

MARION COUNTY
BOARD OF SUPERVISORS
214 EAST MAIN
KNOXVILLE, IA 50138
641-828-2231

2010 PUBLIC MEETING MINUTES

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MARION COUNTY BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session December 20, 2010, with Howard Pothoven, Sam L Nichols and Jim Kingery present. Chairman Pothoven opened the meeting at 9:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Resolutions: None

Other Business:

1.) Cory Frank, Marion County Environmental Health, presented a briefing regarding the septic system at the Community Action Building (fka Marion County DHS building). The system had experienced some prior failure issues and now some damage during a water run-off construction project had occurred. There are immediate environmental health issues from open sewage and long term questions about the present system. Frank presented the 3 options to handle the situation as follows: 1.) temporarily patch damage and wait until spring to install new system. 2.) Immediately install a new septic system with a textile filter. 3.) Temporarily patch damage and work towards hooking up to city sewer. Frank then recommended Option #2 and presented some installation estimates from contractors. There was then lengthy discussion among neighbors, county officials, and the city manager regarding the options. Discussion involved short term solutions and long term solutions for the entire neighborhood. There was sentiment to research a long term solution for the area. Nichols moved and Pothoven seconded to accept the estimate of \$10,000 from Pella Precast Inc. to immediately install a textile filter septic system and have Adam Wadle, AW Construction, complete the previously started water run-off project including tile and swale. Roll call vote as follows: Ayes - Nichols, Pothoven Nays – Kingery Motion carried 2-1.

Adjournment:

There being no other business, Nichols moved and Pothoven seconded the meeting be adjourned at 10:02 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session December 15, 2010, with Howard Pothoven, Sam L Nichols and Jim Kingery present. Chairman Pothoven opened the meeting at 8:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Resolutions:

1. Kingery moved and Nichols seconded to approve Resolution 10/58 entering in to a 28E Agreement pursuant to Iowa Code Chapter 28E between Marion County, Iowa, the City of Knoxville, and the City of Pella regarding allocations of local option sales and services tax revenues as follows:

Whereas, the Iowa Code provides, in Chapter 28E, that governmental agencies may enter into joint agreements; and

Whereas, the City of Pella, City of Knoxville, and Marion County, Iowa, agree the formula for distribution of revenues collected from the tax should be amended and an alternative for distribution/allocation of the revenues should be agreed upon.

Now Therefore Be It Resolved, that the Marion County, Iowa, Board of Supervisors agrees to enter into a joint agreement described in the Iowa Code in Chapter 28E, with the City of Pella and City of Knoxville for the allocation of local option sales and services tax revenues.

2. Nichols moved and Kingery seconded to approve Resolution 10/59 calling for a public referendum to authorize the imposition of a local sales and services tax in the unincorporated areas of Marion County, Iowa, at a rate of one percent(1%) as follows:

Whereas, Chapter 423B of the Code of Iowa authorized the imposition of certain local option taxes after an election in which the majority of the electors vote in the affirmative; and

Whereas, the Board of Supervisors of Marion County, Iowa, declares its intention to participate in a special county-wide election for the purpose of permitting the electorate to pass upon the proposition of imposing a one percent (1%) sales and services tax for the unincorporated areas of Marion County, Iowa, according to Chapter 423 of the 2009 Code of Iowa.

Now, Therefore Be It Resolved by the Board of Supervisors of Marion County, Iowa:

Section 1. The Board of Supervisors of Marion County, Iowa, requests the County Commissioner of Elections to submit to the voters in Marion County a proposition authorizing imposition of a local sales and services tax in the unincorporated areas of Marion County at a one percent (1%) in the following terms:

A local sales and services tax shall be imposed in the unincorporated areas of Marion County, Iowa, at a rate of one percent (1%) to be effective January 01, 2014.

Section 2. Revenues from the sales and services tax are to be collected in the unincorporated areas of Marion County, Iowa, as follows:

Fifty Percent (50%) of said local option sales and service tax to be allocated for property tax relief.

The specific purpose for which the revenues shall otherwise be expended are:

Fifty Percent (50%) for community betterment, including, but not limited to payment for debt, construction costs, capitalized repair funds, and any other costs associated with the following projects:

1. The historic preservation of the Marion County Courthouse.
2. Capital equipment, improvement projects, construction, and repair.
3. The improvement of Marion County Secondary Road Projects.

For a period of ten (10) years. At the end of the ten-year collection period, the sales and services tax will be discontinued, unless the electorate votes the sales and services tax in place for an additional period of time.

Section 3. The Clerk of the Board of Supervisors is hereby authorized and directed to provide a certified copy of this resolution to the County Commissioner of Elections of Marion County and to the Board of Supervisors of Marion County.

Other Business:

1.) Roger Schletzbaum, Marion County Engineer, presented a briefing on the following Secondary Road Department projects:

- a.) T15 Corridor safety/infrastructure research study
- b.) Hwy 163 access management program
- c.) 2010 Disaster Project summaries
- d.) Smart Planning in Iowa – potential for MPO/COG
- e.) T15 Closure – work on Red Rock Dam – need for policy on road closure procedures
- f.) Two Rivers Co-op expansion (Tracy area) – logistic concerns for traffic flow

Nichols moved and Kingery seconded to end discussion on item #1

2.) Status update on broken sprinkler in attic above kitchen at the Marion County Care Facility. Clean up is progressing and expected to be completed in 7-10 days. Appropriate agencies have been contacted. Nichols moved and Kingery seconded to end discussion on item #2.

3.) Brian Anderson, Environmental Health, presented an overview of a notification received from the Iowa Department of Natural Resources regarding the lagoon at the Marion County Care Facility. Environmental Health will assess the situation and respond to the letter. They will ask for a 6 month study period. Nichols moved and Kingery seconded to end discussion on item #3.

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 9:45 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session December 13, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Kingery moved and Nichols seconded to approve the consent agenda as follows:

1. Approval of Marion County Regular Session Minutes – 10/25/10, 11/08/10, 11/22/10.
2. Approval of Marion County General Election Canvass Minutes – 11/09/10.
3. Approval of Marion County Warrants #1814758 - #181754 through December 13, 2010.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.

Public Hearings: None

Public Comments: None

Zoning Items:

1.) Marion County Subdivision Ordinance Chapter 56 Amendment – Nichols moved and Kingery seconded to approve the 3rd reading of the proposed Marion County Subdivision Chapter 56 amending Marion County Subdivision Regulations.

2.) Marion County Subdivision Ordinance Chapter 56 Amendment – Nichols moved and Kingery seconded to approve the final reading of Marion County Ordinance #2010-16 amending Marion County Subdivision Ordinance Chapter 56 and authorizing the Zoning Director to make final publication as follows:

Ordinance No. 2010-16

An Ordinance Amending Chapter 56 –Subdivision Regulations Of The Code Of Marion County, Iowa.

Be it Ordained by the Board of Supervisors of the County of Marion, Iowa:

Section 1. Chapter 56 – Subdivision Regulations of the Code of Marion County, Iowa, is hereby amended by deleting the current chapter and inserting in lieu a revised Chapter 56.

The major revisions incorporated into the new Chapter 56 –Subdivision Regulations include:

- Clarifies that this chapter applies to all divisions of land into 2 or more parcels.
- This Zoning Administrator shall be the point source for all land divisions
- List all land divisions that are exempts from the requirements of this chapter in one place.
- Clarify the term “Subdivision” means the division of a lot, 40-acre aliquot part (tract) or parcel of land into five or more lots or parcels, whether such land division occurs consecutively or sequentially. Each land division is counted, irrespective or ownership. However, parcels designated “for ag use only” shall not be counted.
- Exempt agricultural land divisions from the Subdivision requirements if (1) the land division is for ag use only, (2) lots are at least 3 acres in size and (3) no new streets created. No building permits shall be issued for any dwelling or non-agricultural use on parcels in such land divisions.
- Define “ag use only” to mean that no building permits for any dwellings or other principal use shall be issued on lots, tracts or parcels designated for ag use only. Building permits for accessory structures customary to farm operations, such as machine sheds or corn cribs, may be issued provided they are not habitable and met all other zoning requirements.
- All parcels shall be considered as “for ag use only” unless approved by the Zoning Administrator as a “buildable lot”. Plats of Survey or Subdivision shall include notes designating parcels as buildable or ag use only. Where a lot is split by specific

quantity description or for parcels created prior to the adoption of the new Ordinance, all parcels shall be considered as ag use only parcels unless specifically designated as a buildable parcel by the Zoning Administrator.

- Any parcel, lot or tract not having frontage to a public or private street shall be considered “ag use only” unless such parcel, lot or tract complies with all requirements of Section 55.10 and Section 55.30 of the Zoning Ordinance.
- Plats of Survey shall be approved by the Zoning Administrator and shall be in accordance with the specific designs standards. If owner wants to appeal the decision of the Zoning Administrator, the applicant may submit the Plat of Survey to the Zoning Commission for their recommendation and then the Board of Supervisors for their approval or denial.
- All new streets within subdivisions shall be considered private, based upon a recommendation from the County Engineer. Preliminary Plats of Subdivision will be presented to the Board for approval only if the plat includes any public improvements (pavement widening, intersection improvements or new streets) or in absence of a recommendation from the County Engineer. Provided the Zoning Commission agreed to waive any requirements related to private streets (curb and gutter, paving, street lights, sidewalks) at the time the Preliminary Plat was approved, the Board shall approve such waivers prior to approval of the Final Plat.
- The section titled “Subdivision Design Standards” shall be revised to “Design Standards” to clarify it applies to Plats of Surveys as well as Plats of Subdivision.
- Separate design standards are provided for public streets versus private streets. For example, cul-de-sac length shall not be regulated on private streets.
- Common water supply systems and wastewater disposal systems shall be required for any lot less than 3.0 acres net in size and for multiple-family dwellings, row houses, mobile home parks, commercial uses or industrial uses unless specifically waived by Marion County Environmental Health Department.
- Access drives shall be limited to no more than 4 per quarter-mile, but clarify that field drives serving parcels designated for ag use only, shall not count toward this maximum limitation.
- The procedures are revised to clarify the process as well as listing needed documentation.
- Minor clarifications to the current ordinance, including fee amounts being set by a Fee Schedule rather than by Ordinance.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

3. Nichols moved and Kingery seconded to approve Resolution 2010-56 establishing certain fees to be charged for the Division of Land Division, Subdivisions, Rezoning of Land and Issuance of Building Permits as follows:

Whereas, the Marion County Board of Supervisors did approve certain charges for the division of land, subdivisions, rezoning of land, and issuance of Building Permits to be set through resolution; and

Whereas, the Marion County Board of Supervisors duly passed and approved said Ordinance No. 2010-11 on June 14, 2010 for a new Chapter 55 – Zoning Regulations that became effective on June 17, 2010; and

Whereas, the Marion County Board of Supervisors duly passed and approved said Ordinance No. 2010-16 on December 13, 2010 for an amended Chapter 56 – Division of Land and Subdivision Regulations that became effective on December 17, 2010; and

Whereas, the Marion County Board of Supervisors needs to set these fees.

Therefore Be It Resolved by the Board of Supervisors of Marion County, Iowa that the following charges be adopted:

Section 1) Marion County Code Section 55.31, Site Plan fees: (fee amount was not included in old 55.25 – there should have been an accompanying Resolution.)

Section 2) Marion County Code Section 55.32, Building Permit fees:

- (a) Principal Structure: \$100.00 per permit.
- (b) Cell Towers (cell, wind): \$100.00 per permit
- (c) Commercial permit \$100.00 per permit
- (d) Accessory Structure: \$25.00 per permit
- (e) Qualifying Ag Building (meets Marion County criteria): none

Section 3) Marion County Code Section 55.41, Rezoning fees: \$125 per application

Section 4) Marion County Code Section 55.39

- (a) Special Use Variance Permit fees: \$125.00 per variance application

(b) Variance Permit fees: \$125.00 per variance application

Section 5) Marion County Code Section 55.17, fee for Home Occupations: \$25.00

Section 6) Marion County Code Section 55.20, fee for Sign Permit fees: \$25.00

Section 7) Marion County Administrative Appeal 55.36, Appeal fee: \$100.00

Section 8) Marion County Code Section 56.12, fee for Land Division by Specific Quantity Description: none

Section 9) Marion County Code Section 56.12, fee for Land Division by Plat of Survey: \$25.00 review fee for buildable lots

Section 10) Marion County Code Section 56.12, fee for Land Division by Minor Plat of Subdivision:

(a) Final Plat: \$200.00 per Final Plat having no new public or private streets.

Section 11) Marion County Code Section 56.12, fees for Land Division by Plat of Subdivision:

(a) Preliminary Plat: \$150.00 per Preliminary Plat having no new public or private streets or \$200.00 per Preliminary Plat having one or more new public or private streets .

(b) Final Plat: \$200.00 per Final Plat having no new public or private streets or \$300.00 per Final Plat having one or more new public or private streets.

Section 12) In the case of rezoning the foregoing fees shall be paid in full by the applicant prior to the rezoning being considered for approval by the Zoning Commission or Board of Supervisors. In the case of building permits or site plans, the foregoing fees shall be paid in full by the applicant prior to issuance of permit or site Plan being considered for approval by the Zoning Administrator. If the applicant fails to pay the appropriate fee as determined by the Zoning Administrator, the application or request shall be deemed to be denied approval.

Section 13) The foregoing fees shall not be refunded for failure of any application or request to be recommended for approval by the Zoning Commission and/or its failure to be approved by the Board of Supervisors.

Section 14) The foregoing fees will be implemented and become effective on Jan. 01, 2011.

Section 15) Any Resolution or any part of a resolution in conflict with the provisions of this Resolution are hereby repealed to the extent of the conflict.

Resolutions:

1.) Nichols moved and Kingery seconded to approve Resolution 10/57 authorizing the Marion County Sheriff to charge for the cancellation of a Sheriff's Sale in an amount equal to the amount set for holding a sale by the Code of Iowa as follows:

Whereas, the Sheriff's Office has seen a large increase in the number of Sheriff's Sales over the past several years, and,

Whereas, the procedures for scheduling said Sheriff's Sales requires several time consuming steps, and

Whereas, the Sheriff's Office has seen an increase in the number of sales being cancelled after the sale has been scheduled in the past year, and

Whereas, it would be in the best public interest for the Marion County Sheriff's Office to charge a fee for the cancellation of a Sheriff's Sale,

Now, Therefore Be It and It Is Hereby Resolved by the Marion County Board of Supervisors, that on this date met in lawful session, that the Marion County Sheriff's Office is hereby authorized to charge for the cancellation of a Sheriff's Sale in an amount equal to the amount set for holding a sale by the Code of Iowa.

Other Business:

1.) Nichols moved and Kingery seconded to establish a Human Resource Coordinator position for Marion County within the Marion County Auditor's Office.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 9:45 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session November 9, 2010 for the purpose of canvassing the vote from the November 2, 2010, General Election for the County of Marion, Iowa. Present were Howard Pothoven, Sam L. Nichols, and Jim Kingery.

Chairman Pothoven opened the special canvass at 10:00 A.M.

Auditor Jake Grandia announced there were 39 provisional ballots; 22 counted and 17 rejected for various reasons per Iowa Code. The results were read for the November 2, 2010 General Election. There were no ties.

Nichols moved and Kingery seconded to declare the canvass complete and certify the results of the election to the County Auditor and Iowa Secretary of State. Ayes all.

The following persons were elected at the November 2, 2010, General Election:

Board of Supervisor: Craig Agan, Republican
County Treasurer: Denise J Emal, Democrat
County Recorder: Karen Schwanebeck, Republican
County Attorney: Ed Bull, Republican

Clay Township Trustee: Ray Stone
Dallas Township Trustee: Will Bauer (WI)
Franklin Township Trustee: No winner
Indiana Township Trustee: Bob Mallory
Knoxville Township Trustee: Janet Ritchie
Liberty Township Trustee: Ruth Dykstra
Lake Prairie Township Trustee: Fred Van Ee
Pleasant Grove Township Trustee: Jim White (WI)
Red Rock Township Trustee: Jim Kingery
Summit Township Trustee: Douglas Van Den Berg
Union Township Trustee: Rory Worthington
Washington Township Trustee: Maurine McCorkle

Clay Township Clerk: Jim Sytsma
Dallas Township Clerk: Barb Quick
Franklin Township Clerk: David Van Rheenen (WI)
Indiana Township Clerk: Ann Rice
Knoxville Township Clerk: Kathleen Van Steenwyk
Liberty Township Clerk: Diane Rowley(WI) declined
Lake Prairie Township Clerk: Rod Van Soelen
Pleasant Grove Township Clerk: Pat Myers (WI)
Red Rock Township Clerk: Jacque Myers
Summit Township Clerk: Sharon Van Den Berg
Union Township Clerk: Beverly Jones
Washington Township Clerk: Charles Turner

Pleasant Grove Township Trustee – To Fill Vacancy – Gordon Mecham (WI) - declined

Marion County Ag Extension Council Member:

Kisha Jahner – To Fill a Vacancy
Randy Thill
Rosemary Worrall

Keith De Bruin
Carol A Van Dyke
Mark Drost (WI)

Marion County Soil & Water Conservation Commissioner:

Douglas De Haan
Justin Petersen

Melcher-Dallas City Council – To Fill Vacancy

Jerry Alexander

Bussey City Council – To Fill Vacancy

Steve Finch (WI)

Nichols moved and Kingery seconded that the canvass be adjourned. Ayes all.

The canvass was adjourned at 10:20 A.M.

The Marion County Board of Supervisors met in regular session November 8, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to amend the agenda by removing Agenda Item Other Business #1 – Receive request from Val Van Kooten regarding cemeteries in Marion County.

Nichols moved and Kingery seconded to approve the agenda as amended.

Communications: None

Consent Agenda:

Kingery moved and Nichols seconded to approve the consent agenda as follows:

1. Approval of Marion County Warrants #180848 - #181115 through November 8, 2010.
2. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
3. Approval of Marion County Conservation Warrants #180595-#180635 through October 19, 2010.
4. Approval of Work Beyond Right-of-Way Agreement with Secondary Road Department and Shirley Grimes.
5. Approval of Work Beyond Right-of-Way Agreement with Secondary Road Department and Keith Covey.

Public Hearings: Open – Chairman Pothoven

1.) Marion County Board of Supervisors – Zoning – Public hearing for proposed changes to the Marion County Subdivision Ordinance Chapter 56 with highlights as follows:

- The new Code establishes the Zoning Administrator as the point source for all land divisions.
- The new code clarifies that all parcels shall be considered as “ag use only” unless specifically designated as “buildable” on the plat of survey, subdivision plat, or by the Zoning Administrator. No building permits for any dwellings or other principal use shall be issued on lots, tracts or parcels not designated as a buildable”. Building permits for accessory structures customary to farm operations, such as machine sheds or corn cribs, may be issued provided they are not habitable and met all other zoning requirements.
- A Plat of Subdivision” shall be required when a 40-acre aliquot tract or parcel of land is subdivided into five or more lots or parcels, irrespective of ownership or whether such land division occurs consecutively or sequentially, unless specifically required by the Code of Iowa. A Plat of Subdivision” will also be required for any subdivision that includes a private street.
- Plats of Survey shall be approved by the Zoning Administrator and shall be in accordance with design standards that are defined by Code. If owner wants to appeal the decision of the Zoning Administrator, the applicant may submit the Plat of Survey to the Zoning Commission for their recommendation and then the Board of Supervisors for their approval or denial.
- All new streets within subdivisions shall be considered private, unless the street is accepted by the Board of Supervisors, upon recommendation from the County Engineer. In no case shall a street be accepted as a public improvement unless it is constructed to Marion County standard specifications.
- At the time of Preliminary Plat approval, the Zoning Commission may waive certain requirements for private streets including curb and gutter, paving, street lights, and/or sidewalks.
- Common water supply systems and wastewater disposal systems shall be required for lots less than 3.0-acres net in size and for multiple-family dwellings, row houses, mobile home parks, commercial uses or industrial uses unless specifically waived by Marion County Environmental Health Department.
- Access drives shall be limited to no more than 4 per quarter-mile, but the new Code clarifies that field drives shall not be counted toward this maximum limitation.
- The procedure that property owners must use for various types of land divisions has been revised to clarify the process for applicants as well as to provide a list of all necessary documentation needed for recording purposes.
- The new Code includes other minor changes to the current ordinance, such as fee amounts being set by a Fee Schedule rather than by Ordinance, and clarifications.

Melissa Poffenbarger, Zoning Director, presented an overview of the proposed subdivision changes. Alan Terpstra, Zoning Commission Chair, indicated the Commission appreciated the process the County departments had worked through during the process.

He also felt the Commission was trying to be progressive for future development in the County. Poffenbarger commented she wanted subdivision requirements yet did not want to have big city regulations on agricultural land. There being no further comment, Nichols moved and Kingery seconded to close that portion of the public hearing.

2.) Marion County Board of Supervisors – Zoning – Public hearing on amending the Comprehensive Future Land Use Plan for Marion County, Iowa, for agricultural use to Commercial C-2 use as it concerns the following described real property:

Part of the SE1/4 of the SW1/4 of 25-75N-20W of the 5th P.M. Marion County, IA, describes as follows: Beginning at a point 376' North of the SE corner of said 1/4 1/4, thence continuing North along said East line 372.6' to the intersection of the Easterly right of way line of Highway #14, thence Southwesterly 404.5' along said right of way line on a 2930 foot radius curve concave Northwesterly, thence East 154.8' to the point of beginning.(referred to as Parcel 0669700100-1805 130th Pl., Knoxville, IA)

Poffenbarger indicated this amendment was necessary to have the comprehensive plan equal the zoning map. There being no further public comment received, Kingery moved and Nichols seconded to close the public hearing.

3.) Marion County Board of Supervisors – Zoning – Marion County Zoning Map Ordinance 2010-14 – (Zoning Petition #716) - Public hearing for Dennis Rozenboom, Peoria Trailer Sales on behalf of Beverly Hoyt, Owner requests a rezoning of the property located at 1805 130th Place, Knoxville from Ag to C-2 (Restricted) for trailer sales. The property is located in 25-75N-20W.(full legal available in the Marion County Zoning Office). Requesting 2nd and 3rd readings be waived. Poffenbarger reviewed the request. She indicated the proposed rezoning met all requirements including a 1 year sunset clause if not being used as commercial. There being no further public comment, Nichols moved and Kingery seconded to close that portion of the public hearing.

4.) Marion County Board of Supervisors – Zoning - Marion County Zoning Map Ordinance 2010-15 – (Zoning Petition 717) – Marion County Zoning Administrator is recommending rezoning the property located in the SW SE E1/2 of 7-77N-20W from Industrial to Ag. The property was rezoned to Industrial in 1979 and has never been developed but parcels sold off for residences. Requesting 2nd and 3rd readings be waived. Poffenbarger reviewed the request and the property was not being used as industrial. She indicated the proposed rezoning met all requirements from the zoning office and issues with other departments were separate. There being no further public comment, Kingery moved and Nichols seconded to close that portion of the public hearing.

Public Comments: None

Zoning Items:

1.) Marion County Subdivision Ordinance Chapter 56 Amendment – Nichols moved and Kingery seconded to approve the first reading of amending Marion County Subdivision Ordinance Chapter 56.

2.) Nichols moved and Kingery seconded to approve Resolution 10/53 amending the Comprehensive Future Land Use Plan for Marion County, Iowa, for agricultural use to commercial C-2 use as follows:

Whereas, the Marion County Zoning Commission has recommended an amendment to the Comprehensive Future Land Use Plan for Marion County, Iowa, as it concerns the following described real property:

Part of the SE1/4 of the SW1/4 of 25-75N-20W of the 5th P.M. Marion County, IA, describes as follows: Beginning at a point 376' North of the SE corner of said ¼ ¼, thence continuing North along said East line 372.6' to the intersection of the Easterly right of way line of Highway #14, thence Southwesterly 404.5' along said right of way line on a 2930 foot radius curve concave Northwesterly, thence East 154.8' to the point of beginning.(referred to as Parcel 0669700100-1805 130th Pl., Knoxville, IA)

Whereas, the Comprehensive Future Land Use Plan currently designates the property as Agricultural use.

Whereas, after careful review of this matter, the Zoning Commission has recommended that the Comprehensive Future Land Use Plan be amended to designate this property as Commercial use; and

Whereas, the Board of Supervisors of Marion County, Iowa believes it to be in the best interest of the County to make the change to the Comprehensive Future Land Use Plan as recommended by the Zoning Commission.

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa that after review and discussion of the matter, the Comprehensive Future Land Use Plan is hereby amended to designate the following property as Commercial Use:

Part of the SE1/4 of the SW1/4 of 25-75N-20W of the 5th P.M. Marion County, IA, describes as follows: Beginning at a point 376' North of the SE corner of said ¼ ¼, thence continuing North along said East line 372.6' to the intersection of the Easterly right of way line of Highway #14, thence Southwesterly 404.5' along said right of way line on a 2930 foot radius curve concave Northwesterly, thence East 154.8' to the point of beginning.(referred to as Parcel 0669700100-1805 130th Pl., Knoxville, IA)

3.) Marion County Zoning Map Ordinance 2010-14 – (Zoning Petition #716) – Kingery moved and Nichols seconded to approve the first reading of Marion County Zoning Map Ordinance 2010-14 rezoning of the property located at 1805 130th Place, Knoxville, Iowa, from Ag to C-2 (restricted) for trailer sales. The property is located in 25-75N-20W.

4.) Marion County Zoning Map Ordinance 2010-14 – (Zoning Petition #716) – Nichols moved and Kingery seconded to approve waiving the 2nd and 3rd reading of Marion County Zoning Map Ordinance 2010-14 rezoning of the property located at 1805 130th Place, Knoxville, Iowa, from Ag to C-2 (restricted) for trailer sales. The property is located in 25-75N-20W.

5.) Marion County Zoning Map Ordinance 2010-14 – (Zoning Petition #716) – Kingery moved and Nichols seconded to approve the final reading of Marion County Zoning Map Ordinance 2010-14 rezoning of the property located at 1805 130th Place, Knoxville, Iowa, from Ag to C-2 (restricted) for trailer sales and order the zoning director to change the Marion County Zoning Map.

6.) Marion County Zoning Map Ordinance 2010-15 – (Zoning Petition #717) – Kingery moved and Nichols seconded to approve the first reading of Marion County Zoning Map Ordinance 2010-15 rezoning of the property located in the SW SE E1/2 of 7-77N-20W from Industrial to Ag.

7.) Marion County Zoning Map Ordinance 2010-15 – (Zoning Petition #717) – Kingery moved and Nichols seconded to approve waiving the 2nd and 3rd reading of Marion County Zoning Map Ordinance 2010-15 rezoning of the property located in the SW SE E1/2 of 7-77N-20W from Industrial to Ag.

8.) Marion County Zoning Map Ordinance 2010-15 – (Zoning Petition #717) – Kingery moved and Nichols seconded to approve the final reading of Marion County Zoning Map Ordinance 2010-15 rezoning of the property located in the SW SE E1/2 of 7-77N-20W from Industrial to Ag and order the zoning director to change the Marion County Zoning Map.

Resolutions:

1.) Nichols moved and Kingery seconded to receive and file the Marion County Bridge Inspection and Rating Report as prepared by Calhoun-Burns and Associates, Inc. and presented by Roger Schletzbaum, Marion County Engineer.

2.) Kingery moved and Nichols seconded to approve Resolution 10/54 establishing load limits on the following bridges in Marion County as follows:

Whereas, the inspection and analysis of Marion County bridges is performed as required by the Federal Highway Administration Rules and Regulations and,

Whereas, the results of the inspections in 2010 and analysis indicate a safe operating load capacity for certain Marion County bridges as listed below.

<u>Bridge Number</u>	<u>Load Limit</u>
41248950	10Tons
49103054	9 Tons
51060001	10 Tons
68023500	23 Tons
79095027	3 Tons

Now therefore, be it resolved, this 8th day of November, 2010, that the above weight limits corresponding to the bridge numbers listed are hereby adopted, and that proper signs shall be erected and maintained to post the adopted load limit until the posted bridge is reevaluated, repaired, reconstructed, or removed .

3.) Nichols moved and Kingery seconded to approve an agreement with Calhoun-Burns and Associates, Inc. for bridge inspection services for 2011 and 2012 as recommended by they Marion County Engineer.

4.) Nichols moved and Kingery seconded to approve Resolution 10/55 adopting a load limit of 30 tons on Elk Horn Drive from Hwy 163 to Park Ridge Road as follows:

Whereas, Marion County has recently applied a thin overlay of asphalt on the previously chip sealed surface of Elk Horn Drive and,

Whereas, this surface is not designed for loads equivalent to legal loads and ,

Whereas, a load limit will extend the life of the surface;

Now therefore, be it resolved, that a weight limit of 30 Tons be adopted for Elk Horn Drive from Highway 163 to Park Ridge Road

Other Business:

2.) Nichols moved and Kingery seconded to approve the recommendation of the Marion County Treasurer to suspend the property taxes for the years of 2008/2009, 2009/2010, and 2010/2011 as required by the Iowa Department of Human Services on the following Marion County taxing parcel:

1.) 10132-000-00

3.) Nichols moved and Kingery seconded to approve construction Change Orders on the North Annex Remodel Project with Jensen Builders as follows:

1. Change Order #1 – (\$1,750.00) - Value Engineering – Brick Support Angle
2. Change Order #2 - \$8,110.00 - West Wall Sheeting
3. Change Order #3 – \$0.00 – Value Engineering – Provide concrete in lieu of asphalt
4. Change Order #4 – (\$460.00) – Eliminate Aluminum Window
5. Change Order #5 – (\$800.00) – Change Automatic Door Operation

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Pothoven moved and Nichols seconded the meeting be adjourned at 10:28 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session October 25, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to amend the agenda by adding Consent Agenda Item #5 Approve Special Events Application for the Marion County Courthouse or Courtyard – request by Knoxville Chamber of Commerce – Christmas lighting.

Nichols moved and Kingery seconded to approve the agenda as amended.

Communications: None

Consent Agenda:

Kingery moved and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 10/11/10
2. Approval of Special Session Board minutes – 10/14/10
3. Approval of Marion County Warrants #180637 - #180845 through October 25, 2010.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Courthouse Grounds Special Events Request – Knoxville Chamber of Commerce – Christmas lights 2010.

Public Hearings: Open – Chairman Pothoven

1.) Marion County Board of Supervisors – Secondary Road Department – Notice by the Marion County Board of Supervisors that the matter of vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa and subject to the rights of ingress and egress of any and all existing utilities, being more particularly described as: A segment of road established in May, 1911 in Road Record Book No. 6, page 53 as Rd.# 1080 at 40 ft. wide and known locally as 76th. Ave. located in Section 18, Township 77N, Range 20W of the 5th. PM. more particularly being described as beginning at a point approximately 677.8 ft. south of the NE corner of the NW 1/4 of the SE 1/4 of Section 18-77-20, thence south terminating at the SE corner of the SW 1/4 of the SE 1/4 of Section 18-77-20 subject to the rights of ingress and egress of any and all utilities containing approximately 1.81 acres more or less. Sherri Duey, Corps of Engineer, and Rick Trine, Iowa Department of Natural Resources, presented letters of objections to the proposed road vacation. They further requested the Board table the agenda item until after meetings could take place regarding the master plan of the Lake Project. The Board held a lengthy discussion with members of the audience regarding liability issues and access for the public to the area affected. Roger Schletzbaum, Marion County Engineer, ultimately recommended the agenda item be tabled if meetings could be scheduled immediately between affected parties. Schletzbaum also indicated he would pursue legalities and process of transferring the jurisdiction of the road to the Corp of Engineers or Iowa Department of Natural Resources. There being no further comment, Nichols moved and Kingery seconded to close the public hearing.

2.) Marion County Board of Supervisors – Environmental Health - Notice to consider submission of an application for a Community Development Block Grant. The grant application will request funding assistance for the construction of a public sewer system for the unincorporated communities of Attica and Pershing which is estimated to cost \$3,730,800. Marty Wymore, Region 6 Planning Commission, briefed the Board on the proposed project in the Attica/Pershing area. Wymore indicated this is just the application for a grant and there would be further coordination required for the project. There were no financial liabilities to the County as this grant involves pass through funds only. There being no further comment, Nichols moved and Kingery seconded to close the public hearing.

Public Comments:

1.) Gene Williams, Pleasantville area landowner, voiced his displeasure to the Board regarding an issue with a water cistern on his property.

Zoning Items: None

Resolutions:

1.) Nichols moved and Kingery seconded to table Resolution 10/50 to vacate all or part of certain road rights-of-way as existing, in Marion County, Iowa and subject to the rights of ingress and egress of any and all existing utilities, being more particularly described as: A segment of road established in May, 1911 in Road Record Book No. 6, page 53 as Rd.# 1080 at 40 ft. wide and known locally as 76th. Ave. located in Section 18, Township 77N, Range 20W of the 5th. PM. more particularly being described as beginning at a point approximately 677.8 ft. south of the NE corner of the NW 1/4 of the SE 1/4 of Section 18-77-20, thence south terminating at the SE corner of the SW 1/4 of the SE 1/4 of Section 18-77-20 subject to the rights of ingress and egress of any and all utilities containing approximately 1.81 acres more or less.

2.) Kingery moved and Nichols seconded to approve Resolution 10/51 approving the Marion County Attica-Pershing Area Iowa Economic Development Water and Sewer Fund application for sewer improvements as follows:

Whereas the Attica-Pershing area must install centralized wastewater treatment and collection systems to comply with IDNR expectations, and

Whereas the project area in Marion County qualifies for Community Development Block Grant funds for the project.

Now, Therefore Be It Resolved By The Marion County Board of Supervisors, Iowa:

Section 1: The Marion County Attica-Pershing sewer application in the amount of \$3,545,500 is hereby approved. The IDED Water & Sewer fund grant request is \$300,000 and the Central Iowa Water Association USDA Loan/Grant share is \$3,245,500.

3.) Nichols moved and Kingery seconded to approve Resolution 10/52 setting a date for a 2nd public hearing regarding the Tracy Sewer Project as follows:

Whereas, Marion County is required to hold a public hearing to update residents of the County about the status of the activities of the Tracy Sewer Project, and

Whereas, It is deemed appropriate and in the public interest to hold such public hearing.

Be It Therefore Resolved a public hearing be held on the matter on the 22nd day of November, 2010, at 9:30 a.m., and that the Marion County Environmental Health Director be directed to publish notice of said hearing in accordance with Iowa Code Section 331.305.

Other Business:

1.) Nichols moved and Kingery seconded to approve Work Beyond Right-of-Way with the Secondary Road Department and the following landowners involved with maintenance and recovery efforts regarding disaster DR-1930-IA.

1.) James and Denise Libby

2.) Nichols moved and Kingery seconded to approve an agreement with Integrative Counseling Solutions for remote counseling psychiatric services.

3.) Kingery moved and Nichols seconded to accept the resignation of Gregory Alan Higginbotham as a Marion County Medical Examiner Investigator effective October 14, 2010.

4.) Nichols moved and Pothoven seconded to receive a petition and request from Randy Wilson to establish a new county road to connect Newbold Drive to new Hwy 92. The request will be researched by the Marion County Engineer's Office.

Appointments: Kingery moved and Nichols seconded to approve the following appointments:

Marion County Medical Examiner Investigator – Dan Findley

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 11:00 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session October 14, 2010, with Howard Pothoven, Sam L Nichols and Jim Kingery present. Chairman Pothoven opened the meeting at 1:00 P.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Other Business:

1.) Nichols moved and Kingery seconded to approve Work Beyond Right-of-Way with the Secondary Road Department and the following landowners involved with maintenance and disaster recovery efforts.

1.) Rich Goff

2.) Nichols moved and Kingery seconded to approve the low bids for the following projects regarding Priority I – Phase 2A and Phase 2B recovery/mitigation work from Disaster DR-1930-IA.

North Phase 2A – \$99,897.00 – JB Holland

South Phase 2B – \$151,949.50 – JB Holland

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 1:12 P.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session October 11, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 9/27/10
2. Approval of Special Session Board minutes – 9/22/10, 9/30/10
3. Approval of Marion County Warrants #180354 - #180589 through October 11, 2010.

Public Hearings: Open – Chairman Pothoven

1.) Marion County Board of Supervisors – Marion County Zoning Map Ordinance 2010-13 – (Zoning Petition #713) - Larry Lautenbach is requesting a rezoning of West View Estates located in the West 1/2 of the SW1/4 of 25-77N-19W from Ag to R-2 Restricted (low density residential) to comply with the Marion County Zoning Ordinance adopted June 17, 2010 requiring tracts of land with more than four buildable lots and lots less than 3 acres be rezoned to low density residential. R-2 Restricted allows Mr. Lautenbach to build a duplex on Lot 9, 10 and 19 if desired. Melissa Poffenbarger, Zoning Director, presented a brief on the request and indicated there were no environmental health or adjoining neighbor concerns. There were no written comments received by the Auditors Office. There being no further comment, Nichols moved and Kingery seconded to close the public hearing.

Public Comments: None

Zoning Items:

1.) Marion County Zoning Map Ordinance 2010-13 – (Zoning Petition #713) – Nichols moved and Kingery seconded to approve the first reading of Marion County Zoning Map Ordinance 2010-13 rezoning of West View Estates located in the West 1/2 of the SW1/4 of 25-77N-19W from Ag to R-2 Restricted (low density residential) to comply with the Marion County Zoning Ordinance adopted June 17, 2010 requiring tracts of land with more than four buildable lots and lots less than 3 acres be rezoned to low density residential.

2.) Marion County Zoning Map Ordinance 2010-13 – (Zoning Petition #713) – Kingery moved and Nichols seconded to approve waiving the 2nd and 3rd reading of Marion County Zoning Map Ordinance 2010-13 rezoning of West View Estates located in the West 1/2 of the SW1/4 of 25-77N-19W from Ag to R-2 Restricted (low density residential) to comply with the Marion County Zoning Ordinance adopted June 17, 2010 requiring tracts of land with more than four buildable lots and lots less than 3 acres be rezoned to low density residential.

3.) Marion County Zoning Map Ordinance 2010-13 – (Zoning Petition #713) – Kingery moved and Nichols seconded to approve the final reading of Marion County Zoning Map Ordinance 2010-13 rezoning of West View Estates located in the West 1/2 of the SW1/4 of 25-77N-19W from Ag to R-2 Restricted (low density residential) to comply with the Marion County Zoning Ordinance adopted June 17, 2010 requiring tracts of land with more than four buildable lots and lots less than 3 acres be rezoned to low density residential and order the zoning director to change the Marion County Zoning Map.

Resolutions:

1.) Nichols moved and Kingery seconded to approve Resolution 10/49 to approve contract and bonds executed by Jensen Builders, LTD., of Ames, Iowa, for the Marion County North Annex Office Building Remodel Project as follows:

Be It Resolved By The Marion County Board Of Supervisors Of Marion County, Iowa:

That the contract and bonds executed by Jensen Builders, LTD., of Ames, Iowa on the 27th day of September, 2010, for the Marion County North Annex Office Building Remodel – Knoxville, Iowa," and such other work as may be incidental thereto, as described in the plans and specifications, and which have been signed by the Chairman of the Board of Supervisors and the Auditor, be and the same are hereby approved.

Other Business:

1.) Kingery moved and Pothoven seconded to approve Work Beyond Right-of-Way with the Secondary Road Department and the following landowners involved with maintenance and disaster recovery efforts.

- 1.) Reuben Buwalda
- 2.) Mark Sager
- 3.) Irene Vaughn
- 4.) James McCoy
- 5.) Howard Clark

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 9:55 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session September 30, 2010, with Howard Pothoven and Jim Kingery present. Supervisor Sam L. Nichols was excused. Chairman Pothoven opened the meeting at 11:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery Nays: none Abstentions: none. Absent: Nichols

Agenda:

Kingery moved and Pothoven seconded to approve the agenda as posted.

Other Business:

1.) Kingery moved and Pothoven seconded to approve Work Beyond Right-of-Way with the Secondary Road Department and the following landowners.

- 1.) Dennis Mann
- 2.) Tracy Tibboel
- 3.) Arvin Van Wyk
- 4.) Philip Myers
- 5.) Richard Lyon
- 6.) Dean Vande Kamp
- 7.) David Shawver
- 8.) Larry Stone
- 9.) Marvin Williams
- 10.) Wayne Hoelscher
- 11.) Kenneth Schneider
- 12.) Danny Van Wyk

2.) Kingery moved and Pothoven seconded to approve the low bids for the following projects regarding Phase I recovery work from Disaster DR-1930-IA.

Site 1 – Dubuque - Bridge - \$76,640.00 – McCulley Culvert
Site 2 – Dakota - Slide/Pipe - \$22,480.00 – Skyline Enterprise
Site 3 – Rutledge –Slide - \$31,100.00 – Dunkin Construction
Site 4 – 60th - Slope - \$40,000.00 – Skyline Enterprises
Site 5 – Geneva – Culvert/Slide - \$19,937.50 – McCulley Culvert

Adjournment:

There being no other business, Pothoven moved and Kingery seconded the meeting be adjourned at 11:15 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session September 27, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 9/13/10
2. Approval of Pleasantville School Special Election Canvass minutes – 9/17/10
3. Approval of Marion County Warrants #180116 - #180349 through September 27, 2010.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Conservation Warrants #180068 - #180015 through September 21, 2010.
6. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Dept and Mike Evinger.

Public Hearings:

1.) Marion County Board of Supervisors – Public notice on proposed plans and specifications, proposed form of contract and opinion of probable cost for the construction of Marion County North Annex Office Building Remodel, Marion County, Iowa, and the taking of bids for such construction. Tim Teig, Snyder and Associates, presented an overview of the remodel project. Sandra Agan, landowner, asked what the engineering estimate amount was. Teig responded the base bid was estimated at \$800,000. Ray Stone, landowner, asked if there would be any county oversight on the construction of the project. Pothoven responded that Engineering Agreement included construction oversight. Fred Agan, landowner, asked about estimated completion date. The estimated completion date is March 15, 2010. There were no written comments received by the Auditors Office. There being no further comment, Nichols moved and Kingery seconded to close the public hearing.

Public Comments: None

Zoning Items: None

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/46** to approve plans, specifications and form of contract for certain building improvements according to the plans and contract documents entitled Marion County North Annex Office Building Remodel, Marion County, Iowa as follows:

Whereas, on or about the 31st day of August, 2010, plans, specifications and form of contract were filed with the Marion County Board of Supervisors of Marion County, Iowa, for certain building improvements according to the plans and contract documents entitled " MARION COUNTY NORTH ANNEX OFFICE BUILDING REMODEL – KNOXVILLE, IOWA," and such other work as may be incidental thereto; and

Whereas, Notice of Public Hearing on the plans, specifications and form of contract was published as required by law;

Now, Therefore, Be It Resolved By The Marion County Board Of Supervisors Of Marion County, Iowa: That said plans, specifications and form of contract are hereby approved and adopted as the plans, specifications and form of contract for said improvements.

2.) Nichols moved and Kingery seconded to amend **Resolution 10/47** making award of contract for the Marion County North Annex Office Building Remodel, Marion County, Iowa as follows:

Be It Resolved By The Marion County Board Of Supervisors Of Marion County, Iowa:

That the Base Bid and accepted alternates 1-4 Bid of Jensen Builders, LTD of Ames, Iowa, in the sum of \$670,250.00 for the North Annex Office Building Remodel project and such other work as may be incidental thereto, as described in the plans and specifications entitled "Marion County North Annex Office Building Remodel – Marion County, Iowa," and heretofore adopted by this Board on the 27th day of September, 2010, be and is hereby accepted, and

The Board Chairman and Auditor are hereby directed to execute a contract with the said Jensen Builders of Ames, Iowa, for the North Annex Office Building Remodel project, said contract not to be binding on the County until approved by the Board of Supervisors.

3.) Kingery moved and Nichols seconded to approve **Resolution 10/48** adopting the South Central Iowa Solid Waste Agency 2010 Comprehensive Solid Waste Management Plan Update as follows:

Whereas, the County of Marion is a participant in the South Central Iowa Solid Waste Agency, a 28E intergovernmental agency formed by Lucas, Marion, Monroe, and Poweshiek counties, Iowa;

Whereas, the County is required to comply with Chapter 101 Solid Waste Comprehensive Planning Requirements of the Iowa Administrative Code (IAC 567-101);

Whereas, the County is committed to development and implementation of an effective and efficient integrated solid waste management system;

Whereas, officials, waste haulers, and individuals working and residing within the County have had the opportunity to participate in the development of the 6th round Comprehensive Plan Update;

Whereas, County representatives have reviewed the plan and, as needed, provided corrections and comments;

Whereas, Marion County concurs with the implementation plan and schedule contained in the Comprehensive Plan Update;

Now Therefore, the Marion County Board of Supervisors adopts the 2010 Comprehensive Solid Waste Management Plan Update, its findings, implementation plan, and schedule; and resolves to work toward its completion.

Other Business:

1.) Kingery moved and Nichols seconded to authorize the Board Chair to sign a letter of support regarding the Goff Abandoned Mine Phase II reclamation project.

2.) Kingery moved and Nichols seconded to approve a Class B Native Wine permit for Chris Stoltzfus d.b.a. de Boer Winery located at 1082 Hwy S71, Knoxville, IA 50138.

3.) Betty Moll, Marion County Central Point Coordinator, introduced Cheryl Garland of Integrative Counseling Solutions. Garland explained there is a relatively new process for counseling sessions to be conducted via video. She would like to expand these services into Marion County for county pay patients. The Board instructed her to pursue the process. Kingery moved and Nichols seconded to end the discussion on item #3.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 10:10 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session September 22, 2010, with Howard Pothoven and Jim Kingery present. Supervisor Sam L. Nichols was excused. Chairman Pothoven opened the meeting at 9:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery Nays: none Abstentions: none. Absent: Nichols

Agenda:

Kingery moved and Nichols seconded approve the agenda as posted.

Other Business:

1.) Roger Schletzbaum, Marion County Engineer, briefed the Board on the effects of declared disaster DR-1930-IA to the secondary road system. The department has compiled a list of prioritized projects and estimated costs. Repair and mitigation of the projects will require a budget amendment and could cause cash flow issues for the Secondary Road Fund until the 85% reimbursements are funded. Kingery moved and Pothoven seconded to end discussion on item #1.

Resolutions:

1.) Kingery moved and Pothoven seconded to approve **Resolution 10/45** directing the Marion County Engineer to proceed with necessary repair and mitigation project processes as a result of declared disaster DR-1930-IA as follows:

Whereas, Marion County has been declared a Federal Disaster area under declaration 1930DR-IA and;

Whereas, the county has need to contract certain repairs and mitigation as a result of the declared disaster and;

Whereas, in accordance with the provisions of the Code of Iowa sections 309.40, 309.40A, and 309.41 contracted work will be required;

Now Therefore, Be It Resolved, the county engineer be directed to prepare such plans and specifications as necessary, advertise or receive quotes for repair and mitigation work, and authorize appropriate quotes for repair and mitigation work resulting from disaster 1930DR-IA .

Adjournment:

There being no other business, Kingery moved and Pothoven seconded the meeting be adjourned at 9:50 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

BOARD OF SUPERVISORS MEETING TWENTY SEVENTH DAY SEPTEMBER 17, 2010

The Marion County Board of Supervisors met in special session September 17, 2010 for the purpose of canvassing the vote from the September 14, 2010, Pleasantville School Special Election for the County of Marion, Iowa. Present were Howard Pothoven, Sam L Nichols, and Jim Kingery.

Chairman Pothoven opened the special canvass at 10:30 A.M.

Jake Grandia, Marion County Commissioner of Elections, announced there were 0 provisional ballots per Iowa Code. Grandia read the results for the September 14, 2010 Pleasantville School Special Election to the Board.

Nichols moved and Kingery seconded to declare the canvass complete and certify the results of the election to the County Commissioner of Elections and the Pleasantville School District. Ayes: Pothoven, Kingery, Nichols

The following are the official results of the September 14, 2010 Pleasantville School Special Election:

Public Measure A – Approved

To adopt the revenue purpose statement to authorize the expenditure of revenues from the State of Iowa secure an advanced vision for education fund received by the Pleasantville Community School District.

Public Measure B – Approved

Shall the Board of Directors of the Pleasantville Community School District in the Counties Marion and Warren, State of Iowa, for the purpose of purchasing and improving grounds; constructing schoolhouses or buildings and opening roads to schoolhouses or buildings; purchasing of buildings and the purchase of equipment; paying debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds; procuring or acquisition of libraries; repairing, remodeling, reconstructing, improving, or expanding the schoolhouses or buildings and additions to existing schoolhouses; expenditures for energy conservation; renting facilities under Chapter 28E; purchasing transportation equipment for transporting students; lease purchase option agreements for school buildings or equipment; purchasing equipment authorized by law; or for any purpose or purposes now or hereafter authorized by law, be authorized for a period often (10) years, to levy annually, a voter-approved physical plant and equipment property tax not to exceed one dollar thirty-four cents (\$1.34) per One Thousand Dollars (\$1,000) of the assessed valuation of the taxable property within the school district commencing with the levy for collection in the fiscal year ending June 30, 2012, or each year thereafter?

Nichols moved and Kingery seconded the special canvass be adjourned.

The canvass was adjourned at 10:35 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session September 13, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to remove agenda item Other Business #6 Approve/Deny – Remove tabled item: Discussion with Dan McKay, McKay Insurance Agency, regarding Deductible Study for Marion County and agenda item Other Business #7 Discussion with Dan McKay, McKay Insurance Agency, regarding Deductible Study for Marion County and approve the agenda as amended.

Communications: None

Consent Agenda:

Kingery moved and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 8/23/10
2. Approval of Marion County Warrants #179786 - #180065 through September 13, 2010.
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/42** to authorize property tax abatement for St. Mary's Catholic Church of Pella taxes payable FY10/11 as follows:

Whereas, representatives of the St. Mary's Catholic Church of Pella, Iowa have presented information to the Marion County Board of Supervisors indicating the church had failed to timely file with the Marion County Assessor's Office for property tax exempt status on their new church building under Iowa Code Chapter 427, and

Whereas, the representatives of St. Mary's Catholic Church indicate payment of the taxes would create an unplanned financial hardship on the church, and

Whereas, a representative of St. Mary's Catholic Church has subsequently filed the necessary application for subsequent property tax exempt status.

Now, Therefore, Be It Resolved the Marion County Board of Supervisors order the Marion County Treasurer to abate property taxes for the tax year payable 2010-2011, in the total amount of \$18,494.00, and shall make appropriate notations on the tax list for the parcel listed as follows: Parcel #12182-005-00 St Mary Church of Pella, Iowa 726 218th Pl. Pella, IA

2.) Nichols moved and Kingery seconded to amend **Resolution 10/43** adopting the Iowans Helping Iowans Unmet Needs Disaster Assistance Program by adding the designation of Red Rock Area Community Action Program as follows:

Whereas, 32 Iowa counties received presidential declaration for Individual Assistance as a result of the severe weather beginning June 1, 2010; and

Whereas, the Iowans Helping Iowans Unmet Needs Disaster Assistance Program is available to these counties to assist in recovery; and

Whereas, the local administrative entity will certify eligibility of each applicant household, the disaster-related unmet need, and provide direct payment reimbursement or voucher for purchase of qualified goods and services; and

Whereas, the grant program requires a local entity be designated to administer the funds;

Therefore, Be It Resolved By The Board Of Supervisors Of Iowans County that the Board of Supervisors hereby adopts this Iowans Helping Iowans Unmet Needs Disaster Assistance Program and designate Red Rock Area Community Action Program as Marion County's local administrative entity.

3.) Kelly Barrick, GE Capital Solutions, briefed the Board on the resolution indicating it was only establishing a Recovery Zone and created no financial liability for the County. Nichols moved and Kingery seconded to approve Resolution 10/44 designating a Recovery Zone pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds as follows:

Whereas, Marion County, Iowa (the "Public Entity") has received an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$857,000 and an allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$1,286,000 pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009 (collectively, the "Allocations"); and

Whereas, the Public Entity understands that the Allocations are to be used for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds pursuant to Section 1400U-2 or 1400U-3, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"), such bonds referred to collectively as "Recovery Zone Bonds"; and

Whereas, the Public Entity understands that Recovery Zone Bonds are to be issued with respect to or to finance certain expenditures located in or attributable to an area within the jurisdiction of the Public Entity that the Public Entity determines has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress (such factors referred to herein as the "Distress Factors"); and

Whereas, the Public Entity has determined that the Distress Factors have been caused by one or more of the "Underlying Conditions of Distress" described in Section 1 hereof; and

Whereas, the Public Entity desires to designate the area described in Section 3 as a "Recovery Zone" to provide for the possible issuance of Recovery Zone Bonds (such area being referred to herein as the "Recovery Zone");

Now, Therefore, Be It Resolved By The Governing Body Of The Public Entity, As Follows:

Section 1. Underlying Conditions of Distress. The Board of Supervisors of the Public Entity (the "Governing Body") hereby finds and determines that the Recovery Zone identified in Section 3 suffers from one or more of the following conditions (each an "Underlying Condition of Distress"):

- 1.) The Recovery Zone has experienced significant increases in unemployment during the calendar years 2008 and 2009.
- 2.) The Recovery Zone has experienced significant increases in home foreclosures and business failures during the calendar years 2008 and 2009.

Section 2. Distress Factors. The Governing Body hereby finds and determines that, as a result of the Underlying Condition(s) of Distress, the Recovery Zone has experienced a significant level of one or more of the Distress Factors (*i.e.* poverty, unemployment, home foreclosures, or general distress):

Section 3. Designation of Recovery Zone. Based upon the findings and determinations of the Underlying Condition(s) of Distress and the resulting Distress Factors, the Governing Body hereby designates the entire area within the jurisdictional boundaries of the Public Entity as the "Recovery Zone" for the Public Entity.

Section 4. Further Action. The appropriate staff and officers of the Public Entity are authorized and directed: to take all necessary steps to identify appropriate projects for which the issuance of bonds will further the goals established for Recovery Zone Bonds in order to cure the Distress Factors within the Recovery Zone; to identify other economic development incentives and programs which may be available under Federal or Iowa laws for such projects which will further the goals established for Recovery Zone Bonds; and to work with the Iowa Finance Authority to plan for the issuance of Recovery Zone Bonds for identified projects.

Other Business:

1.) Nichols moved and Kingery seconded to approve the bid of TK Concrete of Pella for a concrete parking lot expansion project at the Marion County Department of Human Services Building located at 3014 E Main, Knoxville, Iowa, as follows:

- 1.) TK Concrete - \$11,750.00
- 2.) AW Contracting - \$12,500.00
- 3.) Andrew Clark Concrete - \$12,700.00
- 4.) Kevin Van Steenwyk - \$13,050.00
- 5.) Van Den Broek Concrete - \$13,600.00
- 6.) Dingeman Concrete Construction - \$14,880.00
- 7.) Blommers Construction - \$18,181.00

2.) Kingery moved and Nichols seconded to approve a 5 day Class B Beer permit for John Pierce d.b.a. Columbia Fire Department, 1032 Virginia St., Columbia, Iowa.

3.) Kingery moved and Nichols seconded to receive and file the FY 2009/2010 Semi Annual Report as presented by Denise Emal, Marion County Treasurer.

4.) Nichols moved and Kingery seconded to approve a change order for additional services with Snyder and Associates for engineering services regarding the North Annex (Public Health) Building Remodel Project for an amount not to exceed \$17,493.00.

5.) Alan De Bruin, Mahaska Rural Water, briefed the Board on the status of the Tracy Sewer Project. De Bruin indicates the project is going well. The main remaining projects are 3 man holes, 4 clean outs, forced lift station, 2500' of pipe, and the lagoons. The lagoons must be completed and water in them before the frost is in the ground. The lagoon construction crew is expected to start in 2 weeks. Upon request from the Roger Schletzbaum, Marion County Engineer, De Bruin indicated street repair work will begin before the lagoon work is completed. Mahaska Rural Water will also be taking care of all the existing old septic systems. Cory Frank, Marion County Sanitation, will inquire about any required deadlines for the total project and subsequent extensions.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 10:23 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session August 23, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 8/09/10
2. Approval of Special Session Board of Supervisor Minutes – 8/09/10
3. Approval of Marion County Warrants #179580 - #179781 through August 23, 2010.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Conservation Warrants #179530 - #179579 through August 17, 2010.
6. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Dept and Dick E Klobnak.

Public Hearings: None

Public Comments: None

Zoning Items:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/39** Final Plat of Wildwood Development Limited Phase 3 as follows:

Whereas, Robert and Carol De Ronde have caused certain real estate located in Marion County, Iowa, to be surveyed and platted, and have presented the final plat thereof to the Board of Supervisors of Marion County, Iowa, for approval and acceptance; and

Whereas, said plat has been reviewed by the Marion County Zoning Administrator and the Marion County Engineer and they have approved said plat; and

Whereas, said plat has complied in all respects with the rules and procedures concerning the sub-division of lands in Marion County, Iowa; and

Whereas, said plat has been reviewed and approved by the Planning and Zoning Commission;

Whereas, said plat conforms in all respects with the laws of the State of Iowa;

Now, Therefore, Be It Resolved by the Marion County Board of Supervisors, that the final plat the following described real estate situated in Marion County, Iowa, known as "Wildwood Development Limited Phase 3", and having a legal description as follows:

Lot 4 of the Subdivision and Replat of the Southwest Quarter of the Northwest Quarter of Section 23, Township 77 North, Range 18 West of the 5th P.M.; also a replat of Lots 5, 9, 10, and 11 of the survey and subdivision of the East one-half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 23; according to the plot thereof recorded in Surveyor's Record Book A, Page 11 in the Office of the Marion County Recorder. Said Subdivision and Replat recorded in Book 204, Page 230, Marion County Recorder's Office. Said tract contains 29.60 acres and is subject to a Marion County Highway Easement over the southerly 0.92 acres . Be formally accepted and approved at this time.

Resolutions:

1.) Nichols moved and Kingery seconded to approve Resolution 10/40 to authorize bids and setting date for a public hearing for the Marion County North Annex Building Remodel Project (Public Health) as follows:

Whereas, the Marion County Board of Supervisors, now desires to complete the North Annex Office Building Remodel Project in Knoxville, Iowa.

Whereas, the Board of Supervisors of Marion County, Iowa, has heretofore authorized the preparation of plans, specifications and bid documents for the "Marion County North Annex Office Building Remodel Project -Knoxville, Iowa," said plans having been filed with the County Auditor on or about August 23, 2010.

Now Therefore Be It Resolved, by the Supervisors of Marion County, Iowa, that said improvements are hereby ordered constructed, and that the County Auditor publish notice of date of letting for Thursday, September 23, 2010, at which time the Auditor will receive bids for said work up until 10:00 A.M., at which time all bids will be opened and publicly read with action to be taken on said bids at a Board of Supervisor meeting at 9:30 A.M. on Monday, September 27, 2010, or at such later time as may then be fixed said notice to be published once at least four, but not more than 45 clear days prior to the date set for letting.

Be It Further Resolved, that a public hearing be held on Monday, September 27, 2010, at 9:30 A.M. for consideration of the adoption by the Board of Supervisors of the proposed plans, specifications and proposed form of contract for said improvements. The County Auditor shall publish notice of said hearing once at least four, but not more than 20 days prior to the date set for hearing.

2.) Kingery moved and Nichols seconded to approve Resolution 10/41 authorizing personnel to represent the County with the Iowa Communities Assurance Pool and act as liaison for the purposes of relating risk reduction and loss control information as follows:

Whereas, Marion County, Iowa, is a member of the Iowa Communities Assurance Pool for insurance purposes, and

Whereas, it is in the best interest of the County to nominate and appoint the following individual and alternate to represent the Member with the Iowa Communities Assurance Pool, and

Whereas, The individual and alternate shall act as liaison between the County and Iowa Communities Assurance Pool for the purposes of relating risk reduction and loss control information, and any other information or instructions concerning the obligations of the County imposed by signing the Iowa Risk Management Agreement and the rules and regulations established thereunder.

Now, Therefore be it Resolved by the Board of Supervisors of Marion County, Iowa the following be nominated and approved to act in such manner.

Individual – Jake Grandia, Marion County Auditor

Alternate – Lorri Jahner, Marion County Auditor's Office

Other Business:

1.) Nichols moved and Kingery seconded to approve the quote of J & M Coatings, LLC, Massena, IA for a metal roof restoration system for the North Annex Building. Quotes were as follows:

1.) J & M Coatings, LLC - \$29,500.00

2.) Pella Roofing & Insulation - \$34,960.00

2.) Nichols moved and Kingery seconded to table agenda item: Other Business 2.) Discussion with Dan McKay, McKay Insurance Agency, regarding Deductible Study for Marion County.

Appointments: Kingery moved and Nichols seconded to approve the following appointment:

1.) Marion County Zoning Commission – Larry DeZwarte – term ending 12/31/10.

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 10:10 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on August 9, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 1:00 P.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: None

II. Agenda:

- 1.) Kingery moved and Nichols seconded to approve the agenda as posted.

III. Other Business:

1. Monthly departmental updates:

- a. Missy Poffenbarger – Zoning
 - i. Subdivision Ordinance project still in progress. Reviewing comments from other departments.
 - ii. Violation notices – 2 active
 - iii. Zoning Map – researching making it an in-house project.
 - iv. Smart Planning Grant – comprehensive plan project – coordinating grant with Public Health Dept.
- b. Mike Kuhn – General Affairs/General Relief
 - i. Increased G.A. requests – utilities, rent
 - ii. V.A. – DHS building closing has not caused issues for office
 - iii. V.A. – Marion County third in State veteran assistance.
- c. Betty Moll – Central Point Coordinator
 - i. DHS building closing has not caused issues for office.
 - ii. Capstone has stopped providing Supported Community Living (SCL) services in Marion County.
- d. Ken Thrailkill – Maintenance
 - i. All Courthouse park benches and picnic tables fixed.
 - ii. Courthouse grounds ready for Nationals.
 - iii. Acquiring quotes for fixing new Public Health Building roof.
 - iv. Planning a tree trimming project on Courthouse grounds. Grass seed project on west side of Courthouse.
- e. Kim Dorn – Public Health
 - i. Year end reporting projects
 - ii. SharePoint started July 1.
 - iii. Continuing design phase of new Public Health Building with engineer.
 - iv. Researching Smart Planning Grant
 - v. Environmental Health – started pool/tattoo/ tanning inspections on July 1.
 - vi. Environmental Health – Tracy Sewer Project in construction phase.

IV. Adjournment:

- 1.) Pothoven moved and Nichols seconded to close the meeting at 1:37 P.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session August 9, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Kingery moved and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 7/26/10
2. Approval of Special Session Board of Supervisor Minutes – 7/29/10
3. Approval of Marion County Warrants #179286 - #179528 through August 9, 2010.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/38** to authorize the Pella Convention & Visitors Bureau to construct a public sign at the intersection of Highway #163 and Elkhorn Drive in Marion County as follows:

Whereas, the Pella Convention & Visitors Bureau (CVB) has requested the Marion County Board of Supervisors authorize the construction of a sign directing travelers into Pella. The sign would be placed at the intersection of Highway #163 and Elkhorn Drive in Marion County viewable to eastbound traffic.

Whereas, the Pella CVB has committed to paying for all expenses associated with the construction of the said sign and

Whereas, the Pella CVB has entered into agreement with the property owner for placement of the sign.

Now Therefore Be It Resolved By The Marion County Board Of Supervisors that such authorization is given to the Pella Convention & Visitors Bureau to construct the sign welcoming and encouraging visitors and travelers into the community of Pella upon the following terms & conditions:

1. The Pella CVB shall pay for all expenses associated with the construction and maintenance of the sign.
2. Pella CVB shall secure easement agreements with the property owner for the placement of the sign.
3. The sign shall be erected according to directions contained within the federal, state or local law.
4. The sign shall be erected with the purpose of educating motorists in general about food, lodging, shopping, attractions and recreation available.

Other Business:

- 1.) Nichols moved and Kingery seconded to table item: Other Business 1.) Action on assigning tax certificate number 1992-92191. The property in question is parcel number 18186-001-00 and is deeded to MD & Eva J Flanders. The legal description for the parcel is part of NE NE 34-74-18 in Liberty Township. Denise Emal, Marion County Treasurer, will pursue further information on the parcel and adjoining landowners.
- 2.) Nichols moved and Kingery seconded to approve assigning tax certificate number 2007-77003 for back taxes less penalty. The parcel number is 01265-000-00 and is currently deeded to John W & Anna Crispin. The legal description for the parcel is Lot 13 Block 13 Rietveld & Emmel's addition in Harvey, Iowa.

Appointments: Kingery moved and Nichols seconded to approve the following appointment:

1.) Marion County Development Commission – Pleasantville Area – Jim Richards – term ending 06/30/12.

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 9:52 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order:

The Marion County Board of Supervisors met for a special session on July 29, 2010 with Sam L. Nichols, Jim Kingery and Howard Pothoven present. Chairman Pothoven opened the meeting at 11:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Pothoven Nays: none Abstentions: none. Absent: Nichols

II. Agenda:

- 1.) Kingery moved and Nichols seconded to approve the agenda as posted.

III. Other Business:

- 1.) Ken Thrailkill, Maintenance Dept., gave a brief report of vandalism which has been occurring on the Marion County Courthouse grounds. Sheriff Ron Goemaat and Knoxville Police Chief Dan Losada each reported that the City of Knoxville Police Department and the Marion County Sheriff's department were working together to control the issue.

- 2.) Supervisor Sam L. Nichols gave a report on the status of the new public health building remodel and roof repair. The board received a report from Ken Thrailkill, Maintenance Dept., regarding the bidding process on the roof repair.

- 3.) Supervisor Jim Kingery gave an update on the D.H.S. building. H.I.R.T.A. and Community Action have a possible "move-in" date of 9-26-10. Supervisor Howard Pothoven outlined the plans for parking lot improvements at the D.H.S. building.

- 4.) Supervisor Howard Pothoven gave an overview of exterior plans for the County Care Facility building and grounds. Barb Adam from Community Care Inc also spoke to the board regarding the air conditioner units, driveway, and parking lot improvements.

V. Adjournment:

- 1.) Kingery moved and Pothoven seconded to close the meeting at 12:03 P.M.

Lorri Jahner, Designee

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session July 26, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 7/12/10
2. Approval of Marion County Warrants #179075 - #179283 through July 26, 2010.
3. Approval of Marion County Conservation Warrants #179016 - #179074 through July 20, 2010.
4. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Riley Family, LLC.
5. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Robert Black.
6. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Tara Quigley.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Kingery moved and Nichols seconded to approve **Resolution 10/37** to authorize annual transfer of funds from the Rural Basic Fund to the Secondary Road Fund as approved in the FY10-11 budget as follows:

Whereas the Marion County Board of Supervisors approved the transfer of \$1,563,872.00 from the Rural Basic Fund to the Secondary Road Fund under the FY 10-11 budget, and,

Whereas According To Chapter 331.432 of the Code of Iowa, the Board of Supervisors must approve the actual transfers,

Therefore Be It Resolved that the transfers of \$1,563,872.00 from the Rural Basic Fund to the Secondary Road Fund be approved by the Marion County Board of Supervisors for the fiscal year of 2010-2011, and,

Be It Further Resolved that the Auditor and Treasurer be instructed to make the said transfer in a timely fashion.

Other Business:

- 1.) Nichols moved and Kingery seconded to approve the Human Resource Consulting Agreement renewal with HR-OneSource beginning February 1, 2011.
- 2.) Nichols moved and Kingery seconded to approve a Marion County Human Resource Director position and the Human Resource Position Description and Specifications.
- 3.) Kingery moved and Nichols seconded to authorize the Howard Pothoven, Board Chair, to execute an agreement for design services with Kirkham Michael and Associates for the design to replace bridge 49290053 (FHWA No. 239000) on 140th South of Vermont Drive.
- 4.) Nichols moved and Kingery seconded to authorize Barb Adam, Marion County Care Facility Director, to proceed with the low quote on flooring for the living/sitting areas of the Marion County Care Facility. Quotes as follows:

- 1.) Phillips - \$4,237.00
- 2.) Smith's Carpet and Flooring - \$8,240.00
- 3.) Carpet Services - \$5,140.00

5.) Nichols moved and Kingery seconded to accept the resignation of Doug Wiley as a Marion County Medical Examiner Investigator effective July 12, 2010.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Pothoven moved and Kingery seconded the meeting be adjourned at 10:00 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session July 12, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to amend and approve the agenda by removing the following item due to incomplete application:

Other Business – 5) Class C Liquor License, with Sunday Sales for Red Rock Lake Marina LLC d.b.a. Scally Wags located at 1768 Hwy G28, Pella, IA effective July 13, 2010.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 6/28/10
2. Approval of Special Session Board of Supervisor Minutes – 7/07/10
3. Approval of Marion County Warrants #178794 - #179015 through July 12, 2010.
4. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Richard Marsh.
5. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Judith Mraz.
6. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Bob Smith.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Kingery moved and Nichols seconded to approve **Resolution 10/36** to establish a 35 mph speed limit on a portion of Vermeer Road west of 240th Place in Pella as follows:

Whereas, the Marion County Board of Supervisors has received a request from the City of Pella that Marion County review the speed limit on a portion of road known as East Vermeer Road from 13th street in Pella, east to county road 240th and,

Whereas, this road is partially in the city limits and partially shared by the city and county, and

Whereas, the City of Pella has established a speed limit of 35 Miles Per Hour on the city portion of the road and,

Whereas, in order to provide for a consistent speed limit through this corridor the County Engineer recommends a maximum speed limit of 35 M.P.H. be established on the portion of Vermeer Road east of 13th street in Pella that is shared by the County and City of Pella.

Now Therefore Be It Resolved, that a maximum speed limit of 35 M.P.H. be established on the portion of Vermeer Road east of 13th street in the City of Pella that is shared by the County and City of Pella.

Other Business:

- 1.) Kingery moved and Nichols seconded to approve FY11 Secondary Road Payroll Policy.
- 2.) Kingery moved and Nichols seconded to approve Tabled Agenda Item – Proposed Pine Rest fee schedule for Fiscal Year 2011.

- 3.) Kingery moved and Nichols seconded to approve Proposed Pine Rest fee schedule for Fiscal year 2011.
- 4.) Kingery moved and Nichols seconded to approve annual agreement for mental health services with Pine Rest Christian Mental Health Center.
- 5.) Nichols moved and Kingery seconded to approve facility rental agreements for five Marion County Elderly Nutrition Meal Sites.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 9:47 A.M.

Lorri Jahner, Marion County Designee

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order:

The Marion County Board of Supervisors met for a special session on July 7, 2010 with Jim Kingery and Howard Pothoven present. Sam L. Nichols was excused. Chairman Pothoven opened the meeting at 9:10 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Pothoven Nays: none Abstentions: none. Absent: Nichols

II. Agenda:

- 1.) Kingery moved and Pothoven seconded to approve the agenda as posted.

III. Resolutions:

1.) Kingery moved and Pothoven seconded to approve **Resolution 10/33** authorizing construction contract with Herberger Construction Co. for the construction of safety improvements on G-40 and bridge 61205501 over Cole Creek between Iowa Hwy 92 and the Pleasantville west city limits as follows: (Project number HRRR-CO63(88)-5R-63)

Whereas, The IDOT has taken bids for safety improvements to G-40 from highway 92 to the West City Limits of Pleasantville and;

Whereas, Herberger Construction Co. submitted the lowest responsible bid and;

Whereas: The low bid of \$2,190,685.30 is acceptable to Marion County;

Now Therefore, Be It Resolved that Marion County approve the award of a construction contract and bonds with Herberger Construction Company in the amount of \$2,190,685.30 for the construction of safety improvements to County highway G-40 .

2.) Kingery moved and Pothoven seconded to approve **Resolution 10/34** authorizing construction contract with Herberger Construction Co. for the construction of bridge 41358500 on Virginia Street over the Union Pacific Railroad as follows: (Project number BROS-CO63(84)-5F-63).

Whereas, The IDOT has taken bids for the replacement of bridge 41358500 on Virginia Street over the UP railroad and;

Whereas, Herberger Construction Co. submitted the lowest responsible bid and;

Whereas: The low bid of \$757,577.10 is acceptable to Marion County;

Now Therefore, Be It Resolved that Marion County approve the award of a construction contract and bonds with Herberger Construction Company in the amount of \$757,577.1 for the replacement of bridge 41358500.

3.) Kingery moved and Pothoven seconded to approve **Resolution 10/35** authorizing construction contract with Iowa Bridge and Culvert L.C. for the construction of a box culvert on Oregon Drive to replace bridge 58190650 as follows: (Project number BROS-CO63(98)-8J-63)

Whereas, The IDOT has taken bids for the replacement of bridge 58190650 on Oregon Drive with a box culvert and;

Whereas, Iowa Bridge and Culvert L.C. submitted the lowest responsible bid and;

Whereas: The low bid of \$127,117.16 is acceptable to Marion County;

Now Therefore, Be It Resolved that Marion County approve the award of a construction contract and bonds with Iowa Bridge and Culvert LC. in the amount of \$127,117.16 for the replacement of bridge 58190650.

IV. Other Business:

1.) Jim Van Waardhuizen, Total Choice Office Products, requested the County consider purchasing office supplies/products through his company via either a single purchasing agent or individual department heads. The Board asked Van Waardhuizen to contact each department individually. Kingery moved and Pothoven seconded to end the discussion on item #1.

2.) Supervisor Howard Pothoven reported the Heart of Iowa Regional Transit Authority, HIRTA, budget had been reduced 32% by the State of Iowa. Pothoven indicated the HIRTA Board of Directors would be meeting to look at options to deal with the reduction. He also indicated the County may have to further supplement the HIRTA program. Kingery moved and Pothoven seconded to end the discussion on item #2.

V. Adjournment:

- 1.) Kingery moved and Pothoven seconded to close the meeting at 9:51 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session June 28, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 6/14/10
2. Approval of 2010 Primary Election Canvass Minutes – 6/14/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Warrants #178512 - #178789 through June 28, 2010.
5. Approval of Marion County Conservation Warrants #178386 - #178433 through June 15, 2010.
6. Approval of Special Events Applications for the Marion County Courthouse for the Chamber Christian Music Concert Series as requested by the Knoxville Chamber of Commerce on the following dates: 07/16/10, 09/17/10, 10/15/10.
7. Approval of Special Events Applications for the Marion County Courthouse for the Chamber Concert Series as requested by the Knoxville Chamber of Commerce on the following dates: 07/09/10, 07/23/10, 07/30/10, 08/27/10, 09/10/10.
8. Approval of Special Events Application for the Marion County Courthouse for the Living Windows and Lighted Parade as requested by the Knoxville Chamber of Commerce on 10/18/10.
9. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Rick Bender.
10. Approval of Class B Beer Permit renewal including Outdoor Service and Sunday Sales for Terry Hoch d.b.a. Wackos located at 3906 E Main, Knoxville, IA 50138.
11. Approval of 5 day Special Class C Liquor License for Teresa Shannon d.b.a. Knoxville Bike Night Bar Association located at 1426 Nevin Dr., Knoxville, IA 50138.

Public Hearings: Open – Chairman Pothoven

1.) Marion County Board of Supervisors – Marion County Ordinance 2010-12 – (Zoning Petition #711) – Request by Bob and Carol De Ronde to rezone a parcel located in 23-77N-18W with a legal description as: Lot 4 of the Subdivision and replat of the SW1/4 of NW1/4; also a replat of Lots 5, 9, 10 and 11 of the survey and subdivision of the East ½ and the NW1/4 of the NW1/4 of 23-77N-18W from Ag to R-1. Missy Poffenbarger, Zoning Director, presented an overview of the rezoning request as required by the newly adopted Zoning Ordinance. All requirements for the request have been met. There being no further public comment, Nichols moved and Kingery seconded to close public hearing item #1.

2.) Marion County Board of Supervisors – Zoning Petition #712 – Preliminary subdivision plat by Bob and Carol De Ronde for Wildwood Development Limited Phase 3 described as: Lot 4 of the Subdivision and replat of the SW1/4 of NW1/4; also a replat of Lots 5, 9, 10 and 11 of the survey and subdivision of the East ½ and the NW1/4 of the NW1/4 of 23-77N-18W for a 17 lot subdivision. Poffenbarger presented an overview of the preliminary plat. Drainage and utility easements have been added to the plat to address environmental health concerns. The petitioner is requesting the County waive all street requirements. Poffenbarger noted the road in the subdivision will never become a public street and the waiver will be included on the final plat. Carol De Ronde acknowledged the road would never become public. There being no further public comments, Kingery moved and Nichols seconded to close public hearing item #2.

Public Comments: None

Zoning Items:

1.) Nichols moved and Kingery seconded to approve the first reading of proposed Marion County Ordinance 2010-12 – (Zoning Petition #711) – Rezoning a parcel located in 23-77N-18W with a legal description as: Lot 4 of the Subdivision and replat of the

SW1/4 of NW1/4; also a replat of Lots 5, 9, 10 and 11 of the survey and subdivision of the East ½ and the NW1/4 of the NW1/4 of 23-77N-18W from Ag to R-1.

2.) Nichols moved and Kingery seconded to waive the 2nd and 3rd readings on proposed Marion County Ordinance 2010-12 – (Zoning Petition #711) – Rezoning a parcel located in 23-77N-18W with a legal description as: Lot 4 of the Subdivision and replat of the SW1/4 of NW1/4; also a replat of Lots 5, 9, 10 and 11 of the survey and subdivision of the East ½ and the NW1/4 of the NW1/4 of 23-77N-18W from Ag to R-1.

3.) Kingery moved and Nichols seconded the final approval of Marion County Ordinance #2010-12 rezoning a parcel located in 23-77N-18W with a legal description as: Lot 4 of the Subdivision and replat of the SW1/4 of NW1/4; also a replat of Lots 5, 9, 10 and 11 of the survey and subdivision of the East ½ and the NW1/4 of the NW1/4 of 23-77N-18W from Ag to R-1 and authorization for final publication.

4.) Nichols moved and Kingery seconded to approve the preliminary subdivision plat by Bob and Carol De Ronde for Wildwood Development Limited Phase 3 described as: Lot 4 of the Subdivision and replat of the SW1/4 of NW1/4; also a replat of Lots 5, 9, 10 and 11 of the survey and subdivision of the East ½ and the NW1/4 of the NW1/4 of 23-77N-18W for a 17 lot subdivision and to waive all street requirements..

Resolutions:

1.) Nichols and Kingery seconded to approve **Resolution 10/32** to approve the annual Marion County Departmental appropriation of monies as budgeted for the Fiscal year 2010-2011 as follows:

Whereas, the Marion County Board of Supervisors approved the budget for Fiscal Year 2010-2011, and

Whereas, the monies need to be appropriated for each department to meet this budget,

Therefore Be It Resolved the following monies be appropriated for each department listed for the FY 10-11 year.

Supervisor	170,670
Auditor	320,481
Treasurer	476,072
Attorney	334,428
Sheriff	2,752,617
Court Services	152,962
Recorder	273,127
Zoning	77,095
E911	88,535
Human Resources/Risk Management	107,278
Dept. of Human Services	84,733
Sheriff Reserve	30,000
Geographic Information System (GIS)	84,376
Engineer	6,784,074
Veterans Affairs	64,552
Conservation	924,451
Community Health	1,729,546
Weed Commission	9,690
General Assistance	111,735
Medical Examiner	49,249
Libraries	80,000
Child Support Recovery	492
Ambulance	19,918
Care of Indigents	14,775
Environmental Health	206,994
Custodial & Maintenance	375,309
Data Processing	188,535

Mental Health	2,054,572
Development Commission	137,400
Substance Abuse	127,200
Non-departmental	<u>5,032,386</u>
	<u>22,863,252</u>

Total Appropriation

Other Business:

1.) Kingery moved and Nichols seconded to authorize final disaster grant monies on a weather shelter, as recommended by the Indiana Township Trustees, from the Rebuild Iowa Grant Funds for the Attica Area for an amount not to exceed \$6,651.00.

2.) Nichols moved and Kingery seconded to table item Other Business #2 – Proposed Pine Rest fee schedule for Fiscal Year 2011.

3.) Barb Adam, Marion County Care Facility Director, presented the following information regarding ongoing activities at the facility.

- Facility has received a deficiency free survey from the State of Iowa Department of Human Services.
- Census – 40 at the facility and 5 in the supported community living home.
- Air conditioning units need to be replaced. Adam will pursue possibility of new geothermal system.
- Driveway needs maintenance. County Engineer will review possibilities.
- Flooring in living room needs to be replaced.
- Residents have been notified and appropriate actions taken for the controlled burn of two of the old farm buildings by the Knoxville Township Fire Department on July 11, 2010.

Nichols moved and Kingery seconded to end discussion on item #3.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 10:25 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session June 14, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 5/24/10
2. Approval of Special Session Board of Supervisor Minutes – 6/01/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Warrants #178072 - #178384 through June 14, 2010.
5. Approval of Special Events Application for the Marion Co. Courthouse Courtyard for the Bizarre Bazaar on August 14, 2010 as requested by the Knoxville Chamber of Commerce.
6. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Darwin Vos.
7. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Viretta Wisse.

Public Hearings: Open – Chairman Pothoven

1.) Board of Supervisors – Public notice by the Marion County Board of Supervisors that the matter of vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa and subject to the rights of ingress and egress of any and all existing utilities, being more particularly described as: A segment of excess right-of-way located in the SW1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 32, Township 77N, Range 19W of the 5th. PM a part of Project # 137166 conducted in January of 1966 to establish the current highway known locally as Highway G-28 and containing 0.42 acres more or less. Subject to rights of ingress and egress of any and all existing utilities. Roger Schletzbaum, Marion County Engineer, presented an overview of the proposed vacation as requested by the adjoining landowner. There were no public comments received. Nichols moved and Kingery seconded to close public hearing item #1.

2.) Board of Supervisors - Public notice by the Marion County Board of Supervisors that the matter of vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa and subject to the rights of ingress and egress of any and all existing utilities, being more particularly described as: A 16 ft. alley located between A Ave. to the north, B Ave. to the south, 185th. Pl. to the east and 179th. Pl. to the west more specifically being described as being platted and adjacent to Surface North Pershing Lots 1 thru 8 and Lots 23 thru 30 containing .176 acres more or less. Several residents commented on the proposed ROW vacation. Jim Jones, Brian Hammann, Gary Neil, and Ann Rice all spoke against the proposed vacation. Concerns were raised about access to septic systems and back yard properties. Rice also commented potential easement in the alley may be necessary for a community sewer project. Josh Davidson spoke in favor of the vacation and wanted to place a fence across his portion of the alley. There was further discussion about cleaning up the obstructions presently located in the ROW throughout the community. Pershing is exempt from County Zoning requirements. Ann Rice was asked to pursue contacting the residents about cleaning up the ROW. The Marion County Engineer does have the authority to remove obstructions within the ROW if necessary. There being no further public comments, Nichols moved and Kingery seconded to close public hearing item #2.

Public Comments:

1.) Roger Schletzbaum, Marion County Engineer, commented on the recent rainfall in the County and the damage it was causing. The Pleasantville area had been hit especially hard.

Zoning Items:

1.) Nichols moved and Kingery seconded to approve the third reading of the proposed Marion County Ordinance #2010-11 amending Chapter 55 - Zoning Regulations including a language corrections as follows:

1. The Effective Date of the Ordinance will be June 17, 2010 which is now reflected in the footer on each page of Chapter 55.
2. The date of June 14, 2010 is now listed as the date the Ordinance was passed and approved on the last page of Chapter 55.
3. Paragraph 9 on page 75 was deleted as redundant (I mistakenly copied these paragraphs in lieu of moving them). The paragraphs regarding filling stations appears on page 56 and signs appears on page 37.
4. Extra underlines and italics were removed on page 65, paragraph G.
5. An "o" was added to the word "of" on page 66, paragraph C.
6. Extra underlines were removed on page 75, paragraph 8.

2.) Kingery moved and Nichols seconded to approve the final approval of Marion County Ordinance #2010-11 amending Marion County Ordinance Chapter 55, Zoning Regulations, and authorization for final publication.

Resolutions:

1.) Kingery moved and Nichols seconded to approve **Resolution 10/26** to transfer funds for an interfund loan principle payment from the Marion County General Basic Fund to the Marion County General Basic Supplemental Fund for FY10 for \$98,854.77 as follows:

Whereas, the Marion County Board of Supervisors approved a Non-Current Interfund Loan from the Marion County General Basic Supplemental Fund to the Marion County General Basic Fund under Resolution of the Board of Supervisors for partial costs of the Marion County Courthouse Re-Roof Project and,

Whereas, the Marion County Board of Supervisors now desire to make an annual payment of principle and interest from the General Basic Fund to the General Basic Supplemental Fund according to a payment schedule and,

Whereas, According To Chapter 331.432 of the Code of Iowa, the Board of Supervisors must approve the actual transfers,

Therefore, Be It Resolved that the transfer of funds for an Interfund Loan principle payment from the Marion County General Basic Fund to the Marion County General Basic Supplemental Fund be approved by the Marion County Board of Supervisors for the Fiscal Year of 09/10 for \$98,854.77 and,

Be It Further Resolved, that the Auditor and Treasurer be instructed to make the said transfers in a timely fashion.

2.) Kingery moved and Nichols seconded to approve **Resolution 10/27** to vacate certain right-of-way of part of Hwy G-28 as follows:

Whereas, a public hearing was held at 9:30 AM on the 14 day of June, 2010, in the office of the Marion County Board of Supervisors and,

Whereas, it being in the best interest of Marion County to vacate the segment(s) of road as advertised and,

Whereas, the segment(s) to be vacated are described in further detail below,

Now therefore be it resolved that, subject to the rights of ingress and egress of any and all existing utilities, A segment of excess right-of-way located in the SW1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 32, Township 77N, Range 19W of the 5th. PM a part of Project # 137166 conducted in January of 1966 to establish the current highway known locally as Highway G-28 and containing 0.42 acres more or less as shown on Exhibit "A" Right-of-Way Vacation Plat. Subject to rights of ingress and egress of any and all existing utilities.

Be hereby vacated

3.) Nichols moved and Kingery seconded to deny **Resolution 10/28** vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa and subject to the rights of ingress and egress of any and all existing utilities, being more particularly described as: A 16 ft. alley located between A Ave. to the north, B Ave. to the south, 185th. Pl. to the east and 179th. Pl. to the west more specifically being described as being platted and adjacent to Surface North Pershing Lots 1 thru 8 and Lots 23 thru 30 containing .176 acres more or less.

4.) Nichols moved and Kingery seconded to approve **Resolution 10/29** setting the Marion County Mileage Reimbursement Rate for FY11 as follows:

Whereas it has been the policy of Marion County to pay mileage at the rate of \$.45 per mile and,

Whereas said rate is no longer reflective of the actual cost of vehicle operation,

Now Therefore Be It Resolved By The Marion County Board Of Supervisors that beginning for mileage driven on or after July 1, 2010, the mileage rate paid by Marion County is hereby decreased to \$.40 per mile. The Marion County Board of Supervisors further resolve to review the Marion County Mileage Reimbursement rate at a meeting in June of every fiscal year for potential changes to be effective the following July 1.

5.) Kingery moved and Nichols seconded to approve **Resolution 10/30** setting a Marion County Termination of Employment/Exit Interview Policy as follows:

Whereas, the Marion County Board of Supervisors recognize the need to create certain employee policies, and

Whereas, Marion County maintains a current Employee Handbook.

Now Therefore be it Resolved by the Board of Supervisors of Marion County, Iowa the following Marion County Policy on Termination of Employment/Exit Interview is hereby adopted and approved.

TERMINATION OF EMPLOYMENT/EXIT INTERVIEW

The employee has the right to terminate his/her employment at any time, and Marion County retains a similar right. Although the employee may resign at will, at any time, with or without reason or advance notice, as a courtesy he/she is requested to provide at least two weeks advance notice whenever possible. All County keys, credit cards (if issued), employee handbook, employee ID card, and any other County property must be returned. A resignation will be considered unsatisfactory if proper notice is not given and/or all County property is not returned.

Human Resources will arrange an exit interview with employees leaving employment with the County. At this interview the employee will be given the opportunity to discuss his/her opinions of job duties, supervisory practices, work area operations, pay, and benefits

Refer to Pay Practices Section for information concerning termination pay.

Be It Further Resolved that Marion County begin using the Termination of Employment/Exit Interview policy effective immediately.

Be It Further Resolved the Marion County Termination of Employment/Exit Interview Policy be added to the Marion County Employee Handbook.

6.) Kingery moved and Nichols seconded to approve **Resolution 10/31** waiving Marion County's allocation of Recovery Zone Bonds as created by the American Recovery and Reinvestment Act of 2009 as follows:

Whereas, the American Recovery and Reinvestment Act of 2009 created Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds (together, "Recovery Zone Bonds"), which bonds must be issued prior to January 1, 2011; and

Whereas, pursuant to Internal Revenue Service Notice 2009-50, allocations of authority to issue Recovery Zone Bonds were made to certain counties and large municipalities in Iowa; and

Whereas, the County of Marion, Iowa (the "County") was allocated \$857,000 in Recovery Zone Economic Development Bonds and \$1,286,000 in Recovery Zone Facility Bonds; and

Whereas, federal and state laws allow issuers to waive their allocations of Recovery Zone Bonds; and

Whereas, pursuant to House File 2487, signed into law by Governor Culver on April 7, 2010, unused Recovery Zone Bond allocations will be automatically waived on July 1, 2010, with such amounts to be recaptured by the Iowa Finance Authority and made available for qualifying uses in Iowa; and

Whereas, the County does not expect to use its allocation by July 1, 2010, and therefore has determined to waive the amounts set forth below;

Now, Therefore, it is hereby resolved by the Board of Supervisors of Marion County, Iowa, as follows:

The Marion County Board of Supervisors hereby waives the following amounts of its allocation of Recovery Zone Bonds:

Recovery Zone Economic Development Bonds:
Amount of allocation waived: \$857,000

Recovery Zone Facility Bonds:
Amount of allocation waived: \$1,286,000

Other Business:

1.) Nichols moved and Kingery seconded to approve an Agreement for Traffic Safety Improvement Funding (Site Specific) with the Iowa Department of Transportation

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 10:37 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order:

The Marion County Board of Supervisors met for a special session on June 1, 2010 with Sam L. Nichols, Jim Kingery and Howard Pothoven present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Nichols, Kingery, Pothoven Nays: none Abstentions: none. Absent: none

II. Agenda:

- 1.) Kingery moved and Nichols seconded to approve the agenda as posted.

III. Other Business:

- 1.) Tim Teig, Snyder & Associates, presented the Board with preliminary remodeling plans and projected timeline for the newly acquired building located at 2003 N. Lincoln, Knoxville, IA. Teig indicated he would continue to work on the plans and bring detailed plans along on his next trip. Kingery moved and Nichols seconded to end the discussion on item #1.

IV. Adjournment:

- 1.) Nichols moved and Kingery seconded to close the meeting at 10:35 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session May 24, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to amend and approve the agenda by removing the following items per the request of the petitioning landowner:

1.) Public Hearings – 3.) Zoning Petition #707 (rezoning) – Proposed zoning change from Agricultural (Ag) to Residential (R-1) for single family homes for proposed Cowden Estates Subdivision Final Plat located at Gear St. and Hwy 5, Pleasantville, IA described as Parcel B of the E 1/2 of the SE 1/4 of Section 5, Township 76 North, Range 21 West of the 5th P.M., according to Plat of Survey recorded in Book 262, Page 226, Deed Record.

2.) Zoning Items – 2.) Zoning #707 (Rezoning) – Approve/Deny - zoning change from Agricultural (Ag) to Residential (R-1) for single family homes for proposed Cowden Estates Subdivision Final Plat located at Gear St. and Hwy 5, Pleasantville, IA described as Parcel B of the E 1/2 of the SE 1/4 of Section 5, Township 76 North, Range 21 West of the 5th P.M., according to Plat of Survey recorded in Book 262, Page 226, Deed Record.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 5/10/10
2. Approval of Special Session Board of Supervisor Minutes – 5/18/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.7545
4. Approval of Marion County Warrants #177849 - #178070 through May 24, 2010.
5. Approval of Marion County Conservation Warrants #177801 - #177848 through May 18, 2010.
6. Approval of Special Events Application for the Marion County Courthouse or Courtyard for Ag in the City on June 18 & 19, 2010 as requested by the Knoxville Chamber of Commerce and Larry Rowley.
7. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Stuart Bandstra.
8. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Eldon Marshall.
9. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Sheryl Rozenboom.
10. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Ron Rodgers.
11. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Marvin Schippers.

Public Hearings: Open – Chairman Pothoven

1.) Board of Supervisors – Proposed Marion County Budget Amendment for Fiscal Year July 1, 2009 through June 30, 2010. Jake Grandia, Marion County Auditor, presented an overview of the budget amendment process. There were no written comments received by the Auditor's Office. There being no public comments, Nichols moved and Kingery seconded to close public hearing item #1.

2.) Board of Supervisors - Zoning Petition #707 (Final Plat) – Proposed Cowden Estates Subdivision Final Plat located at Gear St. and Hwy 5, Pleasantville, IA described as Parcel B of the E 1/2 of the SE 1/4 of Section 5, Township 76 North, Range 21 West of the 5th P.M., according to Plat of Survey recorded in Book 262, Page 226, Deed Record. Melissa Poffenbarger, Marion County Zoning Director, presented an overview of the final plat. Poffenbarger indicated the final plat met all the criteria under the current zoning ordinance. The petitioners have received an entrance approval from the Iowa Department of Transportation and also waived any requirements for curb, gutter, sidewalks, and lights. Discussion ensued among the Board regarding the lot sizes and environmental health requirements. No written comments were received. There being no public comments, Nichols moved and Kingery seconded to close public hearing item #2.

3.) Item removed from the agenda.

Public Comments: None

Zoning Items:

1.) Pothoven moved and Kingery seconded to approve Resolution 10/23 approving Final Plat of Cowden Estates Plat 1 as follows:

Whereas, Bradley A. Cowden and Jodi B. Cowden have caused certain real estate located in Marion County, Iowa, to be surveyed and platted, and have presented the final plat thereof to the Board of Supervisors of Marion County, Iowa, for approval and acceptance; and

Whereas, said plat has been reviewed by the Marion County Zoning Administrator and the Marion County Engineer and they have approved said plat; and

Whereas, said plat has complied in all respects with the rules and procedures concerning the sub-division of lands in Marion County, Iowa; and

Whereas, said plat has been reviewed and approved by the Planning and Zoning Commission and the City Council of the City of Pleasantville, Iowa has waived it's right to review the plat;

Whereas, said plat conforms in all respects with the laws of the State of Iowa;

Now, Therefore, Be It Resolved by the Marion County Board of Supervisors, that the final plat the following described real estate situated in Marion County, Iowa, known as "Cowden Estates Plat 1 ", and having a legal description as follows:

Parcel B of the E ½ of the SE ¼ of Section 5, Township 76 North, Range 21 West of the 5th P.M., according to Plat of Survey recorded in Book 262, Page 226, Deed Record.

be formally accepted and approved at this time.

Roll call vote as follows: Ayes – Pothoven, Kingery Nay – Nichols Motion Passed: 2-1

2.) Item removed from the agenda.

3.) Nichols moved and Kingery seconded to approve the second reading of the proposed Marion County Ordinance #11 amending Chapter 55 - Zoning Regulations including a language change of all references of Rural Residential (RR) to Ag Residential (Ag Residential).

Ordinances: None

Resolutions:

1.) Kingery moved and Nichols seconded to approve Resolution 10/24 to consider adoption of Marion County Budget Amendment for the Fiscal year beginning July 1, 2009 and ending June 30, 2010 per Iowa Code 331.435 as follows:

Whereas, Iowa Code 331.435 requires that after a budget amendment hearing, the Marion County Board of Supervisors shall adopt by resolution a budget amendment, and;

Whereas, the Marion County Board of Supervisors has met the budget publication requirements in IA Code 331.435 through publication in the Marion County News, Knoxville Journal-Express, and Pella Chronicle, and;

Whereas, the Marion County Board of Supervisors has met the budget hearing requirements in IA Code 331.435 through the public hearing held on 5/24/10 at 9:30 AM;

Therefore, Be It Resolved, on the 24th day of May 2010, that the Marion County Board of Supervisors hereby adopts by resolution the Amendment to County Budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

2.) Nichols moved and Kingery seconded to approve Resolution 10/25 to appropriate budgetary monies according to the Marion County FY09-10 Budget Amendment as follows:

Whereas the Marion County Board of Supervisors approved a budget amendment for Fiscal Year 2009-2010, and

Whereas the monies need to be appropriated for each department to meet this budget,

Therefore Be It Resolved the following monies be appropriated for each amended department listed for the FY 09-10 year.

<u>Department</u>	<u>Original</u>	<u>Amendment</u>	<u>Total</u>
Sheriff	2,651,403	25,001	2,676,404
Court Services	155,671	16,147	171,818
Recorder	263,846	14,000	277,846
Sheriff Reserves	0	20,000	80,648
Secondary Road	6,419,699	179,166	6,598,865
Conservation	909,621	140,000	1,049,621
Public Health	1,825,131	163,399	1,988,530
Social Services	112,885	7,500	120,385
Medical Examiner	40,000	13,000	53,000
Environmental Health	209,158	5,249	214,407
Non-Departmental	4,050,521	1,140,556	5,191,077

Other Business:

1.) After discussion among the Board regarding the length and level of recommendation, Nichols moved and Kingery seconded to recommend to the South Central Iowa Solid Waste Agency Board the City of Bussey be reimbursed up to \$1,000 in FY10 from the SCISWA Special Grant Program for using recycled materials in the city's playground project and to set future direction for use of the SCISWA Special Grant Program dollars by establishing no more than 33% of the annual grant funds may be used for costs other than roadside clean up unless roadside clean up costs do not total 675 of the available grant.

2.) Nichols moved and Kingery seconded to approve a service agreement with Knoxville Residential for MH/DD services effective 7/01/10 through 06/30/11.

3.) Kingery moved and Nichols seconded to approve a service agreement with St. Luke's Hospital in Cedar Rapids, IA for MH/DD services effective 7/01/10 through 06/30/11.

4.) Kingery moved and Nichols seconded to approve a permit to display fireworks by Jerry Van Wyk, Gateway Community Church, on July 4, 2010 located at the Danny Van Wyk farm one mile north of the mile long bridge on Hwy 14.

Appointments: Kingery moved and Nichols seconded to approve the following appointments:

- 1.) Commission of Veterans Affairs – Richard Mason – term ending June 30, 2013
- 2.) Development Commission – John Franey (Pleasantville area) – term ending June 30, 2013
- 3.) Development Commission – Matthew Russell (Melcher-Dallas area) – term ending June 30, 2013
- 4.) Development Commission – John Jensen (Knoxville area) – term ending June 30, 2013
- 5.) Development Commission – Lana Pol (at-large) – term ending June 30, 2013
- 6.) Development Commission – Duane Jones (Bussey area) – filling term ending June 30, 2011

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 10:25 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order:

The Marion County Board of Supervisors met for a special session on May 18, 2010 with Sam L. Nichols, Jim Kingery and Howard Pothoven present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Nichols, Kingery, Pothoven Nays: none Abstentions: none. Absent: none

II. Agenda:

- 1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1.) Tim Teig, Snyder & Associates, presented the Board with a draft of the remodeling plans for the newly acquired building located at 2003 N. Lincoln, Knoxville, IA. Teig explained the space usage from the plans. The Board then went on to discuss the merits of revising not including specific office space for Red Rock Area Community Action (RRACAP) and Public transit (HIRTA) and to use the space for expanded responsibilities and storage for Marion County Public Health. This was a new possibility due to the recent announcement of the State vacating most of the DHS office. There was consensus of the Board members to have Teig bring them new plans without specific dedicated space for RRACAP and HIRTA. Teig indicated he would continue to work on the plans and bring a project schedule along on his next trip. Kingery moved and Nichols seconded to end the discussion on item #1.

IV. Adjournment:

- 1.) Nichols moved and Kingery seconded to close the meeting at 10:45 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

I. Call to Order:

The Marion County Board of Supervisors met for a special session on May 18, 2010 with Sam L. Nichols, Jim Kingery and Howard Pothoven present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Nichols, Kingery, Pothoven Nays: none Abstentions: none. Absent: none

II. Agenda:

- 1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1.) Tim Teig, Snyder & Associates, presented the Board with a draft of the remodeling plans for the newly acquired building located at 2003 N. Lincoln, Knoxville, IA. Teig explained the space usage from the plans. The Board then went on to discuss the merits of revising not including specific office space for Red Rock Area Community Action (RRACAP) and Public transit (HIRTA) and to use the space for expanded responsibilities and storage for Marion County Public Health. This was a new possibility due to the recent announcement of the State vacating most of the DHS office. There was consensus of the Board members to have Teig bring them new plans without specific dedicated space for RRACAP and HIRTA. Teig indicated he would continue to work on the plans and bring a project schedule along on his next trip. Kingery moved and Nichols seconded to end the discussion on item #1.

IV. Adjournment:

- 1.) Nichols moved and Kingery seconded to close the meeting at 10:45 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session May 10, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 4/26/10
2. Approval of Special Session Board of Supervisor Minutes – 4/26/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.7545
4. Approval of Marion County Warrants #177545 - #177800 through May 10, 2010.
5. Approval of Class C Beer Permit with Sunday Sales renewal for Red Rock Lake Marina LC located at 1768 Hwy G28, Pella.
6. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Ted Dykstra.
7. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Rodney De Zwarte.
8. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Wyatt Family Partnership.
9. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Rodney Jolly.
10. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Sharon Core.
11. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Ron Schmidt.
12. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and John Finarty.
13. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Clifton Den Hartog.
14. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Ginger Harry.
15. Approval of Work Beyond Right-of-Way Agreement with the Secondary Road Department and Jeff Wallace.

Public Hearings: Open – Chairman Pothoven

1.) Board of Supervisors - Notice is hereby given a public hearing will be held by the Marion County Board of Supervisors for the purpose of considering a proposed Ordinance amending Chapter 55 (Zoning Ordinance) of the Marion County Code of Ordinances. Zoning Consultant Kathleen Connor, Snyder & Associates, presented a timeline of events of the amended zoning ordinance process and an overview of the proposed changes, deletions, and additions. Several questions were asked by the Board regarding the proposed changes. Connor responded the biggest change would be increasing minimal lot sizes from 1.5 acres to 3 acres, otherwise most landowners would be able to do things they can now if they follow the necessary processes. Roger Schletzbaum, Marion County Engineer, asked about the use of the term Residential District. The term is used in another application for the County per Iowa Code. Connor and Melissa Poffenbarger, Marion County Zoning, indicated they would look into alternative language. There being no further public comments, Nichols moved and Kingery seconded to close the public hearing.

Public Comments: None

Zoning Items:

1.) Kingery moved and Nichols seconded to approve the first reading of the proposed amendments to Marion County Ordinance Chapter 55 - Zoning Regulations.

Ordinances: None

Resolutions: None

Other Business: None

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 10:25 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order:

The Marion County Board of Supervisors met for a special session on April 26, 2010 with Jim Kingery and Howard Pothoven present. Sam L. Nichols was excused. Chairman Pothoven opened the meeting at 11:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Pothoven Nays: none Abstentions: none. Absent: Nichols

II. Agenda:

- 1.) Pothoven moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1.) Gary Stephenson, Ft. Dodge, requested the Board allow the placement of a framed 1934 United States Constitution lithograph in the Marion County Courthouse. He is trying to get one of these prints placed in every courthouse in the State. He generally solicits the costs of approximately \$600 from local businesses or veterans groups. There was discussion as to whether it was appropriate to place names of businesses on material on display in the Courthouse. The Board reached a consensus for Mr. Stephenson to pursue veterans groups or historical societies for the funds and to place the print in a gold frame. Mr. Stephenson will update the Board on the status of the project. Kingery moved and Pothoven seconded to end the discussion on item #1.

2.) Supervisor Pothoven opened discussion on some long term capital project planning for the County. He believed the Board should begin working on a list and prioritizing them to use in future budgeting and planning. Realistic funding options for most projects of this nature could only be Local Option Sales and Services Tax (LOSST) or borrowed funds. The items mentioned to begin the discussion process were as follows:

- a.) Courthouse Elevator upgrade
- b.) Courthouse Bell Tower ceiling repair
- c.) Courthouse electrical/data rewiring upgrade
- d.) Old Hwy 92 resurface project
- e.) Removal of old farm buildings and water tower at the Marion County Care Facility

Kingery moved and Pothoven seconded to end discussion on item #2.

IV. Adjournment:

- 1.) Pothoven moved and Nichols seconded to close the meeting at 11:55 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session April 26, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Kingery moved and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 4/12/10
2. Approval of Special Session Board of Supervisor Minutes – 4/12/10
3. Approval of Canvass Minutes from the Knoxville School Special Election – 4/12/10
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Warrants #177312 - #177543 through April 24, 2010.
6. Approval of Marion County Conservation warrants #177263 - #177310 through April 20, 2010.
7. Approval of Marion County Courthouse Special Events Application event Chamber Christian Music Concert for multiple dates throughout the summer.
8. Approval of Class C Liquor License with Sunday Sales renewal for Doug McKinney d.b.a. Udders Steak House, 1265 Hayes Dr., Knoxville, IA 50138.

Public Hearings: None

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions: None

Other Business:

1.) Nichols moved and Kingery seconded to approve a services agreement with Rx Outreach, St. Louis, MO for prescription drug services via mail delivery.

2.) Nichols moved and Kingery seconded to authorize Cory Frank, Marion County Environmental Health Director, to send the Marion County Humane Society a notice of Marion County's intent to renegotiate their mutual agreement for animal shelter and control services within the unincorporated areas of Marion County.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 10:00 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on April 12, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 1:00 P.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: None

II. Agenda:

- 1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1. Monthly departmental updates:

- a. Kim Dorn – Public Health
 - i. Tracy sewer project update – meeting scheduled with Mahaska Rural Water on 4/15/10
 - ii. Animal Control/Rabies – updating policies and reviewing contract with Marion County Humane Society
 - iii. Whooping cough outbreak in Knoxville schools.
 - iv. New building remodel plans in progress with Snyder & Associates
 - v. Department will require budget amendment
- b. Missy Poffenbarger - Zoning
 - i. Continuing meetings with non-compliant “junk yard” landowners
 - ii. Direction requested regarding proposed zoning ordinance amendments. The BOS indicated they did not want to be too restrictive but did appreciate making 3 acre minimum lot sizes.
- c. Betty Moll – Central Point Coordinator
 - i. Rx Outreach – requesting direction to set up account with new vendor for purchasing prescription medication. The BOS thought it was a good idea and requested information be brought to the next meeting.
 - ii. Concern for plans of DHS reducing services in Marion County.
- d. Mike Kuhn – General Affairs/General Relief
 - i. G.A. – budget running tight
 - ii. Requested to be a member of an ISAC Taskforce – Strategic Planning Committee
 - iii. V.A. – Budget running OK
- e. Mike Kuhn – General Relief / Veteran’s Affairs
 - i. GA – seeing new clients – limiting clients to 3 assistance payments
 - ii. VA – Veteran’s Day will be observed at the Capitol in Des Moines
- f. Cory Frank – Environmental Health
 - i. Experiencing open dumping problems in the townships

IV. Adjournment:

- 1.) Kingery moved and Nichols seconded to close the meeting at 1:51 P.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chair Board of Supervisors

BOARD OF SUPERVISORS MEETING TWELFTH DAY APRIL 12, 2010

The Marion County Board of Supervisors met in special session April 12, 2010 for the purpose of canvassing the vote from the April 6, 2010, Knoxville School Special Election for the County of Marion, Iowa. Present were Howard Pothoven, Sam L Nichols, and Jim Kingery.

Chairman Pothoven opened the special canvass at 10:05 A.M.

Jake Grandia, Marion County Commissioner of Elections, announced there were 0 provisional ballots per Iowa Code. Grandia read the results for the April 6, 2010 Knoxville School Special Election to the Board.

Kingery moved and Nichols seconded to declare the canvass complete and certify the results of the election to the County Commissioner of Elections and the Knoxville School District. Ayes: Pothoven, Kingery, Nichols

The following are the official results of the April 6, 2010 Knoxville School Special Election:

Public Measure A – Approved

To adopt the revenue purpose statement to authorize the expenditure of revenues from the State of Iowa secure and advanced vision for education fund received by the Knoxville Community School District.

Kingery moved and Nichols seconded the special canvass be adjourned.

The canvass was adjourned at 10:10 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session April 12, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 3/22/10
2. Approval of Special Session Board of Supervisor Minutes – 4/01/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Warrants #176992 - #177262 through April 12, 2010.

Public Hearings: None

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/20** to adopt the Secondary Road Construction Program for the period of FY11 through FY15 as follows:

Whereas, Iowa Code 309.22 requires the county to annually adopt a secondary road construction program, and;

Whereas, The proposed construction program includes a project accomplishment list for the upcoming fiscal year and a project priority list for the succeeding four fiscal years and;

Whereas, the County Engineer has evaluated the transportation needs for the county and;

Whereas, The County's Secondary Road Construction Program is based on a projection of the funds available for the five year period,

Now Therefore, Be It Resolved that the County adopt the proposed Secondary Road Construction Program for the period of FY11 through FY15.

2.) Kingery moved and Nichols seconded to approve **Resolution 10/21** to appoint a Marion County Deputy Sheriff as follows:

Whereas, it is in the best interest to the citizens of Marion County for the sheriff's office to keep the peace and provide public safety, and;

Whereas, the Code of Iowa has established the rules and procedures of carrying out the powers and duties of the sheriff, and;

Whereas, the Code of Iowa allows for the appointment of sheriff's deputies to assist in executing the powers and duties of the sheriff.

Now, Therefore Be It Resolved By the Marion County, Iowa, Board of Supervisors, for the benefit of all Marion County Citizens, that the Marion County Sheriff be allowed to hire and appoint:

DJ Reed

Adopted this 12th day of April, 2010.

3.) Nichols moved and Kingery seconded to approve **Resolution 10/22** to approve an annual transfer of \$300,000 from the Marion County Local Option Sales and Services Fund to the Marion County Debt Service Fund for property tax relief for FY10 as follows:

Whereas, the voters of Marion County approved a \$5,100,000 General Obligation Bond Issue to construct a new Marion County Law Enforcement Center.

Whereas, the Marion County Board of Supervisors believe it is in the best interest of the taxpayers of Marion County to supplement the annual debt service principal and interest payment on the Marion County Law Enforcement Center with funds from the proceeds of the Local Option Sales and Services Tax (LOSST) collected in Marion County. The Board approved in the Fiscal Year 2009-2010 budget to use \$300,000 LOSST Funds to reduce the required debt service levy to fund the construction of the Marion County Law Enforcement Center.

Whereas, According To Chapter 331.432 of the Code of Iowa, the Board of Supervisors must approve the actual transfer,

Therefore, Be It Resolved that the transfer of funds from the Marion County Local Option Sales and Services Fund to the Marion County Debt Service Fund be approved by the Marion County Board of Supervisors for the Fiscal Year of 2009/2010, and,

Be It Further Resolved, that the Auditor and Treasurer be instructed to make the said transfer in a timely fashion equal to the amount of the approved budgeted transfer of \$300,000.

Other Business:

1.) Kingery moved and Nichols seconded to receive and file the FY10 Treasurer's Semi Annual Report for the period of 7/01/09 - 12/31/09.

2.) Nichols moved and Kingery seconded to approve a three (3) year employment agreement with Roger Schletzbaum for the position of Marion County Engineer.

3.) Nichols moved and Kingery seconded to receive and file the FY09 Financial Report / Audit for the year ended June 30, 2009.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 9:58 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on April 1, 2010, with Jim Kingery, Sam L. Nichols, and Howard Pothoven. Chairman Pothoven opened the meeting at 1:00 P.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Nichols, Pothoven Nays: none Abstentions: none. Absent: none

II. Agenda:

1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1.) Howard Pothoven, Marion County Board of Supervisor, indicated the County had some fence at the Marion County Care Facility Farm in need of repair. Pothoven explained the tenants needed the repairs to keep their cattle out of the row crop fields. Each supervisor had viewed the fences. Options were discussed from selling the land, using a dozer to clean the fence rows, to completing some spot repairs along with some new fence. Pothoven wanted to acquire some estimates on new fence and continue to work on the situation. He felt the situation could be remedied with a combination of new and repaired fencing by the County and the tenant. Nichols moved and Kingery seconded to end discussion on item #1.

2.) Nichols moved and Kingery seconded to approve Federal Aide Agreement with the Iowa Department of Transportation (IDOT) for a County Highway Bridge Program Project #HRRR-CO63(88)—5R-63 on County Road G-40 west of Pleasantville. Roger Schletzbaum, Marion County Engineer, indicated completion of the project depended on what month the project was let by the IDOT. He did not want the project to begin if it was not going to be completed by winter. The project will not have to be approved again.

3.) Roger Schletzbaum, Marion County Engineer, briefed the board regarding the following topics:

- Secondary road department has been having connectivity issues to the Courthouse for date transfer. Racom has been working on the problem and the only solution seems to be erecting a new taller tower at the Central Shop.
- Schletzbaum indicated there is a possibility he may become a candidate for an appointment to the Transportation Research Board. Being a director would require him to attend semi-annual meetings. The annual meeting would always be in Washington D.C. and the other would be various locations. Most major expenses would be paid by the Research Board to attend the meetings.
- A letter has been received from the Corps of Engineers with proposed T-15 closure dates of September – October for maintenance to be done on the dam. Schletzbaum was not pleased with the time frame and asked the BOS to draft a letter of response to the Corps.
- Applications are being accepted through April 2 for a “truck driver” position in the department.
- Members of the department are beginning to take an online Leadership Academy course.
- Schletzbaum presented the BOS with some long term financial information for the department. He indicated there is a disturbing downward trend for the Secondary Road Fund balance. At current trend, the Secondary Road Fund will be negative at the end of the FY14 fiscal year. Costs continue to move upward and revenues are flat or decreasing. He showed since 2008 the department has been adjusting by not doing local construction projects. There are now several local projects that need immediate attention and there is not enough local budget revenue. He does not want to have to lay off any employees in the long term as they are the life blood maintaining the county road system. He feels having the same employees maintain the same roads all year long is a huge advantage. The Board asked questions about contract services, part time employees, removing seal coat roads, and potential for changes in state/federal revenues.
- Snow removal in the City of Harvey. The City of Harvey is an incorporated city. The Secondary Road Department has been plowing their snow for some time due to a 28E Agreement between the City and the Board of Supervisors. The Secondary Road Department decided it wanted to end the service beginning in 2011 for the city and sent a letter to the effect. The city would like to continue the service. The 28E agreement allows the Secondary Road Fund to bill the city for the snow removal efforts. The Secondary Road Department adjusted the rate to \$96.00 per hour for the 2010 year. The city did not agree with the new rate. Schletzbaum and the Board discussed at length the appropriate process and cost for the snow removal of an incorporated city. There were varying opinions to the actual cost to the Secondary Road Department. It was believed to be appropriate to solicit some bids for contracting the snow removal in the City of Harvey. Schletzbaum concluded he was just trying to eliminate an expense the department was not required by law to complete, could come to an agreement with the city, and would follow the direction of the Board.

IV. Adjournment:

1.) Pothoven moved and Nichols seconded to close the meeting at 3:00 P.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session March 22, 2010, with Howard Pothoven, Sam L. Nichols, and Jim Kingery present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Nichols, Kingery Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 3/8/10
2. Approval of Special Session Board of Supervisor Minutes – 3/10/10, 3/16/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Warrants #176769 - #176988 through March 22, 2010.
5. Approval of Marion County Conservation warrants #176738 - #176738
6. Approval of Work Beyond Right-of-Way Agreement between the Secondary Road Dept. and Richard Clifford.
7. Approval of one year Class C Beer Permit with Sunday sales renewal for Danise Slagter, d.b.a. Deep Point Bait and tackle located at 1177 Hwy S-71, Knoxville, IA 50138 effective 4/01/10.

Public Hearings: Open – Chairman Pothoven

1.) Marion County Board of Supervisors – Public Hearing on entering into a not to exceed \$300,000 general obligation loan agreement for the purpose of paying the cost, to that extent, of refunding the outstanding balance of the County's General Obligation Courthouse Improvement Bonds, Series 2003. There were no written comments received by the Marion County Auditor's Office. There being no further public comments, Kingery moved and Nichols seconded to close the public hearing.

Public Comments: None

Zoning Items: None

Ordinances: None

Other Business:

- 1.) Kingery moved and Nichols seconded to remove from the "table" the 03/08/10 agenda item: Other Business 4.) Approve/Deny contract proposal from Capstone Behavioral Healthcare, Inc. for mental health services from a period of January 1, 2010 through June 30, 2011.
- 2.) Upon the recommendation from Betty Moll, Marion County Central Point Coordinator, Nichols moved and Kingery seconded to approve a contract for mental health services from a period of January 1, 2010 through June 30, 2011.
- 3.) Nichols moved and Kingery seconded to approve an agreement with AFSME sheriff bargaining unit for a period of 7/01/2010 until 6/30/2012.
- 4.) Kingery moved and Nichols seconded to approve a new Class B Beer permit including wine coolers for Douglas DeJong d.b.a. Columbia Store located at 1035 Virginia Street, Columbia, IA 50057.

5.) Upon the request of the Indiana Township Trustees, Nichols moved and Kingery seconded to approve an expenditure of \$18,173.00 for a turn key set up of a storm warning system for the Attica area with Indiana Township taking responsibility for ongoing maintenance. The funds for this expenditure are from the Rebuild Iowa Grant designated for the Attica area.

Resolutions:

1.) Kingery moved and Nichols seconded to approve **Resolution 10/18** amending Article XV Dissolution of the 28E Agreement governing the operation of South Central Youth and Family Services Commission as follows:

Whereas, a 28E Agreement was originally entered into by Dallas County with the counties of Adair, Clarke, Guthrie, Marion, and Warren governing the operation of South Central Youth and Family Services Commission; and

Whereas, the members of the South Central Youth and Family Services Commission have approved an Amendment to the portion of the agreement pertaining to dissolution.

Now, Therefore Be It Resolved that the Marion County Board of Supervisors approve the Amendment to the 28E Agreement for South Central Youth and Family Services Commission.

2.) Nichols moved and Pothoven seconded to approve **Resolution 10/19** awarding sale and approving issuance of GO County Building and Refunding Bonds, Series 2010 as follows:

Approving a Loan Agreement and providing for the issuance of General Obligation County Building and Refunding Bonds

Whereas, the Board of Supervisors (the "Board") of Marion County, Iowa (the "County"), pursuant to a resolution of the Board adopted on October 15, 2003 (the "2003 Bond Resolution"), previously issued its \$600,000 General Obligation Courthouse Improvement Bonds, Series 2003, dated November 1, 2003 (the "2003 Bonds"), a portion of which remain outstanding; and

Whereas, pursuant to the 2003 Bond Resolution, the Board reserved the right to call the 2003 Bonds maturing in the years 2010 to 2014 (the "Callable 2003 Bonds"), inclusive, on any date on or after June 1, 2009, for early redemption; and

Whereas, the Board has heretofore proposed to enter into a loan agreement ("Loan Agreement No. 1") in a principal amount not to exceed \$300,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of refunding the Callable 2003 Bonds, and has published notice and held a hearing thereon on March 22, 2010; and

Whereas, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board has also heretofore proposed to contract indebtedness and enter into a loan agreement in a principal amount not to exceed \$750,000 to provide funds to pay the cost, to that extent, of acquiring a building to house County offices and related nonprofit services ("Loan Agreement No. 2"), and has published notice of the proposed action and has held a hearing thereon on February 22, 2010; and

Whereas, the County intends to combine Loan Agreement No. 1 and Loan Agreement No. 2 and enter into a single loan agreement (the "Loan Agreement"); and

Whereas, pursuant to announcement of sale, bids for the purchase of \$1,020,000 General Obligation County Building and Refunding Bonds, Series 2010 (the "Bonds"), to be issued in evidence of the County's obligation under the Loan Agreement, were received and canvassed on behalf of the County and the substance of such bids noted in the minutes; and

Whereas, upon final consideration of all bids received for the purchase of the Bonds, the bid of Bankers' Bank, Milwaukee, Wisconsin (the "Purchaser"), is the best, such bid proposing the lowest interest cost to the County;

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa, as follows:

Section 1. Loan Agreement No. 1 and Loan Agreement No. 2 are hereby combined into a single loan agreement (the "Loan Agreement").

Section 2. The Board hereby determines to proceed with the issuance of the Bonds and declares that this resolution constitutes the "additional action" required by Section 331.402 of the Code of Iowa.

Section 3. The bid referred to in the preamble hereof is hereby accepted, and the County hereby determines to enter into the Loan Agreement with the Purchaser, in substantially the form placed on file with the County, providing for a loan to the County for the purposes set forth in the preamble hereof.

The Chairperson of the Board and the County Auditor are hereby authorized and directed to sign the Loan Agreement on behalf of the County, and the Loan Agreement is hereby approved.

Section 4. The form of agreement of sale (the "Sale Agreement") of the Bonds to the Purchaser is hereby approved, and the Chairperson of the Board and County Auditor are hereby authorized to execute the Sale Agreement for and on behalf of the County.

Section 5. The Bonds are hereby authorized to be issued in evidence of the obligation of the County under the Loan Agreement, in the total aggregate principal amount of \$1,020,000, to be dated April 22, 2010, in the denomination of \$5,000 each, or any integral multiple thereof, maturing on June 1 in each of the years, in the respective principal amounts and bearing interest at the respective rates as follows:

Year	Principal Amount	Interest Rate Per Annum	Year	Principal Amount	Interest Rate Per Annum
2011	\$140,000	1.00%	2016	\$85,000	2.50%
2012	\$145,000	1.30%	2017	\$85,000	2.80%
2013	\$150,000	1.70%	2018	\$90,000	3.10%
2014	\$150,000	2.00%	2019	\$95,000	3.30%
2015	\$80,000	2.25%			

Section 6. Bankers Trust Company, Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the "Registrar" or the "Paying Agent". The County shall enter into an agreement (the "Registrar/Paying Agent Agreement") with the Registrar, in substantially the form as has been placed on file with the Board; the Chairperson and County Auditor are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the County; and the Registrar/Paying Agent Agreement is hereby approved.

The County reserves the right to prepay part or all of the Bonds maturing on June 1, 2019, prior to and in any order of maturity, on June 1, 2018, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in one or more units of \$5,000. If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the County's registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the County reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

All of the interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2010. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Payment of interest on the Bonds shall be made to the registered owners appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid by check or draft mailed to the registered owners at the addresses shown on such registration books. Principal of the Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Bond or Bonds at the office of the Paying Agent.

The Bonds shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson of the Board and attested with the official manual or facsimile signature of the County Auditor and shall have the County's seal impressed or printed thereon, and shall be fully registered Bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. Each Bond shall be transferable only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 7. Notwithstanding anything above to the contrary, the Bonds shall be issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the "Participants"). In the event that DTC determines not to continue to act as securities depository for the Bonds or the County determines not to continue the book-entry system for recording ownership interests in the Bonds with DTC, the County will discontinue the book-entry system with DTC. If the County does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the County will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the County identifies a qualified securities depository to replace DTC, the County will register and deliver replacement bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Bonds.

Ownership interest in the Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive certificated Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the County to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The County will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for whom they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for whom the Participant acquires an interest in the Bonds.

DTC will receive payments from the County, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the County to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Bonds acquired. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except as specifically provided herein. Interest and principal will be paid when due by the County to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 8. The Bonds shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF IOWA

MARION COUNTY

GENERAL OBLIGATION COUNTY BUILDING AND REFUNDING BOND,
SERIES 2010

No. _____

\$ _____

RATE

MATURITY DATE

BOND DATE

CUSIP

_____ %

June 1, _____

April 22, 2010

Marion County (the "County"), Iowa, for value received, promises to pay on the maturity date of this Bond to

or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of the Bankers Trust Company, Des Moines, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2010, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on this Bond is payable to the registered owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date, and shall be paid by check or draft mailed to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Bond is one of a series of General Obligation County Building and Refunding Bonds, Series 2010 (the "Bonds"), issued in the aggregate principal amount of \$1,020,000 by the County to evidence its obligation under a certain Loan Agreement, dated as of April 22, 2010 (the "Loan Agreement"), entered into by the County for the purpose of acquiring a building to house County offices and related non-profit services, and of refunding the County's outstanding General Obligation Courthouse Improvement Bonds, Series 2003, dated November 1, 2003.

The Bonds are issued pursuant to and in strict compliance with the provisions of Sections 331.402(3) and 331.443 of the Code of Iowa, 2009, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of the Bonds (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The County reserves the right to prepay part or all of the Bonds maturing on June 1, 2019, prior to and in any order of maturity, on June 1, 2018, or on any date thereafter, upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000. If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the County's registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the County reserves and exercises the right of redemption and as to

which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the County in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The County, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the County, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Bond as the same will respectively become due; that the faith, credit, revenues and resources and all the real and personal property of the County are irrevocably pledged for the prompt payment hereof, both principal and interest; and that the total indebtedness of the County, including this Bond, does not exceed any constitutional or statutory limitations.

In Testimony Whereof, Marion County, Iowa, by its Board of Supervisors, has caused this Bond to be sealed with the facsimile of its official seal, to be executed with the duly authorized facsimile signature of its Chairperson and attested with the duly authorized facsimile signature of its County Auditor, all as of April 22, 2010.

MARION COUNTY, IOWA

By (DO NOT SIGN)
Chairperson, Board of Supervisors

Attest:

(DO NOT SIGN) (Seal)
County Auditor

Registration Date: (Registration Date)

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Resolution.

BANKERS TRUST COMPANY
Des Moines, Iowa
Registrar

By (Authorized Signature)
Authorized Officer

ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM	-	as tenants in common	UTMA _____
TEN ENT	-	as tenants by the entireties	(Custodian)
JT TEN	-	as joint tenants with right of survivorship and not as tenants in common	As Custodian for _____ (Minor) under Uniform Transfers to Minors Act _____ (State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 9. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration, authentication and delivery to or upon the direction of the Purchaser, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement and the sale of the Bonds is hereby ratified and confirmed in all respects.

Section 10. Bankers Trust Company, Des Moines, Iowa, as Registrar and Paying Agent for the Callable 2003 Bonds, is hereby authorized to take all action necessary to call the Callable 2003 Bonds for early redemption as of April 22, 2010 (the "Redemption

Date”), and is further authorized and directed to give notice of such redemption to each of the registered owners of the Callable 2003 Bonds to be redeemed, at the addresses shown on the County’s registration books, not less than 30 days prior to the Redemption Date.

Section 11. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Bonds as it falls due, and also to pay and discharge the principal thereof at maturity, there be and there is hereby ordered levied on all the taxable property in the County in each of the years while the Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there be and there is hereby levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2010, sufficient to produce the net annual sum of \$98,000;

For collection in the fiscal year beginning July 1, 2011, sufficient to produce the net annual sum of \$164,665;

For collection in the fiscal year beginning July 1, 2012, sufficient to produce the net annual sum of \$167,780;

For collection in the fiscal year beginning July 1, 2013, sufficient to produce the net annual sum of \$165,230;

For collection in the fiscal year beginning July 1, 2014, sufficient to produce the net annual sum of \$92,230;

For collection in the fiscal year beginning July 1, 2015, sufficient to produce the net annual sum of \$95,430;

For collection in the fiscal year beginning July 1, 2016, sufficient to produce the net annual sum of \$93,305;

For collection in the fiscal year beginning July 1, 2017, sufficient to produce the net annual sum of \$95,925;

For collection in the fiscal year beginning July 1, 2018, sufficient to produce the net annual sum of \$98,135.

Section 12. A certified copy of this resolution shall be filed with the County Auditor, and the Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever. Any amount received by the County as accrued interest on the Bonds shall be deposited into such special account and used to pay interest due on the Bonds on the first interest payment date.

Section 13. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current available funds of the County in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced. The County hereby pledges the faith, credit, revenues and resources and all of the real and personal property of the County for the full and prompt payment of the principal of and interest on the Bonds.

Section 14. It is the intention of the County that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and

all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Bonds as “Qualified Tax Exempt Obligations” as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 15. The Securities and Exchange Commission (the “SEC”) has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the “Rule”) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, an underwriter has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding.

On the date of issuance and delivery of the Bonds, the County will execute and deliver a Continuing Disclosure Certificate pursuant to which the County will undertake to comply with the Rule. The County covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.

Section 16. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved March 22, 2010.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 10:12 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

Call to Order: The Marion County Board of Supervisors met for a special session on March 16, 2010, with Jim Kingery, Sam L. Nichols, and Howard Pothoven. Chairman Pothoven opened the meeting at 9:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Nichols, Pothoven Nays: none Abstentions: none. Absent: none

Agenda:

1.) Nichols moved and Kingery seconded to approve the agenda as posted.

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/17** to enter into an agreement with the Union Pacific Railroad regarding the removal and replacement of the bridges over the Union Pacific railroad at Virginia and Vermont Streets as follows:

Whereas, Marion County will be requesting bids for the replacement of a bridge on Virginia St. East of County road S 45 over the Union Pacific Railroad and;

Whereas, plans for the project have been completed and;

Whereas: the work involves construction over and on the Union Pacific Railroad and;

Whereas, an agreement between Marion County and the Union Pacific Railroad has been prepared,

Now Therefore, Be It Resolved that the Marion County Board of Supervisors authorizes the board chair and the county engineer be authorized to enter into the agreement and execute the provisions of the agreement.

Other Business:

1.) Denise Emal, Marion County Treasurer, gave a brief overview of the request to negotiate the accrued property taxes and penalties on a "building on leased land" (BLL) in the Flagler area. The BLL has recently had a series of owners and is currently unoccupied. There are also several issues regarding the BLL from the Environmental Health, Zoning, Assessor, and Secondary Road Departments. Cory Frank, Marion County Environmental Health Director, proposed a property tax settlement with the new owner, Beneficial Homes that would include the BLL being moved from the land it sits on. Frank believed that would be beneficial to all parties. Jim Kingery, Board of Supervisor, asked if the land owner would be liable for any remaining environmental issues. Frank could not comment directly without visiting the property again after all the snow was melted. Emal felt this was a good idea and did not set a dangerous precedent due to the unique circumstances. Howard Pothoven, Board of Supervisor, indicated he would like at least a 30 day window for the BLL to be removed after the taxes were paid current. Nichols moved and Kingery seconded to authorize a property tax settlement of not less than \$5,000, with the penalties waived, and having the BLL removed in less than 30, not to exceed 60, weather permitting days with Beneficial Homes regarding this BLL parcel in Flagler. A tax clearance will be issued to the interested party to remove the BLL upon payment of the tax principal amount approved by the Board of Supervisors to the County Treasurer.

Adjournment:

1.) Nichols moved and Pothoven seconded to close the meeting at 9:25 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

Call to Order: The Marion County Board of Supervisors met for a special session on March 10, 2010, with Jim Kingery, Sam L. Nichols, and Howard Pothoven. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Nichols, Pothoven Nays: none Abstentions: none. Absent: none

Agenda:

1.) Kingery moved and Nichols seconded to approve the agenda as posted.

Public Hearing: Open – Chairman Pothoven

1.) Marion County Board of Supervisors – Proposed Marion County Budget for July 1, 2010 through June 30, 2011. Chairman Pothoven presented the FY11 proposed budget. There were no written comments received by the Auditor's Office. There being no further public comments, Nichols moved and Kingery seconded to close the public hearing.

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/15** to consider adoption of Marion County Budget for the fiscal year beginning July 1, 2010 and ending June 30, 2011 per Iowa Code 331.435 as follows:

Whereas, IA Code 331.435 requires that after a budget hearing, the Marion County Board of Supervisors shall adopt by resolution a budget, and;

Whereas, the Marion County Board of Supervisors has met the budget publication requirements in IA Code 331.435 through publication in the Marion County News, Knoxville Journal-Express, and Pella Chronicle, and;

Whereas, the Marion County Board of Supervisors has met the budget hearing requirements in IA Code 331.435 through the public hearing held on 3/10/10 at 9:30 AM;

Therefore, Be It Resolved, on the 10th day of March 2010, the Marion County Board of Supervisors hereby adopts by resolution the County Budget for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

2.) Nichols moved and Kingery seconded to approve **Resolution 10/16** designating the placement of property tax relief funds in Marion County, Iowa, from Local Option Sales Tax Revenues as follows:

Whereas, the voters of Marion County, Iowa approved the imposition of certain local option taxes beginning January 1, 2004 in the unincorporated areas of the County at an election on September 30, 2003; and

Whereas, the Board of Supervisors of Marion County, Iowa, declared its intention to pledge fifty percent (50%) of said local option sales and service tax revenues to be allocated for property tax relief and fifty percent (50%) for capital improvement projects .

Now, Therefore Be It Resolved by the Board of Supervisors of Marion County, Iowa, that the Local Option Sales Tax Revenues designated as the Property Tax Relief for the FY10-11 Marion County Budget be deposited as following:

- 1.) General Fund – 23%
- 2.) General Supplemental Fund – 11%
- 3.) Rural Supplemental Fund – 16%

Passed and adopted this 10th day of March, 2010.

Other Business:

1.) Jeff Anderson, Marion County Emergency Management Coordinator, and Steve McCombs, Marion County Engineer's Office, briefed the Board on the potential sandbagging logistics in case of flooding in Marion County. Anderson explained sandbags could be obtained at no charge from the State to use for critical asset protection only in the townships or a city, but those bags could not be used for private purposes. The County could purchase an inventory of bags to make available for private use. The Secondary Road Department could also supply sand in township designated areas for private use. Anderson indicated a desire to write and approve a long term sandbag policy for the County. He would also like to communicate with the cities in the county regarding rules and processes. Nichols moved and Kingery seconded to

authorize the Emergency Management Coordinator to purchase up to 20,000 sandbags and sand as needed for private use in the townships of Marion County.

Adjournment:

1.) Pothoven moved and Nichols seconded to close the meeting at 10:14 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session March 8, 2010, with Howard Pothoven and Jim Kingery present. Sam L. Nichols was excused. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery Nays: none Abstentions: none. Absent: Nichols

Agenda:

Kingery moved and Pothoven seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Pothoven moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 2/22/10
2. Approval of Special Session Board of Supervisor Minutes – 3/2/10
3. Approval of Marion County Warrants #176498 - #176730 through March 8, 2010.

Kingery commented he had spoken with Betty Moll, Marion County CPC, regarding payments for mental health services. Moll voiced her displeasure to the Board regarding individuals receiving mental health services not completing required the CPC applications. This then makes it difficult for her to determine legal settlement. She also indicated she did not believe she should have to pay for the individual services if they did not complete the proper paperwork. The difficulty is the individuals have already received the service. Discussion ensued if payment could be withheld from the service provider. Moll indicated she just wanted direction from the board. Pothoven indicated payment should probably not be withheld from a provider based on previous county attorney advice. He indicated they should work together to follow up on this situation. Kingery wanted to make sure to try and get the individuals to complete the proper paperwork.

Public Hearings: None

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions:

1.) Kingery moved and Pothoven seconded to approve **Resolution 10/13** to fix a date for a public hearing on a General Obligation Refunding Loan Agreement refunding Marion County General Obligation Courthouse Improvement Bonds, Series 2003 as follows:

Whereas, the Board of Supervisors of Marion County, Iowa (the "County"), pursuant to a resolution of the Board adopted on October 15, 2003 (the "2003 Bond Resolution"), previously issued its \$600,000 General Obligation Courthouse Improvement Bonds, Series 2003, dated November 1, 2003 (the "2003 Bonds"), a portion of which remain outstanding; and

Whereas, pursuant to the 2003 Bond Resolution, the Board reserved the right to call the 2003 Bonds maturing in the years 2010 to 2014 (the "Callable 2003 Bonds"), inclusive, on any date on or after June 1, 2009, for early redemption; and

Whereas, the Board now proposes to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$300,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of refunding the Callable 2003 Bonds; and

Whereas, it is necessary to fix a date of meeting of this Board at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa, as follows:

Section 1. The Board shall meet on the 22nd day of March, 2010, at the Marion County Courthouse, Knoxville, Iowa, at 9:30 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than four nor more than twenty days before the meeting, in a legal newspaper of general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE
PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$300,000

The Board of Supervisors of Marion County, Iowa, will meet on the 22nd day of March, 2010, at the Marion County Courthouse, Knoxville, Iowa, at 9:30 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$300,000 for the purpose of paying the cost, to that extent, of refunding the outstanding balance of the County's General Obligation Courthouse Improvement Bonds, Series 2003, dated November 1, 2003, maturing in the years 2010 to 2014, inclusive.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Marion County, Iowa.

Jake Grandia
County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved March 8, 2010.

2.) Kingery moved and Pothoven seconded to approve **Resolution 10/14** intent to vacate a portion of Vermont Drive in the area of the Union Pacific RR as follows:

Whereas, Marion County in cooperation with the Union Pacific Railroad is proposing a project on Virginia Street to replace the bridge over the Union Pacific Railroad in Section 25/26- 35/36 T74 R21 in Marion County Iowa and;

Whereas, the bridge on Virginia Street will provide adequate access for traffic in the area and;

Whereas, Marion County will no longer have a need for the road segment of Vermont Street from 60th Avenue to the West Right of Way line of the Union Pacific Rail Road;

Now Therefore Be It Resolved by the Board of Supervisors of Marion County, Marion County intends to vacate the Right of Way of Vermont Street from 60th Avenue to the West Right of Way Line of the Union Pacific Rail Road in Section 25/26- 35/36 T74N R21W in Marion County, Iowa at the completion of the construction of the bridge on Virginia Street.

Other Business:

- 1.) Kingery moved and Pothoven seconded to approve a three (3) year contract with Hunt & Associates for auditing services as required by Iowa Code for fiscal years FY10, FY11, and FY12.
- 2.) Kingery moved and Pothoven seconded to authorize Howard Pothoven, Marion County Board Chair, to sign a letter of support to the U.S. Office of Surface Mining regarding reclaiming 61 acres of the Goff AMI, abandoned mine land, site in Marion County.
- 3.) Pothoven moved and Kingery seconded to approve a professional services agreement with Snyder & Associates, Inc. related to the proposed Marion County building remodel located at 2003 N. Lincoln, Knoxville, IA 50138.
- 4.) Pothoven moved and Kingery seconded to table Other Business Item #4, Approve/Deny contract proposal from Capstone Behavioral Healthcare, Inc. for mental health services from a period of January 1, 2010 through June 30, 2011, until Attachment D referenced in the contract is reviewed.

5.) Mike Wilkinson, Iowa Workforce Development, asked the Board to assist him in finding applicants for potential membership on the Regional Workforce Investment Board (RWIB). Potential applicants must complete an application form. Appointments will be made to RWIB by the governor. There will be no further action required by the Board of Supervisors. The State will still be financially responsible and Des Moines Area Community College will continue to act as fiscal agent. Kingery moved and Pothoven seconded to end discussion on item #5.

6.) Pothoven moved and Kingery seconded to approve a Service Agreement for Juvenile Detention Services with Central Iowa Juvenile Detention Center in Eldora, Iowa.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Pothoven seconded the meeting be adjourned at 10:36 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on March 2, 2010, with Jim Kingery, Sam L. Nichols, and Howard Pothoven. Chairman Pothoven opened the meeting at 9:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Nichols, Pothoven Nays: none Abstentions: none. Absent: none

II. Agenda:

- 1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1.) Howard Pothoven, Marion County Board of Supervisor, indicated the County had been approached by a representative of Iowa Workforce Development (IWD) to have Marion County become a member of the Regional Workforce Investment Board (RWIB). Pothoven then presented an overview of the Regional Workforce Investment Board and how it came into operation. He indicated a representative from IWD would be coming to the next Board of Supervisor meeting to discuss the opportunity and answer questions. Kingery moved and Nichols seconded to end discussion on item #1.

2.) Betty Moll, Marion County Central Point Coordinator, presented the Board with a proposed contract from Capstone Behavior Services, Inc. to act as the County's designated mental health provider and provide required mental health services. Moll indicated this agreement was not for substance abuse services. There is a monthly access fee along with a fee for service structure. The County will also provide office space rental assistance. Mike Herring, Capstone Behavior Services, Inc., will be present at the next Board of Supervisor meeting to answer questions. Nichols moved and Kingery seconded to end discussion on item #2.

3.) Howard Pothoven, Marion County Board of Supervisor, indicated the Board was in the process of attempting to purchase a building to house Marion County Public Health along with some related services. Pothoven then asked Jake Grandia, Marion County Auditor, to give a status overview of the proposed project to the Board. Grandia stated there were three areas of interest in different stages for the proposed project: financing, purchase, and construction/remodel. Public hearing and approval of \$750,000 in general obligation bonds has taken place. The bonds will be sold in April. An offer to purchase has been authorized and signed for \$440,000 with Iowa State Savings Bank for the property located at 2003 N. Lincoln, Knoxville, IA. An agreement for engineering services with Snyder & Associates will be on the next Board agenda for the construction/remodel process of the project. Nichols moved and Kingery seconded to end discussion on item #3.

4.) Howard Pothoven, Marion County Board of Supervisor, asked Denise Emal, Marion County Treasurer, to brief the Board on her request to waive the penalties on delinquent taxes for a building on leased land in the town of Flagler. Emal indicated an individual was trying to purchase the building on leased land and had requested to have the penalties waived. This request then led several other county departments to look into the property. There were several deficiencies regarding environmental health, zoning, and right of way. The Board asked Cory Frank, Marion County Environmental Health Director, to research the situation and bring the Board a recommendation. Nichols moved and Kingery seconded to end discussion on item #4.

IV. Adjournment:

- 1.) Pothoven moved and Nichols seconded to close the meeting at 10:08 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Board of Supervisors Chair

The Marion County Board of Supervisors met in regular session February 22, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Kingery and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 2/8/10
2. Approval of Special Session Board of Supervisor Minutes – 2/5/10
3. Approval of Marion County Warrants #176295 - #176495 through February 22, 2010.
4. Approval of Marion County Conservation warrants #154214 - #154214 through 02/16/10.

Kingery commented he had spoken with Betty Moll, Marion County CPC, regarding payments for substance abuse services. Moll wants to speak with the Board regarding pursuing repayment by Marion County residents for substance abuse treatment payments made by the County. Pothoven indicated that was a good idea and it would be discussed at a future special session.

Public Hearings: Open – Chairman Pothoven

1.) Board of Supervisors - The Board of Supervisors of Marion County, Iowa, held a public hearing for the purpose of instituting proceedings and taking action to enter into a loan agreement in a principal amount not to exceed \$750,000 for the purpose of paying the cost, to that extent, of acquiring a building to house County offices and related nonprofit services. Chairman Pothoven briefed the public on the proposed issuance to cover acquisition and finishing costs of the building. Questions were received from Fred and Sandy Agan. Pothoven indicated the building could be used by Marion County Public Health, Marion County Environmental Health, Capstone, Red Rock Community Action, and Public Transit. The proposed building is the old Farm and Home building in Knoxville. The bank wants \$440,000 for the building. Pothoven commented there would be additional costs to finish the building. Kim Dorn, Marion County Public Health Director, commented on how the building would be advantageous to the County by having all services under one roof instead of scattered in several buildings. Sandy Agan commented she agreed in principle with the idea but still had concerns about the additional required \$0.07 debt levy for the new issuance of bonds. Supervisor Kingery indicated he had mixed emotions but agreed in principle. There were no written comments received by the Board. There being no further comments, Kingery moved and Nichols seconded to close the public hearing.

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions:

1.) Nichols moved and Pothoven seconded to approve **Resolution 10/11** expressing intent to authorize Loan Agreement and the issuance of General Obligation County Building Bonds in an amount not to exceed \$750,000 and providing for the levy of taxes to pay the same as follows:

Whereas, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") of Marion County, Iowa (the "County"), has heretofore proposed to contract indebtedness and enter into a loan agreement in a principal amount not to exceed \$750,000 to provide funds to pay the cost, to that extent, of acquiring a building to house County offices and related nonprofit services (the "Loan Agreement"), and has published notice of the proposed action and has held a hearing thereon; and

Whereas, it is necessary at this time for the Board to express its intent to authorize the Loan Agreement and express its intent to issue General Obligation County Building Bonds in a principal amount not to exceed \$750,000 (the "Bonds") to be issued in the future in evidence of the obligation of the County under the Loan Agreement;

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa, as follows:

Section 1. The Board hereby determines to enter into the Loan Agreement in the future, providing for a loan to the County in a principal amount not to exceed \$750,000 for the purpose set forth in the preamble hereof.

Section 2. The Board also determines to issue the Bonds in a principal amount not to exceed \$750,000 in evidence of the County's obligation under the Loan Agreement at the time such funds are needed.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds, there is hereby ordered levied on all the taxable property in the County a direct annual tax for collection in the fiscal year beginning July 1, 2010, sufficient to produce the net annual sum of \$98,000.

Section 4. A certified copy of this resolution shall be filed with the County Auditor, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

2.) Nichols moved and Pothoven seconded to approve **Resolution 10/12** authorizing the Chairman of the Marion County Board of Supervisors to extend an offer to purchase for a building to house County services and other related services as follows:

Whereas, Marion County is in need of more space for Public Health programs, services and storage, and

Whereas, Marion County can utilize an available property, and

Whereas, Marion County could utilize the total property to offer services more efficiently, and

Whereas, it is in the best interest of the citizens of Marion County to purchase a property to alleviate the Public Health needs.

Now Therefore Be It Resolved by the Marion County Board of Supervisors to authorize the Chairman of the Marion County Board of Supervisors to extend a not to exceed \$440,000 offer to purchase a building for County offices and other related services located at 203 N Lincoln, Knoxville, Iowa.

Other Business:

1.) Nichols moved and Kingery seconded to approve a revision to the 2010-2013 Transportation Improvement Program and Marion County Five Year Program to move project BROS-C63(98)—8J-63 from FY11 to FY10. Revision involves design and ROW acquisition for replacement of bridge #58190650 with a box culvert on Oregon Drive west of 192nd Place.

2.) Scott Thomas, South Central Youth and Family Services, presented an annual usage report for Marion County residents in his facility. Discussion ensued regarding placement processes, method of invoice/payment, fee for service, and the 28E Agreement. Pothoven asked to receive a copy of the facilities budget. He also indicated he felt they should further research the usage of the facility versus the cost to the County. Nichols moved and Kingery seconded to end the discussion.

3.) Sara Bixby, South Central Solid Waste Agency Director, presented an annual update on the landfill's operations. Bixby indicated the new cell construction has been completed, they had a long term budget, and the closure financial assurance has been satisfied. They are also dealing with DNR requirements for groundwater monitoring. Nichols moved and Kingery seconded to end the discussion.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Kingery moved and Nichols seconded the meeting be adjourned at 10:53 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session February 8, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Kingery and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 1/25/10
2. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor’s Office.
3. Approval of Marion County Warrants #176036 - #176265 through February 8, 2010.
4. Approval of work beyond Right-of-Way Agreement between Sec. Road Dept. and Paul Jordon.

Public Hearings: None

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions:

1.) Nichols moved and Pothoven seconded to approve **Resolution 10/10** setting public hearing date on entering into a general obligation loan agreement for the acquisition of a building to house county offices and related nonprofit services as follows:

Whereas, the Board of Supervisors of Marion County, Iowa (the “County”), proposes to enter into a loan agreement (the “Loan Agreement”) in a principal amount not to exceed \$750,000, pursuant to the provisions of Section 331.402 of the Code of Iowa, for the purpose of paying the cost, to that extent, of acquiring a building to house County offices and related nonprofit services; and

Whereas, it is necessary to fix a date of meeting of this Board at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa, as follows:

Section 1. This Board shall meet on the 22d day of February, 2010, at the Marion County Courthouse, Knoxville, Iowa, at 9:30 o’clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than four nor more than twenty days before the meeting, in a legal newspaper of general circulation in the County.

The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE
 PROCEEDINGS TO ENTER INTO A GENERAL OBLIGATION LOAN AGREEMENT
 IN A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000

The Board of Supervisors of Marion County, Iowa, will meet on the 22d day of February, 2010, at the Marion County Courthouse, Knoxville, Iowa, at 9:30 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$750,000 for the purpose of paying the cost, to that extent, of acquiring a building to house County offices and related nonprofit services.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the Board of Supervisors may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Marion County, Iowa.

Other Business:

1.) Nichols moved and Kingery seconded to approve a tax suspension for FY10/11 for the following parcel in Marion County:
a.) 12582-005-00

2.) Darin Thompson, Department of Human Services, presented a list of requests for maintenance at the Marion County DHS building including roof leak repair, septic system issues, new flooring, and secure storage. Supervisor Kingery was assigned the task of following up on these requests and bringing any necessary information back to the Board for consideration. Nichols moved and Kingery seconded to end the discussion.

3.) Barb Adam, Community Care Inc. Marion County Care Facility Director, presented a 2 year update on the operations of the Marion County Care Facility. Adams indicated CCI was pleased with the results of the first years of operations. The facility has been updated and is operating at capacity. They are expanding into Day Habilitation, Living Skills, and Supported Community Living. The facility also has formed a relationship with Knoxville Area Community Hospital and Capstone for onsite weekly services. Adams indicated the only remaining needs would be to repair or remove the outbuildings on the facility grounds. The Board indicated they were very pleased with the operations and conditions of the facility.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Nichols moved and Kingery seconded the meeting be adjourned at 10:28 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on February 5, 2010, with Jim Kingery and Sam L. Nichols present. Howard Pothoven was excused. Vice-Chairman Nichols opened the meeting at 9:00 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Kingery, Nichols Nays: none Abstentions: none. Absent: Pothoven

II. Agenda:

- 1.) Kingery moved and Nichols seconded to approve the agenda as posted.

III. Other Business:

1.) Jake Grandia, Marion County Auditor, presented the FY 10/11 departmental budget to the Board after departmental adjustments to expense and revenue. The Board then discussed the current proposed fund balances after the adjustments. Alternatives were discussed in how to proceed with the budgeting process. The Compensation Board recommendation was discussed in relationship to the entire budget. Kingery asked to see the budget with a 40% reduction of the Compensation Board recommendation of elected official salary increases. The Board was pleased with the present level of projected fund balances and levies and indicated no further departmental adjustments should be required. Kingery moved and Nichols seconded to end discussion on item #1.

IV. Adjournment:

- 1.) Kingery moved and Nichols seconded to close the meeting at 10:00 A.M.

Jake Grandia, Marion County Auditor

Sam L Nichols, Vice-Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session January 25, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: none

Agenda:

Nichols moved and Kingery seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Kingery and Nichols seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 1/11/10
2. Approval of Special Session Board of Supervisor Minutes – 01/11/10, 01/20/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor’s Office.
4. Approval of Marion County Warrants #175837 - #176035 through January 25, 2010.

Public Hearings: None

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions: None

Other Business:

1.) Nichols moved and Kingery seconded to receive information from Wendy Street regarding libraries in Marion County. Chairman Pothoven indicated the FY10-11 budget proposal maintained the current funding level of \$80,000, but would have to be approved in the final budget.

Appointments: None

Closed Session: None

Adjournment:

There being no other business, Pothoven moved and Kingery seconded the meeting be adjourned at 9:41 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on January 20, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: None

II. Agenda:

- 1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1.) Jake Grandia, Marion County Auditor, presented the FY 10/11 departmental budget requests to the Board. The Board then discussed the proposed fund balances due to the requests. Alternatives were discussed in how to proceed with the budget process including across the board percentage cuts to certain funds or raising levies.

IV. Adjournment:

- 1.) Kingery moved and Nichols seconded to close the meeting at 10:58 P.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chair Board of Supervisors

I. Call to Order: The Marion County Board of Supervisors met for a special session on January 11, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 1:00 P.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: None

II. Agenda:

- 1.) Nichols moved and Kingery seconded to approve the agenda as posted.

III. Other Business:

1. Monthly departmental updates:
 - a. Karen Schwaneback –Recorder
 - i. 2009 recording documents totals up from 2008 totals
 - ii. Boat registrations due in April and are still done in-house
 - iii. DNR license totals are up.
 - b. Missy Poffenbarger - Zoning
 - i. Received initial draft of proposed zoning regulation ordinance from Snyder and Associates
 - ii. Dept has received 4 new subdivision requests
 - iii. Building permits requests up from summer months
 - iv. Dept is looking for a new zoning board member
 - c. John McCoy – E911
 - i. Budget has been prepared and hearing date set
 - ii. Trying to interpret the new administration rules for voting membership on E911 Board
 - d. Ron Goemaat – Sheriff
 - i. Bobbi Bassett retiring after 24.5 hours in law enforcement in Marion County
 - ii. Civil Service conducting tests for hiring new deputy
 - iii. Reviewing Corp of Engineer's contract for summer hours
 - e. Mike Kuhn – General Relief / Veteran's Affairs
 - i. GA – seeing new clients – limiting clients to 3 assistance payments
 - ii. VA – Veteran's Day will be observed at the Capitol in Des Moines
 - f. Ken Thrailkill – Maintenance
 - i. Sewer problems at the DHS building have been repaired for now
 - ii. Obtaining fire alarm quotes for county buildings
 - iii. Working on dialer for fire alarm in the Courthouse
 - iv. Working on roof leak on East roof of Courthouse
 - g. Betty Moll – CPC
 - i. No news on Mount Pleasant Mental Health Institute
 - ii. No news on State Supported Payment process from the State
 - iii. Experience Works employee will continue in office through March
 - h. Jeff Anderson – Emergency Management
 - i. Working on 2nd quarter Hazard Mitigation Plan
 - ii. Work in process for final conversion on Interoperable Radio System
 - i. Kim Dorn – Public Health
 - i. H1N1 clinics continuing
 - ii. Grant writing season is beginning – competitive year
 - iii. Elderly Nutrition program filled Pella site manager position
 - j. Cory Frank – Environmental Health
 - i. Tracy Sewer Project – need signature for agreement to send to Mahaska Rural Water
 - ii. Pershing/Attica – needs DNR assignment
 - iii. Radon action month – free test kits available

IV. Adjournment:

- 1.) Kingery moved and Nichols seconded to close the meeting at 1:38 P.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session January 11, 2010, with Howard Pothoven, Jim Kingery, and Sam L. Nichols present. Chairman Pothoven opened the meeting at 9:30 A.M.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:

Ayes: Pothoven, Kingery, Nichols Nays: none Abstentions: none. Absent: none

Agenda:

Kingery moved and Nichols seconded to approve the agenda as posted.

Communications: None

Consent Agenda:

Nichols moved and Kingery seconded to approve the consent agenda as follows:

1. Approval of Regular Board of Supervisor Minutes – 12/28/09
2. Approval of Special Session Board of Supervisor Minutes – 01/04/10
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Warrants #175592 - #175800 through January 11, 2010.
5. Approval of Work Beyond Right of Way Agreement with the Sec Road Dept and Don Long.

Public Hearings: None

Public Comments: None

Zoning Items: None

Ordinances: None

Resolutions:

1.) Nichols moved and Kingery seconded to approve **Resolution 10/07** regarding the "Construction Evaluation" as follows:

Whereas, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

Whereas, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

Whereas, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

Whereas, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2010 and January 31, 2011 and submit an adopted recommendation regarding that application to the DNR; and

Whereas, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

Now, Therefore, Be It Resolved By The Board Of Supervisors Of Marion County that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

2.) Nichols moved and Kingery seconded to approve **Resolution 10/08** supporting Marion County Health Board efforts towards compliance with Iowa Public Health Standards as follows:

Whereas, the Iowa Public Health Standards provide a consistent, accountable approach to promoting and protecting the health of Iowans, and

Whereas, local boards of health have responsibility for public health matters, and

Whereas, Boards of Supervisors appoint boards of health to determine what public health services to provide and how to provide them within their jurisdictions,

Whereas, the Marion County Board of Health would like to begin preparations for meeting the public health standards in Marion County, and

Now Therefore be it Resolved by the Board of Supervisors of Marion County, Iowa that the Marion County Board of Supervisors supports the Marion County Board of Health's efforts in moving toward compliance with the Iowa Public Health Standards.

3.) Kingery moved and Nichols seconded to approve **Resolution 10/09** approving entering into the South Central Iowa Interagency Drug Task Force Mutual Aid Agreement as follows:

Whereas, the Counties of Appanoose, Lucas, Monroe, Wayne, Marion Clarke, Union, Ringgold, Decatur, and Madison and the City of Centerville, Albia, Chariton, and Creston purpose to enter into the South Central Iowa Interagency Drug Task Force Mutual Aid Agreement under the joint exercise of governmental powers authority under the Iowa Code; now therefore.

Be It Resolved by the Board of Supervisors of Marion County, Iowa, that the Chairman and the Board of Supervisors are herewith authorized and directed to execute the South Central Iowa Interagency Drug Task Force Mutual Aid Agreement.

Be It Further Resolved, that upon the effective date thereof the Marion County Sheriff and his subordinates of the County of Marion are authorized and directed to fulfill and perform the terms and conditions of said agreement.

Be It Further Resolved, that the Board of Supervisors of Marion County, Iowa shall forward a copy of this resolution to the other cities and counties involved there in and further upon execution of the agreement by all parties, that a copy be filed with all parties and such other offices as may be required under Chapter 28E of the Iowa Code.

Other Business:

- 1.) Nichols moved and Kingery seconded to receive and file the FY 10/11 Marion County Compensation Board recommendations.
- 2.) Nichols moved and Kingery seconded to authorize the Board Chairman to sign a letter of support for the Watershed Improvement Review Board (WIRB) application regarding the Goff Creek Watershed in Marion County.
- 3.) Kingery moved and Kingery seconded to approve a Federal Aide Agreement for County Highway Bridge Program Project BROS-CO63(98)—8J-63 on Oregon Street.

Appointments: Kingery moved and Nichols seconded to approve the following appointments:

- 1.) Board of Health – Jaime Meyer – term ending 12/31/2012
- 2.) Board of Health – Dr. Brian Schaeffer – term ending 12/31/2010
- 3.) Board of Health – Pat Stockton – term ending 12/31/2012
- 4.) Area Aging Resources (Advisory Council) – Marilyn Miller – term ending 12/31/2012
- 5.) Greenbelt Commission – Steve Edwards – term ending 12/31/2010
- 6.) Marion County Development Commission – Alan Terpstra – term ending 06/30/2011
- 7.) Marion County Safety Coordinator – HR Director Dave Hansen – term ending 12/31/2010
- 8.) Memorial Hall Commission – Pella – Paul Simons – term ending 12/31/2011
- 9.) Memorial Hall Commission – Pella – Alan Naaktgeboren – term ending 12/31/2011
- 10.) Memorial Hall Commission – Pella – Gerrit Van Hal – term ending 12/31/2012
- 11.) Memorial Hall Commission – Pella – Alvin Van Zee – term ending 12/31/2012
- 12.) Memorial Hall Commission – Knoxville – Terry Foster – term ending 12/31/2012
- 13.) Memorial Hall Commission – Knoxville – Ed McDonald – term ending 12/31/2012
- 14.) Memorial Hall Commission – Pleasantville – Leland Vander Linden – term ending 12/31/2012
- 15.) Memorial Hall Commission – Pleasantville – Dennis Harkin – term ending 12/31/2012
- 16.) Memorial Hall Commission – Bussey – Ted Spaur – term ending 12/31/2012
- 17.) Memorial Hall Commission – Bussey – Dave McCombs – term ending 12/31/2012

Closed Session: None

Adjournment:

There being no other business, Pothoven moved and Nichols seconded the meeting be adjourned at 9:46 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors

The Marion County Board of Supervisors met January 04, 2010, for their annual organizational meeting with Howard Pothoven, Jim Kingery, and Sam L. Nichols present.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote:
Ayes: Pothoven, Kingery, and Nichols Nays: none. Abstentions: none. Absent: none

Jake Grandia, Marion County Auditor, called the meeting to order at 9:30 A.M. Grandia then entertained motions for Chairman of the Marion County Board of Supervisors for the year of 2010. Kingery moved and Nichols seconded for approval of Howard Pothoven as 2010 Marion County Board of Supervisor Chairman with authorization to sign for Official County Business.

Chairman Pothoven then assumed leadership of the meeting.

Kingery moved and Pothoven seconded for approval of Sam L. Nichols as 2010 Vice-Chairman of the Marion County Board of Supervisors with authorization to sign for Official County Business.

Nichols moved and Kingery seconded the official meetings of the Board of Supervisors be set for the 2nd and 4th Mondays of every month at 9:30 A.M. unless it lands on an official holiday thus making the meeting on the following Tuesday.

Pothoven moved and Kingery seconded that per their Official Requests, The Marion County News, Pella Chronicle, and Knoxville Journal Express be named the Official Newspapers for the County's publications.

Kingery moved and Nichols seconded the approval of depository **Resolution 10/01** as follows:

RESOLVED, that the Marion County Board of Supervisors of Marion County in Marion County, Iowa, approves the following list of financial institutions to be depositories of the Marion County funds in conformance with all applicable provisions of Iowa Code Chapters 452 and 453 (1983), as amended by 1984 Iowa Acts, S.F. 2220. The Named Offices and Officers is hereby authorized to deposit the Marion County funds in amounts not to exceed the maximum approved for each respective financial institution as set out below.

DEPOSITORY NAME	LOCATION OF HOME OFFICE	MAXIMUM BALANCE IN EFFECT UNDER PRIOR RESOLUTION	MAXIMUM BALANCE IN EFFECT UNDER THIS RESOLUTION
County Auditor Wells Fargo Bank Iowa N.A. M.C. Emp Acct.	Knoxville	50,000	50,000
County Auditor Wells Fargo Bank Iowa N.A. M.C. Dental Insurance Acct	Knoxville	100,000	100,000
County Auditor Iowa State Savings Bank Eureka Cemetery Trust	Knoxville	5,000	5,000
County Auditor Iowa State Savings Bank M.C. Fully Fund Health Ins	Knoxville	250,000	250,000
County Auditor Iowa State Savings Bank M.C. Vision Insurance Acct	Knoxville	50,000	50,000
County Recorder Wells Fargo Bank Iowa N.A.	Knoxville	100,000	100,000
County Recorder Iowa State Savings Bank	Knoxville	30,000	30,000
County Recorder Wells Fargo Bank Iowa N.A. Vitals	Knoxville	15,000	15,000

County Sheriff Iowa State Savings Bank	Knoxville	1,252,000	1,252,000
County Treasurer Iowa State Savings Bank	Knoxville	13,000,000	13,000,000
County Treasurer State Bank of Bussey	Bussey	1,000,000	1,000,000
County Treasurer Wells Fargo Bank Iowa N.A.	Knoxville	10,000,000	12,000,000
County Treasurer US Bank	Pella	1,000,000	1,000,000
County Treasurer Marion County State Bank	Pella	6,000,000	6,000,000
County Treasurer Pleasantville State Bank	Pleasantville	2,000,000	2,000,000
County Treasurer Leighton State Bank	Pella	2,000,000	2,000,000
County Treasurer Midwest One	Pella	250,000	250,000
County Treasurer Iowa State Savings Bank DOT	Knoxville	250,000	250,000
County Treasurer Edwards Jones Investments	Knoxville	1,000,000	1,000,000
County Extension Iowa State Savings Bank	Knoxville	150,000	175,000
Elderly Nutrition Iowa State Savings Bank	Knoxville	25,000	25,000
Elderly Nutrition State Bank of Bussey	Bussey	25,000	25,000
Elderly Nutrition Wells Fargo Bank Iowa N.A.	Knoxville	25,000	25,000
Elderly Nutrition Pleasantville State Bank	Pleasantville	25,000	25,000
Elderly Nutrition US Bank	Pella	25,000	25,000
Elderly Nutrition Wells Fargo Bank Iowa N.A. Travis Trust	Knoxville	200,000	200,000
Senior Activity Wells Fargo Bank Iowa N.A.	Knoxville	2,000	2,000

CERTIFICATION. I hereby certify that the foregoing is a true and correct copy of a resolution of the Marion County Board of Supervisors adopted at a meeting of said public body, duly called and held on the 4th day of January 2010, a quorum being present, as said resolution remains of record in the minutes of said meeting, and it is now in full force and effect. Dated this 4th day of January 2010.

Kingery moved and Nichols seconded to approve Farm-to-Market **Resolution 10/02** as follows:

Be It Resolved, by the Board of Supervisors of Marion County, Iowa, that Roger Schletzbaum, the County Engineer of Marion County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications therefore in connection with all Farm-to-Market construction projects in this county.

Nichols moved and Kingery seconded the approval of the following Official Holidays as listed for the County.

New Years Day

Friday

January 1, 2010

President's Day	Monday	February 15, 2010
Memorial Day	Monday	May 31, 2010
Independence Day	Monday	July 5, 2010
Labor Day	Monday	September 6, 2010
Veteran's Day	Thursday	November 11, 2010
Thanksgiving Day	Thursday	November 25, 2010
Friday after Thanksgiving	Friday	November 26, 2010
Christmas Day	Friday	December 24, 2010
Personal Floating Day		

Nichols moved and Kingery seconded Steve Edwards be reappointed as Marion County A.D.A. Coordinator and will be compensated at the same level as the previous year. (\$2,000 per year)

Nichols moved and Kingery seconded to approve **Resolution 10/03** as follows:

Whereas, it is in the best interest to the citizens of Marion County for the sheriff's office to keep the peace and provide public safety, and;

Whereas, the Code of Iowa has established the rules and procedures of carrying out the powers and duties of the sheriff, and;

Whereas, the Code of Iowa allows for the appointment of sheriff's deputies to assist in executing the powers and duties of the sheriff,

Now, Therefore be it Resolved By The Marion County, Iowa Board Of Supervisors, for the benefit of all Marion County Citizens, that the following be approved as appointed Marion County Sheriff Deputies:

Sheriff	(63-1)	Ron Goemaat
Chief Deputy	(63-2)	Mel Vander Wiel
Deputy	(63-3)	Charles W. Puyear
Deputy	(63-4)	Troy C. Fisher
Deputy	(63-5)	Justin Kingrey
Lieutenant	(63-6)	Timothy P. Cox
Deputy	(63-7)	Bobbi J. Bassett
Deputy	(63-8)	Brian P. Bigaouette
Deputy	(63-9)	Matt Boender
Lieutenant	(63-10)	Thomas J. Morgan
Deputy	(63-11)	Jeffrey D. Koder
Deputy	(63-12)	Robert Wittkowski
Deputy	(63-14)	Cliff Wilson

Kingery moved and Nichols seconded to approve **Resolution 10/04** as follows:

Whereas, it is in the best interest to the citizens of Marion County for the sheriff's office to keep the peace and provide public safety, and;

Whereas, the Code of Iowa has established the rules and procedures for the establishment of a force of reserve peace officers,

Now, Therefore be it Resolved By The Marion County, Iowa Board Of Supervisors, for the benefit of all Marion County Citizens, that the following be approved as appointed Marion County Sheriff Reserve Peace Officers:

Kelly Carlson	Rick Routh
Lee Dachenbach	Don Rowland
Doug DeRonde	Melvin (Skeeter) Schone
Joe Ferguson	Jason Spencer
John Greatbach	Mark Sweitzer
Valerie Green	Cody Rankin
Ed Marshall	John Walker
Steve McCombs	Patrick Zeimet

Tim Micetich
Duane (DJ) Reed

Jeff Zentner

Nichols moved and Kingery seconded to approve **Resolution 10/05** as follows:

Whereas, it is in the best interest to the citizens of Marion County to provide for the detention and or confinement of persons charged or convicted of offences as defined by the authority of the court, and;

Whereas, the Code of Iowa has established the rules and procedures of carrying out the powers and duties of the sheriff in regards to jails and their use as prisons,

Now, Therefore be it Resolved By The Marion County, Iowa Board of Supervisors, for the benefit of all Marion County Citizens, that the Marion County Sheriff, Ron Goemaat be approved as the appointed person in charge of the custody of the prisoners and the county jail as provided and defined in the Code of Iowa:

Nichols moved and Kingery seconded that Roger Schletzbaum be appointed as Marion County's Designated County Representative for Federal D.O.T. drug and alcohol testing.

Kingery moved and Nichols seconded to approve **Resolution 10/06** as follows regarding medical examiners:

Whereas, it is in the best interest to the citizens of Marion County for the Board of Supervisors to provide public safety and support, and;

Whereas, the Code of Iowa has established the rules and procedures for the establishment County Medical Examiner and Deputy Medical Examiners.

Now, Therefore Be It Resolved By The Marion County, Iowa Board Of Supervisors, for the benefit of all Marion County Citizens, that the following be approved as appointed Marion County Medical Examiners and Deputy Medical Examiners:

- 1.) Marion County Co-Medical Examiner – Dr. David Frederickson
- 2.) Marion County Co-Medical Examiner – Dr. Earl McKeever
- 3.) Marion County Deputy Medical Examiner – Dr. Michael Van Natta
- 4.) Marion County Deputy Medical Examiner – Dr. Rob Bruxvoort
- 5.) Marion County Deputy Medical Examiner – Dr. Mitchell Blom
- 6.) Marion County Deputy Medical Examiner – Dr. Craig Wittenberg
- 7.) Marion County Deputy Medical Examiner – Dr. Danielle Clark
- 8.) Marion County Deputy Medical Examiner – Dr. Spencer Carlstone
- 9.) Marion County Deputy Medical Examiner – Dr. Galyn Vande Zante
- 10.) Marion County Deputy Medical Examiner – Dr. John Kanis
- 11.) Marion County Deputy Medical Examiner – Dr. Nancy Vander Broek
- 12.) Marion County Deputy Medical Examiner – Dr. Matt Doty
- 13.) Marion County Deputy Medical Examiner – Dr. Richard Posthuma
- 14.) Marion County Deputy Medical Examiner – Dr. Anne Hellbusch
- 15.) Marion County Deputy Medical Examiner – Dr. Kevin Mace
- 16.) Marion County Deputy Medical Examiner – Dr. Todd Treimer

Nichols moved and Kingery seconded to designate the County Engineer, Roger Schletzbaum, as the Marion County Weed Commissioner.

Nichols moved and Kingery seconded the appointments to Boards and Commissions as listed. Ayes all

South Central Youth & Family Services	Jim Kingery	1 yr.
Capstone Center, Inc.	Sam L. Nichols	1 yr.
5th Judicial District Advisory Board	Sam L. Nichols	1 yr.
Red Rock Community Action Program	Sam L. Nichols	1 yr.
Mental Health Institute Advisory Board	Jim Kingery	1 yr.
County Home Board	Howard Pothoven	1 yr.
	Jim Kingery	1 yr.
	Sam L. Nichols	1 yr.
Area Aging Resources Board	Jim Kingery	1 yr.

FEMA Advisory Board	Howard Pothoven	1 yr.
Emergency Management Commission	Howard Pothoven	1 yr.
Heartland Resource Conservation & Development Board of Health	Sam L. Nichols	1 yr.
Des Moines River Greenbelt Commission	Sam L. Nichols	1 yr.
Dept. of Justice-Courthouse Security Advisory Board	Sam L. Nichols	1 yr.
Child Welfare Decategorization Program-Exec. Board	Jim Kingery	1 yr.
Whitebreast Watershed Assoc.	Sam L. Nichols	1 yr.
	Jim Mc Coy, alternate	1 yr.
Pella Planning and Zoning Commission	Howard Pothoven	1 yr.
E-911 Board	Howard Pothoven	1 yr.
South Central Iowa Solid Waste Agency	Roger Schletzbaum	1 yr.
South Central Iowa Solid Waste Agency - Alternate	Jim Kingery	1 yr.
S.E. Iowa 28E Contracting Consortium	Jim Kingery	1 yr.
Pella Area Development Commission (PADCO)	Howard Pothoven	1 yr.
Empowerment Board	Jim Kingery	1 yr.
Central Iowa Regional Housing Authority	Howard Pothoven	1 yr.

There being no other business Nichols moved and Kingery seconded the meeting be adjourned.

Meeting adjourned 9:55 A.M.

Jake Grandia, Marion County Auditor

Howard Pothoven, Chairman Board of Supervisors