

April 12, 2010

Be it duly noted these minutes of 4/12/10 are UNOFFICIAL minutes.

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

Motion by Nolte, seconded by Eberling, approves the agenda as submitted. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves the minutes of April 5, 2010. All ayes. Motion carried.

The Board opened the meeting to public comment: Sandy Eckhardt-Drainage Clerk met to ask the Board: 1) DD #18, Section 19 & 20, Hamilton Township, landowners have asked if a relief tile could be put in? The Board directed Eckhardt to turn this matter over to Brent Johnson, Drainage Engineer, McClure Engineering, for a recommendation; 2) DD #45-A bill has been received from McClure Engineering for approximately \$2500 for investigative work on the tile around the Buresh property in the City of Hampton. According to the County's drainage policy, those requesting investigative work in a drainage district are responsible for the costs incurred for the investigation unless a problem is identified, repairs done and then paid for by the drainage district. Investigative work was requested by the Franklin County Development Association and the City of Hampton and a report was filed and presented to the County at their December 21, 2009 Board meeting. Drainage Engineer, Brent Johnson, gave some background history of the flooding experienced on said property and explained some history of the Lateral 1 tile. Problem being the design capacity of a tile versus a storm sewer is quite significant. Since Lateral 1 is no longer used primarily as agricultural drainage and is now urban storm water removal, it was recommended that Lateral 1 be removed from DD 45 and become the sole responsibility of the City. Iowa Code 468.188 addresses this and allows the trustees of a district to take such action. The first course of action is the County and City need to decide whether or not Lateral 1 is to continue to be part of DD 45 or not, then Options A or B can begin.

Option A – Construct a new storm sewer to replace the tile going through the Millwright property which would also accommodate, for the future, extending a new storm sewer further south to replace the existing 10 inch and 6 inch tile.

Option B – Requires the Millwright (now Buresh) owners to incorporate into their future expansion plans, storm sewer to adequately drain just their property and to incorporate into their site plan provisions to pass large storm event runoff coming off-site (from south and west) through their property.

Doug Tarr-Hampton Public Works Director will address the Hampton City Council with these concerns and report back to the Board in late January or February, 2010. The Board called Ron Dunt, Hampton City Administrator, to ask if the City and FCDA had discussed paying of this bill. Dunt said he would look into this and report back to the Board by the April 19th if possible. 3) DD #80 has concerns with drainage of water through a non-district landowner's property, Mr. Irvin Kothe. The Board discussed the matter and stated there were two options that could take place; 1) Landowner, Mr. Kothe, could clean out his ditch at his expense to prevent any ponding; or 2) Landowners in DD #80 have the right to petition for a reclassification to determine the landowners that should be in that district and their degree of benefit. The Board will notify Mr. Kothe of these options.

Supervisor Eberling received comments from McDowells on their disappointment about the County's discontinuation of the Slough Bill and the hog confinement haulers abuse of the County road system. Committee meetings update: DECAT monthly meeting, Mental Health Center update and the Siren Project updates

Motion by Nolte, seconded by Eberling, revisits from the 4/5/10 Board meeting, tabled item on the Iowa DOT Five Year Plan and the Iowa DOT FY10/11 Budget. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves the Iowa Department of Transportation Franklin County Secondary Road Construction Program and Budget for FY2010/2011, and the Secondary Road Five Year Plan from 2011 through 2015. All ayes. Motion carried.

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Motion by Nolte, seconded by Eberling, approves Midwest Spray Team and Sales Inc., Des Moines, Iowa for a one year brush control Contract in the right of way located in Wisner, Richland, Ross and West Fork Townships of Franklin County. Being understood that Midwest Spray Team furnishes a phone number for complaints to be forwarded. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves an Application to Perform Work within Franklin County Highway Right-of-Way for H and H Construction to shape the ditch along Wren Avenue in Section 26, Osceola Township. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves an Application to Perform Work within Franklin County Highway Right-of-Way for Gary Claypool to clean the ditch due to a sub drain outlet in the ditch along 230th Street in the NW ¼ of Section 23, Richland Township. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, approves an Application to Perform Work within Franklin County Highway Right-of-Way for Dave Muth to clean the ditch along 200th Street on the north side of NE ¼ of Section 3, Ingham Township. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves an Application to Outlet Private Field Drainage Tile into the County Secondary Road Right-of-Way for Gary Claypool to outlet a sub drain at an existing cross road culvert on 230th Street in the NE ¼ of Section 23, Richland Township. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves a Franklin County Utility Permit Application for Interstate Light and Power Company to replace existing overhead facilities with underground facilities along 120th Street between Heather and Gull Avenues. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, approves plans for RCB Culvert Replacement-Triple Box, BRS-C035(54)—60-35 on C55 east of Vine Avenue over North Beaver Creek. All ayes. Motion carried.

Motion by Nolte, seconded by Eberling, opens on April 12, 2010, at 10:00 o'clock a.m., a Public Hearing at the Franklin County Courthouse, Hampton, Iowa. The meeting was called to order by Chairperson, Eberling, and the roll being called: Eberling and Nolte-present and Plagge-absent; also present was: Jay Waddingham-County Engineer and Michelle Giddings-Auditor.

The Board investigated and found that a notice of intention to institute proceedings to approve a pledge of incremental property tax revenues to be derived from the Whispering Willow Urban Renewal Area in a principal amount not to exceed \$18,655,000 had been duly published as provided by law and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. The County Auditor announced that no written objections had been placed on file. Whereupon, the Chairperson called for any written or oral objections, and there being none, the Chairperson closed the public hearing and announced that the Board may take additional action on the proposed Pledge in the amount as published.

Motion by Nolte, seconded by Eberling, closes the Public Hearing at 10:20 AM. All ayes. Motion carried.

This also being the time and place specified for taking action on the proposal to enter into a loan agreement for the purpose of constructing improvements to county roads, bridges and culverts, the County Auditor announced that no petition asking that the question of entering into such loan agreement be submitted to

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the registered voters of the County had been filed and the Supervisors may proceed with the authorization of the loan agreement.

After due consideration and discussion, Supervisor Eberling introduced Resolution 2010-15: Taking additional action on TIF Pledge and Loan Agreement, approving Bond Purchase Agreement, and authorizing use of Official Statement. The Board heretofore proposed to enter into a General Obligation urban Renewal County Road Improvement Loan Agreement in a principal amount not to exceed \$18,655,000 pursuant to the provisions of Sections 331.402 and 331.441.b(14) of the Code of Iowa for the essential county purpose of paying the costs of undertaking an urban renewal project in the Whispering Willow Urban Renewal Area consisting of constructing improvements to county roads, bridges and culverts, and, in lieu of calling an election therefore, the County has instituted proceedings to enter into the Loan Agreement by causing a notice of such proposal to be published, including notice of the right to petition for an election, and no such petition having been filed on or before April 12, 2010.

The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted: Eberling-Aye, Nolte-Aye; Plagge-Absent. Resolution duly adopted.

Motion by Eberling, seconded by Nolte, approves a Class C Beer Permit and Sunday Sales to Dows Junction Travel Station for the period from June 15, 2010 through June 14, 2011, per receipt and proof of their DRAM shop insurance. All ayes. Motion carried.

The Board acknowledged receipt of the Standard & Poor’s Global Credit Portal Rating. Credit profile for Franklin County for Long Term Rating is A+/Stable.

The Board acknowledged the Recorder, Sheriff and Auditor’s Quarterly Reports for period ending March 31, 2010 and the Sheriff’s March Monthly Report of Fees, Accident Reports, Criminal Activity and Transports for March 2010.

The Board acknowledged Manure Management Plan Renewals for: 1) Merrill Finisher Farm #65272, owner FWC, LLC, site located 1089 Eagle Ave, Dows, Section 14, Morgan Township 2) Symens-Lowery Inc Site 1 #61699, owner Symens-Lowery Inc, site located 1555 Spruce Ave, Hampton, Section 19, Geneva Township 3) Shannon Reinke Site #59759, owner Shannon Reinke, site located 2141 105th St, Geneva, Section 21, Geneva Township 4) NDP Finisher #62963, owner Nick Plagge, site located 714 230th St, Alexander, Section 18, Richland Township 5) Wenzel Finisher Farm #62974, owner Intrepid Farms LLC, site located 3379 140th St, Belmont, Pleasant Township, Wright County.

Motion by Nolte, seconded by Eberling, approves the Wright County and Franklin County Joint Drainage District relevies for repairs in: DD 125-49-1 Total Levy= \$6,514.80 with Franklin Co Share= \$1,302.96; and DD 181-9 Total Levy=\$76,686.57 Franklin Co Share= \$24,793.82. Wright County being the Control County. All ayes. Motion carried.

The Board discussed their upcoming workshop and visit with the Architect at the old Park School building on Wednesday, April 14th at 3:30 pm. They will meet at the building at 3:30 pm.

Motion by Nolte, seconded by Eberling, adjourns at 12:02 PM, until April 13, 2010 at 4:00 PM. All ayes. Motion carried.

Corey Eberling, Chairman

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