Marshall County Board of Supervisors
Regular Session June 2, 2015, at 9:00 a.m.

MINUTES

The Board met in regular session on Tuesday, June 2, 2015, at 9:00 a.m. in the Courthouse, meeting room #2, NE corner, 3rd floor with all 3 members present.

Pledge of Allegiance

1. **Approval or Amendment of Agenda—**

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

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

Consent Agenda:

2. **Approve Minutes--**from Regular Session of May 19, 2015.
3. **Manure Management Plan-Original Non-Permitted MMP-** The Board has received an original non-permitted manure management plan and animal confinement feeding operation from Cory Eldridge located in Section 32, T83N, R20W, State Center Township, Marshall County, Iowa and placed on file. The proposed operation would operate at a non-permitted capacity of 990 AUC.
4. **Manure Management Plan Annual Update -** Tom Butters, id #59927, manure management plan update received and placed on file. There have been no changes made to the MMP. 4-Year P-Index updated.
5. **Manure Management Plan Annual Update -** David Reinberg, Blue Valley Pork, id #59449, manure management plan update received and placed on file. No changes have been made to MMP.
6. **Manure Management Plan Annual Update –** Bill Havelka-Site 3 id #64515, manure management plan update received and placed on file. One change has been made to MMP- Type of feeding system has changed.
7. **Manure Management Plan Annual Update -** MTM Farms L.C., id #61010, manure management plan update received and placed on file. No changes have been made to MMP.
8. **Approve Claims—**as audited and authorize the County Auditor and Recorder to **i**ssue 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 Patten, to approve the consent agenda as printed.

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

9. Sheriff's Department-Extension to 28E Agreement between Marshall County and the City of Clemons for Law Enforcement Protection--Discussion and possible 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 effective July 1, 2015 - June 30, 2016. The City of Clemons agrees to pay Marshall County the sum of $3,600.00.

Motion by Patten, second by Thompson, to approve the extension to 28E Agreement between Marshall County and the City of Clemons effective July 1, 2015 - June 30, 2016. The City of Clemons agrees to pay Marshall County the sum of $3,600.00.

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

10. Sheriff's Department-Extension to 28E Agreement between Marshall County and the City of LeGrand for Law Enforcement Protection--Discussion and possible action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of LeGrand for law enforcement protection within the corporate limits of the City of LeGrand. The agreement is effective July 1, 2015 - June 30, 2016. The City of LeGrand agrees to pay Marshall County the sum of $23,820.00.

Motion by Thompson, second by Patten, to approve the extension to 28E Agreement between Marshall County and the City of LeGrand effective July 1, 2015 - June 30, 2016. The City of LeGrand agrees to pay Marshall County the sum of $23,820.00.

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

11. Sheriff's Department-Extension to 28E Agreement between Marshall County and the City of Haverhill for Law Enforcement Protection--Discussion and possible 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 effective July 1, 2015 - June 30, 2016. The City of Haverhill agrees to pay Marshall County the sum of $4,140.00.

Motion by Patten, second by Thompson, to approve the extension to 28E Agreement between Marshall County and the City of Haverhill effective July 1, 2015 - June 30, 2016. The City of Haverhill agrees to pay Marshall County the sum of $4,140.00.

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

12. Sheriff's Department- Extension to 28E Agreement Between Marshall County and the City of Albion for Law Enforcement Protection--Discussion and possible action on an extension to a 28E Agreement between Marshall County and the City of Albion for law enforcement protection within the corporate limits of the City of Albion. The agreement is effective July 1, 2015 - June 30, 2016. The City of Albion agrees to pay Marshall County the sum of $13,380.00.

Motion by Thompson, second by Patten to approve the extension to 28E Agreement between Marshall County and the City of Albion effective July 1, 2015 - June 30, 2016. The City of Albion agrees to pay Marshall County the sum of $13,380.00.

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

13. Sheriff's Department-Extension to 28E Agreement between Marshall County and the City of St. Anthony for Law Enforcement Protection--Discussion and action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of St. Anthony for law enforcement protection within the corporate limits of the City of St. Anthony. The agreement is effective July 1, 2015 - June 30, 2016. The City of St. Anthony agrees to pay Marshall County the sum of $2,940.00.

Motion by Patten, second by Thompson, to approve the extension to 28E Agreement between Marshall County and the City of St. Anthony effective July 1, 2015 - June 30, 2016. The City of St. Anthony agrees to pay Marshall County the sum of $2,940.00.

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

14. Central Iowa Community Services-Discussion and possible action to approve the update to Marshall County Policies and Procedures for Compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Motion by Thompson, second by Patten, to approve the update to Marshall County Policies and Procedures for Compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

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

Resolution #2015-0026

15. First Reading of Proposed Amendment No. 15-01 to Marshall County Ordinance #16 Local Sales and Services Tax and Set Hearing—

Local Sales and Services Tax

~~(Amended April 5, 2005)~~

(Amended __________, 2015)

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

SECTION 1. Name of Ordinance. The name of the Ordinance is "Local Sales and Services Tax."

SECTION 2. Local Sales and Services Tax. There is imposed a local sales and services tax applicable to transactions within the incorporated and unincorporated areas of Marshall County, Iowa.

The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Chapter 422B.1 of the Iowa Code. The tax shall be collected by all persons required to collect state gross receipt taxes.

All applicable provisions of the appropriate sections of Chapter 422B.1 of the Iowa Code are adopted by reference.

SECTION 3. Allocation and Imposition Date of Tax. This tax is allocated and imposed in the jurisdictions located in Marshall County as follows:

Albion: Revenues from the sales and services tax are to be allocated as follows:

1. Twenty-five percent (25%) for property tax relief.
2. Seventy-five percent (75%) of the revenue for Capital Improvements,

effective ~~beginning~~ on July 1, 2000.

Clemons: revenues from the sales and services tax are to be allocated as follows:

1. Zero percent (0%) for property tax relief.
2. The specific purpose for which the revenues will otherwise be expended is: any lawful purpose of the City of Clemons,

effective ~~beginning~~ on July 1, 2000.

Ferguson: Revenues from the sales and services tax are to be allocated as follows:

1. Zero percent (0%) for property tax relief.
2. The specific purpose for which the revenues will otherwise be expended is any lawful ~~corporate~~ of the City of Ferguson,

effective on April 1, 2000.

Gilman: Revenues from the sales and services tax are to be allocated as follows:

1. Ten percent (10%) for property tax relief.
2. Ninety percent (90%) for any lawful purpose of the City of Gilman,

effective on July 1, 2000.

Haverhill: Revenues from the sales and services tax are to be allocated as follows:

~~One hundred percent (100%) for property tax relief,~~
~~effective on July 1, 2000, and to end on June 30, 2005.~~

1. Zero percent (0%) for property tax relief.
2. The specific purpose for which the revenues will otherwise be expended is: any lawful purpose of the City of Haverhill,

effective on July 1, 2005.

Laurel: Revenues from the sales and services tax are to be allocated as follows:
1. Zero percent (0%) for property tax relief.
2. Fifty percent (50%) for the continuation of the resurfacing of the streets and alleys and the continuation of maintenance of the streets and alleys within the City of Laurel, Iowa
3. Fifty percent (50%) ~~to be used~~ for use in the General Fund for any lawful purpose of the City of Laurel, Iowa,

effective ~~on July 1, 2000, and to end on March 31, 2005~~ ~~from July 1, 2005 through June 30, 2015.~~ from July 1, 2015 through June 30, 2025.

LeGrand: Revenues from the sales and services tax are to be allocated as follows:
1. Fifty percent (50%) for property tax relief.
2. Fifty percent (50%) of the revenue to the general fund,

effective on July 1, 2000.

Liscomb: Revenues from the sales and services tax are to be allocated as follows:
1. Zero percent (0%) for property tax relief.
2. The specific purpose for which the revenues will otherwise be expended is: any lawful purpose of the City of Liscomb,

effective ~~January 1, 1997, through December 31, 2001.~~ on July 1, 2003.

Marshalltown: Revenues from the sales and services tax are to be allocated as follows:
1. Seventy-five percent (75%) for general property tax relief.
2. Five percent (5%) ~~of the revenue shall be applied to accumulation of cash reserves of the City~~ for any lawful purpose of the City of Marshalltown.
3. Twenty percent (20%) ~~of the revenue shall be used for the purposes of~~ for capital improvements, including storm sewer ~~maintenance and~~ improvements and related street repairs,

effective ~~April 1, 2000, through March 31, 2005.~~ ~~from July 1, 2005 through June 30, 2015.~~ from July 1, 2015 through June 30, 2025.

Melbourne: Revenues from the sales and services tax are to be allocated as follows:
1. Fifty percent (50%) for property tax relief.
2. Twelve and one-half percent (12.5%) shall be used for improvements for the Melbourne Fire Department.
3. Twelve and one-half percent (12.5%) shall be used for improvements for the Melbourne First Responders.
4. Twelve and one-half percent (12.5%) shall be used for improvements for the Melbourne Swimming pool.
5. Twelve and one-half percent (12.5%) shall be used for improvements for the Melbourne Recreation Center,

effective on April 1, 2000.

Rhodes: Revenues from the sales and services tax are to be allocated as follows:
1. Zero percent (0%) for property tax relief.
2. The specific purpose for which the revenues will otherwise be expended is any lawful purpose of the City of Rhodes,

effective on April 1, 2000.

St. Anthony: Revenues from the sales and services tax are to be allocated as follows:
1. Zero percent (0%) for property tax relief.

2. The specific purpose for which the revenues will otherwise be expended is: in the general fund for any lawful purpose of the City of St. Anthony,

effective ~~from~~ ~~April 1, 2000, through March 31, 2004.~~ ~~July 1, 2004 through June 30, 2008.~~ on July 1, 2009.

State Center: Revenues from the sales and services tax are to be allocated as follows:

~~3. Twenty-five percent (25%) for property tax relief.~~

~~4. Fifty percent (50%) for street replacement.~~

~~5. Twenty-five percent (25%) for general corporate purposes,~~

1. Zero percent (0%) for general fund property tax relief,
2. Fifty percent (50%) for street replacement or repair,
3. Twenty-five percent (25%) for public safety (3 & 4 are switched on canvass)
4. Twenty-five percent (25%) for general corporate purposes,

effective ~~on July 1, 2000, and to end on March 31, 2005~~ ~~from July 1, 2005 through June 30, 2015.~~ from July 1, 2015 until June 30, 2025.

Unincorporated Areas: Revenues from the sales and services tax are to be allocated as follows:

~~Seventy-five percent (75%) property tax relief.~~

~~Twenty-five percent (25%) bridge repair upkeep and replacement,~~

effective ~~on July 1, 2000, and to end on June 30, 2005~~ ~~from July 1, 2005 through June 30, 2015.~~

1. Fifty percent (50%) for property tax relief
2. Fifty percent (50%) for bridge and roadway culvert repair, inspection, upkeep and replacement.

Be it Resolved, that such amendment shall not be effective until a public hearing is held at 9:00 a.m. on the 30th day of June, 2015, with a notice of the public hearing published in the Marshalltown Times-Republican and the Mid Iowa Enterprise not less than four nor more than twenty days before the date of the hearing which meet the requirements of section 618.14 of the Code of Iowa, and the Board adopts the third reading of the proposed amendment and the amendment is published.

Be it Further Resolved that such Amendment to replace Ordinance No. 16, Local Sales and Services Tax shall become effective after its final passage, approval and the Amendment is published.

Dated at Marshalltown, Iowa, this 2nd day of June, 2015.

Motion by Patten, second by Thompson, to adopt Resolution #2015-0026, First Reading of Proposed Amendment to Marshall County Ordinance #16, Local Sales and Services Tax and set hearing date and time for Tuesday, June 30, 2015 at 9:00a.m.

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

	Attest:	
Denny Grabenbauer Board of Supervisors, Chairman		Deanne Raymond Marshall County Auditor and Recorder

16. Resolution #2015-0027

Abatement of Mobile Home Taxes; Iowa Code 445.16 and 648.22A

Whereas, pursuant to Iowa Code 445.16, the County Treasurer as determined that it is impractical to pursue collection of the total amount due through the delinquent taxes and the personal judgment remedies, and pursuant to Iowa Code 648.22A, executions involving mobile homes.

Now, Therefore, Be it Resolved by the Marshall County Board of Supervisors to authorize the County Treasurer to abate the taxes on the following properties:

2552 Smith Ave Lot #71, Marshalltown, Iowa 50158, VIN# 363TEFBR12424, Titled 64AA91266. The full years of 2013 – 2015 mobile home tax in the amount of $311.00 as of June 2015, which includes penalty, interest and cost.

Whereas, Lola Schoppe, Plaintiff vs Daniel Leonard, Kelsey Clements, and Kathy L. Borton a/k/a Kathy Leonard, small claims No. SCSC029847, Iowa Code 648.22A, a mobile home located at 306 6th ST SW Lot #2, State Center, Iowa 50247, VIN # 158855, Titled 64AA54939. The 2014 mobile home tax in the amount of $357.00 which includes penalty, interest and cost.

Whereas, Sunset Village Mobile Home Park, LLC, Plaintiff vs Mohamed Zovaki and Samantha Zovaki a/k/a Samantha Sumpter a/k/a Samantha Zouaki, small claims No. SCSC030439, Iowa Code 648.22A, a mobile home located at 3202 S 12th St Lot #25, Marshalltown, Iowa 50158, VIN # 04510198Y, Titled 64AB26190, and small garage/shed attached, has 2014 delinquent taxes in the amount of $133.00 which includes penalty, interest and cost.

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that the amount due be abated and the County Treasurer is directed to strike the amount due from the county system.

Motion by Thompson, second by Patten, to adopt Resolution #2015-0027, Abatement of Mobile Home taxes; Iowa Code 445.16 and 648.22A.

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

	Attest:	
Denny Grabenbauer Board of Supervisors, Chairman		Deanne Raymond Marshall County Auditor and Recorder

17. America's Renewable Future - Roxanne Dass, Regional Field Director, discuss America's Renewable Future, ways to support the Renewable Fuel Standard, and request for support for RFS.

Motion by Patten, second by Thomspon, to support the Renewable Fuel Standard.

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

18. Public Forum—There were no comments from the public.

19. Adjournment--The next regular session is June 16, 2015, 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 **Thursday** June 11, 2015, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:26 a.m.

______________________________ Attest: ______________________________

Denny Grabenbauer
Board of Supervisors, Chairman

Deanne Raymond
Marshall County
Auditor and Recorder