Marshall County Board of Supervisors
Regular Session May 11, 2010, at 9:00 a.m.

MINUTES

The Board met in regular session on Tuesday, May 11, 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:	Goecke-Aye	Grabenbauer-Aye	Brooks-Aye
	Chairman	Vice Chairman	Member

2. Budget 2009-2010 Amendment, Public Hearing—

At the public hearing, any resident may present objections to or arguments in favor of any part of the amendment to the current 2009-10 county budget.

There were no written comments, questions, or objections on file in the County Auditor's Office. Of the 12 individuals attending the public hearing, 2 individual(s) presented oral comments, questions, or objections.

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

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

3. Resolution-Budget 2009-2010 Amendment—

The proposed 2009-2010 budget amendment was published in the Marshalltown Times-Republican, Marshalltown, Iowa, and the Mid Iowa Enterprise, State Center, Iowa on April 29, 2010; and

There were oral and written comments, questions, or objections as noted in the public hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors that the 2009-10 county budget amendment be adopted and the County Auditor be authorized to certify and file the budget amendment as published.

Dated at Marshalltown, Iowa this 11th day of May, 2010.

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

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

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

Be It Resolved that the estimated appropriation approved by the Board for the Local Health Board department increase by $194,290 to $614,722 to reflect the expenditures to be incurred.

Dated at Marshalltown, Iowa this 11th day of May.

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

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

Consent Agenda:

5. **Approve Minutes--** from Regular Session of April 27, 2010.
6. **File District Court Report-4-10**
   General Supplemental Fund Surcharge-$931.82
7. **Accept Recorder's Quarterly Report-04-10**

Records Management Fund	$ 1,278.00
E-Commerce Fund	$ 3,808.00
General Basic Fund	$ 45,347.99

8. **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 May; the May list of claims will be a part of the first meeting in June.

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

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

9. Discussion Only--Pickering Heartland Coop Expansion—Craig Schmidt, Central Region Manager **made a presentation concerning the project improvements and plan.**

10. Ordinance No. 32 -- Assessment of Wind Energy Conversion Property First Reading and Set Hearing--

The Marshall County Board of Supervisors is considering the adoption of proposed Ordinance No. 32 of Marshall County, entitled Assessment of Wind Energy Conversion Property Ordinance; and

Now, Therefore Be It Resolved, by the Marshall County Board of Supervisors, that this be considered the first reading of the proposed Assessment of Wind Energy Conversion Property Ordinance for Marshall County, Iowa and set hearing date.

Marshall County Ordinance No. 32
Assessment of Wind Energy Conversion Property

Be it enacted by the Board of Supervisors of Marshall County, Iowa:

Section 1: Purpose

The purpose of this ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 427B.26.

Section 2: Definitions

For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. **NET ACQUISITION COST** means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

2. **WIND ENERGY CONVERSION PROPERTY** means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines and substation.

Section 3: Authority to Establish

The Board of Supervisors is authorized, pursuant to Iowa Code Chapter 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 4.

Section 4: Establishment

Pursuant to Iowa Code Chapter 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code Chapter 442.21(9)(b) and (c), and Iowa Code Chapters 428.24 to 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after January 1, 1994, and on or after the effective date of this ordinance.

Section 5: Amount of Valuation

Wind energy conversion property first assessed on or after the effective date of the ordinance shall be valued by the county assessor for property tax purposes as follows:

1. For the first assessment year, at zero percent (0%) of the net acquisition cost.
2. For the second through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
3. For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

Section 6: Declaration of Special Valuation

The taxpayer shall file with the county assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under Section 5 in lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(9) (b) and (c), and Iowa Code Chapters 428.24 to 428.29.

If the taxpayer does not file with the county assessor by February 1 of the assessment year for which the person files a declaration of intent to have the property assessed as provided above, then the declaration of intent shall be considered as a declaration filed for the following year.

Section 7: Reporting Requirements

The following reports shall be filed annually with the county assessor by the taxpayer; in the first year, with the declaration of intent prescribed in Section 6; and by February 1 of each year thereafter:

1. Copy of Asset ledger sheet to IRS;
2. Engineering breakdown of component parts;
3. Tower numbering system;
4. Name of contact person, phone number, FAX number, and mailing address;
5. Report of all leased equipment, the name(s) of the company(s) it is leased from, and the agreement between the lessor and the lessee regarding who is responsible for the property tax on the leased equipment.

Section 8: Repeal of Special Valuation

If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 4 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance.

Property specially valued under section 4, prior to any repeal of this ordinance, shall continue to be valued under Section 4 until the end of the nineteenth (19) assessment year following the assessment year in which the property was first assessed.

Section 9: Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 10: Severability Clause

If any section, provision, or other part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

Section 11: Penalty

Any person, firm or corporation violating any regulation in or any provision of this ordinance, or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment of not more than thirty (30) days and shall be guilty of a County infraction punishable by a civil penalty of not more than One Hundred Dollars ($100.00), or if the infraction is a repeat offense, by a civil penalty not to exceed Two Hundred Dollars ($200.00). Each day that a violation occurs or is permitted by the Defendant to exist, constitutes a separate offense.

Section 12: When Effective

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

Be It Further Resolved that such a proposed Ordinance shall not be effective until a public hearing is held at 9:00 a.m. on the 25th day of May 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 Ordinance and the Ordinance is published.

Motion by Brooks, second by Grabenbauer to adopt the first reading of proposed Marshall County Ordinance #32 entitled Assessment of Wind Energy Conversion Property and set the public hearing at 9:00 a.m. on the 25th day of May 2010 and designate the next reading as the third reading. The second reading of this ordinance is suspended by majority of the supervisors pursuant to Iowa Code Chapter 331.302(5).

PASSED AND APPROVED this 11th day of May, 2010.

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

11. Resolution No. 2010-0014

RESOLUTION NO. 2010-0014

Resolution Authorizing and Approving a Loan Agreement and Providing for the Issuance of $750,000 General Obligation County Purpose Bonds, Series 2010A, and the Levy of Taxes to Pay the Same

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors of Marshall County, Iowa, has heretofore proposed to contract indebtedness and enter into a loan agreement in a principal amount not to exceed $750,000 (the "Loan Agreement") to provide funds to pay the cost, to that extent, of making improvements and repairs to County buildings, and has published notice of the proposed action and has held a hearing thereon on February 16, 2010; and

WHEREAS, it has been proposed that the County enter into the Loan Agreement with Northland Securities, Inc., Minneapolis, Minnesota (the "Underwriter") and issue General Obligation County Purpose Bonds, Series 2010A (the "Bonds"), in the principal amount of $750,000, in evidence of its obligations thereunder; and

WHEREAS, the Board has taken action to authorize the use of a Preliminary Offering Memorandum in connection with the sale and issuance of the Bonds; and

WHEREAS, the County and the Underwriter have entered into a certain Bond Purchase Agreement with respect to the Loan Agreement and the Bonds, and it is now necessary for the Board to approve the Loan Agreement and authorize issuance of the Bonds;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Marshall County, Iowa, as follows:

Section 1. The County hereby determines to enter into the Loan Agreement with the Underwriter, in substantially the form as has been provided to the Board, providing for a loan to the County in the principal amount of $750,000, for the purpose or purposes set forth in the preamble hereof.

The Chairperson of the Board and the County Auditor are hereby authorized and directed to sign the Loan Agreement on behalf of the County, and the Loan Agreement is hereby approved.

Section 2. The Bonds are hereby authorized to be issued in evidence of the obligation of the County under the Loan Agreement, in the total aggregate principal amount of $750,000, to be dated May 15, 2010, in the denomination of $5,000 each, or any integral multiple thereof, maturing on June 1 in each of the years, in the respective principal amounts and bearing interest at the respective rates as follows:

Year	Principal Amount	Interest Rate Per Annum	Year	Principal Amount	Interest Rate Per Annum
2011	$190,000	2.00%	2013	$185,000	3.00%
2012	$185,000	2.00%	2014	$190,000	3.00%

Section 3. Bankers Trust Company, Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the "Registrar" or the "Paying Agent". The County shall enter into an agreement (the "Registrar/Paying Agent Agreement") with the Registrar, in substantially the form as has been placed on file with the Board; the Chairperson and County Auditor are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the County; and the Registrar/Paying Agent Agreement is hereby approved.

The Bonds are not subject to redemption prior to maturity.

All of the interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2010. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Payment of interest on the Bonds shall be made to the registered owners appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid by check or draft mailed to the registered owners at the addresses shown on such registration books. Principal of the Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Bond or Bonds at the office of the Paying Agent.

The Bonds shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson of the Board and attested with the official manual or facsimile signature of the County Auditor and shall have the County's seal impressed or printed thereon, and shall be fully registered Bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. Each Bond shall be transferable only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 4. Notwithstanding anything above to the contrary, the Bonds shall be issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the "Participants"). In the event that DTC determines not to continue to act as securities depository for the Bonds or the County determines not to continue the book-entry system for recording ownership interests in the Bonds with DTC, the County will discontinue the book-entry system with DTC. If the County does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the County will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of $5,000 or integral multiples of $5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the County identifies a qualified securities depository to replace DTC, the County will register and deliver replacement bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Bonds.

Ownership interest in the Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive certificated Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the County to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The County will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for whom they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for whom the Participant acquires an interest in the Bonds.

DTC will receive payments from the County, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the County to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Bonds acquired. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except as specifically provided herein. Interest and principal will be paid when due by the County to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 5. The Bonds shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF IOWA MARSHALL COUNTY

GENERAL OBLIGATION COUNTY PURPOSE BOND,
SERIES 2010A

No. _____ $_________

RATE	MATURITY DATE	BOND DATE	CUSIP
_______%	June 1,_______	May 15, 2010	572121 ___

Marshall County (the "County"), Iowa, for value received, promises to pay on the maturity date of this Bond to

Cede & Co.
New York, NY

or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of the Bankers Trust Company, Des Moines, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2010, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on this Bond is payable to the registered owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date, and shall be paid by check or draft mailed to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Bond is one of a series of General Obligation County Purpose Bonds, Series 2010A (the "Bonds"), issued in the aggregate principal amount of $750,000 by the County to evidence its obligation under a certain Loan Agreement, dated as of May 15, 2010 (the "Loan Agreement"), entered into by the County for the purpose of providing funds to pay the cost, to that extent, of making improvements and repairs to County buildings.

The Bonds are issued pursuant to and in strict compliance with the provisions of Sections 331.402(3) and 331.443 of the Code of Iowa, 2009, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of the Bonds (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The Bonds are not subject to redemption prior to maturity.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the County in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The County, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the County, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Bond as the same will respectively become due; that the faith, credit, revenues and resources and all the real and personal property of the County are irrevocably pledged for the prompt payment hereof, both principal and interest; and that the total indebtedness of the County, including this Bond, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Marshall County, Iowa, by its Board of Supervisors, has caused this Bond to be sealed with the facsimile of its official seal, to be executed with the duly authorized facsimile signature of its Chairperson and attested with the duly authorized facsimile signature of its County Auditor, all as of May 15, 2010.

MARSHALL COUNTY, IOWA

By (DO NOT SIGN)____________________
Chairperson, Board of
Supervisors

Attest:

(DO NOT SIGN)________________________ (Seal)
County Auditor

Registration Date: (Registration Date)

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Resolution.

BANKERS TRUST COMPANY
Des Moines, Iowa
Registrar

By __(Authorized Signature)______________
Authorized Officer

ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM	-	as tenants in common	UTMA ______________________________
TEN ENT	-	as tenants by the entireties	(Custodian)
			As Custodian for ______________________
JT TEN	-	as joint tenants with right of survivorship and not as tenants in common	(Minor) under Uniform Transfers to Minors Act ____________________________________ (State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

____

(Please print or type name and address of Assignee)

____

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint ______________________________, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _______________________________

Signature guaranteed:

____
____
____

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 6. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration, authentication and delivery to or upon the direction of the Purchaser, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement and the sale of the Bonds is hereby ratified and confirmed in all respects.

Section 7. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Bonds as it falls due, and also to pay and discharge the principal thereof at maturity, there be and there is hereby ordered levied on all the taxable property in the County in each of the years while the Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there be and there is hereby levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2011, sufficient to produce the net annual sum of $199,950;

For collection in the fiscal year beginning July 1, 2012, sufficient to produce the net annual sum of $196,250;

For collection in the fiscal year beginning July 1, 2013, sufficient to produce the net annual sum of $195,700.

Section 8. A certified copy of this resolution shall be filed with the County Auditor, and the Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever. Any amount received by the County as accrued interest on the Bonds shall be deposited into such special account and used to pay interest due on the Bonds on the first interest payment date.

Section 9. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current available funds of the County in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced. The County hereby pledges the faith, credit, revenues and resources and all of the real and personal property of the County for the full and prompt payment of the principal of and interest on the Bonds.

Section 10. It is the intention of the County that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Bonds as "Qualified Tax Exempt Obligations" as that term is used in Section 265(b) (3) (B) of the Internal Revenue Code.

Section 11. The Securities and Exchange Commission (the "SEC") has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule") that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of $1,000,000 or more unless, before submitting a bid or entering into a purchase contract for the bonds, an underwriter has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the bondholders to provide certain disclosure information to prescribed information repositories on a continuing basis or unless and to the extent the offering is exempt from the requirements of the Rule.

The principal amount of the Bonds is less than $1,000,000. The County hereby represents that it has not issued within the six months before the date of issuance of the Bonds, and that it reasonably expects that it will not issue within six months after the date of issuance of the Bonds, other securities of the County of substantially the same security and providing financing for the same general purpose or purposes as the Bonds. Consequently, this Council hereby finds that the Rule is inapplicable to the Bonds, because the aggregate principal amount of the Bonds and any other securities required to be integrated with the Bonds under the Rule is less than $1,000,000.

Section 12. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 11, 2010.

____
Chairperson, Board of Supervisors

Attest:

____
County Auditor

Motion by Brooks, second by Grabenbauer to approve the resolution found in agenda item #11.

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

12. Community Services-Discussion and possible action on the following rates for Marshall County providers for July 1, 2010 through June 30, 2011.

Central Iowa Residential Services
Supported Community Living – Hourly - $34.11
Special Focus Adult Day Care – per day $54.95

MIW, Inc.
Work Services – full day $42.68
Work Services – half day $21.34
Supported Employment – hourly $25.00

IVCCD Career Development Program
Work Activity – full day $34.40

Motion by Grabenbauer, second by Brooks to approve the following rates for Marshall County providers for July 1, 2010 through June 30, 2011

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

13. Comp. Time for Conservation—Discussion and possible action on an exemption to personnel policy Section 4.3.

"Conservation Department only – At the discretion of the Director, Marshall County Conservation employees, due to the seasonal nature of their work, shall be able to accrue a maximum of 80 hours of compensatory time off. Compensatory time off will be used before using vacation time and as a general rule, shall be used between October 01 and April 01 of each year and no more than 8 hours to be carried past April 01. "

Motion by Brooks, second by Grabenbauer to adopt an exemption to personnel policy Section 4.3. Conservation employees shall be able to accrue a maximum of 80 hours of compensatory time off. Compensatory time off will be used before using vacation time and as a general rule, shall be used between October 01 and April 01 of each year and no more than 8 hours to be carried past April 01. **This will be included in the Personnel Policy Manual.**

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

14. Proposed Green Mountain Street Light Project -Set a Date and Time for Public Meeting— To set the date and time for a public meeting on Thursday, May 20, 2010, 7:00 p.m. at the Lions Park Community Building in Green Mountain, IA. for the proposed Green Mountain Street Light Project.

Motion by Grabenbauer, second by Brooks to set the date and time for a public meeting on Thursday, May 20, 2010, 7:00 p.m. at the Lions Park Community Building in Green Mountain, IA. for the proposed Green Mountain Street Light Project.

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

15. Cigarette Permit—request from Randhawa's Travel Center for a Cigarette Permit effective July 1st, 2010 through June 30, 2011.

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

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

16. Cigarette Permit—request from the Harvester Convenience Store, L.L.C., d/b/a "Harvester General Store" for a Cigarette Permit effective July 1st, 2010 through June 30, 2011.

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

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

17. Secondary Road—Approval of BRS-C064(106)—60-64 Contract—Discussion and possible action on the approval of the contract with Godberson-Smith Construction Co. of Ida Grove, IA for Project BRS-C064(106)—60-64 in the amount of $1,074,347.78. This project is the replacement of the Bridge C-9 over the Iowa River on E18, west of Liscomb. This project is funded with Supplemental Highway Bridge Program Funds and Farm to Market Funds. The project was let at the D.O.T. in Ames April 20, 2010.

Motion by Grabenbauer, second by Brooks to accept this contract and authorize the Chairman to sign the contracts and bond after submittal of approved documents.

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

18. Secondary Road—Approval of Agreement for Traffic Safety Improvement Funding—Discussion and possible action on the approval of an Agreement for Traffic Safety Improvement Funding with the Iowa D.O.T. This project is located on E35 and T29 from the east corporation limits of Marshalltown east to Three Bridges Road and includes: resurfacing of roadway; adding a 3-foot wide paved shoulder; adding shoulder rumble strips at curves; and milling all-weather pavement markings.

Motion by Brooks, second by Grabenbauer to approve this agreement with Iowa D.O.T. for Traffic Safety Improvement Funding.

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

19. Discussion Only --County Purchase of Liability Insurance Package by Public Bidding. Bobby Shomo, Koehler Insurance and Mark Rhode, Independent Insurance made brief presentations. Bobby Shomo to prepare specifications/RFP for cost preparation purposes.

20. Public Forum—Deane Adams, County Treasurer, gave a report on auto sales and 4th of July request. Karen Squiers, County Auditor, reported that absentee ballots are available for primary. Bill Martin, asked consideration of changing the time of regularly scheduled Board of Supervisor meetings? To 5:00 p.m.?

21. Adjournment--The next regular meeting is May 25, 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 May 20, 2010, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:51 a.m.

__________________________ Attest: __________________________

Ronald D. Goecke	Karen Squiers
Board of Supervisors, Chairman	Marshall County Auditor