

**Marshall County Board of Supervisors
Regular Session November 23, 2021 at 9:05 a.m.
1 E MAIN ST, GRAND COURT ROOM AND VIA ZOOM
MINUTES**

The Marshall County Board of Supervisors met in regular session according to the posted notices in the Grand Courtroom, 1 E Main Street, and via online ZOOM. Due to active construction in the courthouse area and the concern for the safety of all residents of Marshall County, the Board of Supervisors' Public Meetings will be available LIVE online, as previously established on March 31, 2020, through the COVID-19 Virus pandemic, to continue until the courthouse area, including the grounds, courthouse building and the Grand Courtroom, is no longer an official construction site. The Board passed "Resolution 2021-0030 Restricting Public Access to Courthouse During Active Construction" at their meeting of July 20, 2021, per advisement of legal counsel. The Board encourages the public to remain engaged and actively participate via the ZOOM process. Presenters may provide documentation electronically for inclusion during the meeting prior to the agenda deadline and are requested to participate via ZOOM.

Chair Thompson called the meeting to order on November 23, 2021, at 9:05 a.m. and led the Pledge of Allegiance. Present: Chair David E Thompson, Vice Chair Bill Patten, Member Steve Salasek. Salasek moved to approve the agenda as printed, second by Patten. Roll call vote, motion carried 3-0.

Consent Agenda: Patten moved to approve the Consent Agenda items, second by Salasek. Roll call vote, motion carried 3-0. Items:

- a. **Approve Minutes.** Approve Regular Session Minutes of November 9, 2021, Canvass Meeting of November 9 and November 16, and receipt of the October claims listing.
- b. **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 current month will be published as part of the first meeting of the following month.
- c. **File Receipt of District Court Report, October 2021, General Supplement Fund Surcharge \$365.29.**
- d. **File Audit Report, Solid Waste Management Commission of Marshall County, fiscal year ending June 30, 2021.**
- e. **File Manure Management Plans** - Applegate G and L Farms #59073, 2845 Garwin Rd, annual update, no changes.

RESOLUTION #2021-0039 ADOPTING FEE SCHEDULE FOR PLATS OF SURVEY, RETRACEMENT PLATS AND SUBDIVISION PLATS.

Whereas, Marshall County accepts plats of survey, subdivision variances, and preliminary and final, minor and major subdivisions for review and recording and;

Whereas, the review of the above named submittals is conducted by the Assessor's office, Auditor's office, Engineer's office, Geographical Information Systems' office, Planning and Zoning Department, Public Environmental Health Department and various other departments to a lesser degree and;

Whereas, the review of these submittals by those offices incurs costs on the resources of those offices and;

Whereas, the Marshall County Platting and Subdivision Ordinance, 2005 specifically allows the Marshall County Board of Supervisors to set fees for the review of those submittals;

Whereas, the City of Marshalltown requested on April 15, 2021 that the Marshall County Engineers office review all Plats of Survey, Retracement Plats and Subdivision Plats that lie within the Marshalltown City limits;

Now therefore let it be resolved, that the following fees will apply to the submittal of official plats of survey (including acquisition and disposition plats), retracements, subdivision variances and subdivision plats;

Outside City Limits:

1. For review of Plats of Survey and Retracement Plats of Survey, there will be a \$100 submittal fee. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$100** submittal fee. This pattern should be followed for all subsequent re-submittals:
2. For review of subdivision variances there shall be a submittal fee of \$150.
3. Both Minor & Major Subdivisions must submit a preliminary and a final plat for review.
4. For review of Preliminary and Final **Minor** Subdivision Plats with or without a road(s), there shall be a fee of \$550. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$355** submittal fee. This pattern should be followed for all subsequent re-submittals:
5. For review of Preliminary **Major** Subdivision Plats without a road(s), there shall be a fee of \$315. **Final** Major Subdivision plats, without a road(s), shall be a fee of \$655. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$355** submittal fee. This pattern should be followed for all subsequent re-submittals:
6. For review of Preliminary **Major** Subdivision Plats with a road(s), there shall be a fee of \$445. **Final** Major Subdivision plats, with a road(s), shall be a fee of \$655. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional \$355 submittal fee. This pattern should be followed for all subsequent re-submittals:
7. Marshall County exempts itself and all of Marshall County Departments from the requirement of paying fees for the submittal of any of the above instruments.

Inside City Limits:

8. For review of Plats of Survey and Retracement Plats of Survey, there will be a \$95 submittal fee. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$95** submittal fee. This pattern should be followed for all subsequent re-submittals:
9. For review of subdivision variances there shall be a submittal fee of \$0.00.
10. Both Minor & Major Subdivisions must submit a preliminary and a final plat for review.
11. For review of Preliminary and Final **Minor** Subdivision Plats with or without a road(s), there shall be a fee of \$250. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$205** submittal fee. This pattern should be followed for all subsequent re-submittals:
12. For review of Preliminary **Major** Subdivision Plats without a road(s), there shall be a fee of \$215. **Final** Major Subdivision plats, without a road(s), shall be a fee of \$455. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are required after the first re-submittal, the second resubmittal will require an additional **\$205** submittal fee. This pattern should be followed for all subsequent re-submittals:
13. For review of Preliminary **Major** Subdivision Plats with a road(s), there shall be a fee of \$320. **Final** Major Subdivision plats, with a road(s), shall be a fee of \$455. If corrections are required, the applicant will be allowed to resubmit, with the corrections, one time free of charge. If corrections are

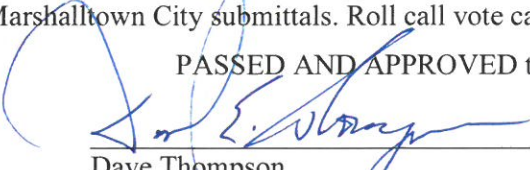
required after the first re-submittal, the second resubmittal will require an additional **\$205** submittal fee. This pattern should be followed for all subsequent re-submittals:

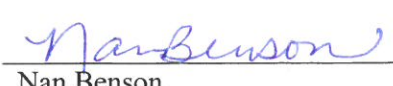
14. Marshall County exempts itself and all of Marshall County Departments from the requirement of paying fees for the submittal of any of the above instruments

OUTSIDE CITY LIMITS (INCLUDES UNINCORPORATED CITIES)							
DEPARTMENT	SURVEY & RETRACEMENT REVIEW & 2ND RESUBMITTALS	SUBDIVISION VARIANCE	PRELIMINARY & FINAL MINOR* SUBDIV (W/ OR W/O ROAD)	PRELIMINARY MAJOR** SUBDIV (W/O ROAD)	PRELIMINARY MAJOR** SUBDIV (W/ ROAD)	FINAL MAJOR** SUBDIV (W/ OR W/O ROAD)	2ND RESUBMITTAL ALL SUBDIV PLATS
ASSESSOR	\$15	\$0	\$25	\$15	\$20	\$30	\$15
AUDITOR	\$40	\$0	\$150	\$75	\$100	\$150	\$100
ENGINEER	\$20	\$0	\$60	\$100	\$150	\$200	\$40
GIS	\$20	\$0	\$15	\$25	\$50	\$75	\$50
ZONING	\$5	\$150	\$300	\$100	\$125	\$200	\$150
TOTAL	\$100	\$150	\$550	\$315	\$445	\$655	\$355
INSIDE CITY LIMITS							
DEPARTMENT	SURVEY & RETRACEMENT REVIEW & 2ND RESUBMITTALS	SUBDIVISION VARIANCE	PRELIMINARY & FINAL MINOR* SUBDIV (W/ OR W/O ROAD)	PRELIMINARY MAJOR** SUBDIV (W/O ROAD)	PRELIMINARY MAJOR** SUBDIV (W/ ROAD)	FINAL MAJOR** SUBDIV (W/ OR W/O ROAD)	2ND RESUBMITTAL ALL SUBDIV PLATS
ASSESSOR	\$15	\$0	\$25	\$15	\$20	\$30	\$15
AUDITOR	\$40	\$0	\$150	\$75	\$100	\$150	\$100
ENGINEER	\$20	\$0	\$60	\$100	\$150	\$200	\$40
GIS	\$20	\$0	\$15	\$25	\$50	\$75	\$50
ZONING	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$95	\$0	\$250	\$215	\$320	\$455	\$205
*MINOR SUBDIVISION = 1-3 LOTS							
**MAJOR SUBDIVISION = 4 OR MORE LOTS							

Motion by Salasek to **Adopt RESOLUTION #2021-0039 ADOPTING FEE SCHEDULE FOR PLATS OF SURVEY, RETRACEMENT PLATS AND SUBDIVISION PLATS**, second by Patten. Changes include additional fees for review of some documents by county engineering department for Marshalltown City submittals. Roll call vote carried 3-0.

PASSED AND APPROVED this 23rd day of November, 2021.


Dave Thompson
Board of Supervisors, Chairman

Attest: 
Nan Benson
Marshall County Auditor / Recorder

Patten moved to **Approve 28E Agreement, Marshall County Communications Commission**, second by Salasek. MCCC Director Braudis was present and described the negotiation process, the cooperation between the parties, and duties of the Director's position. Motion carried 3-0.

Salasek moved to file receipt of **Marshall County Zoning Variance No. 2021-VAR-6009, KH Land LLC**, to allow filing a plat of survey in lieu of a subdivision plat as required by Ordinance, second by Patten. Roll call 3-0.

Patten moved to approve **PERSONNEL CHANGES**, authorizing change of employment status for Austin Ewalt, moving from Mech 3 to Mech 4, pay rate change from \$27.68 to \$28.01, effective November 27, 2021, second by Salasek. Roll call 3-0.

Removed from table: **Approve Second Level Plan Administrator Appeal to the Marshall County Medical Benefit Plan**, moved to closed session.

Tabled: Review and possible approval of selected project expenditures recommended by the Marshall County ARPA Committee, to be paid from the **AMERICAN RESCUE PLAN ACT (ARPA) FUND: Total \$253,060.00**. The ARPA Committee recommended approval at their 10-21-2021 meeting. Tabled 11/9/2021.

Tabled: **Resources available for opioid-affected individuals in Marshall County**. Tabled 11/9/2021.

Discussion: **E35 / E Main St Road paving request, east of Zeller Avenue to county line**. Several of the area residents attended via ZOOM, presented data and requested decision making information for new road improvement projects, such as priority or ranking criteria. Problems of the gravel road include reduced safety, dust, gravel road tracking, and increased maintenance issues. Residents included Brandon Swartz, Dorian Twedt Gutierrez, James Mull, Roger Chase, and Pam Wilson. Engineer Geilenfeldt said the 230 vehicle volume from the 2017 data is close to the 250 vehicle volume for a paved road, and thought this one mile project could be combined with two other short paving projects to make it attractive to bid, one mile south to Montour, second is 1 mile to Gilman. Estimated cost of the paving of the one mile stretch of E-35 /Main Street Road east of Zeller Avenue at \$600k - \$700k. Sheriff Phillips suggested a speed study be completed within the next month and offered a suggestion that should the road be paved, the speeds could be increased. Stop signs were discussed but were not recommended.

Discussion: **Abbott Avenue, north of 160th Street to Chapel Hill Church**. Leon Lamer explained after the Chapel Hill Church burned down, members don't want to rebuild due to the condition of the gravel road stretch on Abbott Avenue, from the Garwin blacktop north two miles to the church. Lamer asked the board to consider using federal funds for road improvement. Nan Benson spoke ARP funds may only be utilized for roads if the county can demonstrate lost revenue. The external auditor Beth Miller conveyed it may be difficult to demonstrate lost revenue. Benson will continue to keep track of any lost revenue, however, she doesn't anticipate lost revenue in future years for funding to be available for roads or bridges. Geilenfeldt was asked about the new federal infrastructure monies, which may be available for bridge investment, and could be grant based. Due to the traffic data, on that two mile stretch, with between 30 and 70 vehicles per day, there is no real way to make paving points, and funding of the project would require a public hearing for local funding only, as it is not a farm to market road. Due to the way state monies are allocated to counties for farm to market roads, counties are limited to the number of miles designated as farm to market roads. Salasek and Patten left the room. Patten returned.

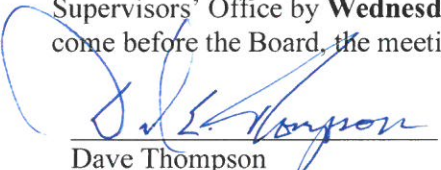
Chairman Thompson read the Official Notice to **Agencies Considering Requesting County Funding for Fiscal Year 2022-2023**. Salasek returned.

Public Forum. Mark Eaton – complimented BOS on public comment. Q about roads, social media stat 117 structurally deficient bridges in Marshall County. PG not a new problem, systemic Iowa issue, 120 years ago, built quickly. 43 over 100 years old. 59 between 70-100 years old. Continually replacing bridges, 43 less than 20 years old. New bridges are being built with better materials than 120 years ago,

will last longer than intended service life. The county has many timber-piling bridges in place, becoming more deficient over time. The county built 5 bridges in 2020-2021, with 5 old bridges becoming on the deficient list, so it appears there is no progress made due to static numbers. Compared to other states, Iowa has more roads per county. Geilenfeldt explained some bridges are replaced with box culverts when possible, with his staff. Bridge replacement priority given to school bus routes, FM routes, paved roads with weight restrictions.

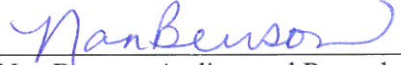
CLOSED SESSION per Iowa Code 21.5(1)(a) . at 10:40 am. Salasek moved to enter into Closed Session pursuant to Iowa Code 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential. Marshall County has an attorney/client relationship with the Office of the Marshall County Attorney and Ahlers & Cooney P.C., second by Patten. Roll call vote carried 3-0. At 10:56 am, Salasek moved to return to open session, second by Patten. Roll call vote carried 3-0. At 10:57 am, Patten moved to deny the **Second Level Plan Administrator Appeal to the Marshall County Medical Benefit Plan**, second by Salasek. Roll call vote, motion carried 3-0.

Adjournment. The **next regular session is December 7, 2021, 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, December 1, 2021 at 12:00 p.m.** There being no further business to come before the Board, the meeting is adjourned at 10:58 a.m.



Dave Thompson
Board of Supervisors, Chairman

Attest:



Nan Benson, Auditor and Recorder