement (“Easement”) upon, over and across the “Easement Area” within the “Premises” as described below, together with all the rights and privileges for the full enjoyment or use thereof for the purpose described below.

Premises: Fractional part of the SE¹/₄ of NW¹/₄ of Section 31, Township 70 N., Range 2 W. 5th P.M., in the City of Burlington, Des Moines County, Iowa, particularly described as follows, to wit: Beginning at a point 515 ft West of a stone located at the N.E. corner of the SE¹/₄ of the NW¹/₄ of Sec. 31 Twp. 70 N., Range 2 W. 5th P.M.; thence West 300 ft; thence South 399.3 ft; thence East 300 ft; thence North 399.3 ft to the place of beginning.

EXCEPTING the following described tracts:

Part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, T 70 N., R 2 W., 5th P.M., City of Burlington, Des Moines County, Iowa, more particularly described as follows, Commencing at a gas pipe which marks the intersection of Vineyard St. and Argyle Ct.; thence East along the Centerline of Vineyard St. 14.12 feet; thence North 0° 10' West 30.0 feet to the North line of Vineyard which is the point of beginning; thence West along said North line 100.0 feet; thence North 0° 10' West 160.0 feet; thence East 100.0 feet; thence South 0° 10' East 160.0 feet to the point of beginning, containing 0.367 acres more or less.

The Westerly 60 ft. of the following tract, to-wit: Fractional Part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, Township 70 North, Range 2 West 5th P.M., in the City of Burlington, Des Moines County, Iowa, particularly described as follows, to wit: Beginning at a point 515 ft. West of a stone located at the N.E. corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31 Township 70 North, Range 2 West 5th P.M.; thence West 300 ft; thence South 399.3 ft; thence East 300 ft; thence North 399.3 ft; to the place of beginning.

Also Excepting:

Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 70 North, Range 2 West, 5th P.M., City of Burlington, Des Moines County, Iowa, more particularly described as follows:

Commencing at a gas pipe which marks the intersection of Vineyard Street and Argyle Court; thence East along the centerline of Vineyard Street 14.12 feet; thence North 0 degrees 10 minutes West 30.0 feet to the North line of Vineyard; thence West along said North line 100.0 feet which is the point of beginning; thence West along North line of Vineyard Street 110.0 feet; thence North 0 degrees 10 minutes West 200.0 feet; thence East 210 feet; thence South 0 degrees 10 minutes East 40.0 feet; thence West 100.0 feet; thence South 0 degrees 10 minutes East 160.0 feet to the point of beginning, containing .597 acres more or less; and

WHEREAS a copy of the proposed easement is attached to this resolution and which documents the rights Des Moines County is transferring to ITC Midwest, LLC which includes but is not limited to the following rights in the easement areas:

- (i) The right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove electric and telecommunication lines (but including no right or privilege to place poles, towers or other structures in contact with the ground within the premises described), for transmission and distribution of electricity, communications and all corporate purposes (the "Electric Lines");
- (ii) The right to enter upon the Premises to conduct surveys, including environmental surveys, and soil engineering testing for the Electric Lines;
- (iii) The right to remove, cut, trim, destroy or otherwise control any or all trees, shrubs, bushes, or brush now or hereafter standing or growing upon or within the Easement Area, all at Grantee's sole and absolute discretion, together with the right to remove, cut, trim, destroy or otherwise control any or all trees, shrubs, bushes, or brush on the Premises that in the sole and absolute judgment of the Grantee may interfere with maintenance, operation, or use of the Electric Lines or which in falling might touch the Electric Lines; and
- (iv) The right of ingress and egress over and across the Premises to the Easement Area for any of the Easement purposes stated herein, by means of existing field roads and lanes, if any, otherwise by the use of the most reasonable and feasible route selected by Grantee in its reasonable discretion, together with the right to construct a temporary road, at Grantee's sole expense, across the route used for ingress and egress, provided that upon the later of Grantee's determination that a temporary road is no longer necessary and Grantor's request to remove, Grantee shall, to the extent reasonably practicable, restore any temporary road area to its condition at the time of entering into this Agreement;
- (v) The right to extend any or all of the rights granted in this Easement to another entity or person; and

WHEREAS pursuant to Iowa Code 331.361 (2), Des Moines County may dispose by resolution an interest in real property by sale or exchange after notification and public hearing; and

WHEREAS proper notice of such public hearing has been provided, and such public hearing has been held,

BE IT THEREFORE RESOLVED, by the Board of Supervisors for the Des Moines County, Iowa, as follows:

Section 1. A Perpetual Overhang Easement is granted to ITC Midwest LLC as described in the proposed Overhang attached to this resolution and legal described above in this resolution.

Section 2. That the Chairman and Auditor will be duly authorized and directed to do any and all things necessary to complete the transfer of Perpetual Overhang Easement to ITC Midwest, LLC, a Michigan limited liability company.

PASSED, SIGNED AND APPROVED this 21st day of February 2020.

Chairman

Vice-Chairman

Member

Attest:

Auditor

Payroll Claims Reimbursements in the amount of \$64.25 was presented. Beck motioned to approve and seconded by Cary.

2018 Amended Military and Homestead Exemptions was presented. Cary motioned to approve and seconded by Beck.

Appointment of a Des Moines County representative to the E911 Board was presented. Due to a change in legislation, the County Sheriff is an automatic appointee to the E911 Board. The County needs to appoint an additional representative. Their terms do not expire or need to be renewed. Cary motioned to appoint Bob Beck as representative and seconded by Broeker.

Concordia Township Trustee Dan Allen submitted a letter of resignation due to the fact he will be moving out of the county soon. He resigned his position as township trustee effective February 21st. The Board of Supervisors will seek an appointment to fulfill the remainder of his term. Beck motioned to approve and seconded by Cary.

A side letter from the CWA Local 7176 Sheriff's Union regarding Deputy Sheriff Canine Handlers was presented. Beck motioned to approve and seconded by Cary.

Resolution and Final Plat of Wunderlich Subdivision was presented by Assistant Land Use Administrator Jarred Lassiter. The subdivision has 3 lots containing a total of 2.60 acres and located south of Tama Road in Tama Twp. The owners and subdividers are Robert & Judith Jackson, 11986 Tama Road – Marion & Linda Short, 11972 Tama Road and Wunderlich, Inc c/o Ron Wunderlich, 12060 Tama Road. This subdivision lies within the two-mile area for review by the City of Burlington and they approved the plat last week. This subdivision plat is cleaning up and giving landowners their actual usage of land. Beck motioned to approve and seconded by Cary.

**DES MOINES COUNTY
BOARD OF SUPERVISORS
RESOLUTION #2020-011**

WHEREAS Section 354.8 of the Code of Iowa states that a governing body shall certify by resolution the approval of a subdivision plat, and,

WHEREAS the Final Plat for **Wunderlich Subdivision** has been reviewed for conformance to applicable County standards by the Des Moines County Health Department, Secondary Roads Department, County Auditor, Zoning Commission Chair and Land Use Department and has been duly recommended by the aforementioned entities for approval,

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves the Final Plat of **Wunderlich Subdivision**, with the following condition:

- The minimum lot area requirement in the Subdivision Regulation Ordinance (Article V, Section 5.6) shall be waived, to allow for an area of 0.59 acres for Lot 1, and 0.78 acres for Lot 2.

Approved and adopted this 25th day of February, 2020.

DES MOINES COUNTY BOARD OF SUPERVISORS

Tom L. Broeker, Chair

Jim Cary, Vice Chair

Robert W. Beck, Member

ATTEST: _____

Terri Johnson, County Auditor

Roger Shindell, Carosh Compliance Solutions presented the Des Moines County quarterly update on HIPAA training. Online training is provided but several departments are having issues with the web-based training. Shindell stated one-hour in-person training sessions could be provided to increase the percentages of completion.

Personnel Action: Conservation – Kent Rector, Environmental Education. Resignation effective 3/20. Beck motioned to approve and seconded by Cary. Correctional Center – John High, Transport Officer PT. 6-month step increase. New rate \$17.38 hr., effective 2/20. Beck motioned to approve and seconded by Cary. Emergency Management – Cynthia Bowen, Volunteer Coordinator. Step increase, new rate \$13.00 hr., effective 2/27. Cary motioned to approve and seconded by Beck. Local Health – Aurey Kramer, Secretary. Unpaid leave of 27.94 hrs.

Gloria Waddell, Secretary. Retirement effective 3/3. Beck motioned to approve both actions and seconded by Cary.

Report received and filed in the Auditor's Office: Southeast Iowa Regional Riverboat Commission report. Broeker stated this is their monthly distribution report to the county.

Cary motioned to approve the February 11th, 2020 meeting minutes and seconded by Beck. Broeker abstained.

Cary motioned to approve the February 18th, 2020 meeting minutes and seconded by Broeker. Beck abstained.

Committee reports. Beck attended a DESCOM meeting. Cary attended three Workforce meetings. The four counties signed the agreement to bring the region into compliance. Broeker and Cary attended the Conference Board meeting. Broeker attended a Mental Health & Disabilities meeting in Des Moines.

Meeting was adjourned at 10:24 AM.

This Board meeting is recorded and kept on file for two years. The meeting minutes and audio are posted on the county's website www.dmcountry.com

Approved March 3rd, 2020
Tom Broeker, Chairman
Attest: Terri Johnson, Auditor