

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

January 29, 2018

Be it duly noted these minutes of 1/29/18 are UNOFFICIAL minutes.

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

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

Motion by Nolte, seconded by Eberling, approves the minutes of 1/22/18. All ayes. Motion carried.

Public Comment: Paul Sandersfeld-Landowner relayed concerns on Resolution 2018-08, DD 4-118.

Committee Updates: CICS

Motion by Eberling, seconded by Nolte, adopts Resolution 2018-09: Fair Market Value and Fence Moving Schedule for Purchase of ROW in Franklin County.

Resolution 2018-09: Establish a Fair Market Value and Fence Moving Schedule for Purchase of Right-of-Way in Franklin County, Iowa.

The Board of Supervisors of Franklin County, Iowa, has reviewed the fair market value and Corn Suitability Rating (CSR) for real property to be acquired for road improvements, and rate of payment for moving fence, and hereby establishes the following values for factors to be utilized.

1. Right-of-way to equal 100 percent CSR times CSR point valuation factor of property to be purchased, by schedule below:

<u>Points</u>	<u>Factor</u>
Greater than or equal to 75	\$105/point
55-74	\$100/point
Less than or equal to 54	\$ 95/point

2. Temporary easement acquisition value to be 10% of right-of-way fee value.

3. Borrow dirt compensation to equal 100 percent CSR times CSR point valuation factor of property to be borrowed times 0.4.

4. Fence moving:

\$26.00 per rod for moving barbed wire fence and components.

\$32.00 per rod for moving woven wire fence and components.

\$32.00 per rod for moving combination woven/barbed wire fence and components.

The above rates are fair and impartial, in the opinion of the Board of Supervisors.

BE IT DULY ADOPTED this 29th day of January, 2018, with the vote thereon being as follows:

Eberling-Aye, McVicker-Aye, Nolte-Aye. Resolution duly adopted.

Motion by Nolte, seconded by Eberling, approves a Franklin County Utility Permit to Rockwell Telephone Association to bore and plow fiber optic cable along Yarrow Avenue between C13 and Cerro Gordo County Line, 1308A 255th Street to 2443 255th Street, and Franklin Avenue from 400 feet south of 255th Street north to Cerro Gordo/Floyd County Line. All ayes, motion carried.

At 9:15 AM a Conference Call was held between Wright and Franklin County Drainage Trustees and Lee Gallentine, Drainage Engineer, Clapsadle Garber, Inc. regarding the possible adoption of Resolution 2018-08: Finding the Need for Reclassification of the Main Open Ditch and Main Tile and Classification of All Laterals in JDD 4-118.

Also present: Franklin County Supervisors Gary McVicker, Mike Nolte and Corey Eberling, Michelle Giddings-Auditor, Sandy Eckhardt-Drainage Clerk, Paul Sandersfeld-Landowner, Wright County Supervisors Rick Rasmussen and Stan Watne, Betty Ellis-Auditor, Deb Lukes-Drainage Clerk, and Lee Gallentine-CGA Drainage Engineer

After brief explanation of the Resolution, the following motion was made.

Motion by Eberling, seconded by Watne, adopts Resolution 2018-08: Finding the Need for Reclassification of the Main Open Ditch and Main Tile and Classification of All Laterals in joint Drainage District Franklin-4 and Wright-118. Said Resolution reads as follows:

RESOLUTION 2018-08: Finding the Need for Reclassification of the Main Open Ditch and Main Tile and Classification of All Laterals in joint Drainage District Franklin-4 and Wright-118

The Franklin County Board of Supervisors and Wright County Board of Supervisors, acting as the Trustees of Franklin County DD4 and Wright County DD118, convened to determine whether there was a need to reclassify the main open ditch and main tile, and the need to classify all laterals within the district.

On Monday, January 8, 2018, the Boards held a hearing on proposed repairs or improvements to the district. At that time, the Board determined there is no separate classification for that portion of the main open ditch, or a separate classification for the main tile. The Boards acknowledged that when a majority of the districts in their counties were established, and if they contained a main open ditch and a main tile, separate classifications were historically prepared at the time of establishment. The Board also acknowledged that, in the case of this district, Lateral 2 does not discharge into the main tile, but discharges only into the main open ditch. If there were separate classification schedules for the ditch and main, the landowners in Lateral 2 would not be assessed for repairs or improvements to the main tile. Furthermore, if a repair or improvement is done to the open ditch, all landowners should be assessed for the cost. But, if a repair or improvement is done to the main tile, the landowners included in the area benefitted by the open ditch should not be assessed for the repair or improvement to the tile. The Boards also acknowledged that Iowa Code section 468.65 provides that, when a repair, improvement or extension becomes necessary, the Boards may consider whether the existing assessments are equitable as a basis for payment of the expense of maintaining the district and of making the repair, improvement or extension. The Board also acknowledged that Iowa Code section 468.41(2) provides that when there has been a repair or improvement to a lateral ditch or drain as provided in section 468.12 and the lands benefitted by the lateral have not been classified as provided in this section, the Board may order a classification of the lands and the commission shall ascertain and fix the percentage of benefits and apportionment of costs to the lands benefitted by such lateral ditches or drains.

As a result, the Boards determined that it would be equitable to have separate classification schedules for the open ditch and main, and to have a separate classification for every lateral in the district.

Board Member Eberling of Franklin County introduced the following resolution and moved its adoption. Board Member Watne of Wright County seconded the motion to adopt. The roll was called and the vote was:

Ayes: Franklin-McVicker, Eberling, Nolte Wright-Watne, Rasmussen

Nays:

Absent: Helgevoid

Whereupon, the Chairperson declared the following resolution duly adopted.

RESOLUTION FINDING THE NEED FOR RECLASSIFICATION OF

THE MAIN OPEN DITCH AND MAIN TILE AND CLASSIFICATION OF ALL LATERALS IN FRANKLIN COUNTY DD4 AND WRIGHT COUNTY DD118

WHEREFORE, this Board finds that it would be equitable to have separate classification schedules for the open ditch and main tile, and to have a separate classification for every lateral in the joint Franklin County Drainage District No. 4 and Wright County Drainage District No. 118.

Passed and approved this 29th day of January, 2018.

At 9:30 AM, Michael R. Blaser, PLC-Brown Winick Attorney representing Dogwood Farms, LLC, met regarding the omission to request for Sub-Division Waiver on land split in more than two parcels for a Master Matrix in Sec. 26, Grant Township. Per the County Sub-Division Ordinance, Dogwood Farms did not follow the proper procedure and buildings were built before the subdivision waiver request was applied for and the Master Matrix was filed with the County. Blaser suggested doing a lot-tie agreement or a corrective deed. Agreement was made that Dogwood Farms LLC will file a corrective deed with the County Recorder and combine the two parcels causing it to be one parcel under one name per existing surveys on file.

Also present was: Brent Symens-Franklin County Attorney, Michael R. Blaser, PLC-Brown Winick Attorneys, Dan Tilkes-Master Matrix Representative and Lisa Flack-P&Z.

Motion by Eberling, seconded by McVicker, appoints Kim Larsen as commissioner to the Benefited Fire District #4 for the term beginning 1/1/17 to expire 6/30/2020. All ayes, motion carried.

Motion by Eberling, seconded by McVicker, appoints Darrell Baxter as commissioner to the Benefited Fire District #4 for the term 1/1/17 to expire at 6/30/19. This causing the position to be staggered terms. All ayes, motion carried.

Motion by Nolte, seconded by Eberling, approves claims for period ending 1/28/18. All ayes, motion carried. All ayes, motion carried.

Motion by Nolte, seconded by McVicker, adjourns at 9:55 AM, until 2/5/18. All ayes. Motion carried.

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Gary McVicker, Chairman

ATTEST: \_\_\_\_\_  
Michelle S. Giddings, Auditor

After adjournment at 10:00 AM, the Board conducted PPME Union Negotiations as an exempt session pursuant to Iowa Code 20.17(3).

The Board will be holding a Budget Workshop after the Union Negotiation session.