

**Marshall County Board of Supervisors
Regular Session March 16, 2010, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, March 16, 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.

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

2. Budget 2009-10 Decrease in Appropriation, Public Hearing—

At the public hearing, any resident may present objections to or arguments in favor of any part of the proposed 2009-10 budget decrease in appropriation.

There were no written comments, questions, or objections on file in the County Auditor's Office, and there were 22 individuals attending the public hearing. There were 2 oral comments, questions or objections at the hearing.

Motion by Brooks, second by Grabenbauer, to close the public hearing.

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

3. Resolution-Budget Decrease in Appropriation 2009-2010—

Pursuant to section 331.434(6) Code of Iowa, the Amendment to the 2009-10 County Budget proposes decreases in appropriations of more than 10%, or \$5,000, whichever is greater, to the individual departments as published in the Marshalltown Times-Republican, Marshalltown, Iowa, on March 3, 2010, and the Mid Iowa Enterprise, State Center, Iowa, on February 25, 2010; and

There were no written comments, questions, or objections on file in the County Auditor's Office. There were 22 individuals attending the public hearing, and 2 individuals presented oral comments, questions, or objections at the hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors that the budget decrease in appropriations be approved as published.

Dated at Marshalltown, Iowa this 16th day of March, 2010.

Motion by Grabenbauer, second by Brooks, to adopt the Resolution for the Budget Decrease in Appropriations.

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

Ronald D. Goecke
Board of Supervisors, Chairman

Attest:

Karen Squiers
Marshall County Auditor

4. Resolution-Re-Appropriation of Funds for FY 2009-2010--

Be It Resolved that the estimated appropriations approved by the Board for the various funds and departments in the County at the beginning and during the fiscal year are adjusted to reflect the expenditures incurred and to be incurred by funds.

<u>Department</u>	<u>Current Appropriation</u>	<u>Re-Appropriation</u>
#01 – Supervisors	162,010	162,010
#02 – Auditor	614,215	577,390
#03 – Treasurer	575,365	580,865
#04 - County Attorney	876,817	918,717
#05 – Sheriff	4,541,376	4,691,771
#07 – Recorder	329,575	331,975
#08 - Buildings & Grounds	1,262,625	1,272,275
#09 – Zoning	52,910	52,910
#15 - Information Systems	574,109	572,134
#16 – GIS	171,600	222,148
#19 - General Assistance	27,785	22,535
#20 - County Engineer	6,592,900	6,081,200
#21 - Veteran Affairs	84,854	84,854
#22 - County Conservation	1,493,855	693,855
#23 - Local Health Board	315,396	420,432
#24 - Weed Eradication	14,510	14,510
#25 - Dept of Human Services	157,630	149,773
#28 - Medical Examiner	67,900	67,900
#31 - District Court	406,800	407,091
#33 - County Library Contract	67,419	67,419
#40 – Harvester TIF	315,000	325,000
#42 – Gateway TIF	31,800	31,800
#60 - Mental Health Admin	4,160,471	4,150,471
#70 - Local Emergency Mgmt	18,550	18,550
#84 - County Capital Building	26,200	518,700
#86 - Gateway Project	65,000	65,000
#99 - Nondepartmental	1,643,388	1,473,988
Total	24,650,060	23,975,273

Dated at Marshalltown, Iowa this 16th day of March, 2010.

Motion by Brooks, second by Grabenbauer, to adopt this re-appropriation of funds for FY 2009-10.

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

Consent Agenda:

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

6. File District Court Report-2-10

General Supplemental Fund 10% Surcharge - \$899.82

7. Accept Manure Management Plan Annual Update-J.T. Farms West Site, id 63207, Sec.7, T82, R18, a non-permitted manure management plan annual update has been received and placed on file. There were no changes.

8. Accept Manure Management Plan Annual Update-TriOak Foods, id 61016, Sec.20, T85, R20, a manure management plan annual update has been received and placed on file. There were no changes.

9. Accept Manure Management Plan Annual Update-McDonald Hog, LLC, id 59034, Sec.19, T85, R19, a manure management plan annual update has been received and placed on file. There were no changes.

10. Appointments-Commencing March 16, 2010:

a. Conservation Board –Julie Stahl–3-16-2010 to 12-31-2013

Julie Stahl appointed to fulfill the unexpired term of resigned conservation board member Bill Martin (1-1-2009-12-31-13).

11. 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 March; the March list of claims will be a part of the first meeting in April.

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

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

12. Marshall County Employee 32 hour work week --

Discussion and action on voluntary election by County employees of 32 hour work week, with Department Head approval.

Motion by Brooks, second by Grabenbauer to table County employee voluntarily election of 32 hour work week, with Department Head approval **indefinitely**.

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

13. Secondary Road--Discussion and possible action on the approval of the contract with OMG Midwest, Inc. D/B/A Cessford Construction Co. of LeGrand in the amount of \$610,805.79. This project consists of the new HMA paving of the newly graded Highland Acres Road from 233rd Street, north 1.15 miles to just north of Lincoln Way. This project is funded with Federal HDP Funds and Farm to Market Funds.

Motion by Grabenbauer, second by Brooks to approve the contract with OMG Midwest, Inc. in the amount of \$610,805.79 and authorize the Chairman to sign the contracts and bonds.

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

14. Secondary Road-Setting the Date and Time for Granular Resurfacing Letting—Discussion and possible action on setting April 13, 2010 at 9:00a.m. - for the Granular Resurfacing letting.

Motion by Brooks, second by Grabenbauer to set the Granular Resurfacing Letting date for April 13, 2010 at 9:00am.

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

15. Resolution No. 2010-0010

RESOLUTION
IN SUPPORT OF NAMING IOWA VETERANS HOME BUILDING
IN HONOR OF MAJOR STANLEY R. SMITH

WHEREAS, the Iowa Veterans Home is now constructing new living facilities for residents at the IVH here in Marshall County, and

WHEREAS, the Iowa Veterans Home has requested nominations from the public for the naming of the buildings, and

WHEREAS, one of the names which has been nominated and is being considered as a name for one of the buildings is that of Major Stanley R. Smith, a Marshalltown native who gave his life in 1968 in the Vietnam War helping defend the freedoms all Americans enjoy, and

WHEREAS, Major Smith grew up here in Marshalltown very close to the Iowa Veterans Home and graduated from Marshalltown High School in 1955 where he was a recognized leader in school activities and then served honorably in the United States Marine Corp until he was killed in the Vietnam War at the age of 30, and

WHEREAS, Major Smith through his service and bravery demonstrated a total commitment to the ideals all residents of Iowa and the United States honor and respect,

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Marshall County hereby expressly recommends to the Iowa Veterans Home and the State of Iowa

that one of the new buildings now being constructed at the Iowa Veterans Home be named in honor of Major Stanley R. Smith.

Dated this 16th day of March, 2010.

Motion by _____, second by _____ to _____ approve this Resolution No. 2010-0010 in support of naming Iowa Veteran's Home building in honor of Major Stanley R. Smith. **No action taken.**

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

_____ Ronald D. Goecke Board of Supervisors, Chairman	Attest: Karen Squiers Marshall County Auditor
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16. Tax Relief for OMG Midwest, Inc.(OMG) formerly Cessford Construction Co.—Discussion and possible action on approval of granting property tax relief for qualifying parcels and portions of parcels that qualify under Iowa Code 427.1(22). This request pertains to parcels 12-01-100-006, 12-01-302-001, 12-02-400-006 and 12-11-200-003 and portions of parcels 12-01-352-001 and 12-01-352-004, for a total of 86.98 acres of wildlife habitat owned by OMG Midwest, Inc. of Marshall County.

Motion by Grabenbauer, second by Brooks to table the granting of this request for property tax relief for OMG Midwest, Inc. formerly Cessford Construction according to Iowa Code 427.1(22) to the next scheduled Board of Supervisor's meeting.

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

17. Request for Subdivision Variance from Eugene B. McRill, SV-10-01—Discussion and possible action on a request from Eugene B. McRill for property legally described as:

Lots Two (2) and Four (4) and all that part of Lot Three (3) lying West of the Highway of the Northeast Quarter of the Northwest Quarter; Lots One (1) and Six (6) of the Northwest Quarter of the Northwest Quarter; all of Lot Five (5) and that part of Lots Two (2), Four(4) and Six(6) lying west of the Highway of the Southeast Quarter of the Northwest Quarter and Lot Two (2) of the Northwest Quarter of the Northeast Quarter, all in Section One, Township Eighty-four (84) North, Range Nineteen (19) West of the 5th P.M., Marshall County, Iowa, Except a tract of land lying partly within Lot 1 and Lot 2 of the Subdivision of the Southeast Quarter of the Northwest Quarter and partly within Lot 3 and Lot 4 of the Subdivision of the Northeast Fractional Quarter of the Northwest Fractional Quarter, all in Section 1, Township 84 North, Range 19 West of the 5th P.M., Marshall County, Iowa, more particularly described as beginning at a point on the West line of Lot 4 of the Subdivision of the Northeast

Fractional Quarter of the Northwest Fractional Quarter of Section 1, Township 84 North, Range 19 West of the 5th P.M., Marshall County, Iowa, 52.9 feet North of the Southwest Corner of said Lot 4: thence North 00degrees03' East 243.6 feet; thence North 51degrees57' East 362.6 feet ; thence South 89degrees48' East 582.5 feet; thence South 45degrees43' East 347.8 feet; thence South 23 degrees 50' West 388.0 feet; thence North 71degrees36' West 472.4 feet; thence South 88 degrees10' West 512.5 feet to the point of beginning.

Motion by Grabenbauer, second by Brooks, to approve the request by Eugene B. McRill, SV-10-01, for a subdivision variance to Article III, Section 3 of the Platting and Subdivision Ordinance and allow a plat of survey to be filed in lieu of a subdivision.

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

18. Ordinance No. 14 Courthouse Parking, Amendment No. 10-1--First Reading and Set Hearing--

The Marshall County Board of Supervisors is considering the adoption of Amendment No.10-1 to Ordinance No. 14 of Marshall County, which is the Courthouse Parking Ordinance; and

Now, Therefore, Be it Resolved by the Marshall County Board of Supervisors that the following sections be amended with additions or revisions as follows:

Sections 4. General Provisions

Section 5. Violations

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MARSHALL COUNTY, IOWA.

SECTION 1. Title.

This Ordinance shall be known as the "Courthouse Parking Ordinance".

SECTION 2. Purpose.

The purpose of this Ordinance is to provide for the regulation and control of parking in the Marshall County Courthouse parking areas.

SECTION 3. Definitions.

For purposes of this Ordinance the following words and phrases shall be interpreted and defined as follows:

1. "Board of Supervisors" shall mean the Marshall County Board of Supervisors.
2. "Courthouse parking area" shall mean and include the parking areas immediately south of the Marshall County Courthouse and north of Church Street; the diagonal parking spaces numbered 1

through 11, located on the west side of South 1st Avenue along the Courthouse square; the Courthouse Annex parking lot located east of the Courthouse and south of the east-west alley; and the parking lot located immediately south of the Courthouse Annex Building just east of 1st Avenue and north of the east-west alley; and the parking area immediately east of the Marshall County Engineer's Office located at 101 E. Church St. (*Section 3. Definitions., 2. "Courthouse parking area"was repealed and replaced on 2-11-2003.*)

3. "Courthouse parking area superintendent" shall mean that person(s) authorized and appointed by the Marshall County Board of Supervisors to direct, control and supervise parking in the Courthouse parking areas. Said individual, along with any peace officer having jurisdiction over the area, shall have the authority to issue parking tickets for violations of the provisions of this Ordinance.
4. "Parking permit" shall mean those permits issued by the County, authorizing parking in Courthouse parking areas.
5. "Reserved parking area" shall mean those Courthouse parking areas designated by signs, or areas painted with a yellow color, or otherwise posted that directly control and limit parking within the painted, signed or posted area.
6. "Overtime Parking" shall mean those vehicles parked in the Courthouse parking areas exceeding the posted time limits.

SECTION 4. General Provisions.

1. No motor vehicle shall park in any manner other than with the front of the vehicle headed in toward the curb. All motor vehicles shall be parked in the spaces between the painted lines on the curb, street, or bridge timbers, to mark parking stalls and shall not be parked in any manner straddling or upon the painted lines.
2. No motor vehicle shall be parked so as to obstruct or block in any manner any sidewalk or other pedestrian walk.
3. No motor vehicle shall at any time be double parked except as otherwise authorized by this Ordinance or the Board of Supervisors.
4. No motor vehicle, except one authorized to be parked in a reserved parking area, shall be left parked in the parking area immediately south of the Courthouse and north of Church Street for a period longer than ~~one (1) hour~~ **two (2) hours** between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, except as otherwise authorized by this Ordinance or the Board of Supervisors.

5. No motor vehicle, except one authorized to be parked in a reserved parking area or one which has a parking permit prominently displayed, shall be left parked in any other Courthouse parking area for a period longer than two (2) hours between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, except as otherwise authorized by this Ordinance or the Board of Supervisors.
6. No motor vehicle shall remain parked in any Courthouse parking area for a period longer than twelve (12) continuous hours, except as authorized by the Board of Supervisors.
7. No motor vehicle shall be parked in any reserved parking stall, except as follows:
 - a. A county or state official may park their vehicle in the stall reserved for that official;
 - b. Persons with permits authorized by law may park in spaces reserved for handicapped parking.
 - c. **Employees that have been determined disabled (by doctor certificate) shall be issued a temporary special use permit and allowed to park anywhere in the ½ circle with Board of Supervisor approval.**
8. No trucks other than pickup trucks and panel trucks shall be parked in any Courthouse parking area, except as authorized by the Board of Supervisors.
9. No tractor or trailer of any sort shall be parked in any Courthouse parking area, except as authorized by the Board of Supervisors.
10. County Employees who have been provided with parking privileges in the Courthouse parking area or a city owned lot will face additional disciplinary action through their department or office for violation of this Ordinance.

SECTION 5. Violations.

Establishing penalties for violation of permit parking, overtime parking, no parking any time, restricted parking and providing a method of payment therefore. The City of Marshalltown is responsible for establishing the fines for all violations of the Marshall County Parking Ordinance. These fees correlate with the currently established fines of the City of Marshalltown.

~~Violations of this ordinance which are denied shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in Iowa Code Section 602.8106, subsection 1 and section 805.6, subsection 1, paragraph "a" for parking~~

~~violation cases. In cases where the violation is admitted the following shall apply:~~

~~Overtime parking—The registered owner of a vehicle parked in violation of Sections 4(4) and 4(5) of this Ordinance shall be subject to the following fines:~~

- ~~a. — \$2.00 for each violation if paid on the date of the parking violation;~~
- ~~b. — \$5.00 for each violation not paid on the date of the offense but paid within 30 days of the date of the violation;~~
- ~~c. — \$10.00 for each overtime parking violation not paid within 30 days of the time of the violation.~~

~~2. — Illegal parking—The registered owner of a vehicle parked in violation of Sections 4(1), 4(2), 4(3), 4(6), 4(7), 4(8), 4(9) and 4(10) of this Ordinance shall be fined as follows:~~

- ~~a. — \$5.00 for each violation if paid within 30 days of the date of the offense; and~~
- ~~b. — \$10.00 for each violation if not paid within thirty days of the date upon which the violation occurred.~~

~~3. — The fines for violations that are admitted may be paid in the Office of the Board of Supervisors or by leaving the fine and parking ticket in the designated green-yellow box located near the South entrance of the Courthouse.~~

~~4. — All other violations of this Ordinance shall be considered to be simple misdemeanors.~~

~~5. — Failure to pay a judgment for a parking violation can be grounds for refusing to renew a motor vehicle's registration pursuant to Iowa Code section 321.40 (1995).~~

1. That the penalty for violating any permit parking, overtime parking, no parking any time, and restricted parking provisions shall be a fine of fifteen (\$15.00) dollars if paid within 30 days of the violation and if not so paid within 30 days of the violation the fine shall be twenty-five (\$25.00) dollars. The penalty for violating fire lane parking shall be a fine of twenty-five (\$25.00) dollars if paid within 30 days; and if not so paid within 30 days the fine shall be thirty-five (\$35.00) dollars. Fines shall not be paid in pennies.

2. Payment of the fines referred to in the above section may be made by depositing the money in the envelope provided in the courtesy box, by paying same at the city clerk's office, City Hall, or by mailing the fee in the envelope provided by

depositing it in any proper U.S. mail box with sufficient U.S. postage affixed thereon.

3. **Each subsequent hour that the vehicle shall remain improperly parked after each summons is issued shall constitute a new and separate violation and shall incur the same penalty.**
4. **If such penalty provided for in subsection (a) and (b) of this section is not paid as provided or if sufficient U.S. postage is not affixed when the citation is mailed such penalty shall be \$5.00.**
5. **If any penalty set forth in this section is not so paid as provided in this section within ten days after such violation, the person, firm or corporation liable shall be chargeable upon an information filed in the appropriate court and shall be subject to such penalty under costs as the court shall determine.**

SECTION 6. Severability.

If any section, provision, or part of this Ordinance shall be found or adjudged to be invalid, unconstitutional, or inconsistent with or in conflict with state or federal laws, such section, provision or part shall not affect the validity of the remainder of the Ordinance.

SECTION 7. Effective Date.

This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

SECTION 8. Repeal of Parking Regulation #2.

Be It Further Resolved that such amendment shall not be effective until a public hearing is held at 9:00 a.m. on the 30th day of March 2010, with a notice of the public hearing published in the Marshalltown Times-Republican and the Mid Iowa Enterprise, and the Board adopts the third reading of the proposed amendment and the amendment is published.

Motion by Brooks, second by Grabenbauer to adopt the first reading of amendment 10-1 to Ordinance #14-Courthouse Parking and set the public hearing at 9:00 a.m. on the 30th day of March 2010 **and designate it as the second reading.**

Dated at Marshalltown, Iowa, this 16th day of March 2010.

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

Ronald D. Goecke
Board of Supervisors, Chairman

Attest: _____
Karen Squiers
Marshall County Auditor

19. Discussion on the Addition of Flower Pots on Courthouse Grounds—Darrell Gaskill will make a presentation on the addition of two flower pots in memory of loved ones to be placed on the Courthouse grounds.

Motion by Grabenbauer, second by _____ to **approve Darrell Gaskill placing flowers on the courthouse grounds. Motion died for lack of a second.**

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

20. Discussion with OPN Architects, Inc.-Review plans and specifications for the window project before putting it out for bid process. The timeline for the project is as listed:

March 25, 2010 - Publication-Notice to Bidders
April 1, 2010 - Pre-Bid Conference
April 13, 2010 - Bids Due at Board of Supervisors Meeting
April 27, 2010 - Public Comments on the Project
May 11, 2010 - Public Hearing and Approve/Act on Bids
May 17, 2010 - Anticipate Starting Contracts-Owner Contractor A101
May 24, 2010 (week of) - Anticipate Start Construction
September (end of) - Finish Construction

Motion by Brooks, second by Grabenbauer to approve the report as presented.

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

21. Public Forum—There were no comments from the public.

22. Adjournment--The next regular meeting is March 30, 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 March 25, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 10:18 a.m.

Ronald D. Goecke
Board of Supervisors, Chairman

Attest: _____
Karen Squiers
Marshall County Auditor