

**Marshall County Board of Supervisors
Regular Session June 25, 2019 at 9:05 a.m.**

MINUTES

The Board met in regular session on Tuesday, June 25, 2019, at 9:05 a.m. in Great Western Bank, 11 N. 1st Ave., Marshalltown, Iowa, meeting room #1, 2nd floor (north entrance) with all 3 members present.

1. Approval or Amendment of Agenda—

Motion by Patten, second by Thompson, to amend the agenda to include Transfer #903 to item #4 in the Consent Agenda.

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

- 2. Years of Service Recognition—**Joyce Novak (County Attorney's office) - 5 years, Mary Jane Bethel (Treasurer's office) – 5 years, Danielle Fleming (Treasurer's Office) – 5 years (July), Deann Tomlinson (Treasurer's Office) – 5 years (July)

Consent Agenda:

- 3. Approve Minutes--**from Regular Session of June 11, 2019.

- 4. Approve Transfer of Funds—**Transfer #900, a quarterly transfer of \$575,000 from Rural Services Fund to Secondary Road Fund, but not to exceed the maximum transfer and be above the minimum transfer amount required by Iowa code 331.429(b).
Transfer #901, an annual transfer from LOST revenue in the Rural Services Fund to Secondary Road Fund in the amount of \$933,413.95
Transfer #902, an annual transfer totaling \$2,397.29 from County Attorney Collection Incentive Fund to General Basic Fund for County Attorney office cleaning expense.
Transfer #903, from Capital Projects Fund-1500-84-0300-991-89000 to General Basic Fund-0001-99-9040-030-89000 in the amount of \$5,261.50.

- 5. Accept Annual Manure Management Plan Update-**Bill Havelka, Section #28, id no 61559, manure management plan received and placed on file with no changes to MMP.
6. Accept Annual Manure Management Plan Update-MTM Farms, id no. 61010, annual update report received and placed on file with no changes to the MMP-4 year update.
7. Accept Annual Manure Management Plan Update-Justin Whitaker, id no. 66798, annual update report received and placed on file with no changes to the MMP.
8. Accept Annual Manure Management Plan Update- Burt Farm & Livestock, Site 8, id no. 59927, annual update report received and placed on file no changes to MMP.
9. File District Court Report-5-19

General Supplemental Fund Surcharge--\$1,083.95

- 10. 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 June will be published as part of the first meeting in July.

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

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

11. First Amendment to Lease Agreement – First amendment to lease agreement between and among FAMI,LLC(landlord), whose address for the purpose of this lease is 404 N. 5th Street, Marshalltown, IA 50158; TOP FARMS, LLLP(Assignee), whose address for the purpose of this lease is 1840 NW 118th St. , Suite 100, Clive, Iowa 50325; and Marshall County Board of Board of Supervisors , Department of Human Services(Tenant), whose address for the purpose of this lease is 109 SW 13th St, Des Moines, IA 50319. This amendment consents to the assignment, transfer and conveyance of the leased property from Landlord (FAMI, LLC) to Assignee (Top Farms LLC). The lease is for 5,668 square feet on the first floor, and 5,000 square feet on the second floor commencing on August 1, 2019 and ending on July 31, 2020. Except as modified by the terms of this 1st Amendment, all other terms and conditions of the Lease shall remain in full force and effect.

Discussion: Dave asked if all the tornado damage is repaired. Ben Brackett said everything was fixed, however, just had a recent leak which is under repair. Dave asked about repairs which were supposed to happen with the prior tenant. Ben responded that these were not in writing and not known to the owner. Bill said the preference is a 6 month with a month to month after that. Dave said there is a 30 day notice of termination. The lease presented is one year lease through 7/31/20. Dave would support this as written knowing we will exercise our termination option. The new lease will continue at \$8.20 and Dave said he is still disappointed that the improvements were never completed.

Motion by Thompson, second by Patten, to approve this amendment to lease agreement between Marshall County, IA and Top Farms LLC and will be exercising our termination.

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

12. Digitizing Court Files Project- Discussion and possible action to approve a request from Jim Evans, Director of State Judicial Facilities, Office of State Court Administration for a contribution of \$150,000 from Marshall County, Iowa towards the digitizing court files project.

Discussion: Nan explained that the records that were previously in the Annex basement and 2nd floor plus the Courthouse 4th floor. Approving these funds will allow the State of Iowa to go out for RFP to bid this project. Bill wants to make sure this includes the shredding of the files. Dave said if we provide these funds it saves us money for future real estate. If these records come back into the County space the State of Iowa will be responsible for the high density storage in the Annex Basement. Dave asked about new files and Nan explained there are no additional files because files have been digitized the last several years.

Motion by Patten, second by Thompson, to approve a contribution of \$150,000 from Marshall County towards digitizing Marshall County court files and that the State of Iowa will also take care of shredding and be completed by March 1, 2020.

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

13. Resolution #2019-0040

First Reading of Proposed Ordinance Amendment No. 19-01 to Zoning Ordinance No. 3 of Marshall County 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. 19-01 to the Zoning Ordinance 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:

Article II, Section 1, 74, by adding “a.) A home occupation may erect a single one or two-sided sign advertising a permitted home occupation:

- 1.) The sign shall not be more than 12 square feet;
- 2.) The sign shall not be more than 6’ wide;
- 3.) The sign shall be no more than 8’ in total height from the grade at the base of the sign;
- 4.) The sign shall be non-lighted;
- 5.) The sign shall be located on the same parcel as the permitted home occupation;
- 6.) If the home occupation ceases operation the sign shall be immediately removed;
- 7.) The sign owner shall maintain the sign so that it is not in poor condition (no frayed materials, no cracking, no faded and peeling paint, and other similar conditions). If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained. If located along a county right-of-way a minimum set-back of 15’ from the right-of-way and a minimum set-back of 15’ from all other lot lines
- 8.) The sign shall contain no content other than the name of the business and hours of operation.”

Reason for the amendment request: To allow the use of larger signage for home occupations, and establish new area and dimension parameters. Further to provide for the conditions by which such signage will be maintained and regulated.

Be It Further Resolved that such proposed amendment shall not be effective until a public hearing is held at 9:05 a.m. on the 9th day of July 2019, with the notice of hearing published in the Marshelltown 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 25th day of June, 2019.

Motion by Patten, second by Thompson, to table Resolution #2019-0040, ~~the first reading of proposed Amendment No. 19-01 to Zoning Ordinance No. 3 and set the public hearing date for July 9, 2019, at 9:05 a.m.~~ **for the purpose of revising.**

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

14. Approve Personnel Action:

- a. Hire, **Keaton J. Dierking**, Sheriff's Office, Deputy Sheriff, fulltime 21.69/hr., effective June 26, 2019.

Motion by Thompson, second by Salasek, to approve personnel action to hire, **Keaton J. Dierking**, Sheriff's Office, Deputy Sheriff, fulltime 21.69/hr., effective June 26, 2019.

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

15. Request to Increase Fee Charged by the County Medical Examiner--Dr. Bethel, Medical Examiner is requesting the current fee of \$240 per case be increased to \$300 per case effective June 25, 2019. There has not been an increase in his service rate since 2008.

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

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

16. Iowa State Association of Counties(I.S.A.C.) Presentation on Outcomes of Recent Legislative Session—Jamie Cashman, Government Relations Manager and Lucas Beenken, Public Policy Specialist, Iowa State Association of Counties shared the outcomes of the recent legislative session.

17. Sheriff's Department-Extension to 28E Agreement between Marshall County and the City of Haverhill for Law Enforcement Protection—Discussion and possible action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of Haverhill for law enforcement protection within the corporate limits of the City of Haverhill. The agreement is effective July 1, 2019 - June 30, 2020. The City of Haverhill agrees to pay Marshall County the sum of \$4,175.00.

Motion by Thompson, second by Salasek, to approve the extension to 28E Agreement between Marshall County and the City of Haverhill effective July 1, 2019- June 30, 2020. The City of Haverhill agrees to pay Marshall County the sum of \$4,175.00.

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

18. Sheriff's Department-Extension to 28E Agreement between Marshall County and the City of St. Anthony for Law Enforcement Protection—Discussion and possible action on the Extension Agreement regarding the 28E Agreement between Marshall County and the City of St. Anthony for law enforcement protection within the corporate limits of the City of St. Anthony. The agreement is effective July 1, 2019 - June 30, 2020. The City of St. Anthony agrees to pay Marshall County the sum of \$2,487.50.

Motion by Thompson, second by Salasek, to approve the extension to 28E Agreement between Marshall County and the City of St. Anthony effective July 1, 2019- June 30, 2020. The City of St. Anthony agrees to pay Marshall County the sum of \$2,487.50.

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

19. Approval of Lease Agreement-Discussion and possible action to approve a lease agreement between Marshall County, Iowa and the Great Western Bank, 11 North 1st Ave. This lease agreement is for temporary office space for the Marshall County Public Health Department to perform services until the Courthouse repair process is completed.

Motion by Thompson, second by Salasek, to table the lease agreement between Marshall County, IA and Great Western Bank for the temporary use of office space for services provided by the Marshall County Public Health Department.

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

20. Resolution #2019-0038

Approving the Assignment of Certificate of Purchase at Tax Sale to the Following Parcel:

Whereas, the City of Liscomb, Liscomb, Iowa, requests to obtain certificate of tax sale #2017S008 for the following:

Parcel Number 8519-12-283-001, Property Address: 111 Dubuque St, Liscomb, Iowa 50148 – with the taxable description of: LISCOMB LOT 6 BLK 7

Whereas, Marshall County therefore avoids the expense of tax redemption procedure, and

Whereas, the transfer of said certificate of tax purchase to The City of Liscomb, Iowa, is in the better interest of the County and is in the better interest of the City of Liscomb, Iowa to eliminate any form of liability to Marshall County, now

Therefore, it is hereby resolved that the Chairman of the Board of Supervisors is authorized and directed to execute the assignment of certificates of tax purchases of this real estate upon receipt of \$10.00 assignment of tax sale certificate fee payment.

Discussion: Jarret said #18 and #19 are 2 nuisance properties in Liscomb. It allows the City to clean this up. These were owned by related owners and they owners cannot be found.

Motion by Thompson, second by Salasek, to adopt Resolution #2019-0038, Approving the Assignment of Certificate of Purchase at Tax Sale to the Following Parcel:

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

21. Resolution #2019-0039

Approving the Assignment of Certificate of Purchase at Tax Sale to the Following Parcel:

Whereas, the City of Liscomb, Liscomb, Iowa, requests to obtain certificate of tax sale #2017S009 for the following:

Parcel Number 8519-12-283-002, Property Address: 109 Dubuque St, Liscomb, Iowa 50148 – with the taxable description of: LISCOMB LOT 5 BLK 7

Whereas, Marshall County therefore avoids the expense of tax redemption procedure, and

Whereas, the transfer of said certificate of tax purchase to The City of Liscomb, Iowa, is in the better interest of the County and is in the better interest of the City of Liscomb, Iowa to eliminate any form of liability to Marshall County, now

Therefore, it is hereby resolved that the Chairman of the Board of Supervisors is authorized and directed to execute the assignment of certificates of tax purchases of this real estate upon receipt of \$10.00 assignment of tax sale certificate fee payment.

Motion by Thompson, second by Salasek, to adopt Resolution #2019-0039, Approving the Assignment of Certificate of Purchase at Tax Sale to the Following Parcel:

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

22. Approve Request for Use of the Mobile Band Shell - American Legion Riders Post #46 has submitted a completed rental agreement for the mobile band shell to be placed at the American Legion on Saturday, June 29, 2019 from 9:45 a.m. to 9:00 p.m. for a Paws and Effect fundraiser.

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

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

23. Subdivision Resolution #2019-0041

Zoning Resolution-Preliminary and Final Plats of the Hartwell Subdivision—

Whereas, preliminary and final plats of a proposed subdivision within Marshall County, Iowa, laid out upon the following described real estate, has been filed with the Marshall County Auditor:

The Southeast Quarter of the Southeast Quarter of Section 36, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa.

Whereas, the Marshall County Zoning Commission has recommended approval of this preliminary and final subdivision plat at their public hearing held on June 11, 2019, and the Marshall County Board of Supervisors has given due consideration to such preliminary and final plats. Said preliminary and final plats conform to the applicable and governing provisions of Chapter 354, Code of Iowa, and other related statutes.

Whereas, the acceptance of these plats in no way infers the acceptance of any road; exclusive of present established right of way into the Secondary Road System and any roads within the subdivision must be maintained as private roads.

Therefore, Be It Resolved, by the Marshall County Board of Supervisors that the preliminary and final plats for The Hartwell Subdivision as laid out and platted on the real estate above described and as filed with the Marshall County Auditor is the same, is hereby approved.

Dated at Marshalltown, Iowa this 25th day of June, 2019.

Motion by Thompson, second by Salasek, to adopt Resolution #2019-0041, that accepts the recommendation of the Zoning Commission and approves the preliminary and final subdivision plats of the Hartwell Subdivision.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

24. Resolution #2019-0042-Appropriation of Funds-FY 2019-20

Whereas, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2019, in accordance with Section 331.434(6), Code of Iowa; Now Therefore Be It Resolved by the Board of Supervisors of Marshall County, Iowa, as follows:

<u>Department</u>	<u>Appropriation</u>
#01 Supervisors	178,070
#02 Auditor and Recorder	1,045,435
#03 Treasurer	685,797
#04 County Attorney	1,472,520
#05 Sheriff	6,121,690
#08 Buildings and Grounds	1,176,300
#09 Zoning	67,470
#15 Information Systems	732,000
#16 GIS	201,355
#19 General Assistance	31,670
#20 County Engineer	8,420,500
#21 Veteran Affairs	95,000
#22 County Conservation	997,361
#23 Local Health Board	258,070
#24 Weed Eradication	80,310
#25 Dept. of Human Services	164,028
#28 Medical Examiner	118,800
#31 District Court	423,033
#33 County Library Contract	69,442
#40 Harvester TIF	16,500
#42 Gateway TIF	46,000
#60 Mental Health Administration	1,066,000
#70 Local Emergency Management	1,146,053
#84 County Capital Building	22,502,525
#99 Nondepartmental	674,107
Total	47,790,036

Section 1. The amounts itemized by department are hereby appropriated from the resources of the County to the department or officer listed.

Section 2. Subject to the provisions of other county procedures and regulations and applicable state law, these appropriations shall constitute authorization for the department or officer listed to make expenditures or incur obligations effective July 1, 2019.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the 2019-20 budget year the Auditor and Recorder shall ascertain that the available resources of a department for that year will be less than said

department's total appropriation, the Auditor and Recorder shall immediately so inform the Board and recommend appropriate corrective action.

Section 5. The Auditor and Recorder shall establish separate accounts for the appropriations, each of which shall indicate the amount of appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor and Recorder shall report the status to the applicable departments and officers monthly during the 2019-20 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2020.

Dated at Marshalltown, Iowa, this 25th day of June, 2019.

Motion by Thompson, second by Salasek, to adopt Resolution #2019-0042, Appropriation of Funds-FY2019-20.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

25. Resolution #2019-0043-Advance Issuance of Payments

The Board of Supervisors, pursuant to Section 331.506 (3a and b), Code of Iowa, may authorize the County Auditor and Recorder to issue payment when said Board is not in session for the following purposes:

1. Fixed charges including but not limited to, freight, express, postage, water, light, and telephone service or contracted services, after a bill is filed with the Auditor and Recorder.

2. Salaries and payrolls if the compensation has been fixed or approved by the Board. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

Therefore Be It Resolved to authorize the County Auditor and Recorder to issue payments for the aforementioned when said Board is not in session.

Be it further resolved, all bills paid under provisions of Section 331.506 (3a and 3b), Code of Iowa, shall be submitted to the board for review and approval following the payment.

Dated at Marshalltown, Iowa, this 25th day of June, 2019.

Motion by Thompson, second by Salasek, to adopt Resolution #2019-0043, Advanced Issuance of Payments for FY2019-20.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

26. Public Forum— There were no public comments.

27. Adjournment--The next regular session is July 9, 2019, at 9:05 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 **Wednesday, July 3, 2019, at 1:00 p.m. due to the July 4th holiday when County offices will be closed for the holiday.** There being no further business to come before the Board, the meeting was adjourned at 10:25 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>