

Marshall County Board of Supervisors
Regular Session January 4, 2022, at 9:05 a.m.
1 E MAIN ST, GRAND COURT ROOM AND VIA ZOOM
AGENDA

1. Call to Order

How to Participate in the meeting

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. There are 3 available options to view and/or participate in the public meetings:

- View on YouTube. View live or replay later. [MARSHALL COUNTY YOUTUBE](#)
- Call in by Phone: 1-312-626-6799, Meeting ID 871 3622 1316 Passcode 526597
- Zoom. Participate Live. [HTTPS://US02WEB.ZOOM.US/J/87136221316?PWD=Q0lDZXVVEHPLSVROA3LVRDVTCXHAQT09](https://us02web.zoom.us/j/87136221316?pwd=Q0lDZXVVEHPLSVROA3LVRDVTCXHAQT09)
- If you call in or participate by zoom, please mute yourself until you speak.

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.

2. Roll Call:

THOMPSON	PATTEN	SALASEK

3. Pledge of Allegiance

4. Approval of Agenda.

Motion by _____, second by _____ to modify or approve the agenda.

THOMPSON	PATTEN	SALASEK

5. Consent Agenda.

5.A. Approve Minutes, December 21, 2021.

Documents:

5.B. 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.

5.C. File Manure Management Plans

- Flint Finisher Farm No 71020, Henan Farms LLC, 120th St, St Anthony. Annual update, with changes.
- Pickard Brothers Inc # 57598 1777 300th St, Melbourne. Annual update, no changes.

Documents:

[FLINT FINISHER FARM 71020 MMP.PDF](#)
[PICKARD BROTHERS INC 57598 MMP.PDF](#)

5.D. Vote, end of consent agenda:

Motion by _____, second by _____.		
THOMPSON	PATTEN	SALASEK

6. Adopt Third Reading and Ordinance, of Proposed Amendment 2021-01 to Marshall County Ordinance No. 21, “ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, AND DEFINING THE BOUNDARIES”

Amendment 2021-01 Marshall County Ordinance #21: AN ORDINANCE REPEALING AND REPLACING ORDINANCE #21 “ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, AND DEFINING THE BOUNDARIES”

Whereas pursuant to Chapter 49 of the Code of Iowa, 2021, Marshall County is required to establish new voting precincts in Marshall County, due to the required reprecincting following the 2020 decennial census; and

Whereas the Marshall County Board of Supervisors has established new election precincts following census block lines, comprised of one or more whole townships and contained wholly within an existing legislative district that will best serve the convenience of the voters while promoting electoral efficiency pursuant to Chapter 49, Code of Iowa, 2021; and

Whereas Ordinance Number 21, having been passed by the Marshall County Board of Supervisors on November 7, 2011, is being repealed and replaced by this new Ordinance #21, dated _____, 20__.

Whereas following a public hearing, held on December 21, 2021, the Marshall County Board of Supervisors finds this action to be in the best interest of the public.

THEREFORE, BE IT ORDAINED BY THE MARSHALL COUNTY BOARD OF SUPERVISORS, AS FOLLOWS:

SECTION 1. Repeal Ordinance Number 21, dated November 7, 2011, “ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, NOT INCLUDING THE CITY OF MARSHALLTOWN AND DEFINING THE BOUNDARIES” in the Marshall County, Iowa, Code of Ordinances.

SECTION 2. Replace Ordinance Number 21, dated November 7, 2011, “ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, AND DEFINING THE BOUNDARIES” in the Marshall County, Iowa, Code of Ordinances with the following:

“ORDINANCE No. 21 ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL

COUNTY, IOWA, AND DEFINING THE BOUNDARIES.

Marshall County, Iowa, is hereby divided into 7 voting precincts that do not include the City of Marshalltown, and 8 voting precincts within the City of Marshalltown. The precincts from the 2020 census are as follows:

1. BANGOR/LISCOMB/TAYLOR: Bangor Township including the part of the incorporated City of Liscomb, Liscomb Township including the part of the incorporated City of Liscomb, and Taylor Township including the incorporated city of Albion, Marshall County, Iowa.
2. EDEN/LOGAN/WASHINGTON: Eden Township including the incorporated city of Rhodes, Logan Township including the incorporated city of Melbourne, and Washington Township, Marshall County, Iowa.
3. GREEN CASTLE/LEGRAND: Green Castle Township including the incorporated cities of Ferguson and Gilman, and LeGrand Township including the incorporated city of LeGrand, Marshall County, Iowa.
4. JEFFERSON/TIMBER CREEK: Jefferson Township including the incorporated cities of Haverhill and Laurel, and Timber Creek Township, Marshall County, Iowa.
5. LIBERTY/MARIETTA/MINERVA: Liberty Township including part of the incorporated city of St. Anthony, Marietta Township, and Minerva Township including the incorporated city of Clemons and part of the incorporated city of St. Anthony, Marshall County, Iowa.
6. MARION/VIENNA: Marion Township and Vienna Township, Marshall County, Iowa.
7. STATE CENTER: State Center Township including the incorporated city of State Center, Marshall County, Iowa.
8. CITY OF MARSHALLTOWN: The City of Marshalltown passed Ordinance 15034 on December 13, 2021, "AN ORDINANCE TO ESTABLISH THE BOUNDARIES OF ELECTION WARDS AND PRECINCTS IN THE CITY OF MARSHALLTOWN, IOWA, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE EFFECTIVE DATE OF SAME" regulating eight City of Marshalltown voting precincts."

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 15, 2022, after its final passage, approval and publication as provided by law.

Dated at Marshalltown, Iowa, this ____ day of _____, 20____.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK

Documents:

[AMENDMENT 2021-01-ORDINANCE 21-REPRECINCTING.PDF](#)
[MARSHALL COUNTY PRECINCT MAP TOWNSHIPS.PDF](#)
[TOWNSHIP ELECTION STATS-2010-2020.PDF](#)
[TOWNSHIP ELECTION STATS-CHART POLL USE.PDF](#)
[MTOWN WARDS PRECINCTS NEW.PDF](#)

7. ADOPT RESOLUTION 2022-006 ASSESSED/TAXABLE VALUES OF UTILITY COMPANIES

Be It Resolved, that pursuant to Section 433.9, Code of Iowa, there be ordered entered in the minute book the length of lines and the assessed value of the property of each of the following utility companies situated in each city, township, or lesser taxing district in its county as fixed by the Director of Revenue & Finance and certified to the County Auditor. These values shall constitute the taxable value for 2020 Property Taxes, Payable in 2021-2022, and the taxes on said property when collected by the County Treasurer shall be disposed of as other taxes on real estate. A detailed report showing the value for each company, by taxing district, is on file in the County Auditor's office. (See attachment for detail)

Motion by _____, second by _____.

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THOMPSON	PATTEN	SALASEK
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Documents:

[RES 2022-0006 UTILITY RESOLUTION FY22-23.PDF](#)

8. ADOPT Resolution 2022-007 Adopting the Marshall County Multi-Jurisdictional Local Hazard Mitigation Plan

Whereas Marshall County, Iowa, recognizes the threat that natural hazards pose to people and property within our community; and

Whereas, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

Whereas the U.S Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards; and

Whereas the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

Whereas an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

Whereas Marshall County, Iowa, fully participated in the hazard mitigation planning process to prepare this Multi-Jurisdictional Local Hazard Mitigation Plan; and

Whereas the Iowa Homeland Security and Emergency Management Department and the Federal Emergency Management Agency Region VII officials have reviewed the "Marshall County MultiJurisdictional Local Hazard Mitigation Plan," and approved it contingent upon this official adoption of the participating governing body; and

Whereas Marshall County, Iowa, desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Marshall County Multi-Jurisdictional Local Hazard Mitigation Plan; and

Whereas adoption by the governing body for Marshall County, Iowa, demonstrates the jurisdictions' commitment to fulfilling the mitigation goals outlined in this MultiJurisdictional Local Hazard Mitigation Plan; and

Whereas adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

Now, therefore, be it resolved, that Marshall County, Iowa, adopts the "Marshall County Multi-Jurisdictional Local Hazard Mitigation Plan" as an official plan; and

Be it further resolved, Marshall County, Iowa, will submit this Adoption Resolution to the Iowa Homeland Security and Emergency Management Department and Federal Emergency Management Agency Region VII officials to enable the plan's final approval.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK
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Documents:

[RES 2022-0007 ADOPTING MULTIJURISD LOCAL HAZARD MITIGATION PLAN.PDF](#)

9. ADOPT RESOLUTION 2022-0008 APPROVING CONSTRUCTION CONTRACT WITH BREIHOLZ CONSTRUCTION COMPANY FOR THE MARSHALL COUNTY COURTHOUSE INTERIOR, \$8,476,753.00

Whereas Marshall County, Iowa, has necessitated a need to enter into a construction contract for ongoing damage reconstruction for the **Marshall County Courthouse Interior** project due to the 2018 Tornado and 2020 Derecho damages; and

Whereas, Marshall County has negotiated a contract with Brieholz Construction Company, 1527 Maine Street, Des Moines, Iowa, 50314, for the damage reconstruction of the **Marshall County Courthouse Interior** project in the amount of \$8,476,753.00; and

Whereas the Supervisors find approval of this contract to be in the best interest of Marshall County, Iowa.

Now therefore, be it resolved by the Supervisors of Marshall County, Iowa,

Section 1. The Marshall County, Iowa, Supervisors approve the contract with Brieholz Construction Company, 1527 Maine Street, Des Moines, Iowa, 50314, for the damage reconstruction of the **Marshall County Courthouse Interior** in the amount of \$8,476,753.00; and

Section 2. The Marshall County Supervisors authorize the signature of Dave Thompson, Chair for the Board of Supervisors in December, 2021, to sign the Contract on behalf of Marshall County.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK

Documents:

[RES 2022-0008 APPROVING CONSTRUCTION CONTRACT, BREIHZOLZ COURTHOUSE IMPROVEMENT.PDF](#)
[BREIHZOLZ-AGREEMENT.PDF](#)
[BREIHZOLZ-EXHIBITA.PDF](#)
[BREIHZOLZ-PROJECTMANUAL-ROOFPHASE.PDF](#)

10. Personnel Changes:

10.A. Approve Building and Grounds Director Lucas Baedke Vacation change to No Limit, possibly through March 31, 2023. Discussion and Possible Action.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK

11. Approve the Board of Adjustment approval of the Conditional Use Permit #2021-VAR-6007 RACOM/WHITAKER FARMS for a Conditional Use Permit to build a 250' Self Support Tower on parcel # 8420-07-400-009.

Conditional Use Permit #2021-V AR-6007 is hereby granted to RACOM/WHITAKER FARMS, 1657 180th Street, Clemons, IA 50054, to the requirements of Article XVIII, Section I of the Marshall County Zoning Ordinance No. IO to allow the construction of a 250' Self Support Tower and equipment shelter on Parcel# 8420-07-400-009. The property legally described location: Parcel 8420-07-400-009, lying within the Northeast Quarter of the Southeast Quarter in Section 07, Township 84 North, Range 20 West of the 5th P.M., Marshall County, Iowa. The Marshall County Board of Adjustment, after a public hearing on December 28, 2021, and due consideration in their deliberations, has granted permission to waive the subdivision requirements of Article XVIII, Section 1 of the Marshall County Zoning Ordinance No. IO.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK

Documents:

[SPU CONDITIONAL TOWER RACOM WHITAKER FARMS.PDF](#)

12. Set Public Hearing on Proposed 2020-2021 Marshall County Budget Amendment.

Motion by _____, second by _____, to set January 31, 2022, at 9:05 a.m., in the Grand Courtroom of the Marshall County Courthouse, 1 East Main Street, Marshalltown, Iowa, as the time and place to conduct the Proposed 2021-2022 Marshall County Budget Amendment Public Hearing and authorize the Marshall County Auditor and Recorder to publish notice of public hearing.

THOMPSON	PATTEN	SALASEK

13. Siren project for unincorporated areas. Discussion, possible action.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK

14. Mandatory Vaccination Policy. Discussion and Possible Action.

Motion by _____, second by _____.

THOMPSON	PATTEN	SALASEK

15. 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.

PROJECTS recommended by ARPA Committee at their meeting 10/21/2021:

Attorney-Enhanced Supervision (Drug Court) Mental Health for 1 year: \$253,060.00.

Motion by _____, second by _____, to remove item from table for discussion and possible action.

THOMPSON	PATTEN	SALASEK

Motion by _____, second by _____, to

THOMPSON	PATTEN	SALASEK

Documents:

[INVESTING IN SUBSTANCE ABUSE AND MENTAL HEALTHCOURTS.PDF](#)

16. Public Forum. 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 January 18, 2022, 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, January 12, 2022, at 12:00 p.m. There being no further business to come before the Board, the meeting is adjourned at _____ a.m.