

**Marshall County Board of Supervisors
Regular Session June 7, 2011, at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, June 7, 2011, at 9:00 a.m. in Council Chambers, 10 West State Street (Parks and Rec. Entrance), 2nd Floor, with 2 members present. Supervisor Adams was absent.

1. Approval or Amendment of Agenda—

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

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

2. Amendment No. 11-01 to Zoning Ordinance No. 3, Public Hearing—

At this public hearing any resident may present objections to or arguments in favor of any part of Amendment No. 11-01 to Zoning Ordinance No. 3. The public has been invited to submit written comments prior to this hearing and may make oral comments at this hearing.

Now is the time for both comments by the Board of Supervisors and the public attending this hearing, as well as presentation of the written comments received.

There were no written comments, questions or objections on file in the County Auditor's office on Amendment No. 11-01 to Zoning Ordinance No. 3. Of the 16 individuals attending the hearing, no individual(s) presented oral comments, questions or objections.

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

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

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Dawn Williams
Marshall County
Auditor and Recorder

3. Third and Final Reading of Amendment No. 11-01 to Zoning Ordinance No. 3—

The Second Reading of Amendment No. 11-01 to Zoning Ordinance No. 3 was waived/suspended by action at the May 24, 2011 Board of Supervisor meeting.

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 a public hearing was held at 9:00 a.m. on the 7th day of June, 2011. Notice of the public hearing was published in the Times-Republican newspaper on May 31st, 2011 and Mid Iowa Enterprise newspaper on June 2, 2011.

Dated at Marshalltown, Iowa, this 7th day of June, 2011.

Motion by Thompson, second by Grabenbauer, to approve this third and final reading of the Amendment No. 11-01 to Zoning Ordinance No. 3 and the amendment to the Ordinance is adopted.

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

Denny Grabenbauer
Board of Supervisors, Chairman

Attest: _____
Dawn Williams
Marshall County
Auditor and Recorder

4. Recognition-Years of Service-- Jonathan Bailey – 5 years, Jeff Braddock – 5 years, RaDonna Bracy – 5 years, Suzanne Lampkin - 5 years, Craig Madill – 35 years, Ryan Reutzel - 5 years

Consent Agenda:

- 5. Approve Minutes--**from Regular Session of May 24, 2011
- 6. Approve Mobile Band Shell Rental-** A mobile band shell rental agreement has been received from the State Center Rose Festival Committee requesting to use the Mobile Band Shell Friday- Sunday, June 17th-19th in State Center, Iowa for the State Center Rose Festival.
- 7. Approve Mobile Band Shell Rental-** A mobile band shell rental agreement has been received from the Iowa Barbeque Contest Committee requesting to use the Mobile Band Shell Friday - Saturday, June 24th-25th in Riverview Park for the Iowa Barbeque Contest.
- 8. Use of Courthouse Grounds-** Marshall County Career Development Center is requesting to use the Courthouse steps on north side of the Courthouse, Tuesday June 28, 2011 from 11:45 a.m.-1:00 p.m. to play patriotic music with bells for the public with upcoming 4th of July celebration.
- 9. Accept Audit Report-Central Iowa Juvenile Detention Center**
- 10. Resignation of Appointment —**Bill Armbrecht, Board of Adjustment, resignation effective May 24, 2011.
- 11. Accept Appointment—** 5 year term-Bill Patton, Board of Adjustment, effective June 7, 2011- December 31, 2015, fulfilling the unexpired term of Bill Armbrecht. (January 1, 2007 - December 31, 2011).
- 12. Manure Management Plan Annual Update –** Tamco Pork II LLC, id no.58267, manure management plan update received and placed on file. There were no changes to the manure management plan.
- 13. 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 June; the June list of claims will be a part of the first meeting in July.

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

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

14. Provider Agreements for FY12-Discussion and possible action on the following provider agreements and rates.

Central Iowa Residential Services, Inc.

Special Focus-Adult Day Care	\$55.00 per day
Supported Community Living	\$34.11 per hour

MIW, Inc.

Sheltered Workshop	\$43.53 per day
Sheltered Workshop	\$21.77 per ½ day
Supported Employment	\$25.00 per hour

Iowa Valley Career Development Center

Work Activity	\$38.87 per day
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Motion by Grabnbauer, second by Thompson to accept the listed provider agreements and rates for FY12.

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

15. Program Provider Agreement with Center Associates--Discussion and possible action of the FY12 agreement with Center Associates to begin 7/1/2011.

Motion by Thompson, second by Grabnbauer to accept this program provider agreement with Center Associates beginning 7/1/2011.

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

16. County Attorney-Presentation by County Attorney Jennifer Miller and Dane Zuercher on Expanding Collections Program--

17. Sheriff's Department-Extension to 28E Agreement Between Marshall County and the City of Ferguson for Law Enforcement Protection--Discussion and action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of Ferguson for law enforcement protection within the corporate limits of the City of Ferguson. The agreement is extended through June 30, 2012. The city of Ferguson agrees to pay Marshall County the sum of \$3,025.00.

Motion by Grabnbauer, second by Thompson, to approve the Extension Agreement between Marshall County and the City of Ferguson through June 30, 2012.

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

18. Sheriff's Department-Extension to 28E Agreement Between Marshall County and the City of Haverhill for Law Enforcement Protection--Discussion and action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of Haverhill for law enforcement protection within the corporate limits of the City of Haverhill. The agreement is extended through June 30, 2012. The city of Haverhill agrees to pay Marshall County the sum of \$3,795.00.

Motion by Grabenbauer, second by Thompson, to approve the Extension Agreement between Marshall County and the City of Haverhill through June 30, 2012.

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

19. Sheriff's Department-Extension to 28E Agreement Between Marshall County and the City of Clemons for Law Enforcement Protection--Discussion and action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of Clemons for law enforcement protection within the corporate limits of the City of Clemons. The agreement is extended through June 30, 2012. The city of Clemons agrees to pay Marshall County the sum of \$3,520.00.

Motion by Thompson, second by Grabenbauer, to approve the Extension Agreement between Marshall County and the City of Clemons through June 30, 2012.

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

20. Public Forum—Supervisor Thompson commented on the success of the 1st Farmer's market of the summer and invites all public to come and enjoy the farmer's market every Thursday on the Courthouse square. Supervisor Grabenbauer announced the completion of the office move of the BOS office and Zoning office to their permanent location on 3rd floor, SE corner.

21. Adjournment--The next regular meeting is June 21, 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 16, 2011, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:28 a.m.

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Dawn Williams
Marshall County
Auditor and Recorder

Board Meeting of
June 7, 2011
Revised June 13, 2011