

The Fremont County Board of Supervisors met in a regular session, on Wednesday, May 24, 2023, in the Fremont County Courthouse Courtroom, with Chris Clark, Dustin Sheldon, and Clint Blackburn present. A quorum was declared, and the meeting was officially called to order at 9:00 a.m. The minutes of the previous board session were read and approved. The agenda was approved as posted.

Let the records show that Assistant Engineer Robbie Kromminga and Tom Lorimor were present for this meeting.

Motion by Sheldon to approve Resolution No. 2023-37 regarding noxious weeds. Motion carried unanimously.

RESOLUTION NO. 2023-37

BE IT HEREBY RESOLVED by the Fremont County Board of Supervisors this 24th day of May, 2023, that the following order for destruction of noxious weeds be effective June 1, 2023.

1. That each owner and each person in the possession or control of any land in Fremont County shall cut, burn, spray, or otherwise destroy all noxious weeds thereon and shall prevent weed seeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel.

Noxious weeds shall be cut, burned, sprayed, or otherwise destroyed on or before the following dates and as often thereafter as is necessary to prevent seed production:

Group 1: June 1, 2023 - for Leafy Spurge, Perennial Peppergrass, Sour Dock, Sheep Sorrow, Canada Thistle, Russian Knapweed, Buckhorn, Wild Mustard, Musk Thistle, Bull Thistle, and all other species of thistle

Group 2: July 1, 2023 - for Field Bindweed, Wild Carrot

Group 3: August 1, 2023- for Horse Nettle, Perennial Sow Thistle, Quack Grass, Butter Print, Puncture Vine, Cocklebur, Hemp, Shatter Cane, Wild Sunflower, and Palmer Amaranth

2. That each owner and person in possession or control of any lands in Fremont County, infested with any noxious weeds, including Quack Grass, Perennial Sow Thistle, Canada Thistle, Field Bindweed, Horse Nettle, Leafy Spurge, Perennial Peppergrass, Russian Knapweed, Hemp, any species of Thistle, and Palmer amaranth shall adopt a program of weed destruction described by the Weed Commissioner, which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.

3. That if the owners or persons in possession/control of any land in Fremont County fail to comply with the foregoing order, the Weed Commissioner shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, to be assessed against the land and the owners thereof.

ATTEST:

/s/ Dee Owen
Fremont County Auditor

/s/ Chris Clark, Chairman aye
/s/ Dustin Sheldon aye
/s/ Clint Blackburn aye

Motion by Blackburn to approve the cigarette/tobacco/nicotine/vapor permit for Pilot Travel Center. Motion carried unanimously.

At 9:10 a.m., motion by Sheldon to go into public hearing regarding the vacation of 320th Avenue. Motion carried unanimously. Present for the hearing was Chairman Clark, Vice-Chairman Dustin Sheldon, Member Clint Blackburn, Auditor Owen, Tom Lorimor, and Robbie Kromminga. Lorimor stated that after the last public hearing someone went down there and lit a huge bonfire. At 9:11 a.m., after no other comments, Blackburn made a motion to leave the public hearing. Motion carried unanimously. Motion by Blackburn to approve Resolution No. 2023-38 changing level of service for 320th Avenue. Motion carried unanimously.

RESOLUTION FOR REDUCED LEVEL OF MAINTENANCE TO AREA SERVICE "C" ROAD

Fremont County Resolution No. 2023-38

WHEREAS, Fremont County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier; and

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

WHEREAS, the only persons who will have access rights to the roads shall be:

- (1) the owner, lessee, or person in lawful possession of any adjoining land,
- (2) The agent or employee of the owner, lessee or person in lawful possession of any adjoining land,
- (3) any peace officer,
- (4) any magistrate,
- (5) any public employee whose duty it is to supervise the use or perform maintenance of the road,
- (6) any agent or employee of any utility located upon the road.

WHEREAS, the minimal level of maintenance will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded or salted on a regular basis.

3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE LEVEL C ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE.
4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System C Roads on a regular basis.
7. Shoulders. Shoulders will not be maintained on a regular basis.
8. Crown. A crown will not be maintained on a regular basis.
9. Repairs. There will be no road repair on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspections will not be conducted.

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

A portion of 320th Avenue, Road #539, originally established in 1910(Book 5, Page 8) lying along the West Line of Section 9 and 16, T69N, R41W of the 5th PM, Fremont County Iowa. The intention of this road closure is to vacation a portion of the public road as now established (original and with modifications) beginning 33 feet south of the NW quarter of Section 9, T69N, R41W continuing south to the NW Corner of the NW ¼ of the SW ¼ of Section 9, T69N, R41W; thence south along the west line of said Section 9 to the SW Corner of the SW ¼ of the NW ¼ of Section 16, T69N, R41W; Thence east to the SE Corner of the SW ¼ of the NW ¼, Thence North on Road #434,(Book 4, Page 136), Thence East 80 Rods, Thence north to the intersection of the Old Walnut Creek Road, Road #83, (Book 2, Page 101), Thence East to the West Right of Way of L68/330th Ave. in Section 16, T69N, R41W of the 5th PM, Fremont County, Iowa. See Exhibit A and B.

Resolution adopted this 24th day of May, 2023.

Fremont County Board of Supervisors

/s/Chris Clark

Board of Supervisors Chairperson

ATTEST:

/s/ Dee Owen

Fremont County Auditor

Motion by Sheldon to approve Resolution No. 2023-39 abating taxes for Parcel No. 471471702030000 now owned by Sidney Community School District.

RESOLUTION NO. 2023-39

RESOLUTION ABATING TAXES ON LAND OWNED BY SIDNEY COMMUNITY SCHOOL DISTRICT

WHEREAS, the Sidney Community School District now owns certain property in Sidney, Fremont County, Iowa, Parcel No. 471471702030000, described as: PARCEL B IN PT LOTS 4, 6 & 9 SE1/4 NW1/4 26-69-42, City of Sidney, Fremont County, Iowa, according to the recorded plat thereof.

WHEREAS, the property is now owned by the Sidney Community School District and therefore should not be on the tax rolls according to Section 427.1(2), Code of Iowa,

IT IS HEREBY RESOLVED that the above-described property shall be listed as exempt on the tax list of the Fremont County Auditor. Further, all current and delinquent real property taxes are abated under Iowa Code Section 445.63.

BE IT FURTHER resolved that the Auditor and Treasurer shall enter such change orders required to abate these taxes.

Dated this 24th day of May, 2023.

ATTEST:

/s/ Dee Owen

Fremont County Auditor

/s/ Chris Clark, Chairman aye

/s/ Dustin Sheldon aye

/s/ Clint Blackburn aye

Motion made by Sheldon to allow Chairman Clark to sign the Rural Transit System Joint Participation Agreement with SWIPCO. Motion carried unanimously.

Motion by Blackburn to sign 2023 Equipment Disposal Forms for Secondary Roads. Motion carried unanimously.

Motion by Sheldon to sign Resolution No. 2023-40 for Change in appropriations. Motion carried unanimously.

RESOLUTION NO. 2023-40

BE IT HEREBY RESOLVED by the Fremont County Board of Supervisors this 24th day of May, 2023 that the following change in appropriations be made:

Expenditures

Increase	02000-09110-110-52	+80.00
Increase	02000-09110-111-52	+170.00
Increase	02000-09110-113-52-10	+70.00
Decrease	01000-09110-444-52	-320.00

Increase	02000-09100-113-51-10	+100.00
Decrease	01000-09100-240-51	-100.00

Motion to approve made by Sheldon.

ATTEST:

/s/ Dee Owen
Fremont County Auditor

/s/ Chris Clark, Chairman	aye
/s/ Dustin Sheldon	aye
/s/ Clint Blackburn	aye


Motion by Blackburn to approve renewal of Class C/Class A Beer Permit/Outdoor Service/Sunday Sales Liquor License for Williams-Jobe-Gibson Post No. 128. Motion carried unanimously.

Motion by Sheldon to table signing the closeout letter for HMGP projects from 2019 flood. Motion carried unanimously.

Claims were approved for May 26, 2023.

At 9:15 a.m., motion to adjourn by Sheldon. Motion carried unanimously.

ATTEST:


Dee Owen, Auditor


Chris Clark, Chairman