

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

The Board of Supervisors met this 3<sup>rd</sup> day of August 2021, at the Mills County Courthouse in Glenwood with Supervisors Carol Vinton, Lonnie Mayberry, and Richard Crouch present.

Motion by Vinton, seconded by Mayberry to approve August 3<sup>rd</sup> Consent Agenda and minutes from July 27<sup>th</sup> as presented. There were no liquor license renewals. Motion carried on a vote: Ayes: 3, Nays: 0

Julie Lynes, Public Health Administrator updated the Board regarding COVID. At-home tests are now available through Public Health. This is a saliva test and is mailed off. Test Iowa has closed down their sites. Forty percent of Mills Co. population has been fully vaccinated. There have been 694 doses administered to 12-17 age group. Our 14-day positivity rate is 8.7% now.

Mills County Engineer Technician, Devan Hitchcock was present in the absence of the Engineer. There was one utility permit for Ames Const on Allis Road for crossroad pipe.

Motion by Mayberry, seconded by Vinton to award bid and sign contract for EWP-5026-093 Weir Repair on Applewood Avenue to Lee Construction in the amount of \$19,021.00. Motion carried on a vote: Ayes: 3, Nays: 0

Approval for driveway variance application on 202<sup>nd</sup> Street was requested due to 50' N lack of site distance not meeting Counting requirements. Motion by Vinton, seconded by Mayberry to approve the driveway variance on 202<sup>nd</sup> Street. Motion carried on a vote: Ayes: 3, Nays: 0

Motion by Mayberry, seconded by Vinton to approve to continue the hiring process for two open maintenance positions. The new engineer will be hired soon and should be involved in this process. Motion carried on a vote: Ayes: 3, Nays: 0

Motion by Mayberry, seconded by Vinton to move forward and set a public hearing date for August 17<sup>th</sup>, 2021 for Resolution 21-24 Vacation & Sale of County Right of Way. Motion carried on roll call vote: Ayes: 2, Nays: 1, Crouch-Aye, Vinton-Nay, Mayberry-Aye

#### **RESOLUTION 21-24**

#### **A RESOLUTION TO VACATE AND SELL RIGHT OF WAY PROPERTY LOCATED IN SECTION 25 TOWNSHIP 71 NORTH RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, MILLS COUNTY, IOWA**

**WHEREAS** Mills County, a political subdivision of the State of Iowa, is the owner of the parcel of property legally described below:

A parcel of land located in part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 25, Township 71 North, Range 43 West of the 5th Principal Meridian Mills County, Iowa more fully described as follows: Starting at the Northeast Corner of said SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence N88°39'39"W along the North line of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 493.28 feet to the Point of beginning of said parcel; thence 501°31'28"W a distance of 124.45 feet; thence 506°11' 48"W a distance of 150.24 feet; thence S19°03'57"W a distance of 131.28 feet; thence 537°20' 42"W a distance of 159.34 feet; thence S68°00'00"W a distance of 54.37 feet; thence N00°07'21"W a distance of 450.00 feet; thence N62°12'39"W a distance of 111.80 feet; thence N00°07'21"E a distance of 50.00 feet to a point on the North line of said SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence along said North line a distance of 309.32 feet to the Point of Beginning. Said parcel contains 2.24 acres, more or less, including presently established county road Right-of-Way and is subject to easements of record.

**WHEREAS** pursuant to Sections 331.361(2)(a), 331.361(2)(c), and 306.22 of the Iowa Code, Mills County, through the Mills County Board of Supervisors, believes it to be beneficial for, and in the best interests of, Mills County, Iowa to vacate the right of way and sell the above-described parcel, thus returning it to the real estate tax rolls; and

**WHEREAS** Mills County will, through public hearing, determine the public interest in purchase of said parcel and thereby determine the method necessary for completing such transaction.

**THEREFORE BE IT RESOLVED** by the Mills County Board of Supervisors shall hold public hearing on the vacation of right of way and sale of the above-described parcel on August 17, 2021.

**Approved** this 3rd day of August, 2021.

Erich Krueger addressed the Board regarding trees. This is the fourth time he has had an issue. Last week Secondary Roads cut up a large amount of trees in the ROW and just left them. Mr. Krueger is just asking for communication, time on annual basis, and clean up when not done. He has also called the office four times requesting a school bus sign and has not received a call back. Krueger is wanting to work with the County to find a solution. Hitchcock took down notes and will talk to the Engineer.

Brian Young, State Electrical Inspector was present, along with Holly Jackson and Audra Krueger of Building & Zoning, to discuss the process for electrical inspections. The concern was all new permits beginning July 16<sup>th</sup> will be taken on by the State. However, the concern was what can be done with the properties if JDW doesn't get them completed. It was suggested that the County continue with JDW to finish up.

Holly Jackson, Building & Zoning Technician and Audra Krueger, Permit Technician asked the Board for directions on a couple of items regarding potential inspections if needed. Jackson also presented the July permits reports. Jackson also reminded of the joint meeting of the Board of Supervisors with the Board of Adjustment and Planning & Zoning to explain changes on August 3<sup>rd</sup> at 6 pm and also the Public Hearing for the changes to Chapter 24 on August 9<sup>th</sup>, 2021.

Motion by Vinton, seconded by Mayberry to approve the hiring of Jacob Ferro as County Engineer, providing he passes his required pre-employment physical and drug screening at a salary of \$100,000.00 beginning August 9<sup>th</sup>, 2021. Motion carried on a vote: Ayes: 3, Nays: 0

Pony Creek Waterline Extension updates on procedures to move forward were discussed. No action taken.

Motion by Mayberry, seconded by Vinton to approve Resolution 21-25 Declaring Mills County a Second Amendment Sanctuary County. Motion carried on roll call vote: Ayes: 3, Nays: 0, Crouch-Aye, Vinton-Nay, Mayberry-Aye

### **Resolution 21-25**

#### **A RESOLUTION DECLARING MILLS COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY**

WHEREAS the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution,

WHEREAS the right of the people to keep and bear arms for defense of life, liberty and property is regarded as an inalienable right of the people of Mills County, Iowa, and

WHEREAS, the people of Mills County, Iowa derive economic benefit from all safe forms of firearms recreation, hunting and shooting conducted within Mills County using all types of firearms allowable under the United States Constitution and the laws of the State of Iowa, and

WHEREAS, the Mills County Board of Supervisors was elected to represent the citizens of Mills County, and have sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa, and

WHEREAS legislation is currently being considered or expected to be proposed by both the Federal Legislature and the Iowa State Legislature that potentially seeks to infringe on the constitutionally protected right of citizens to keep and bear arms, and

WHEREAS the Mills County Board of Supervisors wants to ensure that the rights of the citizens of Mills County are protected, and

WHEREAS, the Mills County Board of Supervisors understands that the Federal Legislature and the Iowa State Legislature cannot be solely trusted to protect citizens Second Amendment rights, and

WHEREAS it is desirable to declare that Mills County is a Second Amendment Sanctuary County, as Mills County opposes the enactment of any legislation or the issuance of executive order, that would infringe upon the constitutional right of the people of Mills County to keep and bear arms, and

WHEREAS legislation of the Congress of the United States or of the Iowa General Assembly, or any order promulgated by the Federal or State of Iowa Executive that infringes upon the constitutionally protected natural right of the people of Mills County to keep and bear arms shall not be enforced by any individual employed by the Mills County Sheriff's Office or any other employee of Mills County

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NOW, THEREFORE, BE IT RESOLVED that the Mills County Board of Supervisors ( Hereby declares Mills County to be a Second Amendment Sanctuary County, and hereby states its opposition to the enactment of legislation, the issuance of executive order, or the promulgation of any regulation after the date of adoption of this resolution that would infringe upon the constitutionally protected natural right of the people of Mills County to keep and bear arms.

Motion by Vinton, seconded by Mayberry to approve a fireworks permit application for 34254 Lambert Avenue, Malvern, IA 51551 on August 20<sup>th</sup> & August 21<sup>st</sup> as a backup date for Robert Beebe providing there is not a burn ban in place. Motion carried on a vote: Ayes: 3, Nays: 0

The Board received the July monthly Jail report, Treasurer's report and Bank Reconciliation report. The Board received the County Recorder's report of fees collected for July. Jared Getter, Conservation Director was present to give an update on the cabin projects. They are almost ready for rent which will be done online. Also, Getter updated he will want to transfer funds from Land Acquisition and the Preserve accounts to pay for the new Astro building shop they are getting in September to replace the two outdated facilities they currently have.

There being no further business to come before the Board, they adjourned to meet on August 10, 2021.

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Richard Crouch, Chair

ATTEST:

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Carol Robertson, Auditor