

**Marshall County Board of Supervisors Regular Session
October 16, 2018 at 9:00 a.m.**

AGENDA

The Board will meet in regular session on Tuesday, October 16, 2018, at 9:00 a.m. in the Great Western Bank Building, 11 N. 1st Ave. (North Entrance), 2nd floor, NW corner of the Building, Board of Supervisors' meeting room, 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:	Thompson-	Salasek-	Patten-
	Vice Chairman	Member	Chairman

2. Amendment to Zoning Ordinance No. 3 of Marshall County, the Zoning Ordinance-Public Hearing—

At the public hearing, any resident may present objections to or arguments in favor of the ordinance amendment to Zoning Ordinance No. 3 of Marshall County. This is a request by Moyna & Sons Inc., legal owner of the land under request which is described as:

Request #ZR-18-01 by CJ Moyna & Sons Inc, legal owner of the land which is described as: A parcel of land in the NE ¼ of the NW fractional quarter of Section 18, township 83 North, Range 17 West of the 5th P.M., Marshall County, Iowa Commencing at the North Quarter corner of said Section18, thence S05DEG06'06"e, 129.25 feet on the East line of the NW fractional quarter of said section 18 to the existing Northerly right-of-way line of Relocated Primary Road No. US 30; thence S65deg42'54"W, 44.74 feet along said right-of-way line to the point of beginning; thence S65deg44'02"W, 1383.51 feet; thence N05deg06'05"W, 558.12 feet to the existing southerly right-of-way line of former Primary Road No. US 30; thence N86deg35'59"E, 500.29 feet along said southerly right-of-way line; thence N82deg57'06"E, 785.4 feet along the Southerly right-of-way line; thence

s15deg46'28" E, 117.80 feet along said Southerly right-of-way line to the point of beginning, containing 9.80 acres. To change the zoning of the above described parcel from A-1 Agricultural to C-1 General Commercial. PIN#: 8317-18-100-008

There were _____ written comments, questions, or objections on file in the County Auditor's Office on the proposed amendment to Zoning Ordinance No. 3.

Of the _____ individuals attending the public hearing, _____ individuals presented oral comments, questions or objections.

Motion by _____, second by _____ to close the hearing and hold the third and final reading of Ordinance Amendment No. 18-01 at the regularly scheduled Board of Supervisor's meeting on October 16, 2018. (The second reading of this amendment to Ordinance No. 3 was suspended by majority of the supervisors pursuant to Iowa Code Chapter 331.302(6.a.) at the September 18, 2018 Regular Session.

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

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Resolution #2018-0056

3. Third and Final Reading of Proposed Amendment No. 18-01 and Adoption to Zoning Ordinance No. 3 of Marshall County

The Marshall County Board of Supervisors is considering the adoption of proposed Amendment No. 18-01 to the Zoning Ordinance No. 3 of Marshall County; and

Whereas the second reading of this ordinance was suspended by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) at the September 18, 2018 Board of Supervisors meeting, public hearing; and

Now, Therefore Be It Resolved, by the Marshall County Board of Supervisors, that this be considered the third and final reading of the Proposed Amendment No. 18-01 and Adoption to Zoning Ordinance No. 3 of Marshall County

Request #ZR-18-01 by CJ Moyna & Sons Inc, legal owner of the land which is described as: A parcel of land in the NE ¼ of the NW fractional quarter of Section 18, township 83 North, Range 17 West of the 5th P.M., Marshall County, Iowa

Commencing at the North Quarter corner of said Section 18, thence S05DEG06'06"E, 129.25 feet on the East line of the NW fractional quarter of said section 18 to the existing Northerly right-of-way line of Relocated Primary Road No. US 30; thence S65deg42'54"W, 44.74 feet along said right-of-way line to the point of beginning; thence S65deg44'02"W, 1383.51 feet; thence N05deg06'05"W, 558.12 feet to the existing southerly right-of-way line of former Primary Road No. US 30; thence N86deg35'59"E, 500.29 feet along said southerly right-of-way line; thence N82deg57'06"E, 785.4 feet along the Southerly right-of-way line; thence S15deg46'28"E, 117.80 feet along said Southerly right-of-way line to the point of beginning, containing 9.80 acres. To change the zoning of the above described parcel from A-1 Agricultural to C-1 General Commercial. PIN#: 8317-18-100-008

Be It Further Resolved, that such an amendment shall not be effective until the amendment is published. Notice of the public hearing was published in the Times Republican newspaper, Marshalltown, Iowa on September 27, 2018 and Mid Iowa Enterprise newspaper, State Center, Iowa on September 27, 2018. A public hearing was held on _____, 2018.

Dated at Marshalltown, Iowa, this 16th day of October, 2018.

Motion by _____, second by _____, to _____ Resolution #2018-0056, which constitutes the third reading and final reading of Amendment No. 18-01 and adoption to Zoning Ordinance No. 3.

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

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

4. Annex Building- Discussion and possible action to approve OPN Architects to move forward with the proposed layout for the Marshall County Annex Building.

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

Motion by _____, second by _____, to _____ OPN Architects to move forward with the proposed layout for the Marshall County Annex Building.

Consent Agenda:

5. Approve Minutes--from Regular Session of October 2, 2018.

6. Accept Recorder's Quarterly Report – July 2018- September-2018

Records Management Fund \$1,459.00

E-Commerce Fund \$1,459.00

General Basic Fund \$49,189.80

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 October will be published as part of the first meeting in November.

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

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

8. Approve Personnel Action:

- a. Hire, **Joseph Leichty**, County Attorney's Office, Assistant County Attorney, fulltime, rate of pay \$65,100/yr., effective October 29, 2018.

Motion by _____, second by _____, to approve personnel action, hire Joseph Leichty, County Attorney's Office, Assistant County Attorney, fulltime, rate of pay \$65,100/yr., effective October 29, 2018.

9. Resolution #2018-0057

**RESOLUTION TO VACATE VARIOUS STREETS AND ALLEYS
IN THE TOWN OF MINERVA
MARSHALL COUNTY, IA
(Petition #846)**

Whereas, the Marshall County Board of Supervisors held a public hearing on October 2, 2018, to vacate the following:

All platted East-West streets, being 60' in width EXCEPT beginning at the Southwest corner of Block 4 and running thence east 275', thence south 60', thence west 275', thence north 60' to the point of beginning AND all platted North-South streets, being 60' in width, AND ALL PLATTED East-West alleys being 20' in width AND all platted North-South alleys being 16' in width, all lying within the following described boundaries; The North 600' of the East 405' of the Southwest

**Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 5, Township 84 North,
Range 19 West of the 5th P.M., Town of Minerva, Marshall County, Iowa.**

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 ____ claims for damages made and ____ are being awarded.

Now, Therefore, be It Resolved by the Marshall County Board of Supervisors that, all platted East-West streets, being 60' in width EXCEPT beginning at the Southwest corner of Block 4 and running thence east 275', thence south 60', thence west 275', thence north 60' to the point of beginning AND all platted North-South streets, being 60' in width, AND ALL PLATTED East-West alleys being 20' in width AND all platted North-South alleys being 16' in width, all lying within the following described boundaries; The North 600' of the East 405' of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 5, Township 84 North, Range 19 West of the 5th P.M., Town of Minerva, Marshall County, Iowa 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 ____ day of _____, 2018.

Motion by _____, second by _____, to _____ Resolution #2018-0057, to Vacate Various Streets and Alleys in the Town of Minerva in Marshall County, IA. (Petition #846)

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

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

10. Resolution – #2018-0058

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:

902 E Anson St, Marshalltown, Iowa, Parcel # 8418-36-331-018 for current and delinquent taxes in the amount of \$781.00, which includes penalty, interest and costs. Additionally the removal of three City of Marshalltown Special Assessments totaling \$988.00.

702 Swayze St, Marshalltown, Iowa, Parcel # 8418-25-302-005 for current and delinquent taxes in the amount of \$579.00, which includes penalty, interest and costs.

708 Lee St, Marshalltown, Iowa, Parcel # 8418-25-308-012 for current and delinquent taxes in the amount of \$772.00, which includes penalty, interest and costs.

401 ½ May St, Marshalltown, Iowa, Parcel # 8418-35-428-011 for current and delinquent taxes in the amount of \$508.00, which includes penalty, interest and costs.

2552 Smith Ave Lot 6, Marshalltown, Iowa, a mobile home described as a 1979 Marshfield. VIN # 33475, with delinquent taxes in the amount of \$505.00 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 amounts due from the county system.

Motion by_____, second by_____, to_____ Resolution #2018-0058,
Abatement of Real Estate and Mobile Home Taxes

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

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

11. HealthPartners Administrat, Inc. Claim Deviation Form-- Discussion and possible action to approve signing HealthPartners Administration, Inc. Claim Deviation Form.

Motion by_____, second by_____, to _____the HealthPartners Administration, Inc. Claim Deviation Form and authorize the Chairman to sign.

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

12. 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.

13. Adjournment—The next regular session is October 30, 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, October 25, 2018, at 1:00 p.m. There being no further business to come before the Board, the meeting is adjourned at ____ a.m.

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

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