

## **PROCEEDINGS OF THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA**

Tuesday, February 9, 2010

The Board of Supervisors convened at 8:35 a.m. with Voaklander and Walk present. Marreel was absent. Motion by Voaklander, second by Walk to approve the agenda. All voted aye.

Due to the large number of public present the meeting was moved to the Courtroom.

District 14 State Representative Mark Kuhn was present to extend an offer for the Board and the steel wheel residents to enter voluntary mediation regarding the Mitchell County Road Protection ordinance. Also present were Mennonite farmers, local businessman, concerned citizens and members of the media. Mr. Kuhn stated that former Iowa Supreme Court Justice Louis Lavorato has agreed to mediate this issue at no cost to either side. He also supplied copies of an agreement between Howard County and the Mennonite Community for an Irrevocable Letter of Credit for the purpose of repairing any damage done to Howard County roads caused by Mennonite members using steel wheels. Kuhn suggested the County put wider shoulders on the roadways traveled by the Mennonites or to allow them to travel on certain roads. He added that there is no legislative fix. It needs to be fixed here in Mitchell County. Time is of the essence with the planting season just weeks away. Members of the public spoke in support of going to mediation. Supervisor Walk explained that the Board is concerned with the integrity of the highways and intends to protect the roads. Tractors with lugs were a problem back when hard surface roads came into existence. There has been a state law prohibiting these type of wheels allowed on the roads ever since. Walk also stated that since Supervisor Marreel was not available for today's meeting and it is the policy of the Board to not take any action on a controversial subject without everyone in attendance, no action would be taken until the next scheduled Board meeting. County Attorney Walk stated that the Board has two options. Either not to allow tractors with cleats on the roads or to allow these tractors to travel on the roads. Also discussed a hearing scheduled for February 12<sup>th</sup> in Magistrate Court involving a Mennonite youth who was ticketed for operating a steel wheel tractor on a Mitchell County paved road. Mr. Kuhn suggested that the Board request the County Attorney to ask for a continuance until the Board could act on the mediation proposal. County Attorney Walk stated that was for the boy's attorney to request of the Magistrate Judge. The decision on whether to enter into voluntary mediation will be placed on the February 16<sup>th</sup> agenda.

Board of Supervisors discussion on the proposed social host and minor consumption ordinances was tabled until February 16<sup>th</sup>.

The Board took a five minute recess and returned to the Board room for the rest of the meeting.

County Attorney Mark Walk recommended the Board consider going into closed session to discuss a settlement for damage to the Otter Creek Bridge. Motion by Voaklander, second by Walk that pursuant to Iowa Code Section 21.5 (1) (c) to go into closed session at 9:22 a.m. to discuss the Otter Creek Bridge settlement. Roll call vote: all ayes. Consensus to come out of closed session at 9:33 a.m. Motion by Voaklander, second by Walk to make a financial offer of \$250.00 to Margaret Meyer for a settlement due to damages caused by the Otter Creek Bridge. Roll call vote: all ayes.

County Engineer Jim Hyde and Assistant County Engineer Rich Brumm reported that, after inspection, WHKS has recommended that the Stillwater Bridge on 320<sup>th</sup> Street be reduced to one lane traffic due to structural deficiencies. Consensus to follow the recommendation. Discussed the policy for secondary roads regarding pulling out vehicles stuck in the snow on the roadways. Jim stated that this is discussed with employees every year prior to the snow season.

Kim Herman inquired about a site to erect a building on County property to store the Mitchell County E-Z Riders snowmobile groomer and to hold meetings. Discussed possible sites and building options. Consensus to pursue and to have Kim to work out the details with the County Attorney.

Motion by Voaklander, second by Walk to approve the minutes of the February 2<sup>nd</sup> meeting. Roll call vote: all ayes.

Motion by Voaklander, second by Walk to approve the claims except claim #8611 due to no receipt. Roll call vote: all ayes.

After discussion, consensus to continue contributing \$500 to Crisis Intervention for FY 11.

Deputy Auditor Barb Baldwin reviewed the FY 11 County budget. Discussed the Mental Health fund.

Discussed an energy audit for the Courthouse. The Board directed Dave Hartogh to measure the windows that haven't been replaced.

Items of note: Voaklander reported on the Landfill Executive Board meeting and Walk reported on the new housing production program meeting. Received a manure management plan update from HUFCA – Jen Rae Site. Received the January Clerk of Court report of fees collected in the amount of \$1,200.30. Effective February 4, 2010, Chelsie Bode was hired by the Mitchell County Care Facility. Her status is FT-40 and starting wage is \$10.00 an hour. Effective February 8, 2010, Lanica Decker was hired as a direct support worker at the Care Facility. Her status is PT-15 and starting wage is \$10.00 an hour.

Meeting recessed at 10:33 a.m. Reconvened at 11:00 a.m. at the County Care Facility. Director Peggy Hanson gave an update for the facility. Discussed installing central air conditioning at the facility. Supervisor Voaklander will check into air conditioning specs. Motion by Voaklander, second by Walk to authorize the Chair to sign an application for a health facilities license. Roll call vote: all ayes.

Meeting adjourned at 11:30 a.m.

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Lowell Tesch - Mitchell County Auditor

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Stan Walk – Chair Board of Supervisors