

PROCEEDINGS OF THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA

Tuesday, August 10, 2010

The Board of Supervisors convened at 8:30 a.m. with all members present. Also present were Chuck Pajer, and Media members Michelle Haacke, Kyle Munson and Jean Simmit. Motion by Marreel, second by Voaklander to delete City of Orchard and to approve the amended agenda. All voted aye.

County Attorney Mark Walk discussed a possible civil lawsuit against steel wheel violators. According to the Iowa Code violators can be found responsible for damages done. It was noted that this would be an option for the Board to decide.

At 8:35 a.m. the Chair opened the public hearing to consider Mitchell County Ordinance No. 44, Mitchell County Road Protection Act. Present were a standing room only crowd of concerned and interested citizens. The Chair asked if there were any oral or written comments received prior to the hearing. The Auditor stated that he had not received any. Supervisor Marreel stated that he had received several oral comments to pass the ordinance. The County Attorney reviewed the changes that are being proposed to Ordinance No. 44 from the original Ordinance No. 41. The maximum fine is being increased from \$500 to \$1,000. A first offense is \$250; second offense is a minimum of \$500 and a third offense is a minimum of \$1,000. Eli Zimmerman asked why the public hearing was being held. County Attorney stated that Ordinance No. 41 remains in effect concerning those who have been previously charged. It was stated that the Mennonite Community use the hard surface roads to go the Auction. It was asked if there was damage that could still be seen. Supervisor's Marreel and Voaklander shared photos of roads that have visible damage done to them. It was asked if an expert in concrete roads would inspect the roads. The Board replied that our County Engineer is our expert. It was asked how many citations have been issued. The Board sets policy only, but does oversee the Secondary Roads system. Stan reported that the Board has had complaints regarding alleged steel wheel damage to the granular roads. At this time the Board has chosen to take the complaints under advisement. Jane Elliott, who lives on Primrose Avenue, stated that there are visible gouges in the road. Stan Ask stated that he obeys the Iowa law and doesn't like special privileges being granted to certain groups of people. Supervisor Voaklander suggested that the steel wheel farmers have a different tractor to use on the roads. The Board was asked if they were willing to compromise or mediate and to bring in a State Engineer. The Chair said that the Board will proceed with the ordinance and will work with the group, but they need to see some progress. The public hearing was closed at 9:10 a.m.

Motion by Marreel, second by Voaklander to waive the first and second readings of Local Ordinance No. 44, Road Protection Ordinance. Roll call vote: all ayes. Motion by Voaklander, second by Marreel to approve the third reading of

Ordinance No. 44. Roll call vote: all ayes. Motion by Marreel, second by Voaklander to adopt Ordinance No. 44 and directed the Auditor to publish the Ordinance. The ordinance will become effective upon publication. Roll call vote: all ayes.

Sheriff Curt Younker presented his report of fees and expenses collected during July. Motion by Voaklander, second by Marreel to approve the report in the amount of \$28,390.75. Roll call vote: all ayes.

County Engineer Rich Brumm reviewed a request from the DOT to use T-38 as a detour route while a railroad crossing is being repaired north of Floyd. The detour will take place sometime during August and will be in effect for one week. Motion by Marreel, second by Voaklander to approve the request. Roll call vote: all ayes.

After discussion, motion by Voaklander, second by Marreel to approve a utility agreement for transmission of buried telephone cable in a right-of-way on the corner of section 5, township 99, range 16 in Liberty Township for Windstream Communications, Inc. Roll call vote: all ayes.

County Engineer reported that the hill is cut down and the driveways are done south of the Halvorson Park Bridge. Rich is receiving quotes to repair the Sterling truck that was damaged due to the accident that occurred on August 2nd. Bids will be opened on August 31st for the sale of the Oshkosh snow blower. Roads department is mowing shoulders, blading roads, rocking roads and doing culvert replacements.

Economic Development Director Brenda Dryer presented the FY 2010 annual report. Brenda reviewed the Goals and Actions Plans for FY 2011. Brenda stated that it has been a good year for Economic Development in Mitchell County. Brenda reported that a substantial amount of money has been raised for the County this past year. There have also been fourteen newly created jobs. Brenda also reviewed the FY 2011 Economic Development budget.

Motion by Marreel, second by Voaklander to approve the minutes of the August 3rd meeting. Roll call vote: all ayes.

Motion by Voaklander, second by Marreel to approve the claims. Roll call vote: all ayes.

The Mitchell County Veteran's Affairs office was discussed for soundproofing. Insulation will be added along one wall of the office to absorb the sound.

Supervisor Voaklander was asked to discuss the possibility of obtaining use of the vacant Washington school building. Consensus of the Board is that there is no interest in pursuing the matter.

Items of note: Voaklander reported on the Heartland Insurance meeting and a meeting with Brenda Dryer. Received the July Clerk of Court Report in the amount of \$2,240.70. Received manure management plan updates from Rottink Finisher Farm owned by Jim Koenigs, Wheeler Finisher Farm owned by Meadow Crossing Farms, LLC and Tooker/Tip 12 Finisher Farm owned by Iowa Select Farms, L.P.

Motion by Marreel, second by Voaklander to approve a fireworks permit for John Hartogh for August 14, 2010. Roll

call vote: all ayes.

Meeting adjourned at 11:32 a.m.

Lowell Tesch - Mitchell County Auditor

Stan Walk – Chair Board of Supervisors