

**Marshall County Board of Supervisors
Regular Session April 13, 2010, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, April 13, 2010, at 9:00 a.m. in meeting room #2, 3rd Floor, northeast corner of the courthouse with all three members present.

1. Approval or Amendment of Agenda—

Motion by Grabenbauer, second by Brooks to amend the agenda as printed. **Item #16-Coalition for Youth-Approve Grant Submission for FY11 was added to the agenda.**

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

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

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

2. Secondary Road-Granular Resurfacing Letting –9:00am

RECORD OF CONSTRUCTION AND MATERIAL BIDS				Juel Truck Line Melbourne, IA Check		Martin-Marietta Materials Des Moines, Iowa Bid Bond		Knife River Midwest, L.L.C. Stratford, Iowa Bid Bond	
Project NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	LEGRAND QUARRY								
1	CRUSHED STONE ONLY (8.20)								
	HAUL ONLY AND PLACE ON								
	THE ROAD.	20,819.00	TONS	2.860	\$59,542.34				
2	FERGUSON QUARRY								
	FURNISH, HAUL AND PLACE								
	ON THE ROAD.	31,568.00	TONS			\$10.65	\$336,199.20		

3	GRAVEL ONLY								
	FURNISH, HAUL AND PLACE								
	ON THE ROAD.	14,274.00	TONS					\$8.21	\$117,189.54
4	CRUSHED STONE ONLY (7.95)								
	FURNISH, HAUL AND PLACE								
	ON THE ROAD. FROM FERGUSON QUARRY	8,996.00	TONS			\$11.62	\$104,533.52		

Motion by Grabenbauer, second by Brooks to award project No. 1 to Juel Truck Line, Melbourne, Iowa in the amount of \$59,542.34 and authorize the Chairman to sign the contract and bond.

Motion by Brooks, second by Grabenbauer to award project No. 2 to Martin-Marietta Materials, Des Moines, Iowa in the amount of \$336,199.20 and authorize the Chairman to sign the contract and bond.

Motion by Grabenbauer, second by Brooks to award project No. 3 to Knife River Midwest, LLC, Stratford, Iowa in the amount of \$117,189.54 and authorize the Chairman to sign the contract and bond.

Motion by Brooks, second by Grabenbauer to award project No. 4 to Martin-Marietta Materials, Des Moines, Iowa in the amount of \$104,533.52 and authorize the Chairman to sign the contract and bond.

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

3. Receipt and Consideration of Bids - Bids are for a single prime contract for Window Restoration and Replacement. Plans and specifications governing the construction of the proposed work have been prepared by OPN Architects, Inc of Des Moines, Iowa. Bids will be acted upon at the **April 27, 2010** ~~May 11, 2010~~ Board of Supervisors meeting.

General Contractors	Hay Construction	Renaissance Restoration	Garling Construction
	Marshalltown, IA	Davenport, IA	Belle Plaine, IA
Bid Security	Yes	Yes	Yes
Addendum No. 1	x	x	x
Addendum No. 2	x	x	x
Addendum No. 3	x	x	x
Addendum No. 4	x	x	x

Base Bid	\$470,750	\$575,950	\$451,848
Alternate No. 1	0	\$18,370	\$16,000
Window extrusion			
Alternate No. 2	\$21,000.00	\$52,000.00	\$27,000.00
Window Restoration			
Unit Pricing No. 1	2.50LF	12.00LF	5.00LF
Interior stop			
Total with Alternates	\$491,750.00	\$646,320.00	\$494,848.00
Total w/o No. 1 Alternate	\$491,750.00	\$627,950.00	\$478,848.00

Motion by Brooks, second by Grabenbauer to receive opening bids for contract for Courthouse Window Restoration and Replacement. Bids will be acted upon at the ~~May-11, 2010~~ **April 27, 2010** Board of Supervisor meeting at 9:00am in meeting room #2.

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

Consent Agenda:

- 4. Approve Minutes--** from Regular Session of March 30, 2010.
- 5. File District Court Report-3-10**
General Supplemental Fund 10% Surcharge - \$990.43
- 6. Request the Use of the Grand Courtroom** –Historical Society requests the use of the Grand Courtroom on Oct. 21, 2010 from 6-8:30 p.m. for their monthly “History on Third Program” which are free and open to the public. The topic is “Architecture of Downtown Marshalltown”, presenter Michael Vogt.
- 7. Manure Management Update**-Aaron Borton, id no. 65862, annual update report received and placed on file with no changes made to the MMP.
- 8. Manure Management Update**-Bill Havelka, id no. 62692, annual update report received and placed on file with no changes made to the MMP.
- 9. Manure Management Update**- J.T. Farms East, id no. 63208, annual update report received and placed on file with no changes made to the MMP.
- 10. 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 April; the April list of claims will be a part of the first meeting in May.

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

11. Set Hearing Date and Time--on proposed 2009-2010 Marshall County Budget Amendment as required by the Code of Iowa.

Motion by Brooks, second by Grabenbauer, to set May 11, 2010, at 9:00 a.m. in Courthouse meeting room #2 as the time and place to conduct a public hearing on a proposed 2009-10 County Budget Amendment.

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

12. Secondary Road—Discussion and possible action on the sale of the Marshall County 1988 CAT 140G grader to Mid Country Machinery, Inc. of Fort Dodge for \$45,500.00.

Motion by Grabenbauer, second by Brooks to approve the sale of the Marshall County 1988 CAT 140G grader to Mid Country Machinery, Inc. of Fort Dodge for \$45,500.00.

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

13. Secondary Road-FY2011 IDOT Budget & Program—Discussion and possible action on the approval of the FY2011 IDOT Budget and Program for the Marshall County Secondary Road Department.

Motion by Brooks, second by Grabenbauer to approve FY2011 IDOT Budget and Program for the Marshall County Secondary Road Department.

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

14. Ordinance No. 31 Courthouse Parking-Third Reading and Adoption--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.

Dated at Marshalltown, Iowa, this 13th day of April, 2010.

Motion by Grabenbauer, second by Brooks that this constitutes the third and final reading and adoption of Ordinance No.31. This Ordinance will be effective after publication.

Roll call vote:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
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	Vice Chairman	Member	Chairman
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Ronald D. Goecke
Board of Supervisors, Chairman

Attest: _____
Karen Squiers
Marshall County Auditor

15. Prairie Land Cooperative Renewal Agreement(revised) —(Tabled from March 30, 2010 Board of Supervisor meeting) 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 renewal agreement are on file in the Marshall County Board of Supervisor's office.

Motion by Brooks, second by Grabenbauer to approve the renewal of a lease agreement (revised) 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:	Grabenbauer-Aye	Brooks-Aye	Goecke-Aye
	Vice Chairman	Member	Chairman

16. Coalition for Youth-Approve Grant Submission for FY11 -Discussion and possible action on approval of submission of the grant application for Iowa Department of Public Health County Substance Abuse Prevention Services.

Motion by Grabenbauer, second by Brooks, to approve submission of the grant application for Iowa Department of Public Health County Substance Abuse Prevention Services for FY11.

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

17. Discussion Item- Removal of South Building, Marshall County Farm (Sheriff's Complex) - Todd Kelley, Facilities Engineer, discussed steps necessary to complete the process of removal of the south building, est. 1938, at the Marshall County Farm(Sheriff's Complex). The report on the presence of asbestos will be presented and discussed.

18. Public Forum—Deane Adams, County Treasurer, commented that March tax collections almost 18 million and the collection status is good. Deane, also reporting for the Motor Vehicle Department, March use tax indicates that auto purchases by Marshall County residents was about \$5,200,000.00. Lance Renaud, KFJB radio commentator, asked about the cost of asbestos removal. Pat Brooks, M.C. Supervisor, replied no

estimates were available and that accepting the report is the 1st step. He commented that asking for estimates will be done next.

19. Adjournment--The next regular meeting is April 27, 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 22, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:45 a.m.

Ronald D. Goecke
Board of Supervisors, Chairman

Attest:

Karen Squiers
Marshall County Auditor