

**Marshall County Board of Supervisors
Regular Session August 20, 2019 at 9:05 a.m.**

AGENDA

The Board will meet in regular session on Tuesday, August 20, 2019, at 9:05 a.m. in Great Western Bank, 11 N. 1st Ave., Marshalltown, Iowa, meeting room #1, 2nd floor (north entrance) 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:	Patten-	Salasek-	Thompson-
	Member	Chairman	Vice Chairman

2. Public Hearing - Proposed Amendment 19-01 to Ordinance No. 20, Re-Adoption of Marshall County, IA Code of Ordinances—

At the public hearing, any resident may present objections to or arguments in favor of any part of the proposed amendment 19-01 to Ordinance #20, Re-Adoption of Marshall County, IA Code of Ordinances

There were _____ written comments, questions, or objections on file in the County Auditor's Office. Of the _____ individuals attending the public hearing, _____ individual(s) presented oral comments, questions, or objections at the hearing.

Motion by _____, second by _____ to close the hearing at _____ a.m. and hold the third and final reading of Proposed Amendment #19-01 to Ordinance No. 20 at the regularly scheduled Board of Supervisor's meeting on August 20, 2019. (The second reading of this proposed Ordinance No. 20 was suspended by majority of the supervisors pursuant to Iowa Code Chapter 331.302(6.a.) at the August 6, 2019 Regular Session.

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

Resolution #2019-0050

4. Third and Final Reading and Adoption of Proposed Amendment No. 19-01 to Marshall County, Iowa Ordinance No. 20, Re-Adoption of Marshall County, IA Code of Ordinances-

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 August 6, 2019 Board of Supervisors meeting, and;

Whereas, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 19-01 to Marshall County Ordinance #20, Re-Adoption of Marshall County, IA Code of Ordinances.

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the third and final reading and adoption of the proposed amendment

**Ordinance #20
Re-Adoption of Marshall County, IA
Code of Ordinances**

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, Re-Adoption of Marshall County, IA 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 _____, second by _____ to _____ Resolution #2019-0050, The Third and Final Reading of Proposed Amendment 19-01 to Ordinance #20, Re-Adoption of Marshall County, IA Code of Ordinances.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

Consent Agenda:

5. **Approve Minutes**--from Regular Session of August 6, 2019.
6. **Annual Manure Management Plan Update**-Edler Brother Section 13, id no. 62427, manure management plan received and placed on file with no changes to the MMP.
7. **File Clerk of District Court Report -7-19**
General Supplemental Fund Surcharge- \$960.65
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 August will be published as part of the first meeting in September.

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

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

9. Approve Personnel Action:

- a. Hire, **Wendy Hilderbrand**, Marshall County Treasurer's Office, Universal Clerk, fulltime, rate of pay \$16.00/hr. effective September 3, 2019.

Motion by _____, second by _____ to _____ personnel action.

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

- b. Change of Status and Change of Rate of Pay, **Deann Tomlinson**, Marshall County Treasurer's Office, Change of Status from Property Tax Supervisor Probationary to Property Tax Supervisor, full time, change of pay from \$23.50/hr. to \$26.78/hr., effective August 20, 2019.

Motion by _____, second by _____, to _____ personnel action.

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

10. Region VI Housing Trust Fund---

**A RESOLUTION TO APPROVE THE REGION 6 HOUSING TRUST FUND
MARSHALL COUNTY CASH CONTRIBUTION
RESOLUTION NO. 2019-0051**

Whereas the Region 6 Housing Trust Fund can annually apply for approximately \$240,120 of Iowa Finance Authority State Housing Trust Funds if the trust fund secures \$60,030 of local contributions, and

Whereas the per capita state share for Marshall County is \$102,891 if \$25,723 of local assistance is secured, and

Whereas the housing trust fund from 2015 to 2019 (current) has expended \$605,414 in Marshall County – slightly more than a per capita split (\$586,582) and the Region 6 Housing Trust Fund board has put together a policy to average out the per capita split over a 3-5 time period, and

Whereas the housing trust fund continues to seek applications for owner occupied housing improvements across the region which will be prioritized based upon housing needs, and

Whereas all the applicants must have annual incomes under 80% of the county median as determined by HUD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARSHALL COUNTY:

Section 1: Marshall County will provide \$25,723 of cash assistance in FY 2020/2021.

Approved this ____ day of _____, 2019.

Motion by _____, second by _____ to _____ Resolution #2019-0051, A Resolution to Approve the Region 6 Housing Trust Fund Marshall County Cash Contribution.

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

Resolution #2019-0049-Tabled from August 6, 2019 BOS meeting

11. 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.
- This agreement shall expire on October 13, 2019, unless extended or otherwise amended in writing by all parties involved.
- 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 _____, second by _____, to _____ Resolution #2019-0049, Marshall-Hardin County Public Environmental Health/Planning and Zoning Administrator Agreement and authorize board signatures.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

12. Certification of Marshall County Employee Health and Dental Plan--Discussion and possible action on the requirement of Iowa code, Section 509A 15, to complete and file a certificate of compliance with the Iowa Department of Commerce, Insurance Division, an actuarial opinion, an annual financial report and a \$100.00 filing fee for the plan year ending June 30, 2019.

Motion by _____, second by _____, to approve the State of Iowa 509A Certificate of Compliance and direct the County Auditor and Recorder to file with the Iowa Department of Commerce, Insurance Division.

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

13. Resolution #2019-0052

**Resolution #2019-0052
Marshall County Board of Supervisors
8-20-19**

APPROVAL OF WAIVER OF MARSHALL COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Marshall County Board of Supervisors as follows:

- Section 1. The Marshall County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Marshall Ridge Farms LLC has been issued a draft permit for the construction of a confined animal feeding operation building(s) at 1131 245th St., State Center, IA 50247 in unincorporated Marshall County.
- Section 2. The Marshall County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on August 6, 2019.
- Section 3. The Marshall County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.
- Section 4. The Marshall County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.
- Section 5. The Marshall County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.
- Section 6. This resolution shall take effect immediately.

Motion by _____, second by _____ to _____ Resolution #2019-0052.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

14. Resolution #2019-0053

**Abatement of Real Estate Taxes
Resolution #2019-0053**

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:

Parcel # 8418-34-279-005 for current and delinquent taxes in the amount of \$740.00, which includes penalty, interest and costs.

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 #2019-0053, Abatement of Real Estate Taxes.

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

Steve Salasek
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

15. Courthouse Remodel-A request from Scott Hand, District Court Administrator, Second Judicial District, to discuss the current Courthouse Remodel plans in regards to the bathrooms associated with the two jury deliberation rooms and the absence of a courtroom/dedicated space for juvenile court proceedings.

Motion by_____, second by_____, to_____.

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

16. 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.

17. Adjournment--The next regular session is September 3, 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 29, 2019 at 1:00 p.m. There being no further business to come before the Board, the meeting is adjourned at ____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>