

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

Tuesday, September 3, 2013

The Board of Supervisors convened at 8:30 a.m. with Voaklander and Walk present. Also present were Chuck Pajer, Joe Reams, Penney Morse, Randy Conrad, Tom Martin, Jerry Fisk, Deanna Eastman, Shannon Paulus, Betty McCarthy, Mary Dunea, Sheriff Greg Beaver Assessor Amy Folkerts and Deb Nicklay (Globe Gazette). Motion by Voaklander, second by Walk to add letter to editor and to approve the amended agenda. All voted aye.

County Attorney Mark Walk stated that he received a call from Carlton Salmons, legal counsel for the County's Risk Pool, regarding the law suit that DMR Investments, Inc. has filed against the Board of Supervisors. Due to the Board of Supervisors being one member short until after the special election, Carlton asked if a stay could be placed on file with the Court for a response to the lawsuit. County Attorney stated he couldn't assist due to a conflict of interest, but would be willing to pay for Carlton's fee out of the County Attorney's budget.

Tom Madden of Yaggy Colby Associates reported that construction work continues at the Osage wastewater and VBC sites. Progress meetings are being held every other Wednesday at both sites. Tom reviewed a pay request from Wapasha Construction Co., Inc. for the wastewater treatment facility. Motion by Voaklander, second by Walk to approve the pay request in the amount of \$166,701.86. Roll call vote: all ayes.

The placing of a question on the November 5<sup>th</sup> election pertaining to the Courthouse was discussed. Auditor Tesch has contacted the Iowa Secretary of State's office concerning language for the question. The SOS office referenced Iowa Code Section 331.442 to be reviewed if the BOS intend to use General county purpose bonds. The Board stated that moving costs for the Veteran's Memorial should be included in the project cost.

Motion by Voaklander, second by Walk to approve the minutes of the August 27th meeting with a change. Roll call vote: all ayes.

Motion by Voaklander, second by Walk to approve a contract amendment to prepare deconstruction and bidding documents with FEH Associates, Inc. for the Courthouse project. Roll call vote: all ayes.

Motion by Voaklander, second by Walk to authorize FEH Associates, Inc. to proceed with construction and bidding documents for the Courthouse project. Roll call vote: all ayes.

The lawsuit filed by DMR Investments, Inc. in Mitchell County Court against the BOS was discussed. Motion by Walk, second by Voaklander that pursuant to Iowa Code Section 21.5(c) the Board wishes to go into closed session to discuss strategy in a matter that is presently in litigation. Roll call vote: all ayes. The Board went into closed session at 8:55 a.m. At 9:15 a.m. the Board came out of closed session. Motion by Voaklander, second by Walk to come out of

closed session and to continue with the meeting. Roll call vote: all ayes. Motion by Voaklander, second by Walk to hire Carlton Salmons as legal counsel to represent Mitchell County in the lawsuit. Roll call vote: all ayes.

Items of note: Voaklander reported on the County Social Services meeting and Walk reported on the Upper Cedar Watershed and fertilizer meetings. Manure management plan updates were received from Maple Lawn Pork, L.L.C., TC Pork II, Inc. and Pro-Net Farms, Inc.

Supervisor Voaklander commented that county employees should only be allowed to carry over 80 hours of unused vacation time each year as it states in the county personnel policy book. The remaining unused vacation hours be paid out of that department at the rate that it was earned. A department head meeting will be scheduled at a later date to discuss this.

A "letter to the editor" that was printed in this morning's (September 3<sup>rd</sup>) edition of the Globe Gazette signed by some of the members of the Mitchell County Historic Preservation Commission was discussed. The letter stated that the Commission is joining forces with the Friends of the Courthouse and other groups to sponsor public forums on saving money by keeping and remodeling the present courthouse. The Board felt the letter was inappropriate and not factual. The BOS explained that steps have been taken and the message is getting out to the public regarding plans for a new courthouse. It was stated that the Court system needs a certain amount of space which in turn means that the same amount of space is available on the first floor. Financing options were also mentioned.

Meeting recessed at 9:36 a.m. and reconvened at 10:21 a.m.

County Engineer Rich Brumm stated that the roads department is continuing with the rock run, blading roads and mowing ditches. A structural plate for the Primrose Avenue Bridge is being sent out for bids.

Meeting adjourned at 10:30 a.m.

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Lowell Tesch - Mitchell County Auditor

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Stan Walk – Chair Board of Supervisors