

**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
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 January 4, 2022, at 9:05 a.m. and led the Pledge of Allegiance. Present: Chair David E Thompson, Vice Chair Steve Salasek, Member Bill Patten. Patten moved to approve the agenda as printed, second by Salasek. Roll call vote, motion carried 3-0.

Salasek moved to adopt the **Consent Agenda**, second by Patten. Motion carried 3-0.

1. Approve Minutes, December 21, 2021.
2. 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.
3. File Manure Management Plans:
 - a. Flint Finisher Farm No 71020, Henan Farms LLC, 120th St, St Anthony. Annual update, with changes.
 - b. Pickard Brothers Inc # 57598 1777 300th St, Melbourne. Annual update, no changes.

Patten moved to **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"**, second by Salasek. Third reading passed and Ordinance adopted 3-0. County Auditor and Recorder Benson clarified the ordinance established the boundaries of the townships and does not set in place the location of polling places.

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 January 4, 2022; and

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.

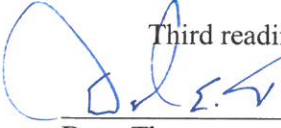
8. CITY OF MARSHALLTOWN: The City of Marshalltown passed Ordinance 15034 on December 13, 2021, "AN ORDINANCE TO ESTABLISH THE BOUNDARIES OF ELECTION WARDS AND PRECINCTS IN THE CITY OF MARSHALLTOWN, IOWA, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE EFFECTIVE DATE OF SAME" regulating eight City of Marshalltown voting precincts."

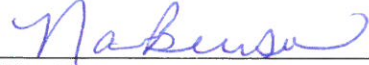
SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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.

Third reading Passed and Ordinance Adopted this 4th day of January, 2022.


Dave Thompson
Board of Supervisors, Chairman

Attest: 
Nan Benson
Marshall County Auditor / Recorder

Salasek moved, second by Patten, to **Adopt Resolution 2022-0006 Assessed / Taxable Values of Utility Companies**. Resolution adopted 3-0.

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 2021 Property Taxes, Payable in 2022-2023, 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.

UTILITY COMPANY	MILES	RATE	ASSESSED VALUATION	TAXABLE VALUATION AFTER EXEMPTION	TAXABLE VALUATION W/ ROLLBACK APPLIED
Centurylink Comm. LLC	26.49	2,490.4733	366,515	65,973	65,973
Heart of IA Comm. Coop.	295.08	660.9277	1,385,758	195,027	195,027
Heart of IA Ventures	101.83	1,869.2225	1,057,241	190,343	190,343
Iowa Telecom	61.52	1,273.4262	455,811	78,341	78,341
MCC Telephony IA	225.84	278.3857	340,268	62,871	62,871
McLeod USA Network	81.47	1,877.4021	809,403	152,952	152,952
Minerva Valley Telephone	104.63	600.6756	349,238	62,849	62,849
Partner Comm. Coop.	251.66	1,340.8948	1,874,830	337,450	334,450
Qwest Corp.	485.49	4,513.3558	9,645,115	2,191,189	2,191,189
Sprint	26.44	2,352.1686	345,507	62,191	62,191
TOTAL TELEPHONE COMPANIES			16,629,686	3,399,185	3,396,185
Black Hills Energy Corp.			142,107	23,995	23,995
Central IA Power Corp.			1,338,476	611,563	611,563
CMA Ventures Inc.			510,140	12,869	12,869
Consumers Energy Coop.			10,434,529	1,187,189	1,187,189
Grundy County REC			882,518	148,533	148,533
Interstate Power & Light Co.			564,640,553	111,189,338	111,189,338
ITC Midwest LLC			149,712,829	11,369,067	11,369,067

Mid American Energy	505,753	252,153	252,153
Midland Power Co.	70,673	10,646	10,646
State Center Muni.			
Utilities	55,967	153,952	153,952
Western MN Muni. Gas	0	4	4

**TOTAL GAS & ELECTRIC
COMPANIES**

728,293,545 124,959,309 124,959,309

Northern Border Pipeline Co.	1,133,131	1,133,131	1,133,131
Northern Natural Gas Co.	2,620,747	2,620,747	2,620,747
Nustar Ammonia	869,509	869,509	869,509

**TOTAL PIPELINE
COMPANIES**

4,623,386 4,623,386 4,623,386

Union Pacific Railroad	38.88 1,202,825.1748	46,765,843	46,765,843	42,089,259
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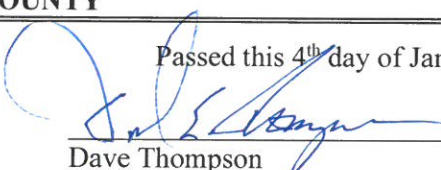
TOTAL RAILROADS

46,765,843 46,765,843 42,089,259

**TOTAL UTILITIES IN MARSHALL
COUNTY**

796,312,460 179,747,723 175,068,139

Passed this 4th day of January, 2022.


Dave Thompson
Board of Supervisors, Chairman

Attest:


Nan Benson
Marshall County Auditor / Recorder

Patten moved, second by Salasek to **ADOPT Resolution 2022-007 Adopting the Marshall County Multi-Jurisdictional Local Hazard Mitigation Plan**. Resolution adopted 3-0.

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

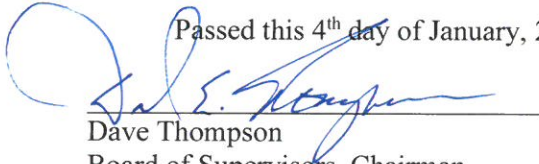
Whereas adoption by the governing body for Marshall County, Iowa, demonstrates the jurisdictions' commitment to fulfilling the mitigation goals outlined in this MultiJurisdictional Local Hazard Mitigation Plan; and

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.

Passed this 4th day of January, 2022.


Dave Thompson
Board of Supervisors, Chairman

Attest:


Nan Benson
Marshall County Auditor / Recorder

Salasek moved, second by Patten, to **ADOPT RESOLUTION 2022-0008 APPROVING CONSTRUCTION CONTRACT WITH BREIHZOLZ CONSTRUCTION COMPANY FOR THE MARSHALL COUNTY COURTHOUSE INTERIOR, \$8,476,753.00.** Resolution adopted 3-0. Baedke provided information from the insurance company, with about \$900,000 being required code updates of the county's \$2.2 million expense.

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

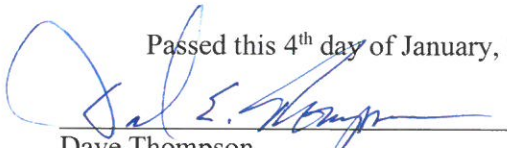
Whereas the Supervisors find approval of this contract to be in the best interest of Marshall County, Iowa.

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

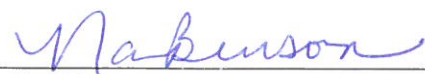
Section 1. The Marshall County, Iowa, Supervisors approve the contract with Brieholz Construction Company, 1527 Maine Street, Des Moines, Iowa, 50314, for the damage reconstruction of the Marshall County Courthouse Interior in the amount of \$8,476,753.00; and

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.

Passed this 4th day of January, 2022.


Dave Thompson
Board of Supervisors, Chairman

Attest:


Nan Benson
Marshall County Auditor / Recorder

Personnel Changes. Patten moved, second by Salasek, to approve **Building and Grounds Director Lucas Baedke Vacation change to No Limit, through March 31, 2022**. Motion carried 3-0.

Salasek moved to approve, second by Patten, to **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**. Motion carried 3-0.

Conditional Use Permit #2021-VAR-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 2 0 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.

Patten moved, second by Salasek, 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. Motion carried 3-0.

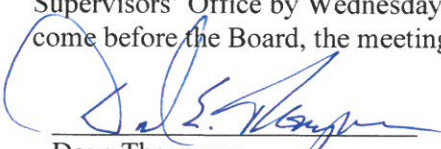
Salasek moved, second by Patten, to approve use of \$54,000 local funds to provide the match for the **unincorporated area siren project**. Motion carried 3-0. ARPA funds are not allowed as a match for federal funded grant projects.

Patten moved, second by Salasek, to approve the **Mandatory Vaccination Policy**, effective January 4, 2022, to be in place January 10, 2022. The OSHA Policy template was utilized and Benson will work with Ahlers and Cooney on anything that arises. Employees will be required to wear face coverings beginning January 10, 2022, and submit to at least weekly covid testing beginning in early February 2022, unless they submit proof of vaccination status. This issue is being heard by the Supreme Court beginning January 7, 2022, which could change this implementation with their action. Motion carried 3-0.

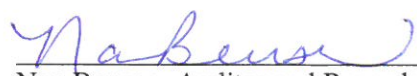
Tabled: Review and possible approval of selected project expenditures recommended by the Marshall County ARPA Committee, to be paid from the **AMERICAN RESCUE PLAN ACT (ARPA) FUND: Total \$253,060.00**. The ARPA Committee recommended approval at their 10-21-2021 meeting. Tabled 11/9/2021.

Public Forum. No public comment.

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 9:57 a.m.


Dave Thompson
Board of Supervisors, Chairman

Attest:


Nan Benson, Auditor and Recorder