

**Marshall County Board of Supervisors Regular Session
May 15, 2018 at 9:00 a.m.**

MINUTES

The Board met in regular session on Tuesday, May 15, 2018, at 9:00 a.m. in the Courthouse, meeting room #1(previously labeled 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. Master Matrix-Jared Whitaker Construction Permit Application, Public Hearing, Facility Id #70163—

At the public hearing, any resident may present objections to or arguments in favor of a construction permit application of an existing permitted animal confinement feeding operation for Jared Whitaker.

There were no written comments, questions, or objections on file in the County Auditor's Office on the construction permit application of an existing animal feeding operation for Jared Whitaker.

Of the 29 individual(s) attending the public hearing, no individual(s) presented oral comments, questions or objections.

Motion by Thompson, second by Salasek, to close the hearing at 9:04 a.m.

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

3. Resolution #2018-0028

RESOLUTION-Master Matrix –Jared Whitaker Application for Construction Permit for a Proposed Animal Confinement Feeding Operation, Facility ID #70163—The notice for a construction permit application for an animal confinement feeding operation from Jared Whitaker was published in the Marshalltown Times-Republican, Marshalltown, Iowa on May 7, 2018, and the Mid Iowa Enterprise, State Center, Iowa on May 10, 2018 and:

There were no written comments, questions, or objections on file in the Auditor's Office and 29 individual(s) attended the public hearing. There were no comment(s), question(s), or objection(s) at the hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors to recommend approval by the Department of Natural Resources on the construction permit application for an animal confinement feeding operation from Jared Whitaker.

Dated at Marshalltown, Iowa this 15th day of May, 2018.

Motion by Thompson, second by Salasek to adopt Resolution 2018-0028, Master Matrix – Jared Whitaker Application for Construction Permit for an Animal Confinement Feeding Operation, Facility ID #70163.

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

Attest:

Bill Patten
Board of Supervisors, Chairman

Nan Benson
Marshall County
Auditor and Recorder

4. Green Mountain Wastewater Treatment Facility Project, Public Hearing--

At the public hearing, any resident may present objections to or arguments in favor of a Green Mountain Wastewater Treatment Facility Project.

There were no written comments, questions, or objections on file in the County Auditor's Office on the Green Mountain Wastewater Treatment Facility Project.

Of the 28 individual(s) attending the public hearing, no individual(s) presented oral comments, questions or objections.

Motion by Thompson, second by Salasek to close the hearing at 9:13 a.m.

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

5. Green Mountain Wastewater Treatment Facility Project Resolution—

**RESOLUTION AUTHORIZING INITIATION OF PUBLIC IMPROVEMENT
WHICH MAY REQUIRE ACQUISITION OF AGRICULTURAL LAND**

Resolution #2018-0029

WHEREAS, Iowa Code Chapter 6B requires a governmental body which proposes to acquire agricultural land for a public improvement project to hold a public hearing at which interested parties may express their views regarding the project and regarding the proposed acquisition of property, and

WHEREAS, the Board of Supervisors of Marshall County has given due notice of said hearing in accord with and as required by law in regard to the project, tentatively identified as the Green Mountain Wastewater Treatment Facility Project (“the project” or “project”) described generally as follows:

Construction of the Green Mountain Wastewater Treatment Facility Project, consisting of a three cell public sewage lagoon and necessary facilities, sewer mains, and all ancillary uses including required buffer and access areas, for the purpose of providing a wastewater treatment system capable of serving the unincorporated community of Green Mountain, Iowa. The project area consists of approximately 16.53 acres situated directly west of the Green Mountain baseball field located on Wallace Ave. in Green Mountain, Marshall County, Iowa, including more specifically:

The South 600 feet of the east ½ of the northeast quarter of section 9, township 84 north, range 17 west of the 5th P.M., Marshall County, Iowa, Except the south 800 feet of the east 399.15 feet thereof, and except parcel “A” in the east half of the northeast quarter of said section 9, as shown in in plat of survey recorded in instrument #9908795 of the records of the recorder’s office of Marshall County, Iowa

AND

The East 285 feet of the South 600 feet of the SW ¼ of the NE ¼ of Section 9, Township 84 North, Range 17 West of the 5th P.M., Marshall County, Iowa,

As depicted on Exhibit A, attached hereto and by this reference incorporated herein; and

WHEREAS the Board has heard the comments for and against said proposal; and

WHEREAS, said hearing has been duly closed and the Board has considered all comments for and against the proposed project; and

WHEREAS, the Board finds that there is a reasonable expectation that it will be able to achieve its public purpose, comply with all applicable standards, and obtain any necessary permits to complete the project as described herein.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS as follows:

Section 1. The project is hereby approved as a public improvement in the best interest of Marshall County, Iowa.

Section 2. The site location for the proposed public improvement as set forth and duly described above is hereby approved.

Section 3. The use of condemnation as may be necessary to achieve the property acquisition for accomplishing the public improvement is hereby authorized.

Section 4. The Board's staff are directed to undertake any and all lawful acts to accomplish the project, with the assistance of the Board's legal counsel, in accordance with the laws of the State of Iowa, and to acquire all necessary property, including agricultural property, necessary in regard to the Green Mountain Wastewater Treatment Facility Project including all or any part of the land above described.

Section 5. That if necessary, the Board shall exercise its powers of eminent domain to assure the completion of the project; accordingly, the Marshall County Director of Planning & Zoning Public Environmental Health & Weed Commissioner, with the assistance of the County's acquisition agent, JCG Land Services, is hereby authorized to secure appraisals of all lands which may need to be acquired through voluntary sale or the use of powers of eminent domain, and is further hereby directed and authorized to do all things necessary to effectuate the acquisition of the necessary property.

Motion by Salasek, second by Thompson to adopt Resolution #2018-0029, RESOLUTION AUTHORIZING INITIATION OF PUBLIC IMPROVEMENT WHICH MAY REQUIRE ACQUISITION OF AGRICULTURAL LAND

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

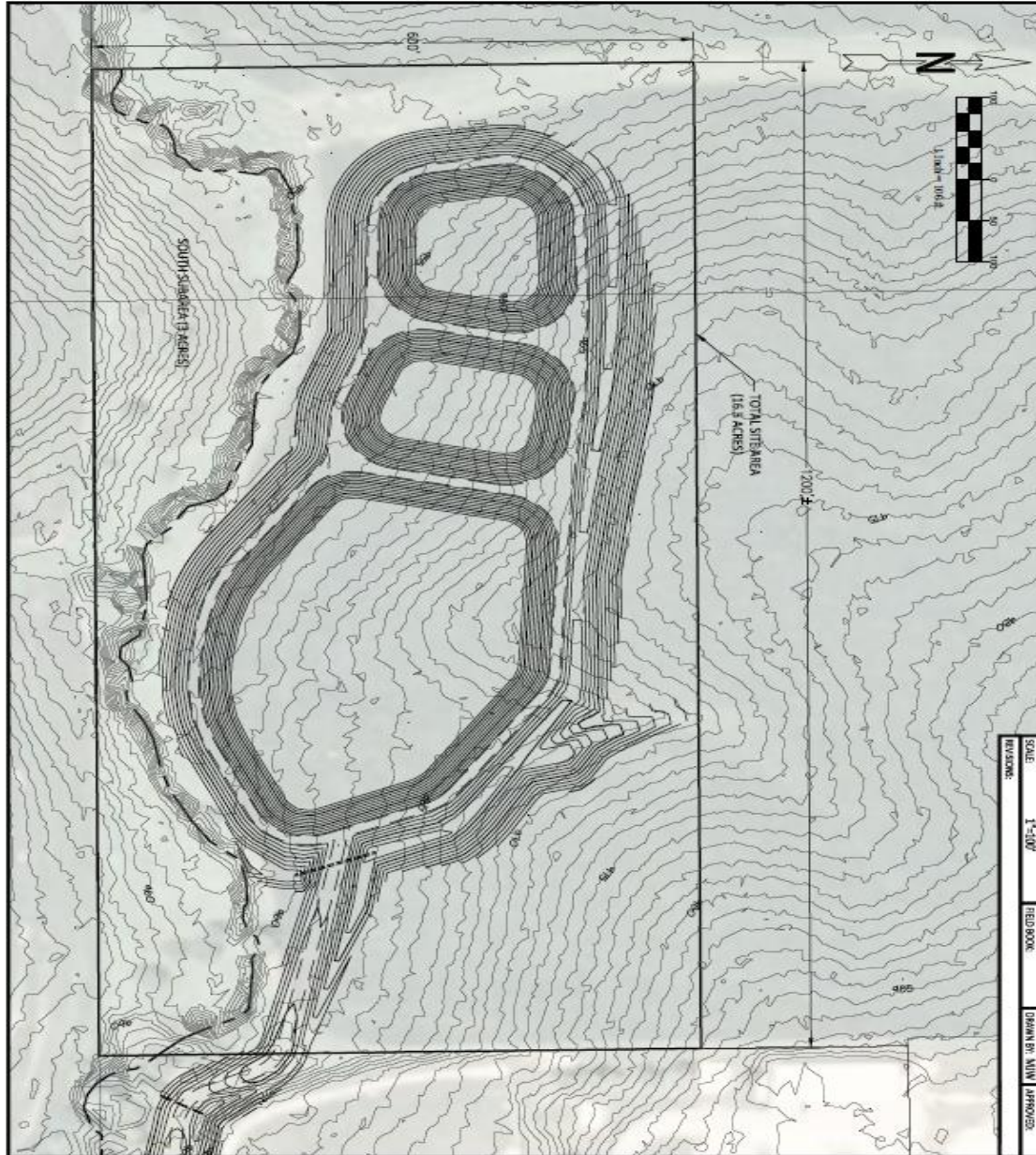
PASSED AND APPROVED this 15th day of May.

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

CONTOUR INTERVAL - 5' - (SEE MAP) TO SHOW RELATIVE TO DATA (SEE NOTE) DATE 3/20/18 (14-15.4)



SHEET NO. 1	PROJECT NO. 300248	DATE FRL 6.2018	SHEET TITLE LAGOON PRELIMINARY GRADING PLAN	WASTEWATER SYSTEM IMPROVEMENTS GREEN MOUNTAIN, IA © COPYRIGHT 2018 GARDEN & ASSOCIATES, LTD.	GARDEN & ASSOCIATES, LTD. ENGINEERS & SURVEYORS 1701 3rd Avenue East, Suite 1 P.O. Box 457 Oshtemo, Iowa 52577 641.872.2520 Phone 641.872.2081 Fax 800.485.2524 Iowa Toll Free	505 E. Taylor, Suite C Creston, Iowa 50801 641.782.4505 Phone 641.782.4118 Fax email@gardenassociates.net

Consent Agenda:

- 6. Approve Minutes**--from Regular Session of May 1, 2018
- 7. Accept Annual Manure Management Plan Update**- Tamco Pork II L.L.C., id no. 58267, annual update report received and placed on file with no changes to MMP, 4 year update.
- 8. Accept Annual Manure Management Plan Update**-Kaleb Appelgate, id no. 69350, annual update report received and placed on file with no changes to the MMP.
- 9. Accept Annual Manure Management Plan Update**- Prestage Farms of Iowa, Site PI-295 Finisher, id no. 65971, annual update report received and placed on file no changes to MMP.
- 10. Accept Annual Manure Management Plan Update**- Prestage Farms of Iowa, Site PI-296 Finisher, id no. 65970, annual update report received and placed on file no changes to MMP.
- 11. Accept Annual Manure Management Plan Update**- Prestage Farms of Iowa, Site PI-333 Finisher, id no. 67102, annual update report received and placed on file no changes to MMP.
- 12. Accept the Independent Auditor's Report**-Central Iowa Juvenile Detention Services Commission-year ended June 30, 2017.
- 13. Accept File of District Court Report-4-18**
General Supplemental Fund Surcharge-\$1,483.41
- 14. 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 May will be published as part of the first meeting in June.

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

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

15. Approve Personnel Actions:

- a. Hire, Richelle Mahaffey**, County Attorney's Office, Assistant County Attorney, fulltime, rate of pay \$58,000/yr., effective May 21, 2018.

Motion by Thompson, second by Salasek, to approve personnel action, hire Richelle Mahaffey, County Attorney's Office, Assistant County Attorney, fulltime, rate of pay \$58,000/yr., effective May 21, 2018.

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

- b. Hire, **Drew Wesley Schossow**, Sheriff's Office, Jailer, fulltime, rate of pay \$17.72/hr., effective May 16, 2018

Motion by Salasek, second by Thompson, to approve personnel action, hire Drew Wesley Schossow, Sheriff's Office, Jailer, fulltime, rate of pay \$17.72/hr., effective May 16, 2018.

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

- c. Hire, **Brady Francis Ellenbecker**, Sheriff's Office, Deputy Sheriff, fulltime, rate of pay \$21.32/yr., effective May 24, 2018

Motion by Thompson, second by Salasek, to approve personnel action, hire Brady Francis Ellenbecker, Sheriff's Office, Deputy Sheriff, fulltime, rate of pay \$21.32/yr., effective May 24, 2018.

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

16. Resolution #2018-0030

RESOLUTION TO VACATE A PORTION OF ROAD IN MARSHALL COUNTY, IA (Petition #844)

Whereas, the Marshall County Board of Supervisors held a public hearing on May 1, 2018, to vacate the following:

At said public hearing no individuals presented written or oral comments, and there were no questions, or objections on file in the County Auditor's Office and the Board of Supervisors' Office.

All of 110th Street between the East Right-of-Way line of Fredrick Avenue in Section 01, Township 85 North, Range 20 West of the 5th PM and the West Right-of-Way line of Glick Avenue in Section 06, Township 85, Range 19 West of the 5th PM., all in Marshall County, IA.

Whereas, said portion of road is no longer necessary, or required for use by the public for road purposes and will not hereafter be required for construction or maintenance purposes for any road or alley.

Whereas, there were no claims for damages made and none are being awarded.

Now, Therefore, be It Resolved by the Marshall County Board of Supervisors that, all of 110th Street between the East Right-of-Way line of Fredrick Avenue in Section 01, Township 85 North, Range 20 West of the 5th PM and the West Right-of-Way line of Glick Avenue in Section 06, Township 85, Range 19 West of the 5th PM., all in Marshall County, IA. herein with any and all rights of Marshall County in and to the same are hereby abandoned, and Marshall County hereby disclaims any right, title, or interest in and to said road or to the use thereof for any purpose whatsoever.

Be It Further Resolved that a utility company retains its right to continue in possession of a right-of-way after vacation or sale of road right-of-way. Iowa Code section 306.22 continues rights that were in effect prior to the sale of right-of-way. Iowa Code section 478.17 assures utility companies of reasonable access and Iowa Code section 479.24 gives pipeline companies the right of eminent domain.

Dated at Marshalltown, Iowa this 15th day of May, 2018.

Motion by Salasek, second by Thompson, to adopt Resolution #2018-0030, to Vacate a Portion of Road in Marshall County, IA. (Petition #844)

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

17. Resolution #2018-0031

**RESOLUTION TO VACATE A PORTION OF ROAD IN
MARSHALL COUNTY, IA
(Petition #845)**

Whereas, the Marshall County Board of Supervisors held a public hearing on May 1, 2018, to vacate the following:

At said public hearing no individuals presented written or oral comments, and there were no questions, or objections on file in the County Auditor's Office and the Board of Supervisors' Office.

All that part of 277th Street located within the NW ¼ of the SW ¼ and in the NE ¼ of the SW ¼ of Section 32, Township 83 North, Range 20 West of the 5th PM., all in Marshall County, IA, lying east of the East line of Lot 4 of North subdivision.

Whereas, said portion of road is no longer necessary, or required for use by the public for road purposes and will not hereafter be required for construction or maintenance purposes for any road or alley.

Whereas, there were no claims for damages made and none are being awarded.

Now, Therefore, be It Resolved by the Marshall County Board of Supervisors that, all that part of 277th Street located within the NW ¼ of the SW ¼ and in the NE ¼ of the SW ¼ of Section 32, Township 83 North, Range 20 West of the 5th PM., all in Marshall County, IA, lying east of the East line of Lot 4 of North subdivision herein with any and all rights of Marshall County in and to the same are hereby abandoned, and Marshall County hereby disclaims any right, title, or interest in and to said road or to the use thereof for any purpose whatsoever.

Be It Further Resolved that a utility company retains its right to continue in possession of a right-of-way after vacation or sale of road right-of-way. Iowa Code section 306.22 continues rights that were in effect prior to the sale of right-of-way. Iowa Code section 478.17 assures utility companies of reasonable access and Iowa Code section 479.24 gives pipeline companies the right of eminent domain.

Dated at Marshalltown, Iowa this 15th day of May, 2018.

Motion by Thompson, second by Salasek, to adopt Resolution #2018-0031, to Vacate a Portion of Road in Marshall County, IA. (Petition #845)

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

Attest:

Bill Patten
Board of Supervisors, Chairman

Nan Benson
Marshall County
Auditor and Recorder

18. Follow-Up Discussion of Personnel Policy Topics- The Board of Supervisor's gave their recommendations for Personnel Policy Committee.

19. Approve Liquor License-Class C Liquor License #LC0010945 with Sunday Sales Privilege and Outdoor Service—request from West Marshall Golf Course Association, d/b/a Lincoln Valley Golf, for renewal of their Class “C” Liquor License.

Motion by Salasek, second by Thompson, to approve the Class C liquor license #LC0010945 renewal request from Lincoln Valley Golf, State Center, IA. This license includes Sunday Sales Privilege and Outdoor Service, effective 6-30-2018 to 6-29-2019.

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

20. Cigarette/Tobacco/Nicotine/Vapor Permit Application—request from Pandori Petroleum Inc. /Randhawa Travel Center for a Cigarette/Tobacco/Nicotine/Vapor Permit effective July 1, 2018 through June 30, 2019.

Motion by Thompson, second by Salasek, to approve this request.

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

21. Resolution #2018-0032

RESOLUTION SUPPORTING THE CITY OF MARSHALLTOWN’S HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT TO APPLY FOR THE LEAD HAZARD CONTROL GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT INCLUDING THE JURISDICTION OF UNINCORPORATED MARSHALL COUNTY

WHEREAS the City of Marshalltown (hereinafter referred to as the “City”), State of Iowa, is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the “State”); and

WHEREAS the City of Marshalltown recognizes the need to eliminate lead poisoning and continues to support the goals established by the US Department of Housing and Urban Development (HUD), on the elimination of these poisonings; and

WHEREAS the City Council recognizes the need for funding to aid in the control of lead based paint hazards and lead poisoning; and

WHEREAS the City is prepared with the support of partnering agencies to meet the 10% minimum match requirement of grant funding; and

WHEREAS the City is prepared to apply for assistance on behalf of the unincorporated jurisdictions and incorporated communities within those counties choosing to participate in addition to the City of Marshalltown in order to work towards elimination of lead poisoning on a regional basis; and

WHEREAS if awarded the City will administer the program and will enter into detailed agreements regarding the administration of the program with participating entities.

THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE COUNTY OF MARSHALL, IOWA, AS FOLLOWS:

Section 1. That the County of Marshall agrees to participate in the application submitted by the staff of the City of Marshalltown Housing and Community Development Department

fund through the US Department of Housing and Urban Development to provide for education, outreach, identification, removal of lead base paint hazards and for other items related to the lead hazard control in an amount yet to be determined by said Notice of Funding Availability.

Section 2. That the County of Marshall agrees to assist in meeting the matching requirements of the application by committing \$1,000 in-kind contributions towards eligible program expenses.

Motion by Thompson, second by Salasek, to adopt Resolution #2018-0032, Resolution Supporting the City of Marshalltown's Housing & Community Development Department to Apply for the Lead Hazard Control grant from the Department of Housing and Urban Development including the Jurisdiction of Unincorporated Marshall County.

Passed this 15th day of May, 2018, and signed this 15th day of May, 2018.

_____	Attest:	_____
Bill Patten		Nan Benson
Board of Supervisors, Chairman		Marshall County
		Auditor and Recorder

22. Discussion - Proposed Heartland Cooperative Expansion at Pickering Elevator- A request from Heartland Cooperative at Pickering Elevator for tax abatement on proposed expansion areas. The proposed project will consist of adding 4 additional 78' diameter bins that will hold about 425,000 bushel each. It will also include an additional 20,000-bushel leg and some catwalks between the bins. This will allow the co-op to receive and carry more grain for a longer term. This would be 100% abatement for 3 years. The cost of the proposed expansion is \$5,515,000. Supervisor Patten concluded that more questions may be asked. It will not happen by our next meeting, but hope to have an idea soon. Terry Frahm and Tom Diemerly are to get the information to the BOS as soon as possible.

23. Public Forum—No public comments.

24. Adjournment--The next regular session is May 29, 2018, 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, May 24, 2018, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 11:03 a.m.

_____	Attest:	_____
Bill Patten		Nan Benson
Board of Supervisors, Chairman		Marshall County
		Auditor and Recorder

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