

**Marshall County Board of Supervisors
Regular Session August 6, 2019 at 9:05 a.m.**

MINUTES

The Board met in regular session on Tuesday, August 6, 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.

Pledge of Allegiance

1. Approval or Amendment of Agenda—

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

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

2. Master Matrix-Marshall Ridge Farms LLC(formerly Kevin Blood Dairy Farms Site)Construction Permit Application, Public Hearing—

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 Marshall Ridge Farms, LLC (formerly Kevin Blood Dairy Farms site).

There was 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 Marshall Ridge Farms, LLC (formerly Kevin Blood Dairy Farms Site).

Of the 34 individual(s) attending the public hearing, no individual(s) presented oral comments, questions or objections.

Motion by Thompson, second by Patten to close the hearing at 9:09 a.m.

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

3.

Resolution #2019-0045

RESOLUTION-Master Matrix –Marshall Ridge Farms, LLC (formerly Kevin Blood Dairy Farms Site) Application for Construction Permit on an existing Animal Confinement Feeding Operation—The construction permit application of existing animal confinement feeding operation from Marshall Ridge Farms, LLC (formerly Kevin Blood Dairy Farms site) was published in the Marshalltown Times-Republican, Marshalltown, Iowa on July 26, 2019, and the Mid Iowa Enterprise, State Center, Iowa on August 1, 2019; and

There was no written comments, questions, or objections on file in the Auditor's Office and 34 individual(s) attended the public hearing. There was no comment(s), question, or objection 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 of the existing animal confinement feeding operation from Marshall Ridge Farms, LLC (formerly Kevin Blood Dairy Farms site).

Dated at Marshalltown, Iowa this 6th day of August, 2019.

Motion by Patten, second by Thompson to adopt Resolution 2019-0045, Master Matrix – Marshall Ridge Farms, LLC (formerly Kevin Blood Dairy Farms Site) Application for Construction Permit on an existing Animal Confinement Feeding Operation.

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

Consent Agenda:

- 4. Approve Minutes**--from Regular Session of July 23, 2019.
- 5. Accept Annual Manure Management Plan Annual Update**- Norman Pork LLC, id no. 59367, manure management plan update received and placed on file. No changes to MMP.
- 6. Accept Annual Manure Management Plan Annual Update**- Timber Creek Pork, Troy Hibbs, id no. 58019, manure management plan received and placed on file with the following change to MMP: 4 year update
- 7. Accept Annual Manure Management Plan Annual Update**- Burt Farm and Livestock Co. – Seminole Site, id no.65507, and manure management plan received and placed on file with the following changes to MMP: 4 year update.
- 8. Annual Manure Management Plan Update**-Jeff Breja, id no 65417, manure management plan received and placed on file with the following change to MMP: 4 year update.
- 9. Annual Manure Management Plan Update**-Eric Edler, id no 61858, manure management plan received and placed on file with the following changes to MMP: changed crop rotation or optimum yields, using a manure analysis for determining application rates when applying manure.
- 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 August will be published as part of the first meeting in September.

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

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

11. Approve Personnel Action:

- a. Hire, **Justin Childs**, Marshall County Secondary Road Department, TD1, fulltime, probationary rate of pay \$24.81/hr. effective August 21, 2019.

Motion by Thompson, second by Patten to approve personnel action to hire **Justin Childs**, Marshall County Secondary Road Department, TD1, fulltime, probationary rate of pay \$24.81/hr. effective August 21, 2019.

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

- b. Change of Status and Change Rate of Pay, **Deann Tomlinson**, Treasurer's Office, Change of Status from Assistant Supervisor to Property Tax Supervisor, full time, Change Rate of Pay from \$20.19/hr. to \$26.78/hr., effective August 6, 2019.

Discussion: Nan expressed concern over making such a big jump. In the Human Resource realm this would happen in more of a phased in approach. The retired employee was making \$27.13 so this isn't the full amount. Jarret said this is within his budget approved by Board of Supervisors.

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

Motion by Patten, second by Thompson to strike original motion and amend rate of pay in 2 steps- \$23.50/hr. effective 8-6-19 and \$26.78/hr. in 3 months.

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

- c. Change of Status and Change Rate of Pay, **Danielle Fleming**, Treasurer's Office, Change of Status from Universal Clerk to Assistant Supervisor, full time, rate of pay \$17.41/hr. to \$20.01/hr., effective August 6, 2019.

Motion by Thompson, second by Patten, to approve personnel action, Change of Status and Change Rate of Pay, Danielle Fleming, Treasurer's Office, Change of Status from Universal Clerk to Assistant Supervisor, full time, rate of pay \$17.41/hr. to \$20.01/hr., effective August 6, 2019.

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

- d. Change Rate of Pay, **Mary Jane Bethel**, Treasurer's Office, Universal Clerk, full time, Change Rate of Pay from \$16.47/hr. to \$17.24/hr., effective August 6, 2019.

Motion by Patten, second by Thompson, to approve personnel action, Change Rate of Pay, Mary Jane Bethel, Treasurer's Office, Universal Clerk, full time, Change Rate of Pay from \$16.47/hr. to \$17.24/hr., effective August 6, 2019.

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

- e. Change Rate of Pay, **Breanne Maddick**, Treasurer's Office, Universal Clerk, full time, Change Rate of Pay from \$16.47/hr. to \$17.24/hr., effective August 6, 2019.

Motion by Thompson, second by Patten, to approve personnel action, Change Rate of Pay, **Breanne Maddick**, Treasurer's Office, Universal Clerk, full time, Change Rate of Pay from \$16.47/hr. to \$17.24/hr., effective August 6, 2019.

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

- f. Hire, **Katie Stebniski**, Treasurer's Office, Universal Clerk, fulltime, rate of pay \$16.00/hr. effective August 6, 2019.

Motion by Patten, second by Thompson, to approve personnel action, to hire, **Katie Stebniski**, Treasurer's Office, Universal Clerk, fulltime, rate of pay \$16.00/hr. effective August 6, 2019.

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

- 12. Checks outstanding** for over one year - pursuant to Section 331.554(7), Code of Iowa, warrants outstanding for more than one year shall be canceled by the Auditor and the amount shall be credited to the fund upon which they were drawn:

<u>Check</u>	<u>Fund</u>	<u>Name</u>	<u>Amount</u>	<u>Issued</u>
256649	General Basic	Matt Streeter	\$ 300.00	2/20/2018
257040	General Basic	Mark Bethel	80.50	4/3/2018
257128	Rural Services	Steve Vannatta	10.88	4/3/2018
257981	General Supplemental	Diane Lake	369.10	6/12/2018
258147	General Basic	Mark Bethel	59.40	6/26/2018
258168	General Basic	Colonial Motel	175.00	6/26/2018

Motion by Patten, second by Thompson, to approve the County Auditor to cancel these checks.

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

13. Iowa Byrne Justice Assistance Grant (JAG) Program Grant #17-JAG-301037—

Acknowledgement of receipt of JAG grant award notice for the Iowa Byrne Justice Assistance Grant Program.

Motion by Thompson, second by Patten, to accept this award notice from the Iowa Byrne Justice Assistance Grant Program. The federal award is \$83,500.00 with a match of \$27,918.00 coming from the individual department budget line items. This grant period is for July 1, 2019 through June 30, 2020 and authorize the Chairman to sign documents.

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

14. Approve Public Event Held on County Property—Oktemberfest, Inc. requests to use the sidewalk on the north side of the Courthouse, north of the fence and the mobile band shell, Thursday, September 26, 2019 through Sunday, September 29, 2019 for “Fall Family Fun Festival” activities. The mobile band shell will be located on Center Street.

Motion by Patten, second by Thompson, to approve this request from Oktemberfest, Inc. for use of County property and use of the Mobile Band Shell, Thursday, September 26, 2019 through Sunday, September 29, 2019 for “Fall Family Fun Festival” activities.

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

Resolution #2019-0046

15. First Reading of Proposed Amendment to Ordinance No. 20, Re-Adoption of Code of Ordinances, Set Date and Time for Public Hearing and Waive Second Reading—

Whereas, the Marshall County Board of Supervisors is considering the adoption of proposed amendment 19-01 to Marshall County Ordinance #20, Adoption of Code of Ordinances

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the Proposed Amendment 19-01 to Ordinance #20 which reads as follows:

**Re-Adoption of Marshall County
Ordinance #20**

Title: An ordinance readopting the existing county code of ordinances and amending certain portions therein, Marshall County Auditor:

Be it enacted by the Board of Supervisors of Marshall County, Iowa;

SECTION 1. Purpose: Code of Iowa Section 331.302(9) requires that once every five years a County shall compile its code of Ordinances. This ordinance readopts ordinances already in effect and repeals any ordinances deemed no longer necessary to the operation of Marshall County, IA or to the health, safety and welfare of its citizens.

SECTION 2. Repeal of Ordinances: The following ordinances have been determined by the Board of Supervisors to be no longer necessary to the operation of Marshall County, Iowa or to the health, safety and welfare of its citizens and are therefore repealed and removed from the Marshall County Code of Ordinances:

No. 4 General Relief- Repealed August 19, 2008

No. 11 Smoke Free County Facilities-Repealed May 14, 2019

No. 14 Courthouse Parking-Repealed April 13, 2010

No. 33 Designating Heartland Coop Urban Revitalization Area, In the County of Marshall, Iowa-Repealed July 24, 2018

SECTION 3. Re-adoption and Amendment of Current Code. The following ordinances have been previously adopted and enacted into law and were duly published as the law provides. They are stated herein by number and subject matter and by the authority of the Marshall County Board of Supervisors comprise Marshall County, IA Code of Ordinances.

Ordinance #

Title of Ordinance

No. 3	Zoning Ordinance , Recorded Instrument No. 9700598
	Amendment No. 97-01, Recorded Instrument No. 9703699
	Amendment No. 98-01, Recorded Instrument No. 9804514
	Amendment No. 98-02, Recorded Instrument No. 9804515
	Amendment No. 98-03, Recorded Instrument No. 9806087
	Amendment No. 98-04, Recorded Instrument No. 9806792
	Amendment No. 98-05, Recorded Instrument No. 9806793
	Amendment No. 98-06, Recorded Instrument No. 9806794
	Amendment No. 99-02, Recorded Instrument No. 9908741
	Amendment No. 99-03, Recorded Instrument No. 9909320
	Amendment No. 99-04, Rejected BOS Meeting 12-28-99
	Amendment No. 00-02, Recorded Instrument No. 9911465
	Amendment No. 00-3, Recorded Instrument No. 9914002
	Amendment No. 01-1, Recorded Instrument No. 9920502
	Amendment No. 02-1, Recorded Instrument No. 0204782
	Amendment No. 02-1, Re-recorded Instrument No. 0300141
	Amendment No. 02-2, Recorded Instrument No. 0208830
	Amendment No. 04-1, Reserved

- Amendment No. 04-2, Recorded Instrument No. 0406010
Amendment No. 04-3, Recorded Instrument No. 0501247
Amendment No. 05-1, Recorded Instrument No. 0502311
Amendment No. 05-3, Recorded Instrument No. 2006-00000969
Amendment No. 06-1, Recorded Instrument No. 2006-00004163
Amendment No. 06-2, Recorded Instrument No. 2006-00007587
Amendment No. 06-3, Recorded Instrument No. 2006-00007588
Amendment No. 06-4, Recorded Instrument No. 2007-00000827
Amendment No. 07-1, Recorded Instrument No. 2007-00006614
Amendment No. 07-2, Recorded Instrument No. 2007-00006615
Amendment No. 08-01, Recorded Instrument No. 2008-00006432
Amendment No. 08-02, Recorded Instrument No. 2009-00003040
Amendment No. 09-1, Recorded Instrument No. 2009-00003104
Amendment No. 10-01, Recorded Instrument No. 2011-00002978
Amendment No. 11-01, Recorded Instrument No. 2011-00003625
Amendment No. 11-02, Recorded Instrument No. 2011-00006704
Amendment No. 13-01, Recorded Instrument No. 2014-00000589
Amendment No. 15-01, Recorded Instrument No. 2015-00003839
Amendment No. 18-01, Recorded Instrument No. 2018-00006056
- No. 5 **Hazardous Waste and Substance Management**
Amendment No. 19-01, Recorded Instrument No. 2019-00003322
Ordinance #5 was formerly titled: "Hazardous Substance", Recorded Instrument No. 01644-1988-9
- No. 6 **Snow Removal Ordinance**, Recorded Instrument No. 02772-1989-0
Amendment No. 1, Recorded Instrument No. 9502694
- No. 7 **Utility Permit Ordinance**, Recorded Instrument No. 02048-1992-3
- No. 8 **The Veterans Assistance Program of the Commission of Veterans Affairs of Marshall County**, Recorded Instrument No. 05403-1992-3
Amendment No. 99-01, Recorded Instrument No. 9905614
- No. 9 **Establishing a Timetable for Collection of Recyclables and Providing a Method of Collection**, Recorded Instrument No. 02912-1993-4
Amendment 19-01, Recorded Instrument No. 2019-00003323
- No. 10 **Platting & Subdivision Ordinance**, Recorded Instrument No. 05039-1993-4
Amendment Adopted 12-1-2004, Recorded Instrument No. 0408903
Amendment No. SOA15-01, Recorded Instrument No. 2015-00003838
Amendment No. SOA17-01, Recorded Instrument No. 2018-00000202
- No. 13 **Establishing a Mandatory Volume Based System of Garbage Collection and Mandatory Recycling of Specific Recyclables and Related Provisions**, Recorded Instrument No. 9700599
- No. 15 **Adopting Rules for the Construction and Abandonment of Private Water Wells in Marshall County**, Recorded Instrument No. 9700600

- No. 16 **Local Sales & Services Tax**, Recorded Instrument No. 9700601
Amendment No. 00-1, Recorded Instrument No. 991464
Amendment No. 00-4, Recorded Instrument No. 9913212
Amendment No. 03-2, Recorded Instrument No. 0305911
Amendment No. 05-2, Recorded Instrument No. 0503466
Amendment No. 15-01, Recorded Instrument No. 2015-00003904
- No. 17 **Adopting Rules for the Installation of On-Site Wastewater Treatment and Disposal Systems in Marshall County**, Recorded Instrument No. 9701751
- No. 18 **Class "C" Roads**, Recorded Instrument No. 9907608
Amendment No. 03-4, Recorded Instrument No. 0311699
Amendment No. 19-01, Recorded Instrument No. 2019-00003324
- No. 19 **Providing for the Division of Taxes Levied on Taxable Property in the Marshall County Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa**, Recorded Instrument No. 9916571
Amendment No. 03-3, Recorded Instrument No. 0305910
- No. 20 **Adoption of Code of Ordinances**, Recorded Instrument No. 9923141
- No. 21 **To Establish the Various Voting Precincts in Marshall County, Outside Marshalltown**
Recorded Instrument No. 9924356
Amendment No. 11-1, Recorded Instrument No. 2011-00005835
Amendment No. 11-2, Recorded Instrument No. 2011-00006604
- No. 22 **Burglar Alarms**, Recorded Instrument No. 0401017
- No. 23 **Control of Lead-Based Paint Hazards**, Recorded Instrument No. 0501432
- No. 24 **Local Sales and Services Tax for School Infrastructure**, Recorded Instrument No. 0503465
Amendment No. 07-1, Recorded Instrument No. 2008-00000647
- No. 25 **Providing for the Division of Taxes Levied on Taxable Property in the Marshalltown Gateway Centre Urban Renewal Area Pursuant to Section 403.19, Code of Iowa**
Recorded Instrument No. 2005-00005527
Amendment Adopted 8-9-2005, Recorded Instrument No. 2005-00006245
- No. 26 **Burn Ordinance for Marshall County, IA**,
Amendment 19-01, Recorded Instrument No. 2019-00003325
Ordinance #26 was formerly titled: "Fire Protection", Recorded Instrument No. 2005-00006942
- No. 27 **Quarantine and Isolation**, Recorded Instrument No. 2005-00008855
- No. 28 **Sanitary Sewer**, Recorded Instrument No. 2008-00000669
- No. 29 **Authorizing Marshall County to Engage in Rental Space in a Public Building**, Recorded Instrument No. 2008-00002283
- No. 30 **Require the Use of Compostable Plastic, Recyclable Paper and/or Reusable Checkout Bags by all Retail Stores in Unincorporated Areas of Marshall County, and Provide Penalties for Violations**, Recorded Instrument No. 2009-

00000207

- No. 31 **Marshall County Owned Parking Areas for Employee and Public Use**
Amendment #19-01, Recorded Instrument No. 2019-00003326
formerly titled: Courthouse Parking, Recorded Instrument No. 2010-00002809
- No. 32 **Assessment of Wind Energy Conversion Property**, Recorded Instrument No.
2010-00003968
- No. 34 **Authorizing the County Treasurer to Separately Offer and Sell at Annual Tax
Sale Delinquent Taxes on Certain Parcels that are Either Abandoned or Likely
to Become Public Nuisances Pursuant to Iowa Code Section 446.19B**, Recorded
Instrument No. 2011-00002500
- No. 35 **Authorizing the County and Each City in the County to Bid on and Purchase
Delinquent Taxes and to Assign Tax Sale Certificates of Abandoned Property
or Vacant Lots, Pursuant to Iowa Code Section 446.19A**, Recorded Instrument
No. 2014-00005655
- No. 36 **An Ordinance Regulating the Use of Public Wastewater, Public Sewer,
Building Sewers and Building Drains, Onsite Systems, Private Sewage Disposal,
the Installation and Connection of Building Sewers and the Discharge of
Waters and Wastes into the Public Wastewater Facilities and System Owned
and Operated by Iowa Regional Utilities Association (Hereinafter “the
Association”) in the Service Area (as that term is Hereinafter Described) Which
Serves the Unincorporated Community of Green Mountain in Marshall
County, Iowa, and Providing Penalties for Violations Thereof**, Recorded
Instrument No-2019-00002538

SECTION 4. Code of Ordinances: Copies of the Code as adopted herein shall be on file and available for public inspection in the office of the County Auditor.

SECTION 5. Effective Date: This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Reason for Amendment of Ordinance #20, Adoption of Code of Ordinances: This ordinance readopts ordinances already in effect and repeals any ordinances deemed no longer necessary to the operation of Marshall County, IA or to the health, safety and welfare of its citizens.

Motion by Thompson, second by Patten, to adopt Resolution #2019-0046, The First Reading of Proposed Amendment 19-01 to Ordinance #20 and Set the Date of a Public Hearing at 9:05 a.m. on the 20th day of August 2019.

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

Steve Salasek Board of Supervisors, Chairman	Attest:	Nan Benson Marshall County Auditor and Recorder
--	---------	---

Motion by Thompson, second by Patten to waive the second reading of this proposed amendment to Ordinance #20 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 Amendment No. 19-01 at the regularly scheduled Board of Supervisor's meeting on Tuesday, August 20, 2019.

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

Steve Salasek Board of Supervisors, Chairman	Attest:	Nan Benson Marshall County Auditor and Recorder
--	---------	---

16. Resolution #2019-0047

RESOLUTION
Speed Limit
#2019-0047

WHEREAS, The Board of Supervisors is empowered under authority of Sections 321.255 and 321.285, Subsection 4 of the Code of Iowa to determine, upon the basis of an engineering and traffic investigation, that the speed limit on any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS, such investigation has been completed in accordance with the 2009 Edition of the Manual on Uniform Traffic Control Devices, Section 2B.13, and the County Engineer has recommended a speed limit of 35 miles per hour.

NOW, THEREFORE BE IT RESOLVED by the Marshall County Board of Supervisors that speed limit be established and appropriate signs erected at the locations described as follows:

North Center Street, from the Marshalltown corporate limits, north to Sand Rd, in Sections 22, 23 and 26, T-84N, R-18W, Taylor Township.
The established speed limit shall be 35 MPH.

Reed Ave, from Sand Rd, north to 182nd St, in Sections 14, 15, 22 and 23, T-84N, R-18W, Taylor Township. The established speed limit shall be 35 MPH.

182nd St, from Reed Ave, east to Iowa Highway 14, in Section 14, T-84N, R-18W, Taylor Township. The established speed limit shall be 35 MPH.

Passed and approved this 6th day of August, 2019.

BOARD OF SUPERVISORS
Marshall County, Iowa

ATTEST: _____
Nan Benson - County Auditor

Question about why Sand Road was included in and Paul clarified it was not included just the gravel roads.

Harold Lanning said this the speed limit on Vine Ave, Paul said this sign is a yellow advisory sign for the curve which is not enforceable

Dave said he spoke with the Water Works and to talk to their contractors driving in and out. We cannot force people to drive reasonably but have asked the Sheriff to patrol this area. If the speed limits are not followed please call the Sheriff's Office. Bill said that if a few tickets are issued he thinks they should slow down.

Motion by Patten, second by Thompson, to adopt Resolution #2019-0047, Speed Limit

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

17. Resolution #2019-0048

**Authorization of Current Debt from Marshall County Health Fund
To Marshall County Dental Fund
#2019-0048**

Whereas, the Marshall County Board of Supervisors is authorized by Iowa Code §331.477 to incur debt payable from the resources which will have accrued in the fund by end of the fiscal year in which the debt is incurred; and

Whereas the debt may take the form of:

1. Anticipatory warrants subject to chapter 74.
2. Loans from other county funds.
3. Other short-term debt instruments or obligations; and

Whereas the county expects claims to moderate and recently increased premiums to alleviate the anticipated deficiency in the Marshall County Dental Fund before June 30, 2020; and

Whereas the Marshall County Health Fund has sufficient balance for a current debt of \$10,000.

Now, Therefore, Be It Resolved, that \$10,000 be transferred to the Employee Dental Fund from the Employee Health Fund with the intent to be repaid by June 30, 2020.

Dated at Marshalltown, Iowa, this 6th day of August, 2019.

Motion by Thompson, second by Patten to adopt Resolution #2019-0048, Authorization of Current Debt from Marshall County Health Fund to Marshall County Dental Fund.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Resolution #2019-0049

18. Marshall-Hardin County Public Environmental Health/Planning and Zoning

Administrator Agreement—Discussion and possible action to approve the Marshall-Hardin County Public Environmental Health/Planning and Zoning Administrator Agreement.

Marshall-Hardin County

Public Environmental Health/Planning and Zoning Administrator Agreement

This Contract and Agreement pursuant to Iowa Code Section 28E, is made and entered into this _____ day of _____, 2019, by and between Marshall County, Iowa (hereinafter referred to as Marshall) and Hardin County, Iowa (hereinafter referred to as Hardin). This agreement shall be known as the Marshall-Hardin County Public Environmental Health/Planning and Zoning Administrator Agreement and each county shall adopt resolutions of this agreement. The Public Environmental Health/Planning and Zoning Administrator shall be (hereinafter referred to as Administrator). This agreement does not contemplate and shall not be construed to limit or expand the powers of the participating counties, except as expressly stated in the agreement.

The purpose of said agreement is to establish a working mechanism between the two participating counties so that the agencies may jointly utilize the services of Jessica Sheridan, Hardin County Iowa Environmental Health and Zoning Administrator. Pursuant to said purpose it is agreed as follows:

- Marshall County does not currently employ a Public Environmental Health/ Planning and Zoning Administrator and shall contract with Hardin County for a period beginning July 15, 2019 and ending when Marshall County employs a Public Environmental Health/ Planning and Zoning Administrator.
- The Administrator shall have full control of all public environmental health, planning and zoning processes and permitting for Marshall County.
- Both Marshall and Hardin Counties desire and need the services of an Administrator to serve in these capacities in accordance with each county's code of ordinances.
- The Administrator shall devote his or her time and talents to the interests of both Marshall and Hardin counties.
- The Administrator shall file a bond suitable to each Board of Supervisors. All fees incurred by filing said bonds shall be paid by the respective counties.
- Marshall County shall carry workmen's compensation on the Administrator for injuries sustained while carrying out duties specific to Marshall County.
- Marshall County shall pay Hardin County \$30.00/hr. and mileage reimbursement at the current 2019 mileage rate for the duties of the Administrator.
- Marshall County shall timely notify Hardin County when a Marshall County Public Environmental Health/ Planning and Zoning Administrator has been hired and can start and perform the duties of Administrator.
- This agreement may be amended or revised at any time only by written approval of all parties involved.
- This agreement shall supersede all provisions of previous agreements and any such agreements presently existing shall become null and void.
- Either County may terminate this agreement for any reason in written notice 30 days prior to termination.

The Administrator shall be in charge of the Public Environmental Health/ Planning and Zoning Department of each county. The Administrator may delegate duties to employees of the

respective counties in consultation with the respective Board of Supervisors. The Administrator shall be indemnified and saved harmless by the respective county for any and all actions taken against said county, its Board of Supervisors or the Administrator, due to actions performed by the Administrator during the course of official duties for either county. Each county shall defend all such actions arising from that county and pay all judgements rendered in regards to the actions of the Administrator in that county. Each county shall acquire insurance as deemed necessary to accomplish the same.

Signed this _____ day of _____, 2019

Marshall County Board of Supervisors

Marshall County Auditor and Recorder

Steve Salasek, Chairman

Nan Benson

Dave Thompson, Vice Chairman

Bill Patten, Member

Hardin County Board of Supervisors

Marshall County Auditor

Renee' McClellan, Chairman

Jessica Lara

Lance Granzow, Vice Chairman

B.J. Hoffman, Member

Motion by Thompson, second by Patten, to table to 8-20-19 BOS meeting. Resolution #2019-0049, Marshall-Hardin County Public Environmental Health/Planning and Zoning Administrator Agreement and authorize board signatures.

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

Attest:

Steve Salasek
Board of Supervisors, Chairman

Nan Benson
Marshall County
Auditor and Recorder

19. Public Forum— Michelle Gauthier gave the BOS a petition signed by over 70 people to get a safe route in and out of our homes different than the construction equipment and water works trucks. This road is not wide enough for all of this heavy equipment. There are issues of flooding and winter driving which may occur in the future. I met a Dubuque County Supervisor this past weekend and he was able to provide costs for 1 mile \$300,000 from his County Engineer (included specifications). She provided additional information on road conditions and points out Marshall County negligence. Also, information on an accident due to these conditions was described.

Barbara Ohrt asked why this is going to take 3 years. Paul said the 200 working days gets us to next summer. If we let the other bridge next spring then we will go right into that construction event which is why he is estimating the 3 years. She asked about culverts instead of a bridge and Paul said this would not work for the amount of farmland involved.

Michelle read the public statement. Paul said that the statement you read was during a federal disaster. Bill said he has lived on a gravel road for over 40 years and has driven this road which is similar to his road. Bill is aggravated that another Supervisor half way across the state is making a recommendation for this situation.

Ellen McKay, my mother lives on Sand Road. If this floods she has to drive through Bangor. This is a lot of miles out of her way.

Leon Townsend asked if there are plans for additional road maintenance. Paul said yes, this will be the most maintained gravel in Marshall County.

Tom Moeller asked about last meeting and DOT response. Paul said we have a permit in to the DOT for that. Tom asked why the extended road closure previously. Paul said the contractor opened the hole and then just left plus it was in the city limits. Tom asked about culverts. Paul said they are waiting for the water to go down. This is a 2 week project. Tom asked if the project is extended. Paul said this is a 200 working day project. November 15th – April 1st are winter working days which is not counted in the working days. Bill said that the DOT controls this project.

Gary Novak asked about DNR involved, Paul said yes because of the area involved.

Richard Naughton said there are no speed limit signs on Wiese Garden Road and there is increased traffic. Paul said it should be 55 mph as all rural roads are that speed but there should be a sign.

Chad Gravis asked about working during “winter”. Paul said that sub work could be performed but not pouring. I live on 186th Street off Sand Road. I assisted during tornado getting electricity back up in Marshalltown and need to be able to get to Marshalltown.

Donna Grant is hearing 3 years and is concerned that no project gets completed on time. She discussed her concern about flooding and going 35 miles one way to get to Marshalltown. What about emergency (ambulance or fire)? Bill said Emergency Management will have ambulance on north side of river. Dave said that fire calls will go to all rural fire departments. We purchased the land to build on a paved road and now have to drive on gravel for 3+. Michelle added that includes the mailboxes.

Ellen McKay asked about the trees in the river. Paul said that is because of the bats.

20. Adjournment--The next regular session is August 20, 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 Thursday, August 15, 2019 at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 10:36 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>