Marshall County Board of Supervisors
Regular Session January 19, 2010, at 9:00 a.m.

MINUTES

The Board met in regular session on Tuesday, January 19, 2010, at 9:00 a.m. in meeting room #2, 3rd Floor, northeast corner of the courthouse with all 3 members present.

1. Approval or Amendment of Agenda—

Motion by Brooks, second by Grabenbauer to approve the agenda as printed.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

Consent Agenda:

2. Approve Minutes-- from Regular Session of January 5, 2010.

3. File District Court Report-12-09

General Supplemental Fund 10% Surcharge - $472.08

4. Approve Transfer of Funds— Rural Services Basic Fund-transfer for the quarter ending December 31, 2009. Transfer #816 from Rural Services Basic to Secondary Road Fund in the amount of $323,250.00.

5. Approve Personnel Actions:

a) **Change of Status**, **Whitney Hunt,** Auditor's Department, change of status from Auditor Office Assistant (Real Estate) to Assistant Auditor fulltime, at $18.75/hr., effective January 25, 2010.

6. Approve Transfer of Funds—REAP Fund-transfer for the quarter ending December 31, 2009. Transfer #817 from REAP Fund to General Basic Fund in the amount of $30,047.49 for Linn Creek Recreational Trail/330 Trail Extension.

7. Manure Management Update. Kevin Blood, id 60101, update received and placed on file. There were changes made in the MMP. There have been changes in crop rotation or optimum yields and the use of manure analysis for determining application rates when applying manure.

8. Manure Management Update. David Eggers, id 56995, update received and placed on file. There were changes made in the MMP. There have been changes in crop rotation or optimum yields and the use of manure analysis for determining application rates when applying manure.

9. Appointments-Commencing January 1, 2010

a) Mental Health/Development Disabilities Advisory Board-3 year term- Al Fagerlund, Anne Vance, Rich Byers, Laura Schinnow, Lisa Wohlert terms 1-1-2010 thru 12-31-2013 and Andy Lawler fulfilling unexpired term of Jackie Gray(resigned 12-31-2009) through 12/31/2010. Michelle Allen (Chair 2010), Barb Mathews (Vice Chair 2010)

b) Marshall County Zoning Administrator, Public Environmental Health Director and Weed Commissioner-1 year term-John Kunc

10. Resignation of Appointment- Robert F. Johnson, Veteran's Affairs Administrative Assistant, resignation effective December 11, 2009.

11. Appointment of Veteran's Affairs Administrative Assistant- James Zimmerman (resigned from Commission of Veteran's Affairs) to fill appointment of Veteran's Affairs Administrative Assistant, maximum 30 hrs /wk, $12.00/hr, effective January 20, 2010.

12. Appointment of County Commissioner of Veteran's Affairs-3 year term- Melvin Pitzen**, C**ommissioner of Veteran's Affairs, effective February 1, 2010 through May 30, 2013, fulfilling the unexpired term of James Zimmerman (June 1, 2007 through May 30, 2010).

13. Utility Permits – The following utility permits have been approved by the County Engineer's Office:

#0901 To Heart of Iowa Communications to install an underground communications line in various roads in Jefferson and Green Castle Townships.

#0902 To Interstate Power & Light Co. to replace an overhead power line on the existing line along the 2300 & 2400 miles of Canfield Avenue between Sections 8, 9,16 & 17, T-83N, R-20W, State Center Township.

#0903 To Quest Communications to install an underground communications line across the 2500 mile of Marsh Avenue between Section 24, T-83N, R-19W, Washington Township and Section 19, T-83N, R-18W, Timber Creek Township.

#0904 To Quest Communications to install an underground communications line across the 2600 mile of 260th St. between Sections 23 & 26, T-83N, R-18W, Timber Creek Township.

#0905 To Consumers Energy to install an overhead utility line along and across the 2500 mile of Marsh Avenue between Section 18, T-83N, R-18W, Timber Creek Township and Section 13, T-83N, R-19W, Washington Township..

#0906 To Consumers Energy to install an overhead utility line along and across the 1300, 1400 & 1500 miles of 330th St. between Sections 25, 26, 27, 34, 35 & 36, T-82N, R-20W, Eden Township.

#0907 To Quest Communications to install an underground communications line along the 1400 mile of Prairie Avenue in Section 27, T-85N, R-18W, Liscomb Township.

#0908 To Central Iowa Water Association to install an buried water line across the 2200 mile of Marsh Avenue between Sections 6, T-83N, R-18W, Timber Creek Township and Section 2, T-83N, R-19W, Washington Township.

#0909 To Heart of Iowa Communications to install an underground communications line along the 1200 mile of Oxford Avenue and the 2400 mile of 130th St. in and between Sections 18 & 21, T-85N, R-18W, Liscomb Township.

#0910 To Heart of Iowa Communications to install an underground communications line along the 1500 mile of Langford Avenue and the 2100 mile of Stanley Mill Rd. in Section 1, T-84N, R-19W, Iowa Township.

#0911 To Grundy County Rural Electric Cooperative to install an underground power line across the 1600 mile of Prairie Avenue in Section 3, T-84N, R-18W, Taylor Township

#0912 To Consumers Energy to install an overhead utility line along and across the 2700 & 2800 miles of 270th St. between Sections 25 & 36, T-83N, R-18W, Timber Creek Township and Section 30 & 31, T-83N, R-17W, LeGrand Township..

#0913 To Central Iowa Water Association to install an buried water line across the 1300 mile of 160th Street between Sections 34, T-85N, R-20W, Liberty Township and Section 3, T-84N, R-20W, Minerva Township.

#0914 To Central Iowa Water Association to install an buried water line across the 2300 mile of Jessup Avenue between Sections 9 & 10, T-83N, R-19W, Washington Township.

#0915 To Heart of Iowa Communications to install an underground communications line along the 2200 & 2300 miles of 170th St. the 1600, 1700 & 1800 miles of Oaks Avenue and the 2300 mile of Sand Rd. in Sections 5, 7, 8, 9, 16 and 17, T-84N, R-18W, Iowa, Taylor and Minerva Townships.

#0916 To Heart of Iowa Communications to install an underground communications line along the 2400 mile of Knapp Avenue in Sections 14 & 15, T-83N, R-18W, Washington Township.

#0917 To Quest Communications to install an underground communications line along the 2300 mile of Marshalltown Blvd (Lincoln Way) in Section 5, T-83N, R-18W, Timber Creek Township.

#0918 To Consumers Energy to install an underground across the 2900 mile of Wallace Avenue between Sections 9 & 10, T-82N, R-17W, Green Castle Township.

#0919 To Farmers Savings Bank to install an underground water discharge line along Wallace St. just south of Green Mountain Rd in the Village of Green Mountain, Section 10, T-84N, R-17W, Marion Township.

#0920 To Minerva Valley Telephone Co. Inc. to install an underground communications line and Telecommunications Cabinet along the 1400 mile of Mormon Ridge Rd in Section 28, T-85N, R-19W, Bangor Township.

#0921 To Quest Communications to install an underground communications line across the 2000 mile of Yates Avenue between Sections 26 & 27, T-84N, R-17W, Marion Township.

#0922 To Iowa Telecommunications Services, Inc. to install an underground communications line along the south side of 2nd Street between 1st St. and 2nd Ave. in the Village of Dunbar, Section 1, T-82N, R-17W, Green Castle Township.

#0923 To PAETEC/McLeod USA to install an underground communications line across the 2400 mile of Marsh Ave. between Section 13, T-83N, R-19W, Washington Township and Section 18, T-83N, R-18W, Timber Creek Township.

#0924 To Interstate Power & Light Co. to install an underground gas line along the 1600 mile of Taylor Avenue and the 2700 & 2800 miles of 170th St. between Sections 1 & 12, T-84N, R-18W, Taylor Township and Sections 6 & 7, T-84N, R-17W, Marion Township.

#0925 To Consumers Energy to install an underground utility line along and across the 2300 mile of 233rd St. in Sections 5 & 8, T-83N, R-20W, Timber Creek Township.

#0926 To Quest Communications to install an underground communications line along and across Underwood Avenue, 290th St., Green Castle Rd. and 310th St. beginning at 240th St. thence south to 2973 310th St. in LeGrand and Green Castle Townships.

#0927 To Iowa Telecommunications Services, Inc. to install an underground communications line along and across the 3100 mile of 250th St. between Sections 165 & 22, T-83N, R-17W, LeGrand Township.

#0928 To Consumers Energy to install an overhead utility line across the 2600 mile of Taylor Avenue between Section 25, T-83N, R-18W, Timber Creek Township and Section 30, T-83N, R-17W, LeGrand Township.

14. Approve Claims –as audited and authorize the County Auditor to issue payment of same. The listing of claims paid at this meeting will be included with all claims paid for the month of January; the January list of claims will be a part of the first meeting in February.

Motion by Grabenbauer, second by Brooks, to approve the consent agenda as printed above.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

15. Request for Funding for Local Project—Joel Akason and a Kansas City area developer will present and discuss a possible housing project in downtown Marshalltown, Iowa for seniors and low income persons. This funding request is for use of Harvester TIF dollars.

Motion by Brooks, second by Grabenbauer to **approve the use of Harvestor TIF low income housing fund in the amount of $35,000.00 for the project proposed by Marshalltown Senior Residences, LLC and do a letter of support if requested.**

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

16. Marshall County Employee Group Dental Plan—Discussion and action on the Business Associate Agreement between Marshall County and Delta Dental Plan of Iowa.

Motion by Grabenbauer, second by Brooks, to approve the Business Associate Agreement.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

17. Resolution # 2010-0008
Resolution-Construction Evaluation Resolution—(commonly known as the Master Matrix)

RESOLUTION #2010-0008
CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS**,** only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS**,** by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2010 and January 31, 2011 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS**,** the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARSHALL COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Motion by Brooks, second by Grabenbauer to approve this annual Construction Evaluation Resolution 2010-0008 for Marshall County, IA.

_____
Ronald D. Goecke
Chairman, Board of Supervisors

Date: _____

ATTEST:

_____
County Auditor

Date: _____

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Nay
	Vice Chairman	Member	Chairman

18. Resolution-Abatement of Taxes

Whereas, pursuant to Chapter 445.16, code of Iowa, the County Treasurer has the authority to determine when it is impractical to pursue collection of property taxes through the tax sale or law suit remedies;

Whereas, upon making this determination the County Treasurer shall provide a recommendation of abatement to the Board of Supervisors and the Board shall abate the taxes;

Now, Therefore, Be it Resolved by the Marshall County Board of Supervisors to authorize the County Treasurer to abate taxes on the following (BLL) building on leased land, a garage located at 3202 S 12th St #93. The mobile home moved to Muscatine County. Amounts include tax, and interest, for the month of January:

Pin Number 11-10-451-507, 2008 property tax, $93.00.

Motion by Grabenbauer, second by Brooks to adopt this Resolution-Abatement of Taxes.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

_____ Attest: _____

Ronald D. Goecke
Board of Supervisors, Chairman

Karen Squiers
Marshall County Auditor

19. Home Care Plus-Addendum to Amended and Restated Agreement—Discussion and possible action on the approval of the agreement between Marshalltown Medical & Surgical Center, Marshall County and the Marshall County Board of Health. Details of the Agreement are on file in the Board of Supervisors office.

Motion by Brooks, second by Grabenbauer to approve this Addendum to the Amended and Restated Agreement between Marshalltown Medical & Surgical Center, Marshall County and the Marshall County Board of Health.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

20. Resolution No. 2010-0009

**RESOLUTION IN SUPPORT OF ADOPTION
OF A DISTRACTED DRIVERS STATUTE BY THE
IOWA LEGISLATURE**

WHEREAS, the National Highway Traffic Safety Administration has found that eighty percent of vehicle crashes involve driver inattention; and

WHEREAS, of the eighty percent of vehicle crashes involving driver inattention the largest single factor is cell phone associated use; and

WHEREAS, legislating to control behavior which results in inattention while driving would result a safer driving environment, save lives, and prevent injuries to people as well as damage to property.

NOW, THEREFORE, BE IT RESOLVED BY MARSHALL COUNTY, IOWA, THAT:

Section 1. Marshall County, Iowa, requests that the Iowa Legislature adopt a statute which would prohibit driver behavior which results in inattention while driving and by doing so create a safer driving environment, save lives, and prevent injuries to people as well as damage to property.

PASSED BY THE MARSHALL COUNTY BOARD OF SUPERVISORS ON THIS 19th DAY OF JANUARY, 2010, AND SIGNED ON THIS 19th DAY OF JANUARY, 2010.

_____
Ronald D. Goecke, Chairman

_____
Patrick W. Brooks, Supervisor

_____
Denny Grabenbauer, Supervisor

_____
Attest: Karen Squiers, Auditor

Motion by Brooks, second by Grabenbauer to adopt Resolution No. 2010-0009 in Support of Adoption of a Distracted Drivers Statute by the Iowa Legislature.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

21. Marshall County FY11 Budget Update-Karen Squiers, Auditor talked about the FY11 budget

22. Public Forum—Ronald D. Goecke, Board of Supervisor Chairman, announced a Courthouse Renovation meeting open to the public immediately following this regularly scheduled Board of Supervisor meeting.

23. Adjournment--The next regular meeting is February 2, 2010, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the Board of Supervisors' Office by January 28, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:55 a.m.

_____ Attest: _____

Ronald D. Goecke
Board of Supervisors, Chairman

Karen Squiers
Marshall County Auditor