

**Marshall County Board of Supervisors
Regular Session May 24, 2011, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, May 24, 2011, at 9:00 a.m. in Council Chambers, 10 West State Street (Parks and Rec. Entrance), 2nd Floor, with all 3 members present.

1. Approval or Amendment of Agenda—

Motion by Thompson, second by Adams to approve item #12 as amended.

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

Motion by Adams, second by Thompson to approve the amended agenda.

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

2. Budget 2010-2011 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 2010-2011 county budget.

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

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

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

Resolution No. 2011-0019

3. Budget 2010-2011 Amendment—

The proposed 2010-2011 budget amendment was published in the Marshalltown Times-Republican, Marshalltown, Iowa, and the Mid Iowa Enterprise, State Center, Iowa on May 12, 2011; and

There were no written comments, questions, or objections on file in the Auditor's Office, and no individuals attended the public hearing. There were no oral comments, questions, or objections at the hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors that the 2010-11 county budget amendment be approved and the County Auditor be authorized the budget amendment as published and presented at the hearing.

Dated at Marshalltown, Iowa this 24th day of May, 2011.

Motion by Adams, second by Grabenbauer, to approve this Resolution.

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

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

Resolution 2011-0020

4. Resolution-Re-Appropriation of Funds for FY 2010-2011—

Be It Resolved that the estimated appropriations approved by the Board for the various funds and departments in the County at the beginning and during the fiscal year are adjusted as follows:

<u>Department</u>	<u>Current Appropriation</u>	<u>Re-Appropriation</u>
#01 – Supervisors	\$170,140	\$164,640
#02 – Auditor	560,780	559,280
#03 – Treasurer	574,551	579,551
#04 - County Attorney	1,011,190	1,011,190
#05 – Sheriff	4,668,545	4,668,545
#07 – Recorder	311,211	311,211
#08 - Buildings & Grounds	1,199,601	1,199,601
#09 – Zoning	52,810	52,810
#15 - Information Systems	579,137	581,137
#16 – GIS	171,544	171,544
#19 - General Assistance	32,940	32,940
#20 - County Engineer	6,399,300	6,592,300
#21 - Veteran Affairs	86,160	86,160
#22 - County Conservation	1,624,818	1,624,818
#23 - Local Health Board	599,307	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	302,900	302,900
#42 – Gateway TIF	44,000	44,000
#60 - Mental Health Admin	4,106,624	4,106,624

<u>Department</u>	<u>Current Appropriation</u>	<u>Re-Appropriation</u>
#70 - Local Emergency Mgmt	18,950	18,950
#84 - County Capital Building	750,000	750,000
#99 - Nondepartmental	1,593,898	3,469,173
Total	\$25,577,571	\$27,645,846

Dated at Marshalltown, Iowa this 24th day of May, 2011.

Motion by Thompson, second by Adams, to approve this re-appropriation of funds for FY 2010-2011.

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

_____ Denny Grabenbauer Board of Supervisors, Chairman	Attest:	_____ Dawn Williams Marshall County Auditor and Recorder
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Consent Agenda:

- 5. Approve Minutes**--from Regular Session of May 10, 2011
- 6. Accept Independent Auditor's Report**--Quakerdale White's Iowa Institute, years ending December 31, 2010 and 2009.
- 7. Accept Sheriff's Quarterly Report-03-11**

General Basic – Service Fees	\$19,914.69
General Basic – Interest Checking	\$ 12.50
General Basic – Mileage Fees	\$ 3,503.84
- 8. Approve Claims**—as audited and authorize the County Auditor and Recorder 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 Thompson, second by Adams, to approve the consent agenda as printed above.

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

9. Marshall County Employees Deferred Compensation Plan—Discussion and possible action on a restated plan in substitution for, and in amendment of, the existing Amended and Restated 457(b) Governmental Plan Document dated January 1, 2006, administered by Nationwide Retirement Solutions.

Motion by Adams, second by Thompson to accept the restated plan document dated January 1, 2011.

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

10. IDHS-TCM Lease Renewal—Discussion and possible action on the lease renewal between Marshall County (Landlord) and Iowa Department of Human Services, Targeted Case Management (Tenant). The Landlord leases to Tenant the following described property: 1704 Square Feet located at 101 East Main Street, Marshalltown, Iowa 50158. The rent per month is \$1,420.00(which is based on \$10.00 per square foot per year). The lease shall commence on July 1, 2011 and shall end June 30, 2014. Details of the lease are on file in the Board of Supervisor's office.

Motion by Thompson, second by Adams to approve the lease renewal between Marshall County (Landlord) and Iowa Department of Human Services, Targeted Case Management (Tenant). The rent per month is \$1,420.00. The lease shall commence on July 1, 2011 and shall end June 30, 2014.

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

11. Request for Subdivision Variance from John C. Smith, SV 11-01--Discussion and possible action on a request from John C. Smith for property legally described as: 24-82-18 SW SE EX S 350' of W 80' and EX Parcel A, parcel pin #15-24-400-005 within Marshall County, Iowa for a subdivision variance from Article III, Section 3 of the Marshall County Platting Subdivision Ordinance of Marshall County.

Motion by Adams, second by Grabenbauer, to approve the subdivision variance to Article III, Section 3 of the Platting and Subdivision Ordinance and allow a plat of survey to be filed in lieu of a subdivision. The property involved is: 24-82-18 SW SE EX S 350' of W 80' and EX Parcel A, parcel pin #15-24-400-005 within Marshall County, Iowa.

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

12. First Reading of Ordinance Amendment-First Reading of Proposed Amendment 11-01 to the Zoning Ordinance No. 3 of Marshall County and set a Date and Time for the Public Hearing and Waiver/Suspension of Second Reading of Ordinance—

Whereas, after recommendation from the Marshall County Zoning Commission, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 11-01 to the Zoning Ordinance of Marshall County.

Now, Therefore, Be It Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the following proposed amendments to Zoning Ordinance:

Article XIX, Section 2 of the zoning Ordinance, adding "Subsection F", regarding building permit exemption for structures under 120 sq. ft. by adding "No structure 120 sq. ft. or less in area shall be required to obtain a building permit."

and amend Article XIX, Section 3, Subsection A, striking the existing language and inserting a new permit fee scale – For values of \$0-\$10,000 a fee of 3% of the value. For values of \$10,001 and up, a fee of \$300 plus .2% of the total value.

and amend Article VI, Section 3, Subsection A, (8) 2 – Adding "All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines."

and amend Article VII, Section 3, Subsection E, 2 – Adding "All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines."

and amend Article VIII, Section 3, Subsection E, 2– Adding "All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines."

and amend Article IX, Section 3, Subsection E, 2– Adding "All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines."

and amend Article X, Section 2, Subsection E, 2 – Adding "All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines."

and amend Article XI, Section 2, Subsection E, 2 – Adding "All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines."

and amend Article IV by adding "Section 28. No recreational vehicle nor fifth wheel trailer or camper shall be used as a habitation for more than 90 days in any 365 day period without a special use permit."

Be It Further Resolved that such proposed amendment shall not be effective until a public hearing is held at 9:00 a.m. on the 7th day of June, 2011, and the Board adopts the third reading of the proposed amendment and the amendment is published. Notice of the public hearing will be published in the Times-Republican and Mid Iowa Enterprise ~~publishing at least 15~~ not less than 4 and no more than 20 days prior to the above date.

Dated at Marshalltown, Iowa, this 24th day of May, 2011.

Motion by Adams, second by Grabenbauer, to approve this first reading of the Amendment No. 11-01 to Zoning Ordinance No. 3 and set the public hearing date for June 7, 2011, at 9:00 a.m. and Waiver/Suspension of Second Reading of Ordinance.

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

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

13. Cigarette Permit—request from Randhawa’s Travel Center for a Cigarette Permit effective July 1st, 2011 through June 30, 2012.

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

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

Resolution 2011-0021

14. Resolution-Abatement of Taxes—

Whereas, pursuant to Chapter 445.16, Code of Iowa, the County Treasurer has the authority to determine when it is impractical to pursue collection of property taxes through the tax sale or law suit remedies;

Whereas, upon making this determination the County Treasurer shall provide a recommendation of abatement to the Board of Supervisors, and the Board shall abate the taxes:

Now, Therefore, Be it Resolved by the Marshall County Board of Supervisors to authorize the County Treasurer to abate the following amount, which include penalty and cost only. Tax years 2006, 2007, 2008 and 2009, \$823.00 penalty and \$16.00 cost: Contract holder: Grogan, John & Jennifer (no longer active Military), Title holder: Minde, Mervin & Janet agree to pay taxes 2006-2009, \$2,300.00, PIN Number 07-36-304-012.

Motion by Adams, second by Thompson to adopt this Resolution to abate the taxes listed.

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

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

15. Public Forum—Kirk Kraft gave an update from RPM Access.

16. Adjournment--The next regular meeting is June 7, 2011, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by June 2, 2011, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:42 a.m.

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Dawn Williams
Marshall County
Auditor and Recorder