

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

Tuesday, March 23, 2010

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

Discussed with County Attorney Mark Walk allowing the use of ATV's on county secondary roads and potential liability. County Attorney stated that liability is always an issue and if an ordinance is written the County cannot be held liable. Supervisor Walk stated that farmers have been using ATV's for 25 years and he isn't aware of any issues. It was stated that the County Engineer would need to certify in writing the roads where ATV's would be allowed on. This will be discussed more when the Engineer arrives.

Sheriff Curt Younker discussed the reduction made to the FY 2011 Sheriff budget due to the new Mower County jail opening in the Fall of 2010. The Sheriff stated that he intends to operate the jail as he did prior to receiving prisoners from Mower County. He also said that his responsibility has not changed and that he won't run an unsafe jail. A meeting will be scheduled with the Sheriff, County Attorney and the Board to discuss this further.

Discussed the social host ordinance with County Attorney Mark Walk and Osage High School Principal Tim Hejhal. The County Attorney stated that he has concerns with the constitutionality of the ordinance as it is written now. Discussed the relationship of parents and guardians allowing drinking by underage children in their homes. After further discussion the County Attorney said he would re-write the ordinance as long as at least two Supervisors would pre-approve moving forward. Voaklander and Marreel stated that they would support it. Walk was undecided. Also discussed the minor consumption ordinance. County Attorney stated that you can't write an ordinance that would take away a person's driver's license. General feeling that this ordinance would be less of a deterrent than what is written under the current state law. This will be reviewed again at a later date.

Discussion regarding ATV's continued with the County Engineer present. County Engineer stated that the Iowa County Engineer's Association is against allowing ATV's on Iowa county roads. Discussed whether signs would need to be posted for every road that is opened up for ATV travel. Discussed time frames when ATV's could be operated and a maximum speed they could travel. Supervisor Voaklander will speak to the County's insurance carrier regarding liability and report back to the Board.

County Engineer Jim Hyde and Assistant County Engineer Rich Brumm discussed a request from Larry Feldt to

make a reclassification to Drainage District 1 & 22. County Engineer stated that corrections can be made to an assessment but a quarter-section cannot be taken out. After further discussion, consensus to send a letter to Larry explaining what is involved and the huge cost to reclassify a drainage district. A reclassification cost by code needs to be bon by the requestor. The pre-construction meeting is scheduled for 1:00 p.m. today for the Halvorson Park Bridge project. Roads department is blading roads and filling holes. Rich reported that the stimulus plans are on hold for the paving project on 420<sup>th</sup> Street west of St. Ansgar, because no stimulus monies were provided by Congress.

Dave Hartogh, Courthouse Maintenance, reported on three issues regarding county buildings. Discussed the battery back-up system at the County Services building. One of the components doesn't work at this time. Dave reported that the Home Health department has a portable generator that can be used. Dave will check into the possibility of selling the batteries on e-bay. The next item is regarding light fixtures on the third floor of the Courthouse. The last item is concerning the roof and ventilation at the Law Enforcement building. Consensus for Dave to get estimates to correct the issues.

Motion by Marreel, second by Voaklander to approve the minutes of the March 16th meeting with changes. Roll call vote: all ayes.

After discussion, motion by Voaklander, second by Marreel to approve the claims except claim #9207 pending clarification. Roll call vote: all ayes.

Home Health/Public Health Director Deb Freeman presented the annual report for Public Health and Home Health Care services. Deb reported that services have increased by 450 additional aide home visits in the Personal Care Aide and Home Care Aide programs over FY 08. Each of these programs requires RN supervision home visits also. Skilled Nursing services have increased by 160 home visits and revenues have increased \$28,500 over FY 08.

Present from the Mitchell County Historic Preservation Commission were Penney Morse and Mary Mills Dunea. After discussion, motion by Voaklander, second by Marreel to strike sections 5, 6, and 7, per recommendation from the County Attorney, and approve Resolution #769-10 establishing a Historic Preservation Commission for Mitchell County, Iowa; providing for the recognition and promotion of historic sites and defining powers and duties of the Commission. Roll call vote: all ayes. Motion by Marreel, second by Voaklander to authorize the Chair to sign the request letter for certified local government status. Roll call vote: all ayes. Motion by Voaklander, second by Marreel to authorize the Chair to sign a letter for professional qualifications requirement for Historic Preservation commissioners. Roll call vote: all ayes.

Items of note: Voaklander reported on the Heartland Insurance, Juvenile Detention and Economic Development meetings, Marreel reported on the DECAT and Riceville Community Club meetings and Walk reported on the RC&D meeting and a meeting for the Upper Cedar River clean up. Supervisor Marreel stated that E911 Director Ginger Thompson is making a larger rescue map for the Mitchell County Dispatcher's office.

Discussed a letter from the Mitchell County Hospital Administrator stating that the hospital respectfully declines the invitation to meet quarterly with the Board of Supervisors. The letter goes on and states that there is no reporting requirement between the hospital Board of Trustees and the Board of Supervisors. The hospital remains, at all times, an autonomous, self-governing entity pursuant to Iowa Code Chapter 347 as amended. No action was taken.

Meeting adjourned at 11:05 a.m.

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Lowell Tesch - Mitchell County Auditor

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Stan Walk – Chair Board of Supervisors