

**Marshall County Board of Supervisors
Regular Session February 1, 2011, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, February 1, 2011, 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 Thompson, second by Adams to approve the agenda as printed.

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

2. Recognition-Years of Service

Dee Koch-15 years

Whitney Hunt- 5 years

Consent Agenda:

3. Amend and Approve Minutes--from Regular Session of January 18, 2011 to replace Re-Appropriation table with table seen on page 9 for permanent record book.

4. Approve Personnel Actions:

a) Hire, **Emily N. Herring**, Conservation Office, Administrative Assistant, fulltime, at \$14.42/hr., effective February 7, 2011

5. Accept 2010 Year-End Marshall County Development Report. (Building Permit Report)

6. Approval of Official Newspapers for 2011—for publications of County Proceedings-Times-Republican, Marshalltown and Mid Iowa Enterprise, State Center, Iowa.

7. Approve Public Event Held on County Property—Marshalltown Central Business District requests permission to hold Garden Extravaganza activities on the Courthouse Grounds with the use of electricity on Saturday May 7, 2011 during the hours of 9:00am to 2:00 pm.

8. Approve Band Shell Rental-Iowa Barbeque Contest Association requests to use the Mobile Band Shell at Riverview Park, June 24-25, 2011 for the Barbeque Contest.

9. Accept Sheriff's Quarterly Report-12-10

General Basic – Service Fees \$20,544.87

General Basic – Interest on Checking\$ 11.56

General Basic – Mileage Fees \$ 3,500.72

10. Receipt of Bids for 2011 Weed Control Spray Program—Consideration and Award of Bids at the B.O.S. meeting on February 15th, 2011.

11. Update Manure Management- Eggers Farm, id #56995, has made a change to their MMP. The use of manure analysis for determining application rates when applying manure. The update has been received and placed on file.

12. Update Manure Management- Kevin Blood Dairy, id #60101, has made a change to their MMP. Crop rotation changed or optimum yields. The use of manure analysis for determining application rates when applying manure. The update has been received and placed on file.

13. Utility Permits— The following utility permits have been approved by the County Engineer's Office:

#1001 To ITC Midwest to install aerial power lines crossing various roads in Minerva, Marietta and Taylor Townships.

#1002 To Interstate Power & Light Co. to replace aerial power lines along the 3100 & 3200 miles of Oaks Avenue and the 2400 & 2500 miles of 315th Avenue in Sections 20, 21, 22, 29 & 28, T-82N, R-18W, Jefferson Township.

#1003 To Quest Communications to install an underground communications line in the 2600 mile of Smith Avenue in Section 25, T-83N, R-18W, Timber Creek Township.

#1004 To Iowa Telecommunication Services, Inc. to install an underground communications line in the 3100 mile of 250th Street in Sections 15 & 22, T-83N, R-17W, Le Grand Township

#1005 To Central Iowa Water Association to install a buried water line along the 2600 mile of 300th Street in Section 11, T-82N, R-18W, Jefferson Township.

#1006 To Consumers Energy to install an underground power line across the 1100 mile of 330th St. in Sections 29 & 32, T-82N, R-20W, Eden Township.

#1007 To Interstate Power & Light to install an aerial power line along the 2600 mile of 300th Street in Section 14, T-82N, R-18W, Jefferson Township.

#1008 To Interstate Power & Light to install an aerial power line along the 2300 mile of Main Street and the 2100 mile of Highland Acres Road in Section 32, T-84N, R-18W, Marietta Township.

#1009 To Partner Communications to install underground communications lines along various roads in Sections 2,3,10-17,19-36, T-82N, R-17W, Green Castle Township.

#1010 To Quest Communications to install an underground communications line in the 2400 mile of 170th St in Section 9, T-84N, R-18W, Taylor Township.

#1011 To Heart of Iowa Communications to install an underground communications line along the 2700 & 2800 miles of 270th St. in Sections 25, T-83N, R-18W, Timber Creek Township and Section 30, T-83N, R-17W, LeGrand Township.

#1012 To Heart of Iowa Communications to install an underground communications line along the 1500 mile of Wallace Avenue in Section 34, T-85N, R-17W, Vienna Township.

#1013 To Central Iowa Water Association to install a buried water line along the 1200 mile of 113th Street in Section 9, T-85N, R-20W, Liberty Township.

#1014 To Consumers Energy to install an underground power line across the 2200 mile of Shady Oaks Road in Sections 5 & 6, T-83N, R-17W, Le Grand Township.

#1015 To Interstate Power & Light to install an aerial power line along the 2300 mile of 315th Street and the 3000 and 3100 miles of Newby Avenue in Sections 17, 18, 19 & 20, T-82N, R-18W, Jefferson Township.

#1016 To Consumers Energy to install an underground power line across the 1800 mile of Binford Avenue in Sections 17 & 18, T-84N, R-20W, Minerva Township.

#1017 To Central Iowa Water Association to install a buried water line along the 1500 mile of Zeller Avenue in Section 35, T-85N, R-17W, Vienna Township.

#1018 To Central Iowa Water Association to install a buried water line along the 1200 mile of 285th Street in Section 4, T-82N, R-20W, Eden Township.

#1019 To Consumers Energy to install an aerial power line along the 2700 mile of Brown Avenue in Section 32, T-83N, R-20W, State Center Township.

#1020 To Consumers Energy to install an underground power line across the 1800 mile of 250th Street in Sections 16 & 21, T-83N, R-19W, Washington Township.

#1021 To Quest Communications to install an underground communications line across the 1800 mile of Hopkins Avenue in Section 17, T-84N, R-19W, Marietta Township.

#1022 To Central Iowa Water Association to install a buried water line across the 1100 mile of 230th Street in Section 5 & 8, T-83N, R-20W, State Center Township.

#1023 To Alliant Energy to install an underground gas lines across the 1600 mile of Taylor Avenue in Section 1, T-84N, R-18W, Taylor Township and Section 6, T-84N, R-17W, Marion Township.

#1024 To Interstate Power & Light to install an aerial power line across the 1800 mile of Hopkins Avenue in Sections 17, T-84N, R-19W, Marietta Township.

#1025 To Quest Communications to install an underground communications line along the 2600 mile of 265th Street in Section 27, T-83N, R-18W, Timber Creek Township.

#1026 To Consumers Energy to install an aerial power line across the 2300 mile of Luray Road in Section 17, T-83N, R-18W, Timber Creek Township.

#1027 To Interstate Power & Light to install an aerial power line along the 2700 mile of Dillon Road in Sections 33 & 34, T-83N, R-17W, LeGrand Township.

#1028 To Heart of Iowa Communications to install an underground communications line along the 2700 mile of Dillon Road in Sections 33 & 34, T-83N, R-17W, Le Grand Township.

#1029 To Alliant Energy to install an aerial and underground power line across the 2100 mile of Main Street in Section 25, T-84N, R-19W, Marietta Township.

#1030 To Interstate Power & Light to install an aerial power line along the 2000 mile of Oaks Avenue in Section 29, T-84N, R-18W, Marietta Township.

#1031 To Consumers Energy to install an aerial power line across the 2600 mile of Ridge Road in Section 26, T-83N, R-18W, Timber Creek Township.

#1032 To Interstate Power & Light to install an underground gas line along the 2600 mile of Cooper Avenue in Section 28, T-83N, R-20W, State Center Township.

#1033 To Central Iowa Water Association to install a buried water line across the 1600 mile of 190th Street in Section 18 & 19, T-84N, R-19W, Marietta Township.

#1034 To Alliant Energy to install an underground power line along the 1800 mile of 290th Street in Section 4, T-82N, R-19W, Logan Township.

- 14. 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 February; the February list of claims will be a part of the first meeting in March.

Motion by Adams, second by Thompson, to approve the consent agenda as printed above.

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

15. Set Hearing on Proposed 2011-12 Marshall County Budget—

Motion by Thompson, second by Adams, to set March 1, 2011, at 9:00 a.m. in Courthouse meeting room #2 as the time and place to conduct a public hearing on the proposed 2011-12 County Budget.

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

16. RESOLUTION NO. 2011-0011

**Resolution to fix a date for a public hearing on a County Courthouse
Improvement and Refunding Loan Agreement and issuance of General
Obligation Bonds**

WHEREAS, the Board of Supervisors (the “Board”) of Marshall County, Iowa (the “County”), pursuant to a resolution of the Board adopted on March 22, 2005 (the “2005 Note Resolution”), previously issued its \$3,360,000 General Obligation County Purpose and Refunding Notes, Series 2005, dated April 1, 2005 (the “2005 Notes”), a portion of which remain outstanding; and

WHEREAS, pursuant to the 2005 Note Resolution, the Board reserved the right to call the 2005 Notes maturing in the years 2012 to 2018 (the “Callable 2005 Notes”), inclusive, on any date on or after June 1, 2011, for early redemption; and

WHEREAS, the Board now proposes to enter into a loan agreement (the “Refunding Loan Agreement”) in a principal amount not to exceed \$1,950,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of refunding the Callable 2005 Notes, and it is necessary to fix a date of meeting of the Board at which it is proposed to take action to enter into the Refunding Loan Agreement and issue bonds in connection therewith and to give notice thereof as required by such law; and

WHEREAS, the Board also proposes to enter into a loan agreement (the “County Courthouse Improvement Loan Agreement”) in a principal amount not to exceed \$200,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of installing heating and air conditioning equipment in the County Courthouse, and it is necessary to fix a date of meeting of the Board at which it is proposed to take action to enter into the County Courthouse Improvement Loan Agreement and issue bonds in connection therewith and to give notice thereof as required by such law; and

WHEREAS, the Board has authority to combine the Refunding Loan Agreement and the County Courthouse Improvement Loan Agreement into a single loan agreement and to issue General Obligation County Courthouse Improvement and Refunding Bonds (the “Bonds”);

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

Section 1. The Refunding Loan Agreement and the County Courthouse Loan Agreement are hereby combined into a single loan agreement (the “Loan Agreement”).

Section 2. The Board shall meet on the 1st day of March, 2011, at the Courthouse, Meeting room #2, Marshalltown, Iowa, at 9:00 o’clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement and issue the Bonds.

Section 3. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement and the Bonds setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once and not less than 4 nor more than 20 days before the date of the hearing, in a legal newspaper of general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING ON A LOAN AGREEMENT AND ISSUANCE OF
GENERAL OBLIGATION BONDS
IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$2,150,000

The Board of Supervisors of Marshall County, Iowa, will meet on the 1st day of March, 2011, at the Courthouse, Meeting room #2, Marshalltown, Iowa, at 9:00 o'clock a.m., for the purpose of holding a public hearing on a loan agreement (the "Loan Agreement") and the issuance of General Obligation Bonds (the "Bonds") in a total principal amount not to exceed \$2,150,000 for the purpose of paying the cost, to that extent, of (1) refunding the outstanding balance of the County's General Obligation County Purpose and Refunding Notes, Series 2005, dated April 1, 2005, in a principal amount not to exceed \$1,950,000; and (2) installing heating and air conditioning equipment in the County Courthouse in a principal amount not to exceed \$200,000.

The Loan Agreement is proposed to be entered into and the Bonds are proposed to be issue pursuant to authority contained in Sections 331.402 and 331.441 of the Code of Iowa. The Loan Agreement and the Bonds will constitute general obligations of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement and to issue the Bonds. After receiving objections, the County may determine to enter into the Loan Agreement and issue the Bonds, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Marshall County, Iowa.

County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Motion by Thompson, second by Adams, to adopt this Resolution.

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

Passed and approved February 1, 2011.

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Karen Squiers
Marshall County Auditor

17. Demolition of South Building at Sheriff's Complex-Discussion and possible action on demolition of the South Building at the Sheriff's Complex.

2 Bids- Brycon \$63,536 and Construct \$42,600. Demolition will be buried on site. Prices will be good for 60 days. John Kunc, Zoning Department, gave report and approval for it to be buried.

Motion by Adams, second by Thompson to demolish the building.

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

18. Resignation, County Auditor and Recorder - Accept the resignation of Karen Squiers, Marshall County Auditor and Recorder effective on February 28, 2011.

Motion by Adams, second by Thompson to regretfully accept this resignation.

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

19. Filling the Auditor and Recorder Vacancy - The Marshall County Board of Supervisors intends to fill the vacancy created by the resignation of Karen Squiers, Marshall County Auditor and Recorder, in accordance with Iowa Code 69.14A(2).

Motion by Thompson, second by Adams to fill vacancy by appointment pursuant to IA Code 69.14A(2)(A).

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

20. Compensation Board Recommendations--Discussion and action on the Compensation Board salary recommendations. Pursuant to §331.907, Code of Iowa, the Marshall County Compensation Board shall annually review and make recommendations for the annual salary of the elected county officials. Salary recommendations for the 2011-2012 fiscal years, commencing on July 1, 2011, are as follows:

<u>Elected Officials</u>	<u>Current</u>	<u>Recommended</u>
Board of Supervisors	33,927.30	33,927.30
Attorney	84,065.00	86,586.95
Auditor and Recorder	53,967.88	55,586.92
Sheriff	73,810.18	76,024.49
Treasurer	51,941.48	53,499.72

Motion by Thompson, second by Grabenbauer, to reduce the increase for the salary recommendation from the Compensation Board (reduced by 100% as set out below), leaving salaries the same as the current amount.

	<u>Salary, July 1, 2011</u>
Board of Supervisors	\$33,927.30
Attorney	\$84,065.00
Auditor and Recorder	\$53,967.88
Sheriff	\$73,810.18
Treasurer	\$51,941.48

Roll call vote:	Thompson-Aye	Grabenbauer-Aye	Adams-Aye
	Member	Chairman	Vice Chairman

21. Presentation from RPM Access- Kirk Kraft, RPM Access Representative, presented an update on the Laurel Wind Farm Project.

22. Public Forum—Supervisor Grabenbauer announced that beginning April 12, 2011 the BOS will be moving from meeting room #2 at the Courthouse to the City Council Chambers located at City Hall for regular board meetings.

23. Adjournment--The next regular meeting is February 15, 2011, 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 February 10, 2011, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:41 a.m.

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Karen Squiers
Marshall County Auditor

<u>Department</u>	<u>Current Appropriation</u>	<u>Re-Appropriation</u>
#01 – Supervisors	\$170,140	\$170,140
#02 – Auditor	563,880	560,780
#03 – Treasurer	574,551	574,551
#04 - County Attorney	1,006,190	1,011,190
#05 – Sheriff	4,668,545	4,668,545
#07 – Recorder	308,111	311,211
#08 - Buildings & Grounds	1,215,451	1,199,601
#09 – Zoning	52,010	52,810
#15 - Information Systems	573,332	579,137
#16 – GIS	171,544	171,544
#19 - General Assistance	22,940	32,940
#20 - County Engineer	6,279,300	6,399,300
#21 - Veteran Affairs	76,110	86,160
#22 - County Conservation	1,624,818	1,624,818
#23 - Local Health Board	390,855	599,307
#24 - Weed Eradication	15,010	15,010
#25 - Dept of Human Services	157,513	157,513
#28 - Medical Examiner	67,900	67,900
#31 - District Court	409,300	409,300
#33 - County Library Contract	69,442	69,442
#40 – Harvester TIF	312,000	302,900
#42 – Gateway TIF	31,800	44,000
#60 - Mental Health Admin	4,106,624	4,106,624
#70 - Local Emergency Mgmt	18,950	18,950
#84 - County Capital Building	750,000	750,000
#99 - Nondepartmental	1,563,338	1,593,898
Total	\$25,199,654	\$25,577,571