

**Marshall County Board of Supervisors
Regular Session May 14, 2019 at 9:05 a.m.**

MINUTES

The Board met in regular session on Tuesday, May 14, 2019, at 9:05 a.m. in the Great Western Bank, 11 N. 1st Ave., Marshalltown, Iowa, 2nd Floor, meeting room #1,(please use North entrance) with all 3 members present.

Pledge of Allegiance

1. Approval or Amendment of Agenda—

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

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

Consent Agenda:

2. Approve Minutes--from Regular Session of April 30, 2019

3. Accept Annual Manure Management Update- Blue Valley Pork, id no. 59449, annual update report received and placed on file with the following change to the MMP: update to new building replacing an old building.

4. 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 with the following change to MMP: acres added

5. 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 with the following change to MMP: acres added

6. 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 with the following change to MMP- acres added

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.

8. 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 Thompson, second by Patten, to approve the consent agenda as printed.

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

9. Proclamation—Mental Health Month May 2019

PROCLAMATION

Marshall County Iowa

Mental Health Month May 2019

WHEREAS mental health is essential to everyone's overall health and well-being; and

WHEREAS mental illnesses are real and prevalent in our nation, and half of us will have a mental health diagnosis at some point in our lives;

WHEREAS all Americans experience times of difficulty and stress in their lives, and should feel comfortable in seeking help and support to manage these times; and

WHEREAS engaging in prevention, early identification, and early intervention are effective ways to reduce the burden of mental illnesses as they reduce the burden of other chronic conditions; and

WHEREAS there is a strong body of research that identifies behavioral risks and supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being; and

WHEREAS with effective treatment, all individuals with mental illness- even serious mental illnesses- can make progress toward recovery and lead full, productive lives; and are real and prevalent in our nation; and

WHEREAS jails and prisons have often become the default places of custodial care for even nonviolent people with mental illnesses; and

WHEREAS each business, school, government agency, healthcare provider, organization and citizen has a responsibility to promote mental health and wellbeing for all.

THEREFORE the Marshall County Board of Supervisors, do hereby proclaim May 2019 as Mental Health Month. We call upon the citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental illnesses at all stages.

Steve Salasek, Chairman
Marshall County Board of Supervisors

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

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

10. Marshall County Employee Health and Prescription Drug Benefit Plan and Marshall County Employee Dental Benefit Plan—Discussion and possible action on setting the monthly rates for FY20.

Health and Prescription Drug Benefit Plan:

Single \$812.00

Employee plus one \$1,306.70

Family \$1,745.84

Dental Benefit Plan:

Single \$37.50

Employee plus one \$75.00

Family \$86.00

Motion by Thompson, second by Patten, to approve the monthly rates for FY20 as set out above.

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

11. Southwest Valley Beam Replacement- RFI #49--Discussion and possible action to approve the replacement of a rotten SW valley beam - RFI #49 by Renaissance Roofing, Belvidere Illinois, in the amount of \$24,136.00.

Motion by Patten, second by Thompson, to approve the replacement of a rotten SW valley beam - RFI #49 by Renaissance Roofing, Belvidere Illinois, in the amount of \$24,136.00.

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

Resolution #2019-0026

12. First Reading of Proposed Amendment No. 19-01 to Marshall County, Iowa Ordinance No. 5, Hazardous Substance, Set Date and Time for Public Hearing and Waive Second Reading—

HAZARDOUS SUBSTANCE

A request to amend:

Title-To amend title by adding the words “WASTE” “AND” and “MANAGEMENT” to read:

HAZARDOUS WASTE AND SUBSTANCE MANAGEMENT

A request to amend:

SECTION 2. DEFINITIONS (A) – amend by removing the numbers and letters: “(4) (a & b)” and “(1987)” to read:

SECTION 2. DEFINITIONS (A).

A. “Hazardous Waste” means such wastes as defined in Section 455B.411~~(4) (a & b)~~, Code of Iowa ~~(1987)~~: “Hazardous Waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A request to amend:

SECTION 2 DEFINITIONS (B) - to amend by removing the numbers “(1)” and “(1987)” to read:

B. “Hazardous Substance” means any substances as defined in the Section 455B.381 ~~(1)~~, Code of Iowa ~~(1987)~~: Any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous Substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

A request to amend:

SECTION 2 DEFINITIONS(C) - to amend by removing the numbers and word “(2)”, “(1987)” and “Subsection 1” to read:

C. “Hazardous Condition” means any circumstance as defined in Section 455B.381 ~~(2)~~, Code of Iowa ~~(1987)~~: Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance and/or hazardous waste onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is abandoned or uncontrolled disposal site as defined in Section 455B.411, ~~Subsection 1~~, is a hazardous condition.

A request to amend:

1. SECTION 2 DEFINITIONS(E)- to amend by removing the numbers “(6)” and “(1987)” to read;

E. “Cleanup” means the same as defined in Section 455B.381 ~~(6)~~, Code of Iowa ~~(1987)~~ Actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

A request to amend:

SECTION 2 DEFINITIONS (F) - to amend by removing the numbers “(10)” and “(1987)” to read;

F. “Treatment” means the same as defined in Section 455B.411 ~~(10)~~, Code of Iowa ~~(1987)~~; A method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance and/or hazardous waste so as to neutralize it and/or render it nonhazardous, safe for transport, amenable for recovery and for or to reduce it in volume. “Treatment” includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance and/or hazardous waste to render it nonhazardous.

A request to amend:

SECTION 2 DEFINITIONS (H) - to amend by removing the numbers “(9)” and “(1987)” to read;

H. “Release” means the same as defined in Section 455B381~~(9)~~, Code of Iowa~~(1987)~~: A threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, or dumping of a hazardous substance and/or hazardous waste into or onto the land, air, or waters of the state unless one of the following applies;

A request to amend:

SECTION 2 DEFINITIONS (I) - to amend by adding the words “Chapter 4” removing the numbers “(13)” and “(1987)” to read;

I. “Person” means individual, corporation, firm, government or government subdivision or agency, business trust estate, trust partnership or association, or any other legal entity as defined in **Chapter 4**, Section 4.1~~(13)~~, Code of Iowa ~~(1987)~~.

A request to amend:

SECTION 3. NOTIFICATIONS(A) -to amend by adding the words “Communications Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) and “Communications Center” and Marshall County Emergency Management Agency” and “725” and removing the words “Sheriff’s Department” , “Sheriff” and “282” to read;

A. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance and/or waste shall notify the Marshall County ~~Sheriff’s Department~~ **Communications**

Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff Communications Center shall immediately notify the Marshall County Emergency Management Agency and Department of Natural Resources at (515)-282-725-8694 and any member of the appropriate fire department who has received special training in the handling and disposal of a hazardous substance and/or waste.

A request to amend:

SECTION 3. NOTIFICATIONS (B) -to amend by adding the words “Communications Center” and “Marshall County Emergency Management and” and removing the words “Sheriff’s Department” and “9-1-1” to read;

B. Any county or municipal employee or member of a law enforcement agency, city or township fire department, or ambulance service who discovers a hazardous condition shall immediately notify the Marshall County Sheriff’s Department Communications Center (9-1-1). The authorized person shall notify Marshall County Emergency Management and proper state authority in the manner established by state regulation.

A request to amend:

SECTION 4. LAW ENFORCEMENT AUTHORITY(B)-to amend by adding the words “Emergency Management Agency or Fire Department” to read;

B. No person shall disobey an order of the authorized person or any law enforcement official, Emergency Management Agency or Fire Department acting under direction of the authorized person issued under this section. Disobedience of an order issued under this section is punishable as stated in Section 8 of this ordinance.

A request to amend:

SECTION 5. CLEANUP REQUIRED (D) – to amend by removing the numbers “(2)” and “(1987)” to read;

D. If the cost of the cleanup and/or treatment is beyond the capacity of the County to finance it, the authorized person shall proceed pursuant to Sections 455B.387-(2) and 455B.423, Code of Iowa (1987) and immediately seek any state or federal funds available for such cleanup or treatment.

A request to amend:

SECTION 6. LIABILITY FOR CLEANUP COST -to amend by adding the words “and Emergency Management Agency”” and removing the words “or” and “& 455B.418.1 (1) (c)” and “(1987)” to read;

The person having control over a hazardous substance and/or hazardous waste shall be strictly liable to Marshall County or and Emergency Management Agency for cleanup costs incurred by Marshall County. The scope of the liability for cleanup costs shall be consistent with liability to the state as defined in Section 455B.392 & 455B.418 (1)-(c) Code of Iowa (1987).

A request to amend:

SECTION 10. EFFECT.-to amend by adding the word “final” and removing the words “full force and” and “from and” to read:

The Amendment to this Ordinance shall be in ~~full force and~~ effect ~~from and~~ after its **final** passage, approval and publication as provided by law.

Dated at Marshalltown Iowa, Marshall County, IA, on this 14th day of May, 2019.

Reason for the Amendment Request - to revise Marshall County Ordinance No. 5 with current contact information and changes to reflect the Code of Iowa.

Motion by Thompson, second by Patten to adopt Resolution #2019-0026, The First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 5, Hazardous Waste and Substance Management and set hearing date for Tuesday, May 28, 2019 at 9:05 a.m.

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

Motion by Patten, second by Thompson to waive the second reading of this proposed amendment No. 19-01 to Marshall County Ordinance No. 5 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the public hearing and third and final reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor’s meeting on May 28, 2019 at 9:05 a.m.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Resolution #2019-0027

14. First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 9, Establishing a Timetable for Collection of Recyclables and Providing a Method of Collection, Set Date and Time for Public Hearing and Waive Second Reading—

Whereas, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 19-01 to Marshall County Ordinance #9, An Ordinance Establishing a Timetable for Collection of Recyclables and Providing a Method of Collection.

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed amendment;

A request to amend:

Section 1. Newsprint-Voluntary Collection-to amend by adding the words “in perpetuity or until either party terminates” removing the words “until December 31, 1993” and to read:

Commencing July 1, 1993, all haulers of garbage, refuse and recyclables shall institute a voluntary collection program for newsprint. All newsprint so collected shall be delivered to and processed by Mid-Iowa Workshops, Inc., or other processor, and shall not be delivered to the Solid Waste Management Commission of Marshall County Landfill site. This voluntary collection program shall continue ~~until December 31, 1993~~ **in perpetuity or until either party terminates.**

Reason for the amendment request: to revise the effective length of the program.

The Amendment to this Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Dated at Marshalltown, Iowa, on this 14th day of May, 2019.

Motion by Thompson, second by Patten to adopt Resolution #2019-0027, the First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 9, Establishing a Timetable For Collection of Recyclables and Providing a Method of Collection and set hearing date for Tuesday, May 28, 2019 at 9:05 a.m.

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

Motion by Patten, second by Thompson to waive the second reading of this proposed amendment No. 19-01 to Marshall County Ordinance No. 9 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the public hearing and third and final reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor's meeting on May 28, 2019 at 9:05 a.m.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Resolution #2019-0028

15. First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 18, Class “C” Roads , Set Date and Time for Public Hearing and Waive Second Reading—

Whereas, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 19-01 to Marshall County Ordinance #18, Class “C” Roads

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed amendment;

A request to amend:

Section 5. Signs. To amend by adding the words “ state sign manual” and remove the words “State Sign Manual” and to read:

Area Service “C” roads shall have signs conforming to the Iowa ~~State Sign Manual~~ **state sign manual** installed and maintained by the County at all access points to Area Service “C” roads from other public roads, to warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Reason for the amendment request: to clean up Marshall County Ordinance #18 by not capitalizing words that are not the formal name of a manual.

The Amendment to this Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Dated at Marshalltown, Iowa on this 14th day of May, 2019.

Motion by Thompson, second by Patten, to adopt Resolution #2019-0028, The First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 18, Class “C” roads and set hearing date for Tuesday, May 28, 2019 at 9:05 a.m.

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

Motion by Patten, second by Thompson to waive the second reading of this proposed amendment No. 19-01 to Marshall County Ordinance No. 18 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the public hearing and third reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor’s meeting on Tuesday, May 28, 2019 at 9:05 a.m..

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Resolution #2019-0029

16. First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 26, Fire Protection, Set Date and Time for Public Hearing and Waive Second Reading--

FIRE PROTECTION

Whereas, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 19-01 to Marshall County Ordinance #26, Fire Protection .

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed amendment;

A request to amend:

Title-to amend the title by adding the words “BURN ORDINANCE FOR MARSHALL COUNTY, IOWA” and removing the words “FIRE PROTECTION”

~~FIRE PROTECTION~~

BURN ORDINANCE FOR MARSHALL COUNTY, IOWA

A request to amend:

Statement of Intent- to amend by adding the word “SECTION 1.” to read:

SECTION 1. Statement of Intent

A request to amend:

Advance Notice Requirement- to amend by adding the word “SECTION 2.” to read:

SECTION 2. Advance Notice Requirement

A request to amend:

Definitions (A)- To amend by adding the words “SECTION 3.” and “at the non-emergency number” to read:

SECTION 3. Definitions.

- A) Advance Notice: Communications with the County Communications Center **at the non-emergency number** (641-754-5725) that a burn will be held on a specific date and place. Communication shall be made in advance of the burn.

A request to amend:

Exceptions- to amend by adding the word “SECTION 4.” to read:

SECTION 4. Exceptions

A request to amend:

Penalties(B)- to amend by adding the words “SECTION 5.”, “A County infraction is a civil offense by the responsible party punishable by a civil penalty of \$100.00 for each violation or if the infraction is a repeat offense in a calendar year a civil penalty of \$200.00 for each repeat offense.” and “(\$85.00)” AND to remove the words “A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year”. , “(\$50.00)”, “(currently \$15.00 plus mileage)” and “(current fee \$8.00).” to read:

SECTION 5. Penalties.

B) **A County infraction is a civil offense by the responsible party punishable by a civil penalty of \$100.00 for each violation, or if the infraction is a repeat offense in a calendar year, a civil penalty of \$200.00 for each repeat offense.**

~~A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year. In addition to the civil penalty, the responsible party must pay all court costs. Court costs include a filing fee (\$85.00 \$50.00) and the cost of delivering the County infraction papers to the responsible party by either personal service (currently \$15.00 plus mileage) or by certified mail (current fee \$8.00).~~

A request to amend:

Penalties- to amend by adding paragraphs “C” and “D” to read:

- C) **A county, by ordinance, may provide that a violation of an ordinance is a County infraction.**
- D) **A county shall not provide that a violation of an ordinance is a county infraction if the violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law or if the violation is a simple misdemeanor under chapters 687 through 747.**

A request to amend:

Severability- to amend by adding the word “SECTION 6.” to read:

SECTION 6. Severability

A request to amend:

City Fire Regulations Supersede- to amend by adding the word “SECTION 7.” to read:

SECTION 7. City Fire Regulations Supersede

A request to amend:

Effective Date- to amend by adding the words “SECTION 8.” and “final” and “approval” and to remove the words “full force” and “thirty (30) days)” to read:

SECTION 8. Effective Date.

The amendment to this Ordinance shall be in ~~full force and effect thirty (30) days~~ after its **final** passage, **approval** and publication as required by law.

Dated at Marshalltown, Iowa, on this 14th day of May, 2019.

Reason for amendment request: to revise Ordinance #26 to conform to the Code of Iowa.

Motion by Thompson, second by Patten, to adopt Resolution #2019-0029, The First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 26, Burn Ordinance for Marshall County, Iowa and set hearing date for Tuesday, May 28, 2019 at 9:05 a.m.

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

Motion by Patten, second by Thompson to waive the second reading of this proposed amendment No. 19-01 to Marshall County Ordinance No. 26 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold public hearing and the third reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor’s meeting on Tuesday, May 28, 2019 at 9:05 a.m.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Resolution #2019-0030

17. First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 31, Courthouse Parking, Set a Date and Time for Public Hearing and Waive Second Reading--

Whereas, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 19-01 to Marshall County Ordinance #31, Courthouse Parking
Now, Therefore, Be it resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed amendment:

COURTHOUSE PARKING

A request to amend:

SECTION 1. Title. -to amend the title by changing the title to “MARSHALL COUNTY OWNED PARKING AREAS FOR EMPLOYEE AND PUBLIC USE” and removing the title “COURTHOUSE PARKING” to read:

**COURTHOUSE PARKING
MARSHALL COUNTY OWNED
PARKING AREAS FOR EMPLOYEE AND PUBLIC USE**

A request to amend:

SECTION 2. Purpose and Repealed. - to amend by adding the word “owned” and striking the word “Courthouse” and to read:

The purpose of this Ordinance is to provide for the regulation and control of parking in the Marshall County ~~Courthouse~~ **owned** parking areas.

A request to amend:

SECTION 3. Definitions. - to amend by adding the words “County owned”, “county and state employee/public” “and south” and “County” to subsections 2-6 and striking the word “Courthouse” in subsections 2-6 to read:

2. "~~Courthouse~~ **County owned** parking area" shall mean and include the **county and state employee/public** parking areas immediately south of the Marshall County Courthouse and north of Church Street; the diagonal parking spaces numbered 1 through 11, located on the west side of South 1st Avenue along the Courthouse square; the Courthouse Annex parking lot located east of the Courthouse and south of the east-west alley; and the parking lot located immediately south of the Courthouse Annex Building just east of 1st Avenue and north of the east-west alley; and the parking area immediately east **and south** of the Marshall County Engineer's Office located at 101 E. Church St.

3. "~~Courthouse~~ **County** parking area superintendent" shall mean that person(s) authorized and appointed by the Marshall County Board of Supervisors to direct, control and supervise parking in the ~~Courthouse~~ **County owned** parking areas. Said individual, along with any peace officer

having jurisdiction over the area, shall have the authority to issue parking tickets for violations of the provisions of this Ordinance.

4. "Parking permit" shall mean those permits issued by the County, authorizing parking in ~~Courthouse~~ **County owned** parking areas.

5. "Reserved parking area" shall mean those ~~Courthouse~~ **County owned** parking areas designated by signs, or areas painted with a yellow color, or otherwise posted that directly control and limit parking within the painted, signed or posted area.

6. "Overtime Parking" shall mean those vehicles parked in the ~~Courthouse~~ **County owned** parking areas exceeding the posted time limits.

A request to amend:

- 1. SECTION 4. General Provisions.- to amend by adding the words "County owned" to subsection 6, 8 and 9 and the word "not" to subsection 10 and removing the word "other" from subsection 5 and the word "Courthouse" from subsections 6, 8 and 9 and the words "or a city owned lot" from subsection 10 to read:**

5. No motor vehicle, except one authorized to be parked in a reserved parking area or one which has a parking permit prominently displayed, shall be left parked in any ~~other~~ **Courthouse** parking area for a period longer than two (2) hours between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, except as otherwise authorized by this Ordinance or the Board of Supervisors.

6. No motor vehicle shall remain parked in any ~~Courthouse~~ **County owned** parking area for a period longer than twelve (12) continuous hours, except as authorized by the Board of Supervisors.

8. No trucks other than pickup trucks and panel trucks shall be parked in any ~~Courthouse~~ **County owned** parking area, except as authorized by the Board of Supervisors.

9. No tractor or trailer of any sort shall be parked in any ~~Courthouse~~ **County owned** parking area, except as authorized by the Board of Supervisors.

10. County Employees who have **not** been provided with parking privileges in the Courthouse parking area ~~or a city owned lot~~ will face additional disciplinary action through their department or office for violation of this Ordinance.

Reason for amendment request: To include all county owned parking areas in the amendment rather than only the Courthouse parking area.

Dated at Marshalltown, Iowa, on this 14th day of May, 2019.

Motion by Thompson, second by Patten, to adopt Resolution #2019-0030, The First Reading of Proposed Amendment No. 19-01 to Ordinance No. 31, Marshall County Owned Parking Areas for Employee and Public Use and set hearing date for Tuesday, May 28, 2019 at 9:05 a.m.

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

Motion by Patten, second by Thompson to waive the second reading of this proposed amendment No. 19-01 to Marshall County Ordinance No. 31 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the public hearing and third and final reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor's meeting on Tuesday, May 28, 2019 at 9:05 a.m.

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

_____ Steve Salasek Board of Supervisors, Chairman	Attest:	_____ Nan Benson Marshall County Auditor and Recorder
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Resolution #2019-0031

18. First Reading of Proposed Ordinance No. 37, Set Date and Time for Public Hearing and Waive Second Reading—

Whereas, the Marshall County Board of Supervisors is considering the adoption of proposed Marshall County Ordinance #37, An Ordinance Adopting Rules for Cigarette/Tobacco Smoke Free Air in Marshall County, IA

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed Ordinance which reads as follows:

**ADOPTING RULES FOR CIGARETTE/TOBACCO SMOKE FREE AIR IN
MARSHALL COUNTY, IA
Ordinance #37**

SECTION 1. PURPOSE AND REPEALER.

The purpose of this Ordinance is to provide for the regulation and control of the use of cigarette/tobacco to provide smoke free air in Marshall County, Iowa. Ordinance No. 11, Smoke Free County Facilities, and any amendments thereto, are hereby repealed in its entirety.

SECTION 2. ENACTMENT - Pursuant to Iowa Code section 331.302 County Legislation, Chapter 142D SMOKEFREE AIR ACT of the Iowa Code be adopted by reference in their entirety as a part of this Ordinance.

SECTION 3. ENFORCEMENT - This Ordinance shall be enforced by the Iowa Department of Public Health or the department's designee as required in the Code of Iowa 142D.8- Enforcement.

SECTION 4. PENALTIES - Any person violating any provision, section or paragraph of this Ordinance shall be ordered to comply by the Iowa Department of Public Health. Failure to comply constitutes a civil penalty as authorized by Code of Iowa Chapter 142D.9- Civil Penalties.

SECTION 5. EFFECTIVE DATE - This Ordinance shall be in effect after final passage, approval and publication as provided in Code of Iowa Chapter 331.302 County Legislation.

Dated at Marshalltown Iowa, Marshall County, IA, on this 14th day of May, 2019.

Reason for Proposed Ordinance #37 and Repeal Ordinance #11: to adopt Ordinance No. 37 that conforms to the Code of Iowa and repeals Ordinance #11, Smoke Free County Facilities.

Motion by Thompson, second by Patten to repeal Ordinance #11, Smoke Free County Facilities effective immediately and not replace with any other ordinance.

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

Motion by _____, second by _____ to _____ Resolution #2019-0031, The First Reading of Proposed Ordinance #37 and set the date of a public hearing at 9:05 a.m. on the 28th day of May, 2019. **This motion died due to the previous motion whereby the BOS repealed Ordinance #11, Smoke Free County Facilities and requested no other ordinances to replace Ordinance #11.**

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

Motion by _____, second by _____ to waive the second reading of this proposed Ordinance #37 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the public hearing and the third and final reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor's meeting on Tuesday, May 28, 2019 at 9:05 a.m.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County

~~Auditor and Recorder~~

19. Public Forum— Lucas Baedke, Buildings and Grounds Director, commented the dome was removed last evening from the top of the Courthouse without incident. Walls will be brought up next week for the dome area and beams will come out. Next they will begin the task of cleaning out interior offices to get ready for new plans. Time frame to move back in the Courthouse will be early next year.

Paul Geilenfeldt, County Engineer, commented that granular resurfacing, maintenance resurfacing will begin next week. They will continue to rock the roads until they run out of rock or run out of money.

20. Adjournment--The next regular session is May 28, 2019, 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 23, 2019, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:59 a.m.

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

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