

**Marshall County Board of Supervisors  
Regular Session December 12, 2017 at 9:00 a.m.**

**MINUTES**

The Board met in regular session on Tuesday, December 12, 2017, at 9:00 a.m. in the Courthouse, meeting room #2, NE corner, 3<sup>rd</sup> 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: | Salasek-Aye | Patten-Aye | Thompson-Aye |
|                 | Member      | Chairman   | Vice Chair   |

**2. Public Hearing Proposed Amendment No. SOA-17-01 to Platting and Subdivision Ordinance No. 10, Public Hearing—**

At the public hearing, any resident may present objections to or arguments in favor of any part of the proposed amendment no. SOA-17-01 to Ordinance No. 10 Platting and Subdivision Ordinance.

There were no written comments, questions, or objections on file in the County Auditor's Office. Of the 6 individual(s) attending the public hearing, no individual(s) presented oral comments, questions, or objections at the hearing.

Motion by Thompson, second by Salasek to close the public hearing at 9:02 a.m.

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

**3. Waiver/Suspension of Second Reading of Amendment to Ordinance #10 Platting and Subdivision-Discussion and possible action to waive the second reading of amendment to Ordinance #10 Platting and Subdivision.**

Motion by Thompson, second by Salasek to waive the second reading of this amendment to Ordinance No. 10 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the third reading of Ordinance Amendment No. SOA-17-01 at the regularly scheduled Board of Supervisor's meeting held on December 12, 2017.

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

**Resolution #2017-0052**

**4. Third and Final Reading of Amendment #SOA-17-01 to Ordinance #10, Platting and Subdivision-** Third and Final Reading of Proposed Amendment No. #SOA-17-01 to Platting and Subdivision Ordinance No. 10 of Marshall County, Iowa.

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 Ordinance #10, Platting and Subdivision.

Now, Therefore, Be It Resolved, by the Marshall County Board of Supervisors that this be considered the third and final 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.

Notice of public hearing was published in the Marshalltown Times-Republican, Marshalltown, Iowa, on November 30, 2017, and in the Mid Iowa Enterprise, State Center, Iowa, on December 7, 2017 pursuant to Iowa Code 618.14.

Be It Further Resolved that this Ordinance shall become effective after its final passage, approval and publication as provided by law.

Dated at Marshalltown, Iowa, this 12th day of December 2017.

Motion by Salasek, second by Thompson, to approve the third and final reading of the Amendment No. #SOA-17-01 to Platting and Subdivision Ordinance No. 10. The second reading of amendment #SOA-17-01 to Ordinance No. 10 was waived by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) at the regularly scheduled Board of Supervisor’s meeting on December 12, 2017.

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

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Bill Patten  
Board of Supervisors, Chairman

Attest:

\_\_\_\_\_  
Nan Benson  
Marshall County  
Auditor and Recorder

**Consent Agenda:**

**5. Approve Minutes**--from Regular Session of December 5, 2017

**6. Accept 2017 Weed Commissioners Report**

**7. 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 December will be published as part of the first meeting in January.

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

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

**8. Approve Personnel Actions:**

a.) Hire, **Tracy William Anderson**, Sheriff's Office, Courthouse Security, part time, rate of pay \$16.38/hr., effective December 12, 2017.

Motion by Thompson, second by Salasek to approve personnel action.

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

**9. Floating Holiday for 2018**-Discussion and action on setting the floating holiday in 2018 for Marshall County employees.

Motion by Thompson, second by Salasek to set Monday, December 24, 2018 as the date for the floating holiday in 2018.

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

**10. Public Forum**— Kim Elder, Emergency Management Director, reported that the E911 Commission Meeting tabled approval of the newly proposed 28E agreement.

**11. Adjournment**--The next regular session is December 27, 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 21, 2017, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:18a.m.

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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>