

**Marshall County Board of Supervisors
Regular Session October 4, 2016 at 9:00 a.m.**

AGENDA

The Board will meet in regular session on Tuesday, October 4, 2016, at 9:00 a.m. in the Courthouse, meeting room #2, NE corner, 3rd floor with _____ members present.

Pledge of Allegiance

Notice to the public--The Board of Supervisors welcomes comments from the public during the time allowed for discussion. You are requested to approach the microphone, state your name for the record and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any agenda item is for the Chairperson to read the item from the agenda. The Board is given an opportunity to comment on the issue and/or place a motion on the floor. An opportunity for discussion may be presented at which time the public may participate and a roll call vote will follow.

1. Approval or Amendment of Agenda—

Motion by _____, second by _____, to _____ the agenda as printed.

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

2. Years of Service Recognition - Todd Parrish(Sheriff's Office) – 25 years, Richard Ritter(Secondary Road) – 15 years

Consent Agenda:

3. Approve Minutes--from Regular Session of September 20, 2016.

4. Accept Annual Manure Management Plan Update- Burt Farm and Livestock, id no.60557, manure management plan update has been received and placed on file. There were no changes to MMP.

5. 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 October; the October list of claims will be a part of the first meeting in N.

Motion by _____, second by _____, to _____ the consent agenda as printed.

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

6. Approve Personnel Actions:

- a. Change of Status, **Colleen Whitmore**, Sheriff's Office, fulltime, Change of Status from Jailer to Executive Secretary, rate of pay \$19.32 / hr., effective October 3, 2016.

Motion by _____, second by _____, to _____ personnel action.

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

- b. Hire, **Torey Robinson**, County Attorney's Office, fulltime, Assistant County Attorney, rate of pay \$60,000 / yr., effective October 24, 2016.

Motion by _____, second by _____, to _____ personnel action

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

7. Public Events Held on County Property—Discussion and possible action on a request from Gerry Best for permission to use the Courthouse grounds for the Nationwide Public Square Rosary event, Saturday, October 15th from 12:00p.m. to 1:00p.m. on the Marshall County Courthouse steps. This will be one of 14,000 rallies held nationwide where people will be praying for peace and protection and blessings on our country and the world and an end to all of the violence we hear about daily.

Motion by _____, second by _____ to _____ this request.

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

8. Memorandum of Understanding-Discussion and possible action on approval of a Memorandum of Understanding between the Teamsters Local 238 and Marshall County (Sheriff's Office Unit) relating to the assignment of overtime for deputies.

Motion by _____, second by _____, to _____ the Memorandum of Understanding between the Teamsters Local 238 and Marshall County (Sheriff's Office Unit) relating to the assignment of overtime for deputies. This memorandum of understanding shall be in effect for 60 effective October 1, 2016 and may be extended upon mutual agreement of the parties.

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

9. First Amendment to Lease Agreement – First amendment to lease agreement between and among FAMI,LLC(landlord), whose address for the purpose of this lease is 404 N. 5th Street, Marshalltown, IA 50158; TOP FARMS, LLLP(Assignee), whose address for the purpose of this lease is 1840 NW 118th St. , Suite 100, Clive, Iowa 50325; and Marshall County Board of Board of Supervisors , Department of Human Services(Tenant), whose address for the purpose of this lease is 109 SW 13th St, Des Moines, IA 50319. This amendment consents to the assignment, transfer and conveyance of the leased property from Landlord(FAMI,LLC) to Assignee(Top Farms LLC). The lease is for 5,668 square feet on the first floor, and 5,000 square feet on the second floor commencing on September 1, 2016 and ending on July 31, 2019. Except as modified by the terms of this 1st Amendment, all other terms and conditions of the Lease shall remain in full force and effect. 1st Amendment to Lease Agreement is attached.

Motion by _____, second by _____, to _____ this amendment to lease agreement.

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

10. Secondary Road Equipment Purchase- Discussion and possible action on the purchase of a 2016 Dodge Ram 1500 truck from Deery Brother of Ames, IA. This truck has a crew cab configuration.

Motion by _____, second by _____, to _____ the purchase of a 2016 Dodge Ram 1500 truck from Deery Brothers of Ames, IA in the amount of \$30,742.00. This purchase will be paid from our FY2017 equipment budget.

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

Resolution #2016-0038

11. Secondary Road-Project Funding Agreement with IDOT--Discussion and possible action on an agreement with the Iowa DOT titled “Federal-Aid Agreement for a Surface Transportation Program Project, Project No. STP-S-C064(126)—5E-64, Iowa DOT Agreement No. 1-16-STPS-029”. This covers the Cold-In-Place Recycling and HMA Resurfacing of T29/E35/T37 from Garwin Rd, south and east 7.5 miles, to end of PCC paving north of US Highway 30. This work is scheduled for Fiscal Year 2017 construction.

Motion by _____, second by _____, to _____ Resolution #2016-0038, an agreement between Marshall County, IA and the IDOT, Project No. STP-S-C064(126)—5E-64, Iowa DOT Agreement No. 1-16-STPS-029”and authorizing the Chairman to sign the agreements.

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

Denny Grabenbauer
Board of Supervisors, Chairman

Attest: _____
Deanne Raymond
Marshall County
Auditor and Recorder

12. Secondary Road Dept.-Right of Way Contract—Discussion and possible action on the approval of the Right of Way contract with Iowa State University of Science and Technology. This contract is for approximately 4.59 acres of temporary right of entry needed for the construction of Bridge M-14 on 320nd St east of Binford Ave., Marshall County, IA.

Motion by_____, second by_____ to _____ the Right of Way contract with Iowa State University of Science and Technology and authorize the Chairman to sign.

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

13. Secondary Road Dept.-Right of Way Contract—Discussion and possible action on the approval of the Right of Way contract with Ed Bartine. This contract is for approximately 4.59 acres of temporary right of entry needed for the construction of Bridge D-20 on 155 St. east of Eastman Ave., Marshall County, IA.

Motion by_____, second by_____ to _____ the Right of Way contract with Ed Bartine and authorize the Chairman to sign.

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

14. Request to Temporarily Close County Road-A request from Cole Needham, MCC filmmaking student, is requesting to close 285th Street outside of Melbourne, IA on October 14 from sunset (6:30p.m.) to roughly 1:00a.m. to film a scene for his short film in Melbourne, IA.

Motion by_____, second by_____ to _____ this request.

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

15. Public Forum— is a time set aside for the public to make comments on topics of County business other than those listed on this agenda. No action will be taken on any of these topics brought up in the public forum.

16. Adjournment--The next regular session is October 18, 2016, 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**, October 13, 2016, at 1:00 p.m. There being no further business to come before the Board, the meeting is adjourned at ____ a.m.

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Deanne Raymond
Marshall County
Auditor and Recorder

FIRST AMENDMENT TO LEASE AGREEMENT

THE FIRST AMENDMENT TO THE LEASE AGREEMENT (the "1st Amendment") is made the ____

day of September, 2016 by, between, and among **FAMI, LLC** (Landlord), whose address for the purpose of this Lease is **404 North 5th Street, Marshalltown, Iowa 50158; Top Farms, LLLP** (Assignee), whose address for the purpose of this lease is **1840 NW 118th Street, Suite 100, Clive, Iowa 50325**; and the **Marshall County Board of Supervisors, Department of Human Services** (Tenant), whose address for the purpose of this lease is **109 SE 13th Street, Des Moines, Iowa 50319**.

WITNESSETH:

WHEREAS, the Landlord and Tenant have previously executed that certain lease agreement dated October 1, 2007 (the "Lease") pursuant to the terms of which Tenant has leased 10,668 square feet (Rentable Area or Leasable Space) of office space located at **206 West State Street, Marshalltown, Iowa 50158** (Leased Premises).

WHEREAS, the Landlord and Tenant have agreed to make certain modifications to the lease:

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, effective **September 1, 2016**, the State hereby consents to the assignment, transfer and conveyance of the leased property from Landlord to Assignee. Assignee hereby agrees to be bound by all terms and conditions of the Lease Agreement. Tenant agrees to look solely to Assignee as landlord under the Lease following the Effective Date.

THEREFORE, the identity of the parties in Section 1 of the Lease is hereby conformed to this Amendment and Section 21.8.4 is conformed to substitute the address for official notices as follows:

Top Farms, LLLP
c/o Ferguson Property Management Services
1840 NW 118th Street, Suite 100
Clive, Iowa 50325

Except as modified by the terms of this 1st Amendment, all other terms and conditions of the Lease shall remain in full force and effect.

LANDLORD:
FAMI, LLC

By: _____

Date: _____

Printed name: _____

Title: _____

By: _____

Date: _____

Printed name: _____

Title: _____

ASSIGNEE:
Top Farms, LLLP

By: _____

Date: _____

Printed name: _____

Title: _____

TENANT:
Marshall County Board of Supervisors

By: _____

Date: _____

Printed name: _____

Title: _____

By: _____

Date: _____

Printed name: _____

Title: _____

By: _____

Date: _____

Printed name: _____

Title: _____