

PROCEEDINGS OF THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA

Tuesday, March 16, 2010

The Board of Supervisors convened at 8:30 a.m. with all members present. Also present were Chuck Pajer and Michelle Haacke (Media). Motion by Voaklander, second by Marreel to approve the agenda. All voted aye.

Discussed the social host ordinance with County Attorney Mark Walk and Osage High School Principal Tim Hejhal and MC Sac Co-Chair Julie Marley. Supervisor Voaklander stated that he has been reviewing different language for the ordinance. Discussed whether the County could be considered a social host if underage people were arrested for consuming alcohol in public parks or motels. Also, discussed including language regarding parents or legal guardians not allowing or preventing under age drinking. More research will be done and the County Attorney will come up with more specific wording for the ordinance.

Discussed the smoke detection sensors that were installed in the courtroom a few years ago. It was discovered that insulation was not properly put back in place when the sensors were installed. The business that did the work will be notified to finish the job correctly.

Conservation Director Milt Owen reported on surplus property owned by the Conservation Board. The parcel is 7.87 acres in Section 27 of Wayne Township and was abandoned railroad right-of-way just north of McIntire. It was originally acquired to be part of the Wapsi Great Western Line Trail and was viewed as a connection from McIntire to the Pinicon Alders Wildlife Area, and eventually north to the MN border. Since the old rail bed has not been useful as a connection to Pinicon Alders another route has been acquired. The Conservation Board voted to consider the property as surplus property and no longer needed for the purpose for which it was acquired. The Board agreed that the parcel did not serve a viable purpose for other preservation/recreational needs of Mitchell County citizens and should be sold. Since the parcel was acquired with 80% cost-share from a National Recreational Trail grant, it is recommended any proceeds from the sale be placed in the Conservation Board Trust Fund and be used for other trail right-of-way. The Conservation Board recommends the property be offered as 2 parcels, one each to the adjacent landowners for \$2,000 an acre. If the adjacent landowners aren't interested, the Conservation Board requests the matter be referred back for further consideration. Motion by Marreel, second by Voaklander to offer selling the property to the adjacent landowners for \$2,000 an acre with the proceeds going back to the Conservation Board. Roll call vote: all ayes.

Members of the public present to discuss recreational usage of ATV's on Mitchell County secondary roads were: Gerid Mellmann, Greg Salier, Donald Risting, Marjorie Risting, Maurice Maakestad, Gregg Maakestad, Vernon Niess,

Troy Tourtellott, Joe Niess, Ken Boerjan, Howard Buerckley and Karl Herman. It was reported that the Board had been asked last week to look at the possibility of allowing ATV's on Mitchell County secondary roads and what could be done to accomplish this. Supervisor Marreel asked why the State hasn't approved this. It was stated that this was turned over to each county because of the differences of terrain between the different counties. Those in support would like a place to ride and have concerns allowing younger riders on the roads. It was stated that the whole county should be opened up or nothing at all. Also discussed liability and who would be responsible if someone got hurt on a road or on private property. County Attorney Mark Walk was concerned that a local ordinance would be in conflict with state law and could be challenged as unconstitutional. It was pointed out that Iowa is the only state in the area that doesn't allow 4 wheelers on the roads. Auditor Tesch received 159 favorable name provided responses for ATV's, 12 favorable responses failed to leave their name and three responses were against letting ATV's on the roadways. Supervisor Marreel said that this is a state issue, Supervisor Voaklander is concerned with what action the county's insurance risk pool would take on the matter and Supervisor Walk is for allowing 4 wheelers on the county roads. At present, the Board is going to take a wait and see approach, and the issue was tabled.

To be noted that Mitchell County received a settlement check for \$90,800.34 due for damages to the Otter Creek Bridge.

After discussion, motion by Marreel, second by Voaklander to approve placing \$456.85 in the Land Acquisition and Capitol Improvement Fund – cans for conservation. Roll call vote: all ayes.

Toeterville area farmers present were: Allen Hofland, James Knudsen, Virgil Patterson, Lawrence Bruggeman, Jr., Russell Sampson, Thomas Knudsen, Richard Brunner, Don Hofland, Dale Hoffman, Mark Patterson and Tim Bruggeman inquired about the status of paving Hickory Avenue north of Toeterville and west to Hwy. 218 on the State Line Road. Allen asked why this project has been placed on the tail end of the paving schedule when other roads have been paved. He explained that it is an asset to have the elevator in Toeterville and that Hickory Avenue is used to haul grain to the elevator. The Board stated that a bridge on the State Line Road needs to be replaced first and at this time we are waiting to see if the second phase of windmills comes into the northwest section of the county. County Engineer Hyde explaining the paving process followed in the past and the use of paving point criteria. The group stated that they appreciated the ditch work that was done last year. It was stated that more right-of-way is needed for this road. The County Engineer assured the group that there aren't any roads in the 5 year plan ahead of this road.

County Engineer Jim Hyde and Assistant County Engineer Rich Brumm reported on a drainage issue involving a field driveway on Valley Avenue north of Bailey. County Engineer will contact Horizon Wind about removing the driveway. Discussed flooding on some of the county roads. Rich reported that the road groomer will be used to smooth out the granular roads. Richard Rosenberg inquired about snow plowing on a portion of Zinnia Avenue. Richard also thanked the

Board for standing their ground on a few recent issues.

Motion by Voaklander, second by Marreel to approve the minutes of the March 9th meeting with changes. Roll call vote: all ayes.

Items of note: Walk reported on the Conservation and Mental Health meetings. Received manure management plan updates from Geiger Sow Farm Sow/Litter, Hemann West Finisher Farm, Fitzmaurice/Tip 5 Finisher Farm, Halvorson Finisher Farm and Borderline Buildings, LLC – West Site.

Meeting adjourned at 10:42 a.m.

Lowell Tesch - Mitchell County Auditor

Stan Walk – Chair Board of Supervisors