Board Meeting of
March 29, 2011
Revised 4/4/2011 1:35 PM

Marshall County Board of Supervisors
Regular Session March 29, 2011, at 9:00 a.m.

MINUTES

The Board met in regular session on Tuesday, March 29, 2011, at 9:00 a.m. in meeting room #2, 3rd Floor, northeast corner of the courthouse with 2 members present. Supervisor Adams was absent.

1. Approval or Amendment of Agenda—

Motion by Thompson, second by Grabenbauer to approve the agenda as printed.

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

2. Proposed Marshall County Ordinance No. 34, Public Hearing—

At the public hearing, any resident may present objections to or arguments in favor of any part of the proposed Ordinance #34 authorizing the County Treasurer to separately offer for sale at annual tax sale delinquent taxes on certain parcels that are either residential or commercial multi-family housing, abandoned and either are, or likely to become public nuisances pursuant to Iowa Code Section 446.19B.

There were no written comments, questions, or objections on file in the County Auditor's Office. Of the 21 individuals attending the public hearing, 4 individual(s) presented oral comments, questions, or objections at the hearing.

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

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

3. Second Reading and Possible Motion to Waive Requirement for Additional Readings Prior to Adoption of Proposed Ordinance No. 34 --

The Marshall County Board of Supervisors is considering the adoption of Ordinance No. 34 which reads as follows--

AN ORDINANCE AUTHORIZING THE COUNTY TREASURER TO SEPARATELY OFFER FOR SALE AT ANNUAL TAX SALE DELINQUENT TAXES ON CERTAIN PARCELS THAT ARE EITHER RESIDENTIAL OR COMMERCIAL MULTI-FAMILY HOUSING, ABANDONED AND EITHER ARE, OR ARE LIKELY TO BECOME, PUBLIC NUISANCES PURSUANT TO IOWA CODE SECTION 446.19B

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

Section 1. **NEW.** Marshall County, Iowa, hereby adopts the provisions of Section 446.19B of the Iowa Code, as said provisions may be amended from time to time, authorizing the county treasurer to separately offer and sell at the annual tax sale each year delinquent taxes on any residential property or commercial multifamily housing property which is either abandoned property, or likely to become a public nuisance, upon timely receipt of a verified statement in compliance with the provisions of Section 446.19B.

Section 2. **REPEALER**. All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. **SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid, unconstitutional or unenforceable for any reason, such adjudication shall not affect the validity or enforcement of the remaining provisions.

Section 4. **EFFECTIVE DATE**. This Ordinance shall become effective from and after its final passage, approval and publication as provided by law.
[Iowa Code §331.302]

Be It Further Resolved that such Ordinance shall not be effective until a public hearing is held at 9:00 a.m. on the 29th day of March 2011, with a notice of the public hearing published in the Marshalltown Times-Republican on March 18, 2011 and the Mid Iowa Enterprise on March 24, 2011, and the Board either adopts after the third reading of the proposed ordinance, or adopts after waiving any additional readings, and the ordinance is published.

Dated at Marshalltown, Iowa this 29th day of March 2011.

Motion by Grabenbauer, second by Thompson to approve the second reading of proposed Ordinance No. 34.

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

___________________________ Attest: ___________________________

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County Auditor

Motion by Grabenbauer, second by Thompson to waive the third reading and adopt Ordinance No. 34.

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

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County Auditor

Consent Agenda:

4. **Approve Minutes--**from Regular Session of March 15, 2011.
5. **Approve Band Shell Rental Agreement –**Marshalltown Central Business District has submitted a rental agreement for the Mobile Band Shell to be placed on Courthouse grounds and use of the Courthouse lawn for the Latino Festival being held on Saturday, June 4, 2011 during the hours of 12:00 p.m. - 9:00 p.m.
6. **Approve Band Shell Rental Agreement -** Marshalltown Central Business District has submitted a rental agreement for the Mobile Band Shell to be placed on Courthouse grounds for the Car Show and Concert being held on Saturday, July 23, 2011 during the hours of 12:00 p.m. - 10:00 pm.
7. **Approve Use of Courthouse Grounds –** Marshalltown Central Business District has requested the use of the Courthouse grounds every Thursday, beginning June 2nd through September 29th 2011 during the hours of 4:00 p.m. to 7:00 p.m. for the *New* Main Street Farmers Market.
8. **Manure Management Plan Update—**Marco Pork, LP, additional information received on revised construction permit application (referenced on January 4, 2011 B.O.S. meeting) and placed on file.
9. **Manure Management Plan Update-**Wes and Steve Kix, West Venture Farms, id no. 63605, update received and placed on file with the following changes to MMP: acres added, changed crop rotation or optimal yields, and using a manure analysis for determining application rates when applying manure.
10. **Manure Management Plan Update**-Dennis A. Anderson, id no. 62848, update received and placed on file with no changes to MMP.
11. **Approve Claims—**as audited and authorize the County Auditor to issue payment of same. The listing of claims paid at this meeting will be included with all claims paid for the month of March; the March list of claims will be a part of the first meeting in April.

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

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

12. Resolution No. 2011-0016

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, 252 Marshall County children were confirmed to be victims of child abuse in 2010;

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 29th day of March, 2011.

Motion by Grabenbauer, second by Thompson to adopt this Resolution proclaiming April as "Child Abuse Prevention Month" in Marshall County, Iowa.

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

13. Public Exhibition & Events Held on County Property-"Cherish the Child"-
Child Abuse Prevention Services is organizing a "Cherish the Child" event on April 28th, 2011 from 12:15 - 12:45 PM at the Marshall County Courthouse during April - Child Abuse Prevention Month. In lieu of the annual March for Children, this event will be a time to celebrate the innocence of childhood and to remember the innocent victims of abuse. They request approval for those wishing to gather peacefully on the Courthouse lawn at noon, Thursday, April 28, 2011. In the event of rain, they ask permission to meet in the rotunda of the Courthouse.

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

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

14. Auditor and Recorder's Report- Auditor and Recorder's Offices to locate on the same floor in Courthouse-Dawn Williams, Marshall County Auditor and Recorder, will give a report on the status of the combination efforts for the Auditor and Recorder's office. This includes a request to relocate the Recorder's Office to the 2nd Floor of the Courthouse in order to be located on the same floor as the Auditor's functions.

Motion by Grabenbauer, second by Thompson to approve the report and authorize the relocation of the Recorder's office to the 2nd Floor of the Courthouse.

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

15. Resolution No. 2011-0017

RESOLUTION #2011-0017

WHEREAS, the Boards of Supervisors of Boone, Buena Vista, Calhoun, Franklin, Floyd, Greene, Hamilton, Hancock, Hardin, Humboldt, Iowa, Jasper, Kossuth, Mahaska, Marshall, Palo Alto, Poweshiek, Story, Tama, Webster, Winnebago and Wright Counties (collectively hereinafter the "Member Counties") in the State of Iowa have authorized and executed a certain agreement pursuant to Chapter 28E of the Code of Iowa (the "28E Agreement"); and

WHEREAS, the terms of the 28E Agreement provide for the creation of the Central Iowa Juvenile Detention Center ("C.I.J.D.C."), which is governed by a Commission (the "Commission") for the purpose of establishing and maintaining a juvenile detention facility and related services on behalf of the Member Counties; and

WHEREAS, C.I.J.D.C. has previously issued its $2,500,000 Building Facility Revenue Note, Series 2008 (Detention Facility Project) (the "2008 Note") a portion of which remains outstanding; and

WHEREAS, C.I.J.D.C. has entered into certain revolving credit and short term operations credit facilities with Green Belt Bank & Trust, Eldora, Iowa (the "Credit Facilities"); and

WHEREAS, the Commission of C.I.J.D.C., proposes to enter into a loan agreement (the "Loan Agreement") and borrow money in a principal amount not to exceed $1,100,000 for the purpose of paying the cost, to that extent, of refunding the outstanding balance of the 2008 Note and the Credit Facilities; and payment of any other loans deemed necessary.

WHEREAS, it is necessary for the Board of Supervisors of each of the Member Counties to authorize C.I.J.D.C. to enter into the Loan Agreement;

NOW, THEREFORE, It Is Hereby Resolved by the Board of Supervisors of Marshall County (the "County"), as follows:

Section 1. The County hereby approves and authorizes C.I.J.D.C., acting through the Commission, to approve the Loan Agreement and to borrow money in a principal amount not to exceed $1,100,000 for the purposes set forth in the preamble hereof.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Motion by Thompson, second by Grabenbauer to adopt Resolution 2011-0017.

Passed and Approved March 29, 2011 in MARSHALL COUNTY, IA.

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

______________________________ Attest: ______________________________

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County Auditor

16. Central Iowa Juvenile Detention Center-Multi-County 28E Agreement—

ARTICLE I - NAME

The official name of this corporation shall be: Central Iowa Juvenile Detention Center (CIJDC)

ARTICLE II – PURPOSE

1. To form a 28E Corporation to provide Juvenile Justice and Social Services.

ARTICLE III – LEGAL STATUS

1. CIJDC is a 28E Corporation and shall be a public body and a separate legal entity exercising public and essential governmental functions. CIJDC shall be governed by a commission as specified in Article VIII.

ARTICLE IV – COMMENCEMENT OF OPERATIONS

1. The operations of this Corporation shall commence upon filing of these Articles with the Iowa Secretary of State and recording with each of the Member County's Recorder.
2. The effective date of the Corporation will be August 1, 1993.

ARTICLE V - DURATION

1. The duration and existence of this Corporation shall be perpetual unless dissolved.

ARTICLE VI – POWERS AND DUTIES

1. The Commission shall have the following powers:

a. To adopt and have a common seal and to alter the same at pleasure.

b. To sue and be sued.

c. To acquire, hold and use and dispose of the reserves derived from the operations of its facilities and other moneys of the Corporation.

d. To acquire, hold, use and dispose of other personal property for the purposes of the Corporation.

e. To acquire by purchase, gift, lease or otherwise, real property and easements therein, if any, and to hold and use the same, and to dispose of property so acquired no longer necessary for the purposes of this Corporation.

f. To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the Corporation, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants.

g. To make and enforce by-laws or rules and regulations for the management and operation of its business and affairs and for the use, maintenance and operation of its facilities and any other of its properties, and to annul the same.

h. To do and perform any acts and things authorized by Iowa Code Chapter 28E, as amended and by this Agreement, under, through or by means of its, agents and employees, or by contracts with any person.

i. To enter into any and all contracts, execute any and all instruments, and do and perform all acts or things necessary or desirable for the purpose of the Corporation or to carry out any powers expressly given by this Agreement.

j. To make or cause to be made studies and surveys necessary or useful and convenient to carrying out the functions of the Corporation.

k. To contract with and compensate consultants for professional services including but not limited to architects, engineers, planners, lawyers, accountants, and others found necessary or useful and convenient to the stated purpose of the Corporation.

l. To provide for a system of budgeting, accounting, auditing and reporting of all Corporation funds and transactions, for a depository, and for bonding of employees.

m. To consult with representative of Federal, State, and local agencies, departments and their officers and employees and to contract with such agencies and departments.

n. To provide in the preceding authorizing such obligations for remedies upon default in the payment of principal and interest on such obligations including but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Corporation's property, such trustee and such receiver to have the powers and duties provided for in the proceeding authorizing such obligations.

o. To hire employees, fix their compensations, benefits, personnel rules and regulations, and terminate their employment.

p. To borrow money and accept grants, contributions or loans from, and to enter into contracts, leases, or other transactions.

2. Duties of the Commission:

a. To approve policy, staff and to serve member governments and agencies to fulfill the purposes as outlined in Article I. The Corporation may contract with any public or private entity.

b. The Commission shall adopt and revise Bylaws as necessary for the proper operation of the Center. Such Bylaws shall become effective when adopted by the Commission.

ARTICLE VII – FINANCING

1. The Corporation shall operate on a fiscal year basis, July 1 through June 30.
2. No later than April 15th of each year, the Chair of the Commission shall call a meeting of the Commission to review a proposed budget for the next fiscal year, prepared by the C.I.J.D.C. Executive Director.
3. The budget shall project anticipated revenues and expenditures.
4. The Commission shall adopt the budget for the next fiscal year no later than May 15th.
5. All expenditures provided for herein shall be subject to the provisions of Chapter 24 of the current Code of Iowa and the Chair or a Vice-Chair of the Commission is hereby declared to be the certifying official.
6. Rates shall be established and adjusted by the Commission.

ARTICLE VIII - MEMBERSHIP

1. Members & Date Joined: Boone, Calhoun, Hardin, Hamilton, Story, Webster 09-03-93, Marshall 02-04-94, Winnebago 07-07-95, Greene 06-11-99, Tama 01-07-00, Poweshiek 02-02-01, Jasper & Hancock 12-14-01, Humboldt 01-11-02, Kossuth 12-12-02, Iowa 11-07-03, Buena Vista & Palo Alto 12-01-08, Floyd 08-27-09, Wright 10-08-09, Franklin 06-11-10, Mahaska 09-10-10

2. Method of Joining- Any county may join this Corporation by proceeding in the following manner.

a. The Board of Supervisors of the applicant county shall pass a resolution approving this 28E Agreement and request membership in CIJDC.
b. Acceptance of the applicant county shall be by majority a vote of the Commission.
c. The applicant county may be assessed an initial fee, determined by the Commission.
d. The Board of Supervisors of the joining county shall appoint a Designee and Alternate

3. Duration of Membership-A member county shall continue its membership until such time as:

a. The member terminates membership
b. The Corporation is dissolved

4. Membership-Termination-Members may withdraw from this Corporation in the following manner:

a. The Member County Board of Supervisors, shall adopt a Resolution requesting to withdraw their membership from the 28E and shall forward a copy to the Chair of the CIJDC Commission.
b. The Commission will approve the Resolution during their next meeting.
c. Any member wishing to terminate membership shall forfeit all financial gain in C.I.J.D.C.

ARTICLE IX – APPOINTMENTS

1. Each member county shall appoint a Supervisor as Designee and one as Alternate at the annual meeting.

ARTICLE X – OFFICERS, MEETINGS, EMPLOYEES AND VOTING

1. Executive Officers. The Executive Officers will consist of:
Ex-Officio-former Chair of the Commission; Chair; 1st Vice-Chair; 2nd Vice-Chair
The Commission shall elect from its membership a Chair, a 1st Vice-Chair, and 2nd Vice-Chair. They shall serve for a term of one year through January, or until their successors are elected, or they no longer represent their county in the same manner. In this event the remaining members shall elect a replacement. The Ex-Officio Member has voting rights on the Executive Committee only if another member is absent.

2. Meetings-The Commission shall meet not less than quarterly and at such times as the Chair or Vice-Chair shall call a meeting of the Commission.

3. Employees-The Commission may employ staff, or pay consultants.

4. Voting- Each member of the Commission shall be entitled one vote, to be cast by the Designee or Alternate.

5. Quorum- A simple majority of present members shall be sufficient to pass motions.

ARTICLE XI – BYLAWS

1. The Commission shall adopt bylaws for the operation of the Corporation.
2. Bylaws may be repealed, changed, or modified by a majority vote of the Commission.

ARTICLE XII – DISSOLUTION

1. This 28E Agreement created may be dissolved by a majority vote of the Member Counties. Upon such dissolution all assets of CIJDC shall be liquidated and the net proceeds obtained shall be distributed to the individual member counties of this Corporation according to the Member Equity Formula. The Member Equity Formula is derived by most current data in equal parts of the following 5 factors:

   1,2,3) Last 3 Fiscal Years of CIJDC Bed Days, 4) County Population, 5) Juvenile Court Petitions.

ARTICLE XIII – AMENDMENTS

1. The terms of these Articles of Agreement may be amended by a majority vote of the Commission and ratification by a majority of the member governments. Commission members must receive a copy of proposed amendments at least thirty days prior to the date that action is to be taken.

ARTICLE XIV – SEVERABILITY

1. If any provisions of these Articles of Agreement, or the application thereof to any person or circumstance, are held to be invalid, such invalidity shall not affect other provisions or applications or these Articles, which can be given effect with the invalid provisions or applications and to this end the provisions of these Articles are declared to be severable.

Motion by Thompson, second by Grabenbauer to approve this Multi-County 28E Agreement adding Franklin and Mahaska County to the 28E agreement.

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

17. Elimination of Mileage Reimbursement– Discussion and possible action on elimination of mileage reimbursement for Marshall County Zoning, Sanitarian and Weed Commissioner inspections and automobile travel.

Motion by________, second by____________to ____________elimination of mileage reimbursement for Marshall County Zoning, Sanitarian and Weed Commissioner inspections and automobile travel. **Died for lack of a motion.**

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

18. Buildings and Grounds-Approval of Recommendation to hire an Engineer for Installation of HVAC Retrofit—Discussion and possible action on the approval a recommendation from Todd Kelley, Buildings and Grounds Director, to hire Bluestone Engineering, L.L.C. to install the HVAC Retrofit at the Marshall County Courthouse for $55,000. **Todd sent RFP's to four engineering firms. The names of firms and their proposals are listed below:**

Shive Hattery Engineering Consulting Services-no submission
Butler Engineering-no submission
Kapaun Consulting Engineers, P.C.-$119,000
Bluestone Engineering, L.L.C.-$55,000

Motion by Thompson, second by Grabenbauer to approve the recommendation to hire Bluestone Engineering, L.L.C. to install the HVAC Retrofit at the Marshall County Courthouse according to RFP specifications.

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

19. Public Forum—Supervisor Grabenbauer reminded the public that future Board of Supervisor meetings will be held in Council Chambers, 10 W. State St.(Park and Rec Entrance), 2nd Floor beginning Tuesday, April 12, 2011 at 9:00 a.m. Supervisor Thompson thanked the public for participating in today's meeting.

20. Adjournment--The next regular meeting is April 12, 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 April 7, 2011, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:56 a.m.

______________________________ Attest: ______________________________

Denny Grabenbauer	Dawn Williams
Board of Supervisors, Chairman	Marshall County Auditor