

**Marshall County Board of Supervisors
Regular Session January 5, 2010, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, January 5, 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 Grabenbauer, second by Brooks to approve the agenda as printed. All voted aye.

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

Consent Agenda:

2. Approve Minutes-- from Regular Session of January 4, 2010.

3. Manure Management Update-Edler Brothers Farm, id no. 58296, annual update report received and placed on file with no changes made to the MMP.

4. Manure Management Update-Edler Brothers Farm, id no. 58297, annual update report received and placed on file with no changes made to the MMP.

5. Approve Personnel Actions:

a) Hire, **Kyle Michael Eliason**, Sheriff's Office, fulltime Jailer,
at \$15.39/hr., effective January 6, 2010.

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

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

7. Resolution No. 2010-0001

**RESOLUTION TO APPROVE THE MARSHALL
COUNTY COMMUNITY ATTRACTION &
TOURISM GRANT APPLICATION FOR LINN
CREEK TRAIL EXTENSION FROM GRIMES FARM
TO MARSHALL COUNTY HIGHWAY S75**

WHEREAS Marshall County has developed a multi-use trail system, and

WHEREAS this trail from Grimes Farm to S75 is part of the American Discovery Trail, the only coast to coast non-motorized recreational trail, and

WHEREAS one of the Imagine 2011 projects includes creating and pedestrian and bicycle friendly community, and completing this project, and

WHEREAS, the estimated project budget is as follows:

Funding Source	Marshall County
IDOT State Enhancement Program Application	\$800,000
Region 6 Enhancement funds	\$221,000
REAP	\$150,000
Marshall County Conservation Board	\$50,000
Healthy Iowans Initiative	\$20,000
Iowa Valley Bicycle Club	\$12,500
Marshall County	\$15,000
Marshalltown Convention & Visitors Bureau	\$10,000
MEGA 10 Foundation	\$5,000
HyVee	\$5,000
Marshall County Community Foundation	\$5,000
CAT	\$167,000
Other Secured Private Sources	\$15,500
Total estimated trail cost	\$1,476,000

WHEREAS, the anticipated construction start date will be summer of 2010 and the project will be fully done by summer of 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE MARSHALL COUNTY BOARD OF SUPERVISORS,

Section 1: That Marshall County hereby approves the CAT application in the amount of \$167,000.

Section 2: That Marshall County will be responsible for the recreational trail maintenance and operation. Marshall County will adequately maintain the completed project for its intended public use for a minimum of 20 years following project completion.

Section 3: Marshall County will provide \$15,000 of cash and \$24,794 of in-kind engineering inspection services for the project.

Approved this 5th day of January, 2010.

Motion by Brooks, second by Grabenbauer to adopt Resolution No. 2010-0001-Marshall County Community Attraction & Tourism Grant Application For Linn Creek Trail Extension From Grimes Farm To Marshall County Highway S75.

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

Ronald D. Goecke
Board of Supervisors, Chairman

Attest:

Karen Squiers
Marshall County Auditor

Resolution No. 2010-0002
8. Secondary Road Closure--

NOW, THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors that effective February 1, 2010, Paul C. Geilenfeldt, the County Engineer of Marshall County, Iowa, be and he is hereby designated, authorized and empowered on behalf of the Board of Supervisors of said County to execute the requirements of Section 306.41 of the Cod of Iowa until such time as formal action can be entered into the minutes of said Board.

Motion by Grabenbauer, second by Brooks to adopt Resolution ~~2009~~**2010-0002**.

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

Passed and Approved this 5th day of January, 2010.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
County Auditor

Resolution No. 2010-0003
9. Secondary Road-Certificate of Completion—

NOW, THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors that effective February 1, 2010, Paul C. Geilenfeldt, the County Engineer of Marshall County, Iowa be and is hereby designated, authorized and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to market and Federal or State aid construction projects in this county.

Motion by Brooks, second by Grabenbauer to accept and adopt Resolution 2009**2010**-0003.

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

Passed and Approved this 5th day of January, 2010.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
County Auditor

Resolution 2010-0004

10. Secondary Road-Moving Permits—

WHEREAS, the Board of Supervisors is empowered under authority of Section 321.1 of the Code of Iowa to issue permits for the movement of machines, vehicles or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.453 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

WHEREAS, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the county's roadways, road surfaces and structures along the selected or designated routes.

NOW, THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors that the Marshall County Engineer and the following named employees of the Secondary Road Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Marshall County Secondary Roads in accordance with said Chapter 321E:

Named employees:
Paul C. Geilenfeldt, PE
Mark Hentges
Dee Koch

Motion by Grabenbauer, second by Brooks to accept and adopt Resolution ~~2009~~**2010**-0004-Moving Permits.

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

Passed and Approved this 5th day of January, 2010.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
County Auditor

Resolution No. 2010-0005
11. Secondary Road-Embargo Signs—

NOW, THEREFORE BE IT RESOLVED by the Marshall county Board of Supervisors that the County Highway Department representing the Board of Supervisors be hereby authorized and directed to erect embargo signs restricting such loads on county routes, when such conditions exist, that al such loads be restricted to a maximum load as determined by the office of the County Engineer. Location of signs to be verified at the next adjourned session.

Motion by Brooks, second by Grabenbauer to adopt Resolution ~~2009~~**2010**-0005.

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

Passed and Approved this 5th day of January, 2010.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
County Auditor

Resolution No. 2010-0006

12. Secondary Road –Resolution-Bridge Postings

WHEREAS, Marshall County has structurally repaired several bridges causing the bridge load limit posting list to change.

NOW, THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors on this 5th day of January 2010 as provided in Sections 321.471, 321.472 and 321.473, Code of Iowa, to erect and/or maintain weight limit signs in advance of the following bridges located on the Federal Aid, Farm to Market, and Local Secondary Road Systems as follows:

County Bridge No.	Location SEC/TWN/RNG	Weight Limit (TONS)	Multiple Postings (TONS)	County Bridge No.	Location SEC/TWN/RNG	Weight Limit (TONS)	Multiple Posting (TONS)
A6	12-85-17	1 Truck at a time		J15	24-83-18		28-37-38
A7	12-85-17		21-32-38	J16	24-83-16	15	
A13	33-85-17	1 Truck at a time		J17	26-83-18	10	
B6	23-85-18	22		J18	32-83-18	1 Truck at a time	
B9	31-85-18	1 Truck at a time		J21	34-83-18	22	
B10	33-85-18	15		K1	1-83-19	Closed	
C1	1-85-19	10		K7	5-83-19	18	
C2	1-85-19	15		K9	5-83-19	12	
C4	5-85-19	15		L10	24-83-20	20	
C5	6-85-19	5		L14	31-83-20	15	
C6	6-85-19	1 Truck at a time		M11	24-82-19	1 Truck at a time	
C9	11-85-19	1 Truck at a time	28-39-40	M13	27-82-20	1 Truck at a time	
D11	16-85-20	10		M14	29-82-20	15	
D12	18-85-20	22		M19	36-82-20	10	
D20	35-85-20	8		M20	36-82-20	20	
E13	18-84-20	18		N6	16-82-19	1 Truck at a time	
E15	25-84-20	20		N9	20-82-19	1 Truck at a time	
F4	3-84-19	20		N12	28-82-19		25-37-40
F9	6-84-19	1 Truck at a time		N18	33-82-19	25	
G6	12-84-18	22		N19	33-82-19	15	
G9	23-84-18	18		N20	34-82-19	20	
G10	26-84-18	20		N21	35-82-19	1 Truck at a time	
G11	26-84-18	20		N24	36-82-19	20	
G13	26-84-18	20		O2	1-82-18	15	
H2	1-84-17	15		O9	13-82-18	25	
H7	4-84-17	16		O17	32-82-18	15	
H14	14-84-17	20		O18	33-82-18	20	
H20	22-84-17	17		P1	1-82-17	1 Truck at a time	
H23	27-84-17	20		P5	6-82-17	24	
I1	1-83-17	Closed		P6	6-82-17	15	
I4	3-83-17	Closed		P8	7-82-17	22	
I6	8-83-17	24		P9	7-82-17	18	
I11	11-83-17	9		P12	12-82-17	3	
I12	11-83-17	24-34-40		P13	13-82-17	20	
I14	13-83-17	18		P14	14-82-17	Closed	
I24	32-83-17	15		P15	16-82-17	20	
I28	28-83-17	6		P21	22-82-17	22	
J2	8-83-18	20		P27	32-82-17	9	
J5	9-83-18	25					

J8	19-83-18	22	
J10	22-83-18	10	

Secondary Road-Resolutions-One-Lane Bridge Postings—

WHEREAS, Marshall County has geometrically repaired several bridges causing the one-lane bridge posting list change, and/or in order to allow vehicles of the posted Weight (if any) limitation to safely cross the bridge.

NOW THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors of Marshall County, Iowa on this 5th day of January, 2010 to erect and/or maintain ONE LANE SIGNS in advance of the following bridges located on the Farm to Market and Local Secondary Road System as follows:

County Bridge No.	Location Sec/Twp/Rng	County Bridge No.	Location Sec/Twp/Rng
C1	1-85-19	J2	8-83-18
C2	1-85-19	J4	9-83-18
C3	3-85-19	J15	24-83-18
C4	5-85-19	J-17	26-83-18
C6	6-85-19	K1	1-83-19
C-14	21-85-19	K17	26-83-19
D1	5-85-20	M14	29-82-20
D2	8-85-20	M19	36-82-20
D11	16-85-20	N6	16-82-19
D16	27-85-20	N7	18-82-19
D18	32-85-20	N12	28-82-19
D20	35-85-20	N13	31-82-19
E10	15-84-20	N18	33-82-19
F4	3-84-19	N19	33-82-19
F12	13-84-19	N20	34-82-19
G5	9-84-18	N21	35-82-19
G6	12-84-18	N24	36-82-19
H5	3-84-17	P5	6-82-17
H7	4-84-17	P15	16-82-17
H21	25-84-17	P21	22-82-17
		P23	24-82-17

Motion by Grabenbauer, second by Brooks to adopt Resolution ~~2009~~**2010**-0006.

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

Passed and Approved this 5th day of January, 2010.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
County Auditor

Resolution No. 2010-0007

13. Secondary Road-Construction Road Closure—

WHEREAS Chapter 306, Section 306.41 of the Code of Iowa, provides for the temporary closing of a highway for construction, reconstruction, maintenance or natural disaster, and

WHEREAS, The Board of Supervisors of Marshall County, Iowa has delegated, effective February 1, 2010, to Paul C. Geilenfeldt, the duly appointed County Engineer, the authority to temporarily close any section of highway he deems a hazard,

NOW, THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors through their agent, Paul C. Geilenfeldt, that the following section(s) of highway be temporarily closed as necessary:

<u>HDP-C064(98)</u>	Grading of Highland Acres Rd. from UP north to Marshalltown Blvd.	
<u>HDP-C064(99)</u>	HMA Paving of Highland Acres Rd. from 233 rd north to Marshalltown Blvd.	
<u>BRS-C064 (106)</u>	Bridge over Iowa River in 2000 mile Marble Rd.	C-9
<u>BROS-C064()</u>	Bridge in 2500 mile Parker Avenue	J-10
<u>STP-S-C064 (110)</u>	CIP & HMA Resurfacing on 330 th St., from Reed to Underwood Ave.	
<u>FM-C064(107)</u>	HMA Resurfacing from Lamoille north and east to IA 330	
<u>FM-TSF-C064()</u>	HMA Resurfacing/Safety items E-35 from Marshalltown to Three Bridges Rd.	
<u>L-C04(05)</u>	Bridge in 1700 mile of 105 th St.	C-04
<u>L-D11(06)</u>	Bridge in 1200 mile of 120 th St.	D-11

<u>L-GRK1(09)</u>	Grade 225 th St. From HWY 330 to Langford Avenue	
<u>L-N07(07)</u>	RCB Culvert 3000 mile of Gerhard Avenue	N-7
<u>L-P12(10)</u>	Bridge in 2900 mile Abbott Ave.-Joint Tama County	P-12
<u>L-P12(10)</u>	Bridge replacement 3100 mile of Wallace Ave.	P-21

Motion by Brooks, second by Grabenbauer to adopt Resolution ~~2009~~**2010**-0007.

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

Passed and Approved this 5th day of January, 2010.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
County Auditor

- 14. Secondary Road-Equipment Purchase**—Discussion and possible action on the purchase of a John Deere 710J Tractor Backhoe/Loader from Murphy Tractor & Equipment Co. of Des Moines for \$130,550.00 without trade. This unit will be paid from FY 2010 Secondary Road Department Budget.

Motion by Grabenbauer, second by Brooks to accept the purchase of a John Deere 710J Tractor Backhoe/Loader from Murphy Tractor & Equipment Co. of Des Moines, Iowa for \$130,550.00 for Secondary Road Dept. use.

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

15. Secondary Road Right-of-Way Contract and Right of Entry Agreement—

Discussion and action on a contract to purchase an easement on land owned by Timothy Clarence Weatherly. This is for Project BROS-C064 (106) 60-64 Right of Way to provide easement for public highway and road purposes along and across the real estate: The easement is particularly described as follows:

Commencing at the West One-quarter Corner of Section Eleven (11), Township Eighty-five(85) North, Range Nineteen (19) West of the 5th P.M., Marshall County, Iowa;
thence N90d00'00"E 832.00 feet along the South line of the NW ¼ of the said Section 11
to the Point of Beginning; thence continuing N90d00'00"E 268.00 feet along the South
line of the NW ¼ of said Section 11; thence N00d00'00"E 65.00 feet; thence N90d00'00"W 259.25 feet; thence S07d41'00"W 65.60 feet along the West line of Lot 1
as described on the auditor's plat of said Section 11 to the Point of Beginning. The Easement contains (0.39 acres) more or less, of which (0.27 acres) are included in the
existing right of way and (0.12 acres) are included in this easement.

Motion by Brooks, second by Grabenbauer, to approve this contract to purchase right-of-way and authorize the Chairman to sign the contract.

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

16. Secondary Road Right-of-Way Contract and Right of Entry Agreement--

Discussion and action on a contract and right of entry agreement to purchase an easement

on land owned by Shaver Enterprises LTD. This is for Project BROS-C064 (106) 60-64

Right of Way to provide easement for public highway and road purposes along and across the real estate: The easement is particularly described as follows:

Commencing at the West One-quarter Corner of Section Eleven (11), Township Eighty-five(85) North, Range Nineteen (19) West of the 5th P.M., Marshall County, Iowa;
thence N90d00'00"E 450.00 feet along the North line of the SW ¼ of the said Section 11;
to the Point of Beginning; thence N90d00'00" 347.44 feet along the North line of SW ¼

of said Section 11; thence S06d37'27"W 65.45 feet along the West line of Parcel A as described by Recorder's Document No. 9703954; thence N90d00'00"W 98.20 feet; thence S00d00'00"E 60.00 feet; thence N90d00'00"W 191.70 feet; thence N33d41'25"W 90.15 feet; thence N00d00'00"E 50.00 feet to the Point of Beginning. This easement contains (0.80 acres) more or less, of which (0.42 acres) are included in the existing right of way and (0.38 acres) are included in this easement.

Motion by Grabenbauer, second by Brooks, to approve this right of entry agreement and contract to purchase right-of-way and authorize the Chairman to sign the contract.

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

17. Secondary Road-Certificate of Completion--on the following project:

Project ER-C064(105)—58-64 a contract with Midwest Contracting of Marshall Minnesota dated June 1, 2009 consisting of the construction of a twin 10' x 8' x 48 RCB Culvert in the 1900 mile of Marble Rd., in Section 10, T-85N, R-19W, Bangor Township. The project was completed on November 4, 2009.

Original Contract	\$126,531.85
Final Cost	\$129,432.05

Motion by Brooks, second by Grabenbauer, to accept the Certificate of Completion.

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

18. Public Forum—Deane Adams, County Treasurer, reported auto sales down 14% for year, and above average in December. Deane also reported that 55% of property taxes already paid. Board of Supervisors recognized Royce Fichtner, retiring County Engineer, with a key to the County. Supervisor Patrick Brooks made comments that a cell phone resolution/policy will be on the next BOS meeting agenda.

19. Adjournment--The next regular meeting is January 19, 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 14, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:49 a.m.

Attest: _____

Board meeting of
January 5, 2010

Ronald D. Goecke
Board of Supervisors, Chairman

Karen Squiers
Marshall County Auditor