

MINUTES

Marshall County Board of Supervisors
Regular Meeting September 9, 2026, at 9:00 a.m.
Courthouse, First Floor Meeting Room
1 East Main Street, Marshalltown, Iowa

The Marshall County Board of Supervisors met for the regular meeting according to the posted notices in the Courthouse, First Floor Meeting Room 1 East Main Street, Marshalltown, Iowa, and online via ZOOM. Chair Heil called the meeting to order on September 9, 2026, at 9:00 a.m. Present: Chair Jarret Heil, Vice Chair Carol Hibbs, Member Christian Goodman. Goodman moved to approve the agenda second by Hibbs. Motion carried 3-0.

Hibbs moved to approve the Consent Agenda, second by Goodman. Motion carried 3-0. Items:

1. Approve Previous Regular Session Minutes – August 26, 2026.
2. File Manure Management Plans:
 - a. PAG L.C., #59611, 1966 148th Street, Clemons, signed with no changes.
 - b. Norman Pork L.L.C., #59367, 1105 Fairman Avenue, Union, signed with no changes.
 - c. South Hardin Farms, #65416, 33857 O Avenue, New Providence, signed with no changes.
 - d. Marshall Ridge Farms L.L.C., #60101, 1131-A 245th Street, State Center, receipt of manure transfer pipeline construction completion.
 - e. Marshall Ridge Farms L.L.C., #60101, 1131-A 245th Street, State Center, receipt of Construction Permit Amendment CP-A2025-002.
3. 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.

End of Consent Agenda.

Receipt of Actuary Report, Marshall County Employee Health and Dental Plan, Year Ending June 30, 2026.

Motion by Goodman, second by Hibbs to approve the State of Iowa 509A Certificate of Compliance Actuary Report and direct the County Auditor and Recorder to file the required documents with the Iowa Department of Commerce, Insurance Division. Motion carried 3-0.

Auditor/Recorder Nan Benson provided that this is the normal annual actuarial report required to be filed with the Iowa Department of Commerce, Insurance Division.

Approve Eide Bailly Statement of Work for Fiscal Year 2026 Audit and Authorize Auditor/Recorder to Sign.

Motion by Hibbs, second by Goodman to approve Eide Bailly Statement of Work for Fiscal Year 2026 Audit and Authorize Auditor/Recorder to Sign. Motion carried 3-0.

Discussion was held regarding the annual Statement of Work and the three-year agreement with Eide Bailly. It was noted that this is the second year of the renewal and that the pricing is locked in under the agreement.

Approve EMC Insurance Coverage/Reservation of Rights Letter and Authorize Auditor/Recorder to Sign.

Motion by Goodman, second by Hibbs to approve EMC Insurance Coverage/Reservation of Rights Letter and Authorize Auditor/Recorder to Sign. Motion carried 3-0.

Discussion was held regarding the EMC Insurance coverage reservation rights letter and authorization for EMC to proceed with legal work on behalf of the County.

Approve Second Reading of Proposed Ordinance No. 38: An Ordinance Regarding Maximum Hourly Rates for Court-Appointed Personnel Fees.

Motion by Hibbs, second by Goodman to approve Second Reading of Proposed Ordinance No. 38: An Ordinance Regarding Maximum Hourly Rates for Court-Appointed Personnel Fees.

Motion carried 3-0.

County Attorney Jordan Gaffney provided that the proposed ordinance is the same ordinance presented at the previous meeting and is intended to standardize and level the compensation rates for attorneys appointed in civil cases, guardianships, conservatorships, and similar matters. No changes had been made to the proposed ordinance. No public comments had been received by the Attorney's, Auditor/Recorder's, or Supervisors' Offices.

Approve Agreement for Use of Marshall County Grounds by Oktoberfest, Inc., Pending Issuance of Insurance.

Motion by Goodman, second by Hibbs to approve Agreement for Use of Marshall County Grounds by Oktoberfest, Inc., Pending Issuance of Insurance. Motion carried 3-0.

Discussion was held regarding the use of the Marshall County Grounds by Oktoberfest, Inc. Sheriff Joel Phillips requested clarification regarding the designated alcohol boundary shown on the submitted map and the requirement that alcohol use on the grounds be authorized by the Board of Supervisors. Auditor/Recorder Nan Benson noted that a final Oktoberfest planning meeting is scheduled for September 14, 2026, at which the specific boundaries will be clarified for enforcement purposes, and the insurance liability coverage will be reviewed to ensure alcohol use is included.

Approve Purchase of Temporary Easement from Daniel Glenn Anderson Revocable Trust in the amount of \$700.00.

Motion by Hibbs, second by Goodman to approve Purchase of Temporary Easement from Daniel Glenn Anderson Revocable Trust in the amount of \$700.00. Motion carried 3-0.

County Engineer Paul Geilenfeldt provided that a temporary easement is needed for work at the intersection of 260th Street and Ridge Road. The temporary easement will extend 67 feet from the existing right-of-way and will allow the County to clear trees and complete the necessary work. Once the grade is established, the County will determine the permanent easement needed based on the final construction requirements.

Discussion Regarding First Reading of Ordinance No. 26-39: An Ordinance Establishing a Temporary Six-Month Moratorium on Applications Related to Data Centers.

County Zoning Director Tyler Kelley provided an overview of the proposed six-month temporary moratorium, which was discussed and recommended by the Marshall County Zoning Commission at its August 27, 2026, meeting. Kelley noted that the proposed ordinance was substantially the same as the language considered by the Zoning Commission, apart from removing the term “large-scale data centers.” Two written comments and three verbal comments in support of the moratorium were received at the Zoning Commission meeting.

Discussion was held regarding whether the moratorium should be adopted by ordinance or resolution. County Attorney Jordan Gaffney provided that either option could be used, noting that a resolution would allow the six-month period to begin sooner, while an ordinance would become part of the County’s Code of Ordinances. Gaffney recommended proceeding by resolution as the cleanest approach and noted that the language could be revised to allow the Board flexibility to extend the moratorium if additional time is needed.

Discussion was also held regarding the jurisdiction and scope of the proposed moratorium. Kelley clarified that the moratorium would apply to new data center construction in the unincorporated areas of Marshall County and would not apply to existing facilities previously approved through conditional use permits. Kelley also provided that his office has not been approached by any data center developers regarding projects in the unincorporated areas of Marshall County.

Public Comment *regarding the above proposed moratorium.* Maggie Valentine, 2345

Whispering Oaks Road, expressing support for the moratorium recommended by the Zoning Commission and requesting that the Board approve the moratorium and waive the second and third readings.

County Engineer Paul Geilenfeldt asked whether the proposed moratorium would include temporary or portable data centers. Tyler Kelley provided that the proposed moratorium would apply to those types of construction as well. Kelley later clarified that the moratorium would affect new construction but would not affect the two existing facilities previously approved through conditional use permits.

Annie Grieshop, 2125 290th Street, Melbourne, commented in support of proceeding with a resolution and encouraged the Board to clearly establish the effective date of the moratorium.

Harold Lanning, 1994 Vine Avenue, Marshalltown, expressed support for the proposed moratorium and the Board's efforts to establish regulations regarding data centers. He stated that he was neither in favor of nor opposed to data centers but wanted appropriate rules and regulations established.

Les Davis, 312 North 8th Street, expressed appreciation to the Board for beginning the moratorium process and stated his support for the action.

The Board discussed revising the proposed language from an ordinance to a resolution and bringing the revised resolution back for consideration at the September 23, 2026, Board meeting. It was noted that, if adopted at that meeting, the six-month moratorium would become effective September 23, 2026, and would expire March 23, 2027, unless extended or shortened by the Board.

Public Forum. Ramon Reyes, 1306 Ingram Avenue, Union, commented regarding the existing two-mile setback from the Iowa River for wind turbines and expressed support for maintaining the current setback, noting the presence of eagle nests in the area.

County Zoning Director Tyler Kelley provided that the County has been working with Iowa State University Extension and other organizations on a draft renewable energy ordinance. Kelley noted that comments had recently been received regarding the draft and that the Marshall County Zoning Commission is scheduled to hold a meeting and work session on September 29, 2026, at 9:00 a.m. in Meeting Room 1 at the Marshall County Courthouse to review the comments and draft ordinance. Kelley encouraged the public to attend and provide input regarding the proposed renewable energy ordinance.

Auditor/Recorder Nan Benson thanked the election workers and County staff who assisted with the September 9, 2026, special election at the polling locations in State Center, Melbourne, and Clemons. Benson noted that preparations are underway for the November 3, 2026, general election and thanked staff for their assistance with election-related duties.

No further public comment was received.

Adjournment. The next regular session is Wednesday, September 23, 2026, at 9:00 a.m., at the Courthouse, 1st floor meeting room, 1 E Main Street. 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, September 16, 2026, at 12:00 p.m. There being no further business to come before the Board, the meeting is adjourned at 9:38 a.m.

Jarret P Heil

Jarret P Heil (Sep 25, 2026 07:31:49 CDT)

Jarret Heil
Board of Supervisors, Chair

Attest:

Nan Benson

Nan Benson
Marshall County Auditor/Recorder

260909 Minutes

Final Audit Report

2026-09-25

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