

May 03, 2010

Be it duly noted these minutes of 5/3/10 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 additions of: 1) Multi-Hazard Mitigation Plan participation; 2) Discussion on DD #34; and 3) IT air conditioning for the computer room. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, approves the minutes of 4/26/2010. All ayes. Motion carried.

The Board opened the meeting to public comment: No one from the public was present.

Committee Updates were given on: North Iowa Vocational Center monthly meeting, Emergency Food and Shelter funding dollars comparison of last years to current year, DD #45 clarification between FCDA, City of Hampton and Drainage District #45 for payment to McClure Engineering for investigative work.

Motion by Plagge, seconded by Nolte, tables claim number 3691 to RC Systems for final payment of the Siren Project; this claim will be paid once the project is completed and table claim number 50155 to Brocka Excavating based on the minutes of February 1, 2010. The Minutes of 2/1/10 stated that work done in Drainage District #78, Division 1 to the intake was to be paid by the drainage district and any clean out of the ditch was to be paid by Trent Gerdes. Mr. Gerdes was to submit a letter to Gordon Brocka asking him to submit a bill for the repair of the intake only and Mr. Gerdes would then pay what remains of that bill for ditch clean out. The Board will contact Mr. Brocka for clarification. All ayes. Motion carried.

Motion by Plagge, seconded by Nolte, approves claims, minus Claim # 3691 and #50155 (Drainage) for the period ending 5/2/10. All ayes. Motion carried

Motion by Nolte, seconded by Plagge, approves setting a new bid letting date for the 140th Street Paving Project from May 14, 2010, at 2:00 PM, to May, 28, 2010, at 2:00 PM., and June 7, 2010 at 10:00 AM for a Public Hearing to receive comments on the proposed 140th Street Paving Project between Highway 65 and Mallard Avenue. All ayes. Motion carried.

Motion by Plagge, seconded by Nolte, opens at 9:30 AM a Public Hearing to receive oral and written comments on proposed plans, specifications and proposed form of contract for construction of HMA resurfacing projects #LRM-01-312(5)N2—RI-35 (S25 Hardin Road to S13), L-00-067(3)—RI-35 (Bradford Main Street), L-00-122(2)—RI-35 (Faulkner Vine Avenue to S56-330 feet south) and L-09-152(4)-RI-35 (Hwy 3 to St. Peter’s Church). All ayes. Motion carried.

Present was: Jay Waddingham-County Engineer. No oral or written comments were received.

Motion by Nolte, seconded by Plagge, closes at 9:41AM the Public Hearing. All ayes. Motion carried.

Motion by Nolte, seconded by Plagge, grants the four contract bids to Heartland Asphalt, Inc., Mason City, Iowa, based on the approval of the contract bonds, certificate of insurance and specifications. The accepted bids are:

Project	Approved bid
LFM-01-312(5)N2—RI-35	\$343,413.97
L-00-067(3)—RI-35	\$227,624.68
L-09-152(4)—RI-35	\$39,534.95
L-00-122(2)—RI-35	\$193,930.91

All ayes. Motion carried.

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Motion by Plagge, seconded by Nolte, opens at 10:00 AM a Public Hearing to receive oral and written comments on a proposal to repair the main tile requiring the crossing of the UP railroad tracks in Drainage District #21. All ayes. Motion carried.

Present was: Brent Johnson-Drainage Engineer-McClure Engineering, Sandy Eckhardt-Drainage Clerk, Vern Ziesman-Alden, Mark Guy-Iowa Falls, Steven Stockdale-Iowa Falls and Art Cady-Drainage Attorney.

No written comments were received by the Auditor or the Board. Brent Johnson presented his report to those present explaining the crushed tile under the railroad should be the responsibility of the railroad to repair according to Iowa Law. The UP Railroad has commented to Drainage Attorney Cady that they are not responsible for the repairs under their tracks. Drainage Attorney Cady explained the difficulty of dealing with railroads and their cooperation to pay for their rightful share. Drainage Engineer, Brent Johnson, stated the Board has two options for this fix 1) Repair the tile immediately and pursue reimbursement from the railroad by sending them the bill with hopes they will pay it or 2) Start the process of a lawsuit utilizing dollars from other drainage districts to help with the payment of legal fees. Drainage Attorney Cady stated the legal process could start immediately without having a real number of what the repair would cost, but the whole process could take anywhere from eight months to two years. Vern Ziesman, who owns the majority of the land in the district, would like the Board to go ahead and make the repairs so he doesn't have another year of lost crops. Those present agreed with Mr. Ziesman's decision due to his being the largest landowner in the district. Brent recommends legal counsel work with Wright County, who has a similar case with a railroad, to spread the cost between two drainage districts making a conservative effort for legal research.

Motion by Nolte, seconded by Plagge, closes the public hearing at 10:39AM. All ayes. Motion carried.

Motion by Plagge, seconded by Nolte, moves to begin the process to repair the damaged tile under the UP Railroad in DD # 21 and sets June 1, 2010 at 11:00 AM as a bid letting date. All ayes. Motion carried.

At 10:30 AM a Departmental Meeting was held.

Motion by Plagge, seconded by Nolte, approves Application for Use of the Franklin County Courthouse Grounds requested by the Hampton Area Chamber of Commerce on behalf of Brian Stevens, Conductor of the Hampton Municipal Band, to have use of the Courthouse and east Courthouse parking lot on the dates of June 2, 8, 15, 22 and 29, 2010, from 5:00 PM – 10:00 PM as long as they provide proof of insurance. All ayes. Motion carried.

Motion by Plagge, seconded by Nolte, waives the County's right to pursue civil action against Hometown Pizza, Coulter, and Casey's Store, Sheffield, for selling tobacco to minors and allowing the State to prosecute if they so choose. All ayes. Motion carried.

The Board acknowledged Manure Management Plan Renewals for: 1) Tom Wiarda #1, #58408, owner Tom & Jeff Wiarda, site located 922 Franklin Ave, Ackley, Sec 24, Geneva Township; 2) P&R Pigs #58681, owner Ronald & Phylis Krukow, site located 546 Lemon Ave, Iowa Falls, Sec 12, Lee Township; 3) County Line Finisher #58096, owner Loretta Krause, site located 890 Hardin Rd, Alden, Sec 32, Lee Township; 4) Burmester Finisher #57744, owner Norman Wettstein, site located 1730 Lark Ave, Hampton, Sec 11, Marion Township; 5) Eagle S Inc #61443, owner Bruce & Paul Schlichting, site located 2424 Eagle Ave, Thornton, Sec 3, Wisner Township; 6) Bruce Schlichting Site #65171, owner Bruce Schlichting, site located 489 250th St, Meservey, Sec 10, Wisner Township; 7) Sonrise Pork #63675, owner Sonrise Pork Inc, site located 2230 Finch Ave, Thornton, Sec 14, Wisner Township; 8) Braun #65907, owner Sonrise Pork Inc, site located 2185 Dogwood Ave, Alexander, Sec 22, Wisner Township;

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- 9) Rick Pals #57746, owner Rick Pals, site located 1510 Balsam Ave, Alexander, Sec 19, Scott Township;
- 10) Dunn #58136, owner Alpine LLC, site located 1527 E Ave, Alden, Sec 35, Alden Township, Hardin County.

The Board acknowledged the Franklin County Board of Health Environmental Health Reports dated January 18, 2010 through April 19, 2010.

Larry Richtsmeier-Sheriff met with the Board to go over the drawings for the new law enforcement center. After a phone call with Jose' Rivas-Yaggy Colby Architect, the Board determined that the latest drawings are final and that the bid process should begin with the specifications Yaggy Colby has provided.

Motion by Plagge, seconded by Nolte, agrees to participate in the Federal Emergency Management Administration (FEMA) and Iowa Homeland Security and Emergency Management Division's Multi-Jurisdictional Hazard Mitigation Plan. The Board is encouraging local jurisdictions to develop Multi-Jurisdictional plans for a simpler and more streamlined process, let NIACOG see that these plans are relevant for our local area and include them with the Multi-Jurisdictional Hazard Mitigation Plan for the County. NIACOG will apply for a Grant on the county's behalf to help pay for the plan. There is a local match (\$1,359 max.) for each jurisdiction that can be paid by cash or in-kind through attendance at meetings. Participation is through local planning meetings that would be set up by NIACOG and your city. Having an approved plan will enable cities and the County to apply for certain grants and be eligible for Federal and State disaster money. Consequences for not participating in the plan are no additional money from FEMA in case of a disaster and an inability to apply to some Federal programs. All ayes. Motion carried.

Motion by Plagge, seconded by Nolte, adjourns at 12:15 PM, until May 10, 2010. All ayes. Motion carried.

Corey Eberling, Chairman

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