

PROCEEDINGS OF THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA

Friday, October 23, 2009

The Board of Supervisors convened at 8:30 a.m. with all members present. Also present were Mitchell County Department Heads: Carol Zerck, Pat Skuster, Ray Huftalin, Curt Younker, L. Dean Pohren, Milt Owen, Mark Walk, Mark Ross, Deb Freeman, Bob Lincoln. Also, Deputy Auditor Barb Baldwin, Chuck Pajer and Stan Ask. Motion by Voaklander, second by Walk to approve the agenda. All voted aye.

Discussed with the department heads the 10% State budget cut and the impact on any programs that are mandated by the State. Deputy Auditor Baldwin stated that the cuts would affect Family Farm, Mental Health and Social Services, Elderly, Homestead and Military. Treasurer Zerck estimated that the County would see about \$70,000 less coming back from the State. Carol also stated that 52% of property taxes have been collected so far. The Board stated that there be no cuts to departments right now, but may adjust a couple of departments when meeting with individual department heads in January in preparation for the fiscal year 2011 County budget.

Recessed at 8:45 a.m. Reconvened at 9:00 a.m. Present were: Mitchell County Engineer Jim Hyde, Assistant Engineer Rich Brumm, Karen Wright, Dean Wright, Dale Shoger, Stan Deardeuff (Mediator), Vicki Dumdei (DOT), Peter Z. Nolt, Lloyd Z. Nolt, Mervin Leid, Rodney Koch, Daniel Zimmerman, Leroy Zimmerman, Isaac O. Nolt, Noah Weaver, Wesley Nolt, John Nolt, Larry Hemann, Harry Nolt, Curvis Weaver, Carl Martin, Marvin Weaver, Keith Starr, Leo Meitner, DeDra Schroeder, Iowa District 14 Representative Mark Kuhn, Natalie Tendall (Media), Jean Simmet (Media) and David Namanny (Media). Supervisor Marreel gave a history of events leading up to the decision for the road protection ordinance.

Mr. Kuhn read a proposal stating that Mitchell County farmers with steel wheels will deposit \$25,000 in a Certificate of Deposit in the First Security Bank in Charles City for an Irrevocable Letter of Credit for the benefit of Mitchell County to repair any damage done to the County's hard surfaced roads for a period of time ending 60 days from the date of the agreement. Also, at any time the farmers with steel wheels complete harvest and notify the Board of Supervisors by registered letter. The amount of damages, if any, will be determined by the Iowa Department of Transportation after consultation with the Mitchell County Engineer and a farmer with steel wheels or their representative. The second part of the agreement is that the Board will suspend enforcement of Ordinance #41 sixty days from the date of the agreement and the farmers with steel wheels notify the Board by registered letter. Then the farmers will begin discussion on converting their tractors and implements from steel cleats to rubber cleats. Engineer Hyde responded by stating that

\$25,000 won't go far towards repairing the roads. The new pavement has already sustained damage. The Board stated that they needed a date of finality to the second part of the agreement. Mr. Deardeuff asked the steel wheel community how this matter affects their religion. It was stated that it is a tradition and not part of their religion. They don't drive tractors with rubber wheels. This would have to be taken up with their bishop. Discussed the weight of the tractors being used and the damage that has been done to the paved roads. Also discussed putting plank down for the tractors to cross the roads. The Sheriff and the County Attorney both agreed that the state law and the ordinance are complaint driven. The state law calls for a maximum fine of \$10 where the ordinance allows for a potential larger fine and or jail time. If the Board would suspend the ordinance there is still the state law and any violators could be ticketed. Supervisor Walk stated that the public is demanding good roads and explained how the Board came to a decision on going with the 4" thin lift of concrete over the original asphalt surface. Vickie asked if a date would be determined by next spring's planting season.

The meeting recessed at 10:15 a.m. to give the Mennonite Community to discuss privately. The meeting reconvened at 10:35 a.m.

The County Attorney told the Board that they had two options. One is to do nothing and two is to suspend the ordinance for sixty days and require a drop dead date where there will be no more steel wheels on Mitchell County roads. Keith Starr of the First Security Bank of Charles City explained the irrevocable letter of credit and what would steps the Board would need to follow if they chose to accept the offer. The farmers with steel wheels and Mark Kuhn rejoined the meeting at 10:55 a.m. Mr. Kuhn then proceeded to type a letter which was then read by Carl on behalf of the Mitchell County farmers with steel wheels. It stated that the farmers will abide by all restrictions in Ordinance #41 and the allowance for travel across Mitchell County. In the event that this compliance will prevent these farmers from harvesting their crops or engaging in their livelihood at the Cedar Valley Produce Auction, so be it. At this time, they do not wish to be included on the October 27th BOS agenda. They do continue to seek resolution with the BOS concerns with the proposal made here today. No action was taken.

Motion by Voaklander, second by Walk to adjourn the meeting at 11:20 a.m. All voted aye.

Lowell Tesch - Mitchell County Auditor

Bob Marreel – Chair Board of Supervisors