

**Marshall County Board of Supervisors
Regular Session March 30, 2010, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, March 30, 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:	Goecke-Aye	Grabenbauer-Aye	Brooks-Aye
	Chairman	Vice Chairman	Member

Consent Agenda:

- 2. Approve Minutes--** from Regular Session of March 16, 2010.
- 3. Manure Management Plan and Animal Confinement Operation** - The Board has received a manure management plan update from Prestage Farms of Iowa, LLC, operation P-295, id #65971, located in Sec. 7, T84, R19, of Marietta Township, Marshall County. Changes in MMP include changing optimal yields and using manure analysis for determining application rates when applying manure.
- 4. Manure Management Plan and Animal Confinement Operation** - The Board has received an original non-permitted manure management plan and animal confinement feeding operation from Prestage Farms of Iowa, LLC, operation P-296, id#65970, located in Sec. 4, T84, R19, of Marietta Township, Marshall County. Changes in MMP include changing optimal yields and using manure analysis for determining application rates when applying manure.
- 5. Approve Band Shell Rental Agreement** –Marshalltown Central Business District has submitted a rental agreement for the Mobile Band Shell to be placed on the Courthouse grounds for the Car Show and Concert being held on Saturday, July 24, 2010 during the hours of 1:00pm -10:00pm.
- 6. Approve Public Event Held on County Property**—Marshalltown Central Business District requests permission to hold Garden Extravaganza activities on the Courthouse grounds Saturday May 1, 2010 during the hours of 9:00am to 2:00 pm.
- 7. Approve Personnel Actions:**
 - a) Hire **Frank Adams**, Engineer's office, temporary, part time office, at \$15.00/hr., effective May 17, 2010
- 8. Approve Public Event Held on County Property** - Darrell G. Meyer requests permission to hold an event on the Courthouse grounds on Thursday, August **April 15, 2010, with an April 22, 2010 rain date**. The event will be promoted as a Local TEA Party and will be from the hours of 5-

6pm. Electrical hookup is requested for the event.

9. Approve Claims –as audited and authorize the County Auditor to issue payment of same.

Motion by Grabenbauer, second by Brooks, to approve the consent agenda **with dates changed in agenda item number 8** as printed above.

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

10. 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 _____ to encourage Marshall County employees to voluntarily elect a 32 hour work week, with Department Head approval. **Died for lack of a second.**

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

11. Resolution #2010-0011

**Child Abuse Prevention Month
Proclamation**

Whereas, Iowa's Children are one of the most precious resources in our state and provide the hope for a brighter tomorrow in Iowa;

Whereas, 284 Marshall County children were confirmed to be victims of child abuse in 2009;

Whereas, the effects of child abuse are felt by entire communities and preventing this tragedy depends on involvement of people throughout the community;

Whereas, effective child abuse prevention succeeds because of partnerships created between parents, practitioners, school, faith communities, health care organizations, law enforcement agencies, and the business community;

Whereas, all citizens need to be more aware of child abuse and neglect and its prevention within the community, and be involved in supporting parents to raise their children in a safe, nurturing society;

Now, Therefore, We, The Marshall County Board of Supervisors, do hereby proclaim April as Child Abuse Prevention Month in Marshall County, Iowa and urge all citizens, community agencies, religious organizations, medical facilities, and business to increase their participation in efforts to prevent child abuse and neglect, thereby strengthening the communities in which we live.

Dated at Marshalltown this 30th day of March, 2010.

Motion by Grabenbauer, second by Brooks to **adopt the proclamation of** ~~proclaim~~ April as Child Abuse Prevention Month in Marshall County, Iowa.

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

Attest:

Ronald D. Goecke
Board of Supervisors, Chairman

Karen Squiers
Marshall County Auditor

12. Secondary Road-2010 Weed Spraying and Thistle Control

Contract—Discussion and action on the approval of hiring B & W Control Specialists, Algona, Iowa, for the roadside spot spraying of weeds and thistles along Marshall County's roadsides. The estimated costs are as follows:

a.) Treat 8 townships in the western ½ of the county with Patron 170 @ 1.25 quarts per acre in areas in need of spraying, to be applied as a spot-broadcast.
Estimated cost - \$47,125.00. This application is to be started the second or third week in May depending on spring weather conditions.

b.) Spot spraying of thistles in the eastern ½ of the county, the application cost will be a fixed price based on a per mile rate. The actual amount of product used will depend upon the number of target species encountered.
Estimated cost - \$25,635.00. This spraying is to be done early to mid September depending on weather conditions and stage of thistle development.

Motion by Brooks, second by Grabenbauer, to approve the hiring of B & W Control Specialists, Algona, Iowa for the roadside spot spraying of weeds and thistles along Marshall County's roadsides in 2010.

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

13. Resolution #2010-0012

2010 Marshall County Noxious Weed Control Resolution—

Whereas, noxious weeds can reduce crop yields by competing for light, water, and soil nutrients; decrease crop value and market ability; serve as hosts for certain economic insects and disease pathogens; directly affect human and animal health; and detract from the aesthetic value of real property, and

Whereas, In accordance with the **Iowa Weed Law**, landowners and persons in possession or control of any Marshall County lands, rural or urban, should destroy

noxious weeds before they bloom or reach their maturity. They can be destroyed by cutting, burning or chemical treatment and;

Whereas, the Code of Iowa provides that if the owner or persons in control of lands fail to comply, the county weed commissioner can order the noxious weeds destroyed and the cost of such will be assessed against the landowner.

Whereas, the Marshall County Board of Supervisors desires to implement an effective noxious weed control program for the 2010 growing season in Marshall County

Now, Therefore, Be It Resolved, that the following shall constitute the 2010 Marshall County Noxious Weed Control Program;

1. The following noxious weeds must be destroyed before going to seed and as often as necessary thereafter to prevent seed production:

Curly (Sour) Dock, Hoary Cress, Leafy Spurge, Perennial Peppergrass, Red (Sheep) Sorrel, Smooth (Pale) Dock, Quack grass, Buckthorn, Musk Thistle, Buckhorn Plantain, Russian Knapweed, Canadian Thistle, Shattercane and Wild Mustard, Field Bindweed, Poison Hemlock, Wild Carrot, Bull Thistle, Cocklebur, Horse (Bull) Nettle, Perennial Sowthistle, Puncturevine, Tall Thistle, Teasel, Velvetleaf (butterprint), Wild Sunflower and Multiflora Rose.

2. Persons interested in working for the weed commissioner on a contract basis to mow weeds should submit a bid on an hourly basis, along with information on equipment available and references to the Weed Commissioner, Courthouse.

3. Marshall County will conduct a roadside weed management spraying program again this year. The county will blanket spray for thistles, wild carrot and wild mustard specifically, and other noxious weeds found in high concentrations generally in the roadsides and areas of county ownership over eight townships in the west half of the county in mid to late May or early to Mid June.

4. In mid to late August the county will conduct a spot spray program in the east half of the county for all thistle varieties as well as poison hemlock, wild carrot and wild mustard specifically, and other noxious weeds found in high concentrations generally in the roadsides and areas of the county owned by the county.

5. The county will also conduct a separate spray program on areas of dense populations of equisetum and teasel in selected areas of the county, primarily along East Main St. Rd. between Vance Ave. and Wallace Ave., and along Wallace Ave. north of East Main St. Rd. to 190th St, and along Main St. Rd. between Highland Acres Rd. and Knapp Ave. The County will also spray for Leafy Spurge in selected areas along Summit St. Rd. and Sand Rd.

6. Any person seeking to have their land exempted from the county spray program may ask the county to skip their property. This requires filing a proper description with the county which will be placed on the County "Do Not Spray" map. This also requires placement of the County "Do Not Spray" placards at each end of the area not to be sprayed. There is a fee of \$10.00 per area requested to not be sprayed.

Be It Further Resolved that this 2010 Noxious Weed Control Program shall become effective upon its adoption by the Marshall County Board of Supervisors.

Dated at Marshalltown, Iowa, this 30th day of March, 2010.

Motion by Grabenbauer, second by Brooks, to adopt this Resolution.

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

14. Marshall County Community Services-Provider and Program Participation Agreement—Discussion and possible action on the program provider agreement between Marshall County and St. Lukes Hospital in Cedar Rapids, Iowa. Rates listed on the agreement shall be effective July 1, 2009 through June 30, 2010.

Motion by Brooks, second by Grabenbauer, to approve this request.

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

15. Contract for Targeted Case Management Services—Discussion and action on a contract between Marshall County and the Targeted Case Management Unit of the Department of Human Services located at 101 East Main Street, to provide services for persons with chronic mental illness, mental retardation, and persons with developmental disabilities for a period from July 1, 2010 through June 30, 2011.

Motion by Grabebauer, second by Brooks, to approve the Contract.

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

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 Brooks, second by Grabenbauer to deny the granting of this request for property tax relief for OMG Midwest, Inc. formerly Cessford Construction according to Iowa Code 427.1(22).

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

17. Lease Agreement Renewal with Prairie Land Cooperative--Discussion and possible action on the renewal of a lease agreement between Marshall County (Landlord) and Prairie Land Cooperative (Tenant) for the use and maintenance of a storage tank owned by Landlord located on ground at 2369 Jessup Avenue, Marshalltown, Iowa. The term of this lease commences on July 1, 2009 and continues until June 30, 2014. Details of the agreement are on file in the Marshall County Board of Supervisors office.

Motion by Grabenbauer, second by Brooks to table to the next meeting the renewal of a lease agreement between Marshall County and Prairie Land cooperative for the use and maintenance of a storage tank located at 2369 Jessup Avenue, Marshalltown, Iowa.

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

18. 28E Agreement between the City of Marshalltown, Iowa and Marshall County, Iowa-- Discussion and possible action on a 28E agreement between the City of Marshalltown and Marshall County. Pursuant to the provisions of Chapter 28E of the Code of Iowa the City of Marshalltown would hereby vest Marshall County with De Jure authority to prosecute traffic and simple misdemeanor offenses brought under Marshalltown City Code. This agreement is effective upon the date it is accepted by both the City of Marshalltown and Marshall County, filed with the Marshall County Recorder and filed with the Iowa Secretary of State. The duration of this agreement shall be perpetual.

Motion by Brooks, second by Grabenbauer to approve this 28E Agreement between the City of Marshalltown and Marshall County. This agreement is effective as the conditions listed above have been met.

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

19. Ordinance No. 31 Courthouse Parking, Public Hearing--The Marshall County Board of Supervisors is considering the passage of Ordinance No. 31 which is an Ordinance regulating parking for the Courthouse on County owned real estate. The Ordinance being considered is set out in full for purposes of this public hearing, under agenda item number twenty below. Ordinance No. 31 was previously known as Ordinance No. 14.

At this public hearing, any individual may present objections to or arguments in favor of proposed Ordinance No. 31.

There were no written comments, questions, or objections on file in the County Auditor's office. Of the 5 individuals attending the hearing, one individual presented oral comments, questions or objections.

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

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

20. Ordinance No. 31 Courthouse Parking-Second Reading--The Marshall County Board of Supervisors is considering the adoption of Ordinance No. 31 of Marshall County, which is the Courthouse Parking Ordinance; and the repealing of Ordinance No. 14 and any amendments thereto.

Ordinance No. 31 Courthouse Parking

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 and Repealer.

The purpose of this Ordinance is to provide for the regulation and control of parking in the Marshall County Courthouse parking areas. Ordinance No. 14, Courthouse Parking, and any amendments thereto, are hereby repealed.

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.
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 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.

1. 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 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.

Motion by Brooks, second by Grabenbauer to adopt the second reading of Ordinance No. 31 and proceed to the 3rd reading of the Ordinance.

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

Ronald D. Goecke
Board of Supervisors, Chairman

Attest:

Karen Squiers
Marshall County Auditor

21. Public Health Week -Pat Thompson will speak on Public Health Week which runs April ~~56~~-April ~~11th~~^{12th}, 2010.

22. Public Forum—Wayne Chizek, GIS Director, made a recommendation to change compensation time from the 40 hour max to 80 hour max in personnel policy.

23. Adjournment--The next regular meeting is April 13, 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 April 8, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting is adjourned at 10:00 a.m.

Ronald D. Goecke
Board of Supervisors, Chairman

Attest:

Karen Squiers
Marshall County Auditor