

**Marshall County Board of Supervisors
Regular Session November 28, 2017 at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, November 28, 2017, 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 Salasek, second by Thompson, to approve the agenda as printed.

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

- 2. Years of Service Recognition-** Jennifer Miller(County Attorney) – 15 years, Brad Nichols(Secondary Road) – 15 years, Robert Kienzle(Sheriff's Office) – 5 years

Consent Agenda:

3. Approve Minutes--from Regular Session of November 14, 2017

4. Approve Claims—Approve claims as audited and authorize the County Auditor and Recorder to issue payment of the same. The listing of claims paid at this meeting and all claims paid in the month of November will be published as part of the first meeting in December.

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

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

- 5. Request for Subdivision Variance from Phyllis Hanson, SV 17-01--**Discussion and possible action on a request from Phyllis Hanson for property legally described as:

Lot Two of the Southwest ¼ of the Southwest ¼ and Lot 6 of 10 of the subdivision of the Southwest ¼ of the Southwest ¼, all in Section 22, Township 84N R17W of the 5th PM as recorded in Book 4, Page 355 in the Office of the Recorder of Marshall County, Iowa. Parcel pin # 8417-22-351-018 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 Salasek, second by Thompson, 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: Lot Two of the Southwest ¼ of the Southwest ¼ and Lot 6 of 10 of the subdivision of the Southwest ¼ of the Southwest ¼, all in Section 22, Township 84N R17W of the 5th PM as recorded in Book 4, Page 355 in the Office of the Recorder of Marshall County, Iowa.

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

6. Request for Subdivision Variance from Carlton & Sharon Schnathorst, SV 17-02--

Discussion and possible action on a request from Carlton & Sharon Schnathorst for property legally described as:

Parcel B located in the Southeast ¼ of the Southeast ¼ and the Southwest ¼ of the Southeast ¼ of Section 32, Township 82N R18W of the 5th PM Marshall County, Iowa. Parcel pin # 8418-32-400-012 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 Thompson, second by Salasek, 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: Parcel B located in the Southeast ¼ of the Southeast ¼ and the Southwest ¼ of the Southeast ¼ of Section 32, Township 82N R18W of the 5th PM Marshall County, Iowa.

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

7. First Reading of Ordinance #10 Amendment- First Reading of Proposed Amendment No. #SOA-17-01 to Platting and Subdivision Ordinance No. 10 of Marshall County, Iowa and set a Date and Time for the Public Hearing —

Whereas, after recommendation from the Marshall County Zoning Commission, the Marshall County Board of Supervisors is considering the adoption of Amendment No. #SOA-17-01 to Platting and Subdivision Ordinance #10 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 amendment:

This is a request to amend:

Amend Article II. Definitions, no. 29, of the Official Plat of the Marshall County Platting and Subdivision Ordinance, by adding “**retracement plat**” to the existing language which reads: Regarding a plat of survey, acquisition plat, retracement plat, Auditor’s plat, or subdivision plat which has been completed, reviewed, approved, and recorded in accordance with the requirements of this Ordinance.”

and amend Article VI, Section 2-Prohibited Divisions or Plats, by adding “The covenant of non-severability shall state that the existing parcel and the boundary adjustment parcel will not be sold separately” to the existing language which reads: No owner of any tract of land in the unincorporated portion of Marshall County shall divide or plat said tract of land into two or more parcels, for the purpose of laying out an addition, subdivision, building lot or lots, acreage, suburban lots, or any other use, with the exception of a boundary adjustment, or for the potential future such uses if any resulting parcel would not comply with requirements for the size, shape, frontage, lot area, access, coverage setbacks, parking, use or yard requirements of the Zoning Ordinance of Marshall County in effect at the time of the division. Any boundary adjustment shall require a covenant of non-severability to be attached to the survey and conveyance instrument and for those to be recorded with the County Recorder. The covenant of non-severability shall state that the existing parcel and the boundary adjustment parcel will not be sold separately.

and amend Article VII. Requirements and Approval Process for a Plat of Survey, Section 1. - Form of the Plat of Survey, by adding subsection “H. All adjoining properties shall be labeled and adding subsection “I. An Index Legend will be placed in the upper left corner of the survey to aid the recorder with consistent state-wide indexing of plats of surveys and shall include: location including the parcel letter or lot number, section, township, range & aliquot part of the section, and/or subdivision name, lots or blocks; Proprietor; Survey requested by; field work completion date; and surveyors, name, company, address, phone and email” and by adding subsection “J. If a new parcel is being split from an existing parcel letter or lot number, the new parcel letter shall include the Previous Parcel designation (for example Parcel B of Parcel A). The intent however, is not to have more than two descriptions referred to, and shall be at the discretion of the Auditor’s Office on what is reasonable to the existing language which reads:

- A. A parcel letter or number designation approved by the Auditor.
- B. The name of the proprietors.
- C. An accurate description of each parcel.
- D. The total acreage of each parcel.
- E. The acreage of any portion lying within a public right-of-way.
- F. Attachment of the corner certificate(s) if required.
- G. The location of existing buildings and structures standing within five feet of minimum set-back distances from lot lines, and those that encroach upon the county or state right-of-way shall be shown on the plat of survey in relation to lot lines and right-of-way lines.
- H. All adjoining properties shall be labeled.
- I. An Index Legend will be placed in the upper left corner of the survey to aid the recorder with consistent state-wide indexing of plats of surveys and shall include: location including the parcel letter or lot number, section,

township, range & aliquot part of the section, and/or subdivision name, lots or blocks; Proprietor; Survey requested by; field work completion date; and surveyors, name, company, address, phone and email.

- J. If a new parcel is being split from an existing parcel letter or lot number, the new parcel letter shall include the Previous Parcel designation (for example Parcel B of Parcel A). The intent however, is not to have more than two descriptions referred to, and shall be at the discretion of the Auditor's Office on what is reasonable.

and amend Article VII. Requirements and Approval Process for a Plat of Survey, Section 2. - Review of the Plat of Survey by adding "GIS Department" to the existing language which reads: The Recorder shall seek the review and comment on the plat from the Auditor, Zoning Administrator, County Engineer, GIS Department, County Sanitarian, and Assessor. These officials shall review the plat for completeness and correctness of form as required by this Ordinance.

and amend Article VII. Requirements and Approval Process for a Plat of Survey, Section 3.- Approval of the Plat of Survey by adding "initial" and striking "~~place an approval stamp on~~" by adding to the existing language which reads: The Auditor shall review all plats of survey required by this Ordinance for completeness and correctness of form as required by this Ordinance. After the review process is complete, the Auditor shall initial ~~place an approval stamp on~~ the plat of survey, approving the plat and the letter designation. The Auditor, when a permanent real estate index system is operational, may note a permanent real estate index number upon each parcel shown on a plat of survey for real estate tax purposes.

and amend Article VII. Requirements and Approval Process for a Plat of Survey, Section 5.- Description and Conveyance According to Plat of Survey, subsection C. by adding "~~if the parcel lies outside of an official plat or the lot number or letter and name of the official plat, if the parcel lies within an official plat~~" by adding to the existing language which reads: The section, township, and range number and reference to the aliquot part of the section - if the parcel lies outside of an official plat or the lot number or letter and name of the official plat, if the parcel lies within an official plat.

and amend Article VII. Requirements and Approval Process for a Plat of Survey, Section 7.-Retracement Plat of Survey by striking "~~not~~" to the existing language which reads: A retracement plat of survey is ~~not~~ required to comply with this Article. A retracement plat of survey is required to be recorded in the Office of the County Recorder.

Reason for the amendment request: To correct textual errors.

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 12th day of December, 2017, with the notice of hearing

published in the Marshalltown Times Republican and the State Center Mid Iowa Enterprise, not less than four nor more than 20 days before the date of the hearing pursuant to Iowa Code 618.14, and the Board adopts the third reading of the proposed amendment and the amendment is published.

Dated at Marshalltown, Iowa, this 28th day of November 2017.

Motion by Salasek, second by Thompson, to approve the first reading of the Amendment No. #SOA-17-01 to Platting and Subdivision Ordinance No. 10 and set the public hearing date for December 12, 2017, at 9:00 a.m.

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

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

8. Resolution #2017-0050

RESOLUTION APPROVING A 28E AGREEMENT BETWEEN MARSHALL COUNTY, THE CITY OF MARSHALLTOWN, THE MARSHALL COUNTY EMERGENCY MANAGEMENT COMMISSION AND THE 911 JOINT SERVICES BOARD FOR JOINT EMERGENCY COMMUNICATIONS SERVICES FOR MARSHALL COUNTY, IA

WHEREAS, Marshall County, the City of Marshalltown, the Marshall County Emergency Management Commission, and the Marshall County 911 Joint Service Board have set forth the terms and conditions for the Joint Emergency Communications Services for Marshall County, and

WHEREAS, Marshall County, the City of Marshalltown, the Marshall County Emergency Management Commission, and Marshall County 911 Joint Service Board now desire to further outline the details and responsibilities for those improvements.

NOW THEREFORE BE IT RESOLVED, by the Marshall County Board of Supervisors that the 28E Agreement between the parties above is hereby approved and adopted, effective this date.

Motion by Thompson, second by Salasek to adopt Resolution #2017-0050, RESOLUTION APPROVING A 28E AGREEMENT BETWEEN MARSHALL COUNTY, THE CITY OF

MARSHALLTOWN, THE MARSHALL COUNTY EMERGENCY MANAGEMENT
COMMISSION AND THE 911 JOINT SERVICES BOARD FOR JOINT EMERGENCY
COMMUNICATIONS SERVICES FOR MARSHALL COUNTY, IA

Passed and approved this ____ day of _____, 20__.

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

Motion by Thompson, second by Salasek, to table Resolution #2017-0050, RESOLUTION
APPROVING A 28E AGREEMENT BETWEEN MARSHALL COUNTY, THE CITY OF
MARSHALLTOWN, THE MARSHALL COUNTY EMERGENCY MANAGEMENT
COMMISSION AND THE 911 JOINT SERVICES BOARD FOR JOINT EMERGENCY
COMMUNICATIONS SERVICES FOR MARSHALL COUNTY, IA

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

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

9. Mid Iowa Antique Power – Discussion and possible action to place a concrete floor in the
dining hall area of the county building at the Sheriff's office.

Motion by Thompson, second by Salasek, to approve the placement of a concrete floor in the
dining hall area of the county building at the Sheriff's office.

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

10. Resolution #2017-0051

Abatement of Real Estate and Mobile Home 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 following taxes:

2254 100th St, Liscomb, Iowa, Parcel # 8518-06-200-002 for current 2016 property taxes in the amount of \$335.00, which includes penalty.

3202 South 12th St, Lot 3. Marshalltown, Iowa, a mobile home described as a 2000 Dutch House. VIN #29458E, with current and delinquent taxes in the amount of \$325.00 which includes penalty, interest and cost.

3202 South 12th St, Lot 202, Marshalltown, Iowa, Parcel 8318-10-451-533. A building on leased land, with current taxes in the amount of \$102.00, which includes penalty.

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 amounts due from the county system.

Motion by Thompson, second by Salasek, to adopt Resolution #2017-0051, Abatement of Real Estate and Mobile Home Taxes.

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

Passed and adopted this 28th day of November, 2017.

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

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

12. Adjournment--The next regular session is December 12, 2017, 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, December 7, 2017, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:43 a.m.

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

The Board of Supervisors' calendar can be viewed <http://goo.gl/yubHzV>

