

**PROCEEDINGS OF THE FRANKLIN COUNTY BOARD OF SUPERVISORS**

February 1, 2010

Be it duly noted these minutes of 2/1/10 are UNOFFICIAL minutes.

The Board of Supervisors met in regular session at 8:30AM with Board members Corey Eberling-Chairman, Michael Nolte and Jerry L. Plagge present.

Motion by Plagge, seconded by Nolte, approves the agenda as submitted with the following additions: 1) Acknowledge Audit Report for North Iowa Detention Center; 2) Appoint member to the Public Health Board; 3) Issue a handwritten check for final payment of the old Park School. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, approves the minutes of 1/25/10. All ayes. Motion carried.

The Board opened the meeting to public comment. Nolan Rollene met to ask about the progress of the repairs in DD #34. After checking with the Drainage Clerk, the contractors should be at the location Wednesday of this week.

Committee reports were given on: Community Action Board meeting

Motion by Plagge, seconded by Nolte, approves Iowa DOT Office of Materials Testing Costs approval for Project STP-S-C035(48)—5E-35, HMA on Mallard. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, approves Iowa DOT Office of Materials Testing Costs approval for Project BRS-C035(47)—60-35 structures on C47. All ayes. Motion carried.

Supervisor Eberling introduced Resolution 2010-03: To set February 16 at 10:00 AM for a public hearing on a General Obligation Refunding Loan Agreement in an amount not exceeding \$900,000 with regards to the refinancing of the clock tower GO Bond and gaining a savings of approximately \$30,000. Roll call being: Eberling-Aye, Plagge-Aye, Nolte-Aye. Resolution duly adopted

At 9:30 AM Trent Gerdes-Landowner met with the Board regarding consideration of a bill from Gordon Brocka for cleaning stalks out of the ditch right of way with no drainage district Work Order. Mr. Gerdes was asking for clarification on this topic of who is responsible for paying for the ditch clean out of corn stalks. Apparently in 2007-2008 the intake in the ditch was snapped off but repaired by Gordon Brocka's crew, but Brocka has no recollection of this repair. After conversation with the Board, Mr. Gerdes will submit a letter to Gordon Brocka asking him to submit a bill for the repair of the intake and Mr. Gerdes will pay what remains of that bill.

On another note, Mr. Gerdes explained to the Board a continual problem across from the Becker farm when heavy rains are constantly cleaning out the dike and waterway. A suggestion from FSA was to put in an intake with a 12" tile and a waterway to move the water through the property. Mr. Gerdes is looking for direction and permission to install said tile and waterway at his personal expense. The Board suggested Mr. Gerdes contact FSA to be sure he is in compliance with guidelines and if feasible, install private tile where needed to drain the surface water. No action taken.

Motion by Plagge, seconded by Nolte, opens at 10:00 AM a Public Hearing to receive comments on a Confinement Feeding Operation-Master Matrix Permit for Lyon Site 1 & 2 owned by Jerry & Delores Lyon, Alden, sites located in SW ¼ NW ¼ Section 20, Lee Township. Proposal adds 254 additional finishing swine in each existing confinement operation. All ayes. Motion carried.

Present was: Earl Kalkwarf-Sanitarian/Weed Commissioner, Jerry Lyon-Owner and Becky Sexton, Twin Lakes Environmental.

Earl Kalkwarf reported that Mr. Lyon is only adding animal units and no new construction is being added. DNR visited the site and had no problems since it was only adding animal units.

Motion by Plagge, seconded by Nolte, closes the Public Hearing at 10:10 AM. All ayes. Motion carried.

Motion by Plagge, seconded by Nolte, approves the Master Matrix Plan Permit received for Lyon Site 1 & 2 owned by Jerry & Delores Lyon, Alden, sites located in SW ¼ NW ¼ Section 20, Lee Township.

Proposal to add 254 additional finishing swine in each existing confinement operation. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, approves an operating transfer of \$10,000 from the General Fund to the Dows Travel Center Fund to cover first year expenses with repayment to the General Fund once dollars are generated through the TIF increment taxes. All ayes. Motion carried.

The Board acknowledged the Annual Report from the North Iowa Juvenile Detention Services Commission for FY2008/2009.

At 10:30 AM a conference call was held with Wright County regarding a Completion Hearing for repairs in Joint Drainage District 9-181, Lateral 2.

Present was: Wright County- Supervisors-Lucas Beenken, Rodney Toftey, Myron Amdahl, Stan Watne and Larry Maasdam, Auditor-Betty Ellis, Drainage Clerk-Deb Lukes, Les Houser-news media, Lance Rossow-MER Engineering, citizens present were Karl Helgevold, Walter Martin, Robert Ritter, Marty Osterman, Bill Chambers, Roger Leist, John Huey, and Frank Siemens. Franklin County-Supervisors-Corey Eberling, Jerry Plagge and Michael Nolte, Auditor-Michelle Giddings and Drainage Clerk-Sandy Eckhardt. Lance Rossow informed everyone that Brian Nettleton Excavating Inc has completed the necessary repairs to Drainage District No. 181-9 Lat 2 with the exception of some slight clean up that cannot be done until spring. When asked what clean up needed to be done he explained that the ditch needed to be smoothed out.

Motion by Toftey of Wright County and seconded by Eberling of Franklin County to hold a five percent (5%) retainage of \$5,569.64 until the clean up work is completed this spring. All ayes. Motion carried.

Motion by Masdaam of Wright County and seconded by Plagge of Franklin County to accept the engineers completion report and release the first payment of \$105,823.11. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, appoints Charlene Pralle-Janssen to the Board of Health for a three year term to expire 12/31/12. This appointment starts immediately. All ayes. Motion carried.

At 11:30 AM the Board met with Tom Porter-Head Custodian regarding personnel matters. Tom Porter requested to go into closed session.

Motion by Plagge, seconded by Nolte, moves to go into closed session at 11:30 AM per Iowa Code Chapter 21.5(i) at the request of Tom Porter. All ayes. Motion carried.

Present was: Tom Porter, Supervisors-Eberling, Plagge, Nolte and Deputy Auditor, Julie Pralle.

Motion by Nolte, seconded by Plagge, moves to come out of closed session at 11:53 AM. All ayes. Motion carried. No action was taken from the closed session.

The Board acknowledged Manure Management Plan Renewals for: 1) Richland Pork #59321, owner Steven Stockdale, site located 2168 Lark Avenue, Sheffield, Section 23, Richland Township; 2) B & S Site #2 - #63597, owner Brad Schmidt, Alexander, site located 655 220th Street, Section 25, Wisner Township; 3) Wiarda Ent. LLC #59664, owner Jeff Wiarda, site located 872 200th Street, Alexander, Section 35, Wisner Township.

The Board recessed at 11:56 AM

At 12:00 PM a Conference Board meeting was held in the Board room regarding the Assessor's FY10/11 Budget. Supervisors Eberling, Plagge and Nolte were in attendance.

The Board reconvened at 1:00 PM.

Motion by Plagge, seconded by Nolte, authorizes the County Auditor to issue a handwritten check for \$139,838.00 for the purchase and closing of the Park School building and adjacent lands. All ayes. Motion carried.

At 1:00 PM Russell Wood-HIPAA Director met to have the Board consider the 2010 HIPAA Policies and Procedures Manual as amended with these updates:

- a. Remove references to the County Sheriff who is no longer required to be covered; and
- b. Add language required due to Federal HITECH legislation regarding Breach Notifications

After discussion and explanation from Russell Wood, the Board proceeded with the following motion. Motion by Plagge, seconded by Nolte, approves the 2010 HIPAA Policies and Procedures Manual as amended. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, approves a Contract Agreement between Franklin County and Hardin County (serving as Control County) to mutually share compensation and expenses for a Mental Health Advocate, Mary Swartz, under Iowa Code Section 229.19. Term of the Contract Agreement is from February 1, 2010 through June 30, 2011. All ayes. Motion carried.

Russell Wood presented a Comprehensive Land Use Plan Draft update. A number of County individuals within the committee contributed extensive information and maps and did a wonderful job. Russell did choose to remove information about cities other than their names of references within the Plan due to the Plan being a County land use plan. The next step is to have a Planning and Zoning Commission meeting to approve the plan and then bring it back to the Board for a public hearing and approval.

Motion by Nolte, seconded by Plagge, approves a Contract with Magellan Behavioral Health Services Inc., West Des Moines, an affiliate of Magellan Behavioral Health, Inc., which allows Franklin County to provide Targeted Case Management services for Iowa Plan Clients with a chronic mental illness. All ayes. Motion carried.

Discussed Mental Health issues.

Motion by Plagge, seconded by Nolte, approves a Business Financial Assistance Application to the Iowa Department of Economic Development being submitted by Sukup Manufacturing of Sheffield and sponsored by Franklin County for the purpose of receiving benefits under the Sheffield Enterprise Zone Program. The Board signed a Certification & Release of Information form for the Iowa Department of Economic Development to research the business history which is a requirement for the Enterprise Zone Application. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, adjourns at 4:30 PM, until February 8, 2010. All ayes. Motion carried.

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Corey Eberling, Chairman

ATTEST: \_\_\_\_\_  
Michelle S. Giddings, Auditor & Clerk to Board