

Marshall County Board of Supervisors
Regular Session November 23, 2021, at 9:05 a.m.
1 E MAIN ST, GRAND COURT ROOM AND VIA ZOOM
AGENDA

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<http://www.marshallcountya.gov/list.aspx>

1. Call to Order

How to Participate in the meeting

Due to active construction in the courthouse area and the concern for the safety of all residents of Marshall County, the Board of Supervisors' Public Meetings will be available LIVE online, as previously established on March 31, 2020, through the COVID-19 Virus pandemic, to continue until the courthouse area, including the grounds, courthouse building and the Grand Courtroom, is no longer an official construction site. The Board passed "Resolution 2021-0030 Restricting Public Access to Courthouse During Active Construction" at their meeting of July 20, 2021, per advisement of legal counsel. The Board encourages the public to remain engaged and actively participate via the ZOOM process. Presenters may provide documentation electronically for inclusion during the meeting prior to the agenda deadline and are requested to participate via ZOOM. There are 3 available options to view and/or participate in the public meetings:

- View on YouTube. View live or replay later. [MARSHALL COUNTY YOUTUBE](#)
- Call in by Phone: 1-312-626-6799, Meeting ID 871 3622 1316.
- Zoom. Participate Live. <HTTPS://US02WEB.ZOOM.US/J/87136221316?PWD=QQLDEXVVEHPLSVROA3LVRDVTCXHAQT09>
- If you call in or participate by zoom, please mute yourself until you speak.

Notice to the Public

The Board of Supervisors welcomes comments from the public during the time allowed for discussion. You are requested to approach the microphone, state your name for the record and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any agenda item is for the Chairperson to read the item from the agenda. The Board is given an opportunity to comment on the issue and/or place a motion on the floor. An opportunity for discussion may be presented at which time the public may participate and a roll call vote will follow.

2. Pledge of Allegiance

3. Roll Call: Thompson _____, Patten _____, Salasek _____.

4. Approval of Agenda. Motion by ___, second by ___, to approve or modify the agenda. Roll Call Vote: Thompson ___, Patten ___, Salasek ___.

5. Consent Agenda. Motion by ___, second by ___, to approve the following items: Roll Call Vote: Thompson ___, Salasek ___, Patten___.

5.A. Approve Minutes, Regular Meeting of November 9, 2021 and Canvass Meetings of November 9, 2021 and November 16, 2021, and October 2021 Claims listing.

Roll Call: Consent Agenda items considered as one vote

Documents:

11-09-2021 MINUTES-FOR APPROVAL.PDF
2021-10 OCTOBER RPT_CLAIMSPUB.PDF
11-09-2021 MINUTES CANVASS 1-FOR APPROVAL.PDF
11-16-2021 MINUTES CANVASS 2 - FOR APPROVAL.PDF

5.B. Approve claims as audited and authorize the County Auditor and Recorder to issue

payment of the same. The listing of claims paid at this meeting and all claims paid in the current month will be published as part of the first meeting of the following month.

5.C. File Clerk of District Court Report: October 2021. General Supplemental Fund Surcharge- \$365.29

Roll Call: Consent Agenda items considered as one vote

Documents:

[COUNTY TREASURER REPORT OCTOBER 2021.PDF](#)

5.D. File Audit Report, Solid Waste Management Commission of Marshall County, fiscal year ending June 30, 2021.

Roll Call: Motion by___, second by___, Thompson___, Patten___, Salasek___.

5.E. File City/School Election Certification and Post Election Audit, held November 5, 2021.

Roll Call: Consent Agenda items considered as one vote

Documents:

[ELECTION CERTIFICATION_POST ELECTION AUDIT.PDF](#)
[2021-11-05_CERTIFICATION MINUTES.PDF](#)

5.F. File Manure Management Plans

Applegate GL Inc No 59073 2845 Garwin Rd Marshalltown - Annual Update - no changes.

Roll Call: Consent Agenda items considered as one vote

5.G. (end of consent agenda)

6. Adopt RESOLUTION 2021-0039 ADOPTING FEE SCHEDULE FOR PLATS OF SURVEY, RETRACEMENT PLATS AND SUBDIVISION PLATS

- Whereas, Marshall County accepts plats of survey, subdivision variances, and preliminary and final, minor and major subdivisions for review and recording and;
- Whereas, the review of the above named submittals is conducted by the Assessor's office, Auditor's office, Engineer's office, Geographical Information Systems' office, Planning and Zoning Department, Public Environmental Health Department and various other departments to a lesser degree and;
- Whereas, the review of these submittals by those offices incurs costs on the resources of those offices and;
- Whereas, the Marshall County Platting and Subdivision Ordinance, 2005 specifically allows the Marshall County Board of Supervisors to set fees for the review of those submittals;
- Whereas, the City of Marshalltown requested on April 15, 2021 that the Marshall County Engineers office review all Plats of Survey, Retracement Plats and Subdivision Plats that lie within the Marshalltown City limits;
- Now therefore let it be resolved, that the following fees will apply to the submittal of official plats of survey (including acquisition and disposition plats), retracements, subdivision variances and subdivision plats;

Outside City Limits:

1. For review of Plats of Survey and Retracement Plats of Survey, there will be a \$100 submittal fee. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$100** submittal fee. This pattern should be followed for all subsequent re-submittals:
2. For review of subdivision variances there shall be a submittal fee of \$150.
3. Both Minor & Major Subdivisions must submit a preliminary and a final plat for review.
4. For review of Preliminary and Final **Minor** Subdivision Plats with or without a road(s), there shall be a fee of

\$550. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$355** submittal fee. This pattern should be followed for all subsequent re-submittals:

5. For review of Preliminary **Major** Subdivision Plats without a road(s), there shall be a fee of \$315. **Final** Major Subdivision plats, without a road(s), shall be a fee of \$655. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$355** submittal fee. This pattern should be followed for all subsequent re-submittals:
6. For review of Preliminary **Major** Subdivision Plats with a road(s), there shall be a fee of \$445. **Final** Major Subdivision plats, with a road(s), shall be a fee of \$655. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional \$355 submittal fee. This pattern should be followed for all subsequent re-submittals:
7. Marshall County exempts itself and all of Marshall County Departments from the requirement of paying fees for the submittal of any of the above instruments.

Inside City Limits:

8. For review of Plats of Survey and Retracement Plats of Survey, there will be a \$95 submittal fee. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$95** submittal fee. This pattern should be followed for all subsequent re-submittals:
9. For review of subdivision variances there shall be a submittal fee of \$0.00.
10. Both Minor & Major Subdivisions must submit a preliminary and a final plat for review.
11. For review of Preliminary and Final **Minor** Subdivision Plats with or without a road(s), there shall be a fee of \$250. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$205** submittal fee. This pattern should be followed for all subsequent re-submittals:
12. For review of Preliminary **Major** Subdivision Plats without a road(s), there shall be a fee of \$215. **Final** Major Subdivision plats, without a road(s), shall be a fee of \$455. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$205** submittal fee. This pattern should be followed for all subsequent re-submittals:
13. For review of Preliminary **Major** Subdivision Plats with a road(s), there shall be a fee of \$320. **Final** Major Subdivision plats, with a road(s), shall be a fee of \$455. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$205** submittal fee. This pattern should be followed for all subsequent re-submittals:
14. Marshall County exempts itself and all of Marshall County Departments from the requirement of paying fees for the submittal of any of the above instruments

| OUTSIDE CITY LIMITS (INCLUDES UNINCORPORATED CITIES) | | | | | | | |
|--|--|----------------------|--|---------------------------------------|--------------------------------------|---------------------------------------|----------------------------------|
| DEPARTMENT | SURVEY & RETRACEMENT REVIEW & 2ND RESUBMITTALS | SUBDIVISION VARIANCE | PRELIMINARY & FINAL MINOR* SUBDIV (W/ OR W/O ROAD) | PRELIMINARY MAJOR** SUBDIV (W/O ROAD) | PRELIMINARY MAJOR** SUBDIV (W/ ROAD) | FINAL MAJOR** SUBDIV (W/ OR W/O ROAD) | 2ND RESUBMITTAL ALL SUBDIV PLATS |
| ASSESSOR | \$15 | \$0 | \$25 | \$15 | \$20 | \$30 | \$15 |
| AUDITOR | \$40 | \$0 | \$150 | \$75 | \$100 | \$150 | \$100 |
| ENGINEER | \$20 | \$0 | \$60 | \$100 | \$150 | \$200 | \$40 |
| GIS | \$20 | \$0 | \$15 | \$25 | \$50 | \$75 | \$50 |
| ZONING | \$5 | \$150 | \$300 | \$100 | \$125 | \$200 | \$150 |
| TOTAL | \$100 | \$150 | \$550 | \$315 | \$445 | \$655 | \$355 |
| INSIDE CITY LIMITS | | | | | | | |

| DEPARTMENT | SURVEY & RETRACEMENT REVIEW & 2ND RESUBMITTALS | SUBDIVISION VARIANCE | PRELIMINARY & FINAL MINOR* SUBDIV (W/ OR W/O ROAD) | PRELIMINARY MAJOR** SUBDIV (W/O ROAD) | PRELIMINARY MAJOR** SUBDIV (W/ ROAD) | FINAL MAJOR** SUBDIV (W/ OR W/O ROAD) | 2ND RESUBMITTAL ALL SUBDIV PLATS |
|--------------------------------------|--|----------------------|--|---------------------------------------|--------------------------------------|---------------------------------------|----------------------------------|
| ASSESSOR | \$15 | \$0 | \$25 | \$15 | \$20 | \$30 | \$15 |
| AUDITOR | \$40 | \$0 | \$150 | \$75 | \$100 | \$150 | \$100 |
| ENGINEER | \$20 | \$0 | \$60 | \$100 | \$150 | \$200 | \$40 |
| GIS | \$20 | \$0 | \$15 | \$25 | \$50 | \$75 | \$50 |
| ZONING | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| TOTAL | \$95 | \$0 | \$250 | \$215 | \$320 | \$455 | \$205 |
| *MINOR SUBDIVISION = 1-3 LOTS | | | | | | | |
| **MAJOR SUBDIVISION = 4 OR MORE LOTS | | | | | | | |

Roll Call: Motion by ____, second by ____. Thompson ____, Patten ____, Salasek __.

Documents:

[2021-0039_RES ADOPTING 2021 FEE RESOLUTION.PDF](#)

7. Approve 28E Agreement - Marshall County Communications Commission

Roll Call: Motion by ____, second by ____. Thompson ____, Patten ____, Salasek __.

Documents:

[REVISED 6TH WIP 2021 -- 28E MARSHALL COUNTY C....PDF](#)

8. File Receipt of Marshall County Zoning Variance No. 2021-VAR-6009, KH Land LLC, to allow filing a plat of survey in lieu of a subdivision plat as required by Ordinance.

On November 09, 2021 the Marshall County Zoning Commission met to review the request #2021-VAR-6009 by Scott Steinfadt representing KH Land LLC, legal owner of the land under request which is described as 20-83-20 SW NW EX THAT PORTION OF PARCEL A THAT LIES WITHIN AND EX PARCEL B SW NW, PIN #8320-20-100-009 and 20-83-20 NW NW EX THAT PORTION OF PARCEL A THAT LIES WITHIN 8320-20-100-005 to grant a waiver of the subdivision requirement. The parcel surveyed is a 60.00 foot wide strip of land along the east side of Parcel 'C' (PIN# 8320-20-100-008) and is intended to be transferred to the owner of Parcel 'C'. The surveyed parcel will be accessed through parcel 'C'. There have been too many splits in this section to allow another split. This would be a waiver not normally allowed under Article III, Section 3 of the Marshall County Zoning Ordinance No. 10. Scott Steinfadt explained to the commission that to meet setback requirements on a new cattle breeding barn that KH Land LLC, needed to transfer 60' from parcels A&B and have them added to Parcel C. The Zoning Commission voted unanimously to approve the request.

Section 3. SUBDIVISION PLAT REQUIRED. A subdivision plat shall be made when a parcel of land of record as of January 1, 2005, located in the unincorporated portion of the county is divided by repeated divisions or simultaneous divisions into three or more parcels. January 1, 2005 shall be known as the subdivision trigger date. The subdivision trigger date shall be revised to be January 1 of every tenth year following the initial trigger date of January 1, 2005.

Roll Call: Motion by ____, second by ____. Thompson ____, Patten ____, Salasek __.

Documents:

[ZONING VARIANCE 2021-VAR-6009 KH LAND LLC PLAT OF SURVEY IN LIEU OF SUBDIVISION.PDF](#)

9. Personnel Changes:

- Authorize change of employment status for Austin Ewalt, moving from Mech 3 to Mech 4, pay rate change from \$27.68 to \$28.01, effective November 27, 2021.

Roll Call: Motion by ____, second by ____. Thompson ____, Patten ____, Salasek __.

Documents:

[AUSTIN EWALT POSITION CHANGE MECH3 TO MECH4.PDF](#)

10. Items previously tabled:

10.A. Tabled: Approve Second Level Plan Administrator Appeal to the Marshall County Medical Benefit Plan—Discussion and possible action to consider a claim deviation appeal to the Marshall County Medical Benefit Plan

Motion by ____, second by ____ to remove item from table for discussion and possible action. Thompson ____, Patten ____, Salasek __.

Roll Call: Motion by ____, second by ____. Thompson ____, Patten ____, Salasek __.

10.B. Tabled: Review and possible Approval of selected project expenditures recommended by the Marshall County ARPA Committee, to be paid from the AMERICAN RESCUE PLAN ACT (ARPA) FUND: Total \$253,060.00.

[PROJECTS recommended by ARPA Committee at their meeting 10/21/2021:](#)

Attorney - Enhanced Supervision (Drug Court) Mental Health for 1 year: \$253,060.00.

Motion by ____, second by ____ to remove item from table for discussion and possible action. Thompson ____, Patten ____, Salasek __.

Roll Call: Motion by ____, second by ____. Thompson ____, Patten ____, Salasek __.

Documents:

[INVESTING IN SUBSTANCE ABUSE AND MENTAL HEALTHCOURTS.PDF](#)
[ARP SPENDING.PDF](#)

10.C. Tabled: Resources available for opioid-affected individuals in Marshall County. Discussion only.

Motion by ____, second by ____ to remove item from table for discussion and possible action. Thompson ____, Patten ____, Salasek __.

Roll Call: N/A.

Documents:

[NATIONAL OPIOID SETTLEMENT LETTER\(1\).PDF](#)

11. Road Improvement requests. Discussion only.

- Abbott Avenue, north of 160th Street, to Chapel Hill Church.
- E Main Street Road, east of Zeller Avenue to county line.

Roll Call: N/A.

12. Official Notice to Agencies Considering Requesting County Funding for Fiscal Year 2022-2023

The Board of Supervisors requires that all funding requests are submitted to the Board of Supervisors by December 8, 2021, at 4:30 p.m. Applications must be accompanied by documentation to substantiate the request. You may provide documentation of your own or you may request a budget packet from the County Auditor and Recorder's Office.

Roll Call: N/A.

Documents:

[2022-2023 OUTSIDE AGENCY FUNDING APPLICATION PACKET.PDF](#)

- 13. Public Forum. Time set aside for the public to make comments on topics of County business other than those listed on this agenda. No action will be taken on any of these topics brought up in the public forum.**

13.A. Sign up for Marshall County Website notifications.

Manage your subscription and receive Marshall County's notifications:

WWW.MARSHALLCOUNTYIA.GOV/LIST.ASPX

- 14. Closed Session per Iowa Code is 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential.**

CLOSED SESSION - CONFIDENTIAL RECORDS. Motion by _____, second by _____, to enter into Closed Session pursuant to Section 21.5, subsection 1, paragraph a, of the Code of Iowa, to review or discuss records which are required or authorized by state or federal law to be kept confidential . Marshall County has an attorney-client relationship with the Office of the Marshall County Attorney and Ahlers & Cooney P.C. Roll call vote: Thompson _____, Patten _____, Salasek _____. Time:_____.

- Motion to return to open session: Motion by _____, second by _____, to return to open session. Roll call vote: Thompson _____, Patten _____, Salasek _____. Time:_____.
- Possible motion following closed session directing staff to proceed as discussed during closed session. Motion by _____, second by _____, directing staff to proceed as discussed during closed session. Roll call vote: Thompson _____, Patten _____, Salasek _____. Time:_____.

Roll Call:

N/A.

- 15. Adjournment. The next regular session is December 07, 2021, at 9:05 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Wednesday, December 01, 2021, at 12:00 p.m. There being no further business to come before the Board, the meeting is adjourned at _____ a.m.**

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