

The Marion County Board of Supervisors met January 02, 2004, for their annual organizational meeting with William G. Shepherd, Howard Pothoven, and Bob De Joode present.

Jake Grandia, Marion County Auditor, called the meeting to order at 9:00 A.M. He then entertained motions for Chairman of the Marion County Board of Supervisors for the year of 2004. De Joode moved for Howard Pothoven to be Chairman for 2004. Pothoven declined and the motion died due to lack of support. Grandia then asked for any other motions for Chairman of the Marion County Board of Supervisors for the year of 2004. Pothoven moved and De Joode seconded for approval of William G. Shepherd as Chairman with authorization to sign for Official County Business. Vote as follows:

Pothoven and Shepherd - Aye.

De Joode – Nay.

Motion Carried 2-1.

Chairman Shepherd then assumed leadership of the meeting.

De Joode moved and Pothoven seconded for approval of Howard Pothoven as Vice-Chairman of the Marion County Board of Supervisors. Ayes all.

Pothoven moved and De Joode seconded the official meetings of the Board of Supervisors be set for the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of every month at 9:30 A.M. unless it lands on an official holiday thus making the meeting on the following Tuesday. Ayes all.

Pothoven moved and De Joode seconded that per their Official Request, The Marion County News and Pella Chronicle be named the Official Newspapers for the County's publications with the decision of the Knoxville newspapers being tabled. Ayes all.

Pothoven moved and De Joode seconded the approval of the following Resolution:

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, Iowa State Savings Bank (Marion Co Casualty & Collision)	Knoxville	200,000	200,000
County Auditor, Wells Fargo Bank Iowa, N.A. M.C. Health Insurance Acct	Knoxville	400,000	400,000
County Auditor, Iowa State Savings Bank (Eureka Cemetery Trust)	Knoxville	5,000	5,000
County Recorder, Wells Fargo Bank of Iowa, N.A.	Knoxville	45,000	45,000
County Recorder, Iowa State Savings Bank	Knoxville	20,000	20,000
County Recorder, Wells Fargo Bank of Iowa, N.A. (Vitals)	Knoxville	5,000	5,000
County Sheriff, Wells Fargo Bank of Iowa, N.A.	Knoxville	1,252,000	1,252,000
County Treasurer, Iowa State Savings Bank	Knoxville	9,000,000	9,000,000
County Treasurer, State Bank of Bussey	Knoxville	500,000	500,000
County Treasurer, Wells Fargo Bank of Iowa, N.A.	Knoxville	11,000,000	11,000,000
County Treasurer, Mercantile Bank(FIRSTAR)	Pella	2,000,000	2,000,000
County Treasurer, Marion County State Bank	Pella	3,000,000	3,000,000
County Treasurer,	Pleasantville	1,000,000	1,000,000

Pleasantville State Bank			
County Treasurer, Horizon Federal Savings	Oskaloosa	500,000	500,000
County Treasurer, Leighton State Bank	Leighton	1,000,000	1,000,000
County Treasurer, Pella State Bank	Pella	250,000	250,000
County Treasurer, Mercantile Invest (FIRSTAR)	Oskaloosa	2,000,000	2,000,000
County Treasurer, Iowa State Savings Bank (DOT)	Knoxville	250,000	250,000
County Extension, Iowa State Savings Bank	Knoxville	70,000	70,000
Elderly Nutrition, Iowa State Savings Bank	Knoxville	25,000	25,000
Elderly Nutrition, State Bank of Bussey	Knoxville	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, Mercantile Bank (FIRSTAR)	Pella	25,000	25,000
Elderly Nutrition, Travis Trust, Wells Fargo Bank Iowa, N.A.	Knoxville	200,000	200,000
County Treasurer, Edward Jones Investments	Knoxville	1,000,000	1,000,000

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 2nd day of January, 2004, 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 2nd day of January, 2004.

De Joode moved and Pothoven seconded to reappoint Roger Schletzbaum as Marion County Engineer. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

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. Ayes all.

Pothoven moved and De Joode seconded the duties of the County Weed Commissioner be assigned to the Marion County Engineer's Department. Ayes all.

De Joode moved and Pothoven seconded the approval of the following Official Holidays as listed for the County. Ayes all.

New Years Day	Thursday	January 1, 2004
President's Day	Monday	February 16, 2004
Memorial Day	Monday	May 31, 2004
Independence Day	Monday	July 5, 2004
Labor Day	Monday	September 6, 2004
Veteran's Day	Thursday	November 11, 2004
Thanksgiving Day	Thursday	November 25, 2004
Friday after Thanksgiving	Friday	November 26, 2004
Christmas Day	Friday	December 24, 2004
Personal Floating Day		

De Joode moved and Pothoven seconded that Ray Stone be reappointed as Marion County Safety Coordinator. Ayes all.

De Joode moved and Pothoven seconded that Steve Edwards be reappointed as Marion County A.D.A. Coordinator. Ayes all.

De Joode moved and Pothoven seconded to approve the following Resolution:

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:

Chief Deputy (63-2)	Ron Goemaat
Deputy (63-3)	Charles W. Puyear
Deputy (63-4)	Troy C. Fisher
Deputy (63-5)	Brad Sedlock
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

Ayes all.

Pothoven moved and De Joode seconded the following Resolution:

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:

Virgel Behrens	Ken Kenyon
Randy Brooks	Jeff Lanser
Carrie Carter	Ed Marshall
Trapper Carter	Harold Moon
Skeeter Clark	D. Naaktgenborn
Josh Conrad	Perry Penroy
Curtis Cupples	Aaron Pettyjohn
Lee Dachenbach	Teresa Rietveld
Doc DeMoss	Don Rowland
Doug DeRonde	Bill Simpson
Craig Douglas	Sharla Sneller
Joe Ferguson	Shane Sweitzer
Eric Goemaat	Curtis Van Vark
John Greatbatch	Shawn Veenstra
Valerie Green	John Walker
Scottie Hyatt	Roger Wardenburg
Scott Jerkins	Jeff Zentner

Ayes all

Pothoven moved and De Joode seconded to approve the following Resolution:

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, Gary Verwers 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:

Ayes all.

Pothoven moved and De Joode seconded that Roger Schletzbaum be appointed as Marion County's Designated County Representative for Federal D.O.T. drug and alcohol testing. Ayes all.

Pothoven moved and De Joode seconded that Dr. John Kanis and Dr. Michael Van Natta, or their representatives, be reappointed as the Marion County Medical Examiners. Ayes all.

Chairman Shepherd designated the County Engineer, Roger Schletzbaum, to the South Central Iowa Solid Waste Authority Board with Robert De Joode acting as the alternate.

De Joode moved and Pothoven seconded the following Board of Supervisor appointments to Boards and Commissions as listed. Ayes all

South Central Youth & Family Services	Bill Shepherd	1 yr.
Capstone Center, Inc.	Robert De Joode	1 yr.
Central Iowa Education & Training Consortium (CIETC)	Howard Pothoven	1 yr.
5th Judicial District Advisory Board	Robert De Joode	1 yr.
Heart of Iowa Regional Transit Agency (HIRTA)	Howard Pothoven	1 yr.
Red Rock Community Action Program	Bill Shepherd	1 yr.
Mental Health Institute Advisory Board	Bill Shepherd	1 yr.
County Home Board	Bill Shepherd	1 yr.
	Howard Pothoven	1 yr.
	Robert De Joode	1 yr.
Welfare Board	Bill Shepherd	1 yr.
	Howard Pothoven	1 yr.
	Robert De Joode	1 yr.
Social Services Coordinating Board	Bill Shepherd	1 yr.
	Howard Pothoven	1 yr.
	Robert De Joode	1 yr.
Area Aging Resources Board	Howard Pothoven	1 yr.
FEMA Advisory Board	Bill Shepherd	1 yr.
Emergency Management Commission	Howard Pothoven	1 yr.
Heartland Resource Conservation & Development	Howard Pothoven	1 yr.
Board of Health	Bill Shepherd	1 yr.
Des Moines River Greenbelt Commission	Bill Shepherd	1 yr.
Dept. of Justice-Courthouse Security Advisory Board	Bill Shepherd	1 yr.
Mid Iowa Development Fund, Inc.	Howard Pothoven	1 yr.
Child Welfare Decategorization Program-Exec. Board	Bill Shepherd	1 yr.
Whitebreast Watershed Assoc.	Howard Pothoven	1 yr.
	Jim Mc Coy, alternate	1 yr.
Pella Planning and Zoning Commission	Howard Pothoven	1 yr.

De Joode moved and Pothoven seconded the following appointments to the various Memorial Halls. Ayes all.

<u>PELLA</u>	<u>TERM ENDS</u>
Joe Horman	December 31, 2004
Jake Schuring	December 31, 2004
Alfred Steenhoek	December 31, 2006
Alvin Van Zee	December 31, 2006
Gary Gezel	December 31, 2005
Raymond Newendorp	December 31, 2005

KNOXVILLE

Ralph Bryant	December 31, 2004
Gary Hudson	December 31, 2005
Pat Moss	December 31, 2005
Richard "Mick" Myers	December 31, 2006
Ed Mc Donald	December 31, 2006
Charles W. Day	Sec./Treas.

PLEASANTVILLE

Lewis Boers	December 31, 2004
Phil Proffitt	December 31, 2004
Monty Dyer	December 31, 2006
Dennis Harkin	December 31, 2006
Gene Bowers	December 31, 2005

BUSSEY

Oren Shobe	December 31, 2004
Randy Dunkin	December 31, 2004
Ted Spaur	December 31, 2006
Leroy Vander Veer	December 31, 2006
John Nichols	December 31, 2005
Polliann Carlson	Sec./Treas.

There being no other business De Joode moved and Pothoven seconded the meeting be adjourned. Ayes all.  
Meeting adjourned 9:21 A.M.

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JAKE GRANDIA, MARION COUNTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in regular session January 12, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the Dec. 22, 2003, and Jan. 2, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #137529 thru #137808 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Iowa Code section 459.304(3) (2003), 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, 2004 and January 31, 2005 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). Ayes all.

Pothoven moved and De Joode seconded to rescind the action taken on January 2, 2004, naming the Pella Chronicle and Marion County News as official County newspapers for 2004, and revisit this issue on January 26, 2004, after receiving the required information from all the applicants. Ayes all.

Pothoven moved and De Joode seconded to approve the second reading of proposed County Ordinance H-1000: An ordinance to regulate the actions and behaviors of dogs and their owners in the unincorporated towns of Marion County, Iowa. Ayes all. A copy of the proposed ordinance may be viewed at the Marion County Auditor's Office.

Pothoven moved and De Joode seconded to approve the following Resolution:

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

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

Bridge No. 40210030	6 Tons
Bridge No. 41274099	15 Tons
Bridge No. 41351599	10 Tons
Bridge No. 49300074	24 Tons
Bridge No. 59230098	20 Tons
Bridge No. 59232050	4 Tons
Bridge No. 61075974	6 Tons
Bridge No. 78080125	12 Tons
Bridge No. 78365900	3 Tons

Bridge No. 79184049	24 Tons
Bridge No. 79295525	13 Tons

Now Therefore, Be It Resolved, this 12th day of January, 2004, that the above recommended 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 repaired, reconstructed, or removed. Ayes all.

The following departments gave an update on current activities in their department.  
Roger Schletzbaum, Marion County Engineer  
Jake Grandia, Marion County Auditor

There being no other business, Pothoven moved and De Joode seconded the meeting be adjourned at 9:51 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in regular session January 26, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to add item #17, review and take action on Marion County Courthouse Re-Roof Project Change Orders #1 - #4, and approve the agenda as amended. Ayes all.

De Joode moved and Pothoven seconded the minutes of the January 12, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #137852 thru #138034 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to receive and file the Marion Co. Sheriff's Quarterly Report ending Dec. 31, 2003. Ayes all.

Pothoven moved and De Joode seconded to receive and file the Marion Co. Treasurer's Semi-Annual Financial Report. Ayes all.

The Board received a report from the Marion County Librarians.

The Board received a report from Scott Thomas, Director of South Central Youth and Family Services Commission.

The Board received a report from Nancy Hulkan and Bill Peppmeier from Red Rock Area Community Action Program.

The Board received information from Marvin Mensching regarding the status of the Whitebreast Watershed Project.

Marion County received four requests by local publishers to be named Official Newspapers of Marion County. The County is only required to name a maximum of three newspapers. The Board of Supervisors, as directed by Marion County Attorney Terry Rachels, requested each applicant to submit to the County Auditor a list of certified responses as required by the Code of Iowa to determine the outcome of the selection contest. The selections shall be made per the Code's requirements and showing the largest number of bona fide in-county subscribers for longer than six months. The certified results are as follows:

Hometown News – 405

Marion County News – 532

Pella Chronicle – 2688

Knoxville Journal Express – 1780

Pothoven moved and De Joode seconded, per the results of the contest, to approve the Marion County News, Pella Chronicle, and Knoxville Journal Express as the Official Newspapers of Marion County. Ayes all.

Pothoven moved and De Joode seconded to approve the third reading and final approval of County Ordinance H-1000: An ordinance to regulate the actions and behaviors of dogs and their owners in the unincorporated towns of Marion County, Iowa. Ayes all. The Ordinance will become effective upon publication as required by law. A copy of the ordinance may be viewed at the Marion County Auditor's Office.

Pothoven moved and De Joode seconded to approve the appointment of Connie Lambirth to the Marion County Development Commission for a term ending June 30, 2005. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 am on the 26th day of January, 2004, 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, a segment of unnamed road on record but not in existence, established as Road # 233 at 66 ft. wide on July 6, 1858 and resurveyed as Road # 975 on December 12, 1888, more particularly described as beginning at the NW corner of the NE 1/4 of the NE 1/4 of Section 1, Township 77N, Range 18W of the 5th. P.M. Thence South along section line to the SW corner of the NE 1/4 of the NE 1/4 of said section.

Be Hereby Vacated. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 am on the 26th day of January, 2004, 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, a segment of Road # 1019 on record but no longer maintained, more commonly known as 50th. Pl., established at 40 ft. wide on January 14, 1893. More particularly described as beginning at the NE corner of the SE 1/4 of the NE 1/4 of Section 34, Township 75N, and Range 21W of the 5th. P.M., thence South on section line to the SE corner of the NE 1/4 of said section.

Be Hereby Vacated. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Jake Grandia, Marion County Auditor

Steve Edwards, Marion County Conservation Director

Kim Dorn, Public Health Department Director

Denise Emal, Marion County Treasurer

De Joode moved and Pothoven seconded to approve Change Orders #1 thru #4 with Renaissance Roofing Inc. for the Marion County Re-Roof Project. Ayes all. Change amounts as follows:

Change #1 - \$172,984.35

Change #2 - \$806,437.80

Change #3 - \$39,429.60

Change #4 - \$126,432.00

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

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session January 26, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd and Howard Pothoven. Bob De Joode was absent.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Part County #233 resurveyed as #975 Road Vacation – Proposed 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, more particularly described as: A segment of unnamed road on record but not in existence, established as Road # 233 at 66 ft. wide on July 6, 1858 and resurveyed as Road # 975 on December 12, 1888, more particularly described as beginning at the NW corner of the NE 1/4 of the NE 1/4 of Section 1, Township 77N, Range 18W of the 5th. P.M. Thence South along section line to the SW corner of the NE 1/4 of the NE 1/4 of said section.

Item #2 – Part County #1019 Road Vacation – Proposed 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, more particularly described as: A segment of Road #1019 on record but no longer maintained, more commonly known as 50<sup>th</sup> Place, established at 40 ft. wide on January 14, 1893. More particularly described as beginning at the NE corner of the SE 1/4 of the NE 1/4 of Section 34, Township 75N, Range 21W of the 5<sup>th</sup> P.M., thence South on section line to the SE corner of the NE 1/4 of said section.

Steve McCombs, Marion County Engineer's Office, presented an overview of the proposed road vacations.

There being no public comments, Pothoven moved and Shepherd seconded to close the public hearing. Ayes all.

Pothoven moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:10 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session February 9, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the January 26, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #138036 thru #138283 be approved for payment. Ayes all.

Bob Jahner, concerned citizen, questioned Supervisor De Joode and the Board about comments in a recent local newspaper regarding the potential County Jail Project and LOSST revenues.

Jerry Weldon, concerned citizen, questioned the Board about the status of the potential County Jail Project.

Jon De Nooy, concerned citizen, questioned the Board about the process and safeguards that would be in place for the potential County Jail Project.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Ned J. and Janice L. Pearson, filed with Marion County, Iowa, a final plat known as "The Subdivision of Lot 3 of Pearson Subdivision", located in Marion County, Iowa, and more particularly described as follows, to-wit: Beginning at the SE Corner of Lot 3 of Pearson Subdivision in the SE ¼ of Section 25, Township 76 North, Range 20 West of the 5th P.M. in Marion County, Iowa, thence South 89° 45' 11" West 400.0 ft. along the south line of said Lot 3, thence North 00° 02' 33" East 325.0 ft. to a point on the north line of said Lot 3, thence North 89° 45' 11" East 400.00 ft. along said north line to the NE Corner of Lot 3, thence South 00° 02' 33" West 325.0 ft. to the point of beginning containing 2.98 acres, more or less; and

Whereas, the subdivision has been reviewed and approved by the Marion County Engineer; and

Whereas, the subdivision has been reviewed by officers of Marion County, Iowa, and are approved by John McCoy, Zoning Administrator, and has been approved by various utilities; and

Whereas, the supervisors of Marion County, Iowa, have inspected said final plat and find that it should be accepted and approved as recommended by the Zoning Administrator.

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa, that the final plat of The Subdivision of Lot 3 Pearson Subdivision be formally accepted and approved at this time. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Mike and Janet Evinger, filed with Marion County, Iowa, a Final Plat known as Yankee Ridge Subdivision-Plat 1 located in Marion County, Iowa and more particularly described as follows, to wit: Commencing at the West ¼ of Section 9, Township 75 North, Range 19 West of the 5<sup>th</sup> P.M., thence South 00°00' East 590.0 ft. along the west line of the NW1/4 of the SW1/4 of said Section 9 to the point of beginning, thence South 90°00' East 565.0 ft., thence South 00°00' East 449.5 ft., thence North 90°00' West 565.0 ft., thence North 00°00' West 449.5' ft. along the aforesaid west line of the NW1/4 of the SW1/4 to the point of beginning containing 5.83 acres, more or less. and

Whereas, the subdivision has been reviewed and approved by the Marion County Engineer; and

Whereas, the subdivision has been reviewed by officers of Marion County, Iowa, and are approved by John McCoy, Zoning Administrator, and has been approved by various utilities; and

Whereas, the supervisors of Marion County, Iowa, have inspected said final plat and find that it should be accepted and approved as recommended by the Zoning Administrator.

Now, Therefore, Be It Resolved by the Board of Supervisors of Marion County, Iowa, that the final plat of Yankee Ridge Subdivision – Plat 1 be formally accepted and approved at this time. Ayes all.

Pothoven moved and De Joode seconded to approve the appointment of Dr. Jeff Hartung to the Marion Co. Board of Health. Ayes all.

Pothoven moved and De Joode seconded to accept and approve a 50% reduction to the Marion County Compensation Board Elected Officials Salary Recommendations. Ayes all. Salary numbers are available in the Marion County Auditors Office.

Pothoven moved and De Joode seconded to approve the Marion County Dust Control Policy for dust control on County secondary granular surface roads. Ayes all. Copies of the policy are available in the Marion County Auditor's Office and the Marion County Engineer's Office.

The following departments gave an update on current activities in their department.

Steve McCombs, Marion County Engineer's Office

Missy Poffenbarger, Marion County Zoning and E911

Denise Emal, Marion County Treasurer

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:05 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session February 9, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Planning and Zoning Petition #410 – Proposed “Lot 3 of Pearson Subdivision” Final Plat located in Marion County, Iowa, and particularly described as follows: Beginning at the SE Corner of Lot 3 of Pearson Subdivision in the SE ¼ of Section 25, Township 76 North, Range 20 West of the 5th P.M. in Marion County, Iowa, thence South 89° 45’ 11” West 400.0 ft. along the south line of said Lot 3, thence North 00° 02’ 33” East 325.0 ft. to a point on the north line of said Lot 3, thence North 89° 45’ 11” East 400.00 ft. along said north line to the NE Corner of Lot 3, thence South 00° 02’ 33” West 325.0 ft. to the point of beginning containing 2.98 acres, more or less;

Item #2 – Planning and Zoning Petition #411 – Proposed “Yankee Ridge Subdivision” Final Plat located in Marion County, Iowa, and particularly described as follows: Commencing at the West ¼ of Section 9, Township 75 North, Range 19 West of the 5th P.M., thence South 00°00’ East 590.0 ft. along the west line of the NW1/4 of the SW1/4 of said Section 9 to the point of beginning, thence South 90°00’ East 565.0 ft., thence South 00°00’ East 449.5 ft., thence North 90°00 West 565.0 ft., thence North 00°00’ West 449.5’ ft. along the aforesaid west line of the NW1/4 of the SW1/4 to the point of beginning containing 5.83 acres, more or less.

Missy Poffenburger, Marion County Planning and Zoning Office, gave an overview of the final plats and stated she had received no objections to the approval of the plats. The Marion County Engineer’s Office had concern on the road ROW regarding the Yankee Ridge Subdivision. Their concern was satisfied in the long term plans of the landowner. The plats were required by the City of Knoxville.

There being no further public comment, Pothoven moved and De Joode seconded to close the public hearing. Ayes all.

De Joode moved and Pothoven seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:10 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session February 23, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the February 9, 2004, meeting be approved and the minutes of the January 2, 2004 regular and January 26, 2004 public hearing meetings be amended. Ayes all.

De Joode moved and Pothoven seconded that warrants #138322 thru #138502 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 AM on the 23rd. day of February, 2004, 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 A segment of Road # 970 established in April of 1888 at 66 ft. wide in Road Record Book# 5, page 435, locally known as 120th. Pl. in Section 2, Township 76N, Range 20W of the 5th. P.M., More particularly described as beginning at the West right-of-way line of 120th. Ave. in the SE 1/4 of the SE 1/4 of the aboved named section, thence in a Northwesterly direction approximately 1935 ft. to the North section line of the SE 1/4 of the SE 1/4 of the aboved named section. This point being at a terminus with a previous 1968 road vacation. Subject to rights of ingress and egress to the United States Army Corps of Engineers for purposes of their own private access to their property.

Be hereby vacated. Adopted this 23rd. day of February, 2004. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 9:45 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session February 23, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd and Bob De Joode. Absent was Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Proposed 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, described as: A segment of Road # 970 established in April of 1888 at 66 ft. wide in Road Record Book# 5, page 435, locally known as 120th. Pl. in Section 2, Township 76N, Range 20W of the 5th. P.M., More particularly described as beginning at the West right-of-way line of 120th. Ave. in the SE 1/4 of the SE 1/4 of the aboved named section, thence in a Northwesterly direction approximately 1935 ft. to the North section line of the SE 1/4 of the SE 1/4 of the aboved named section. This point being at a terminus with a previous 1968 road vacation. Subject to rights of ingress and egress to the United States Army Corps of Engineers for purposes of their own private access to their property.

Roger Schletzbaum and Steve Mc Combs, Marion County Engineer's Office, gave an overview of the proposed road vacations. Sam Nichols and Craig Proffitt, adjoining landowners, voiced there approval of the proposed road vacation. John Holt and Chad Markin, U.S. Army Corps of Engineers, formally objected to the proposed road vacation. Mr. Holt also spoke on behalf of the Iowa DNR and stated their objection to the proposed road vacation.

There being no further public comment, De Joode moved and Shepherd seconded to close the public hearing. Ayes all.

De Joode moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:12 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session at the Bingley Building on February 24, 2004, for the purpose of receiving presentations from professional firms regarding the proposed new Marion County Jail Project. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the special meeting at 9:00 A.M.

Presentation where received from the following firms:

Calhoun–Burns and Associates – West Des Moines, IA  
The Durrant Group – Des Moines, IA  
The Goldberg Group Architects – St. Joseph, MO  
Archetype Design Group – Leawood, KS

De Joode moved and Pothoven seconded to adjourn the special meeting. Ayes all. The special meeting was adjourned at 4:10 P.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session March 8, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the February 23 & 24, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #138504 thru #138749 be approved for payment. Ayes all.

Jon De Nooy, concerned citizen, addressed the Board with concerns regarding the Marion Co. Attorney's position as being full time.

Pothoven moved and De Joode seconded to approve the following Resolution:

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.

Now, Therefore Be It Resolved by the Board of Supervisors of Marion County, Iowa, that the Local Option Sales Tax Revenues designated as Property Tax Relief be deposited equally between the General Supplemental Fund and the Rural Supplemental Fund.

Passed and adopted this 8th day of March, 2004. Ayes all.

Pothoven moved and De Joode seconded to approve the Fiscal Year 2004-2005 County Budget. Ayes all.

Jon De Nooy, concerned citizen, addressed the Board with concerns about the financing of the ongoing Marion County Roof Project, the possibility of using revenue bonds as additional financing, and the County's remaining fund balances.

Pothoven moved and De Joode seconded to approve the following Resolution:

The Purpose of this resolution is to approve the "Local Government Guarantee" as one of several financial assurance mechanisms for the South Central Iowa Solid Waste Agency.

Whereas, Section 455B.306 of the Code of Iowa requires financial assurance instruments for all sanitary disposal projects; and

Whereas, the Iowa Department of Natural Resources has adopted Chapter 567 111 of the Iowa Administrative Code, promulgating rules for financial assurance instruments; and

Whereas, Chapter 567 111.6 provides for the "Local Government Guarantee" mechanism to be an acceptable financial assurance instrument; and

Whereas, Marion County agrees that if the South Central Iowa Solid Waste Agency fails to perform closure or postclosure care in accordance with the appropriate plan or permit whenever required to do so or fails to obtain alternate financial assurance within 90 days of intent to cancel, Marion County will perform or pay a third party to perform closure and/or postclosure care or establish a standby trust fund in the name of the South Central Iowa Solid Waste Agency or obtain alternate financial assurance; and

Whereas, Marion County meets the requirements of the Iowa Administrative Code 111.6(8),

It Is Hereby Resolved By Marion County and The South Central Iowa Solid Waste Agency that it is in the best interests of the South Central Iowa Solid Waste Agency that financial assurance for closure and postclosure care, as is required by Chapter 111 of the Iowa Administrative Code be met through a "Local Government Guarantee" in the amount of \$390,566 made by Marion County in conformance with Section 111.6(8) of the Iowa Administrative Code.

This guarantee will remain in force unless Marion County sends notice of cancellation by certified mail to the South Central Iowa Solid Waste Agency and to the Department of Natural Resources. Cancellation may not occur, however, during 120 days beginning on the date of receipt of the notice of cancellation by Department as evidenced by the return of receipt. Ayes all.

Pothoven moved and De Joode seconded to select The Durrant Group Inc. and enter into negotiations to begin the process of a proposed new County Jail Project. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Be It Resolved, That the Board of Supervisors of Marion County, Iowa, initiates and recommends that the following project(s) be approved by the Iowa Department of Transportation (Iowa DOT) for improvement with the funds as shown below for the period covering the current secondary road construction program.

<u>FM</u>	<u>Project Number</u>	<u>Type of Work and Location of Project</u>	<u>Estimated Costs</u>
FM	BROS-CO63(49055100)-5F-63	Bridge replacement design and ROW acquisition	\$30,000
FM	BROS-CO63(48030034)-5F-63	Bridge replacement design and ROW acquisition	\$30,000

Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, pursuant to Chapter 306, Code of Iowa, Marion County is desirous to dispose of excess right-of-way and,

Whereas, such vacation will eliminate public liability and place such excess right-of-way back in to taxation and,

Whereas, pursuant to Chapter 306.11, Code of Iowa, a public hearing is not required in vacations of this nature,

Now therefore be it resolved that That part of the SW 1/4 of the NE 1/4 of Section 34, Township 76N, Range 18W of the 5th. P.M., Marion County, Iowa, described as follows: Commencing at the NE corner of the SW 1/4 of the NE 1/4 of said Section 34; thence South 01 degrees 09 minutes 02 seconds East, 200.41 ft.;thence West, 697.58 ft. to the Point of Beginning.; thence North, 54.35 ft.; thence North 44 degrees 23 minutes 59 seconds West, 45.96 ft.; thence Northwesterly 357.20 ft. along a 442.30 ft. radius curve concave Southwesterly; thence North 89 degrees 16 minutes 06 seconds West, 478.62 ft.; thence Southeasterly 157.23 ft. along a 1493.57 ft. radius curve concave Southwesterly; thence North 09 degrees 50 minutes 46 seconds East, 15.00 ft.; thence Southeasterly 231.97 ft. along a 1508.57 ft. radius curve concave Southwesterly; thence North 89 degrees 16 minutes 07 seconds East, 94.47 ft.; thence Southeasterly 303.89 ft. along a 376.30 ft. radius curve concave Southwesterly;thence South 44 degrees 24 minutes 00 seconds East 29.24 ft.; thence South 71 degrees 07 minutes 41 seconds East, 62.20 ft.; to the Point of Beginning. Said tract contains 0.94 acres more or less. Subject to any existing utility easements.

Be hereby vacated. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, pursuant to Chapter 306, Code of Iowa, Marion County is desirous to dispose of excess right-of-way and,

Whereas, such vacation will eliminate public liability and place such excess right-of-way back in to taxation and,

Whereas, pursuant to Chapter 306.11, Code of Iowa, a public hearing is not required in vacations of this nature,

Now therefore be it resolved that That part of the SE 1/4 of the SE 1/4 of Section 32, Township 76N, Range 18W of the 5th. P.M., Marion County Iowa, described as follows: Commencing at the SE corner of said Section 32 ; thence West 131.00 ft. along the South line of said Section 32 to the point of beginning; thence North 01 degrees 11 minutes 33 seconds East, 779.41 ft.; thence North 41 degrees 23 minutes 57 seconds West, 73.88 ft.; thence North 83 degrees 59 minutes 27 seconds West, 730.63 ft.; thence Southeasterly 1294.62 ft. along a 894.90 ft. radius curve concave Southwesterly; thence South 1.80 ft. to the point of beginning. Subject to any existing utility easements. Said tract contains 3.19 acres more or less.

Be hereby vacated. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Jake Grandia, Marion County Auditor

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

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session March 8, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Proposed County Budget for Fiscal Year 2004-2005. Jake Grandia, Marion County Auditor, gave an overview of the proposed budget. Comments were received from Scott Graf, KNIKRSL.

There being no further public comment, Pothoven moved and De Joode seconded to close the public hearing. Ayes all.

De Joode moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:15 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session March 22, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the March 8, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #138777 thru #139008 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of a Class B Beer Permit for the Pleasantville Golf and Country Club. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of the agreement between Marion County, Iowa, and Country Life Health Care, Inc. for administration and management services of the County Care Facility. Ayes all.

Pothoven moved and De Joode seconded to approve the following appointments as Memorial Hall Commissioners for the American Legion Post 108 in Pleasantville. Ayes all.

Craig Metcalf (Chair)

Charles Furnal

Phillip Proffitt

Dennis Harkin (Cmdr)

Carole Rowland (Adjt)

Pothoven moved and De Joode seconded to approve the renewal of the agreement between Marion County and Lucas County Health Center for detoxification services for committed Marion County substance abuse patients. Ayes all.

Pothoven moved and De Joode seconded to approve, upon recommendation by the Secondary Road Department, the purchase of two Caterpillar 140H motor graders for the secondary road department maintenance fleet with the first grader purchased in FY 03-04 and the second grader, including snow wing and vee plow, in FY 04-05. Ayes all. Base bids are as follows:

Caterpillar 140H - \$176,403 (plus snow wing \$18,351 and vee plow \$5,140)

John Deere 770CH - \$152,225

Case 885 - \$ 136,000

Pothoven moved and De Joode seconded to approve the contract for the Secondary Road Department Central Shop Addition from Vander Wilt Construction for \$137,395. Ayes all. Bids are as follow:

Vander Wilt Construction - \$137,395

Hooyer Construction - \$168,800

The Pro-Line Company - \$172,633

Pothoven moved and De Joode seconded to approve the contract for the Farm to Market Granular Resurfacing Project No. FM – 63(52)—55-63 with Bruening Rock Products, Inc. for \$111,789.99. Ayes all. Bids are as follows:

Bruening Rock Products, Inc. - \$111,789.99

Martin Marietta Materials, Inc. - \$131,862.21

The following departments gave an update on current activities in their department.

Steve McCombs and Jay Davis, Marion County Engineer's Department

Gary Verwers, Marion County Sheriff

Jake Grandia, Marion County Auditor

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:07 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session March 22, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Proposal for Granular Resurfacing; FM-63 (52)—55-63, Marion County, Iowa. The work involved is the furnishing of labor and materials for Granular Resurfacing of various Farm to Market roads totaling approximately 55 miles. The project consists of approximately 14,000 tons of granular surfacing furnished, delivered, and dumped at the locations designated by the County Engineer.

Steve McCombs and Jay Davis, County Engineer's Office, gave an overview of the proposed project.

Item #2 – Proposed Marion County Shop Addition Project.

No public comment on the proposed project.

There being no further public comment, Pothoven moved and De Joode seconded to close the public hearing. Ayes all.

De Joode moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:20 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

BOARD OF SUPERVISORS MEETING

NINTH DAY

MARCH 29, 2004

The Marion County Board of Supervisors met in special session March 29, 2004 for the purpose of canvassing the vote from the March 23, 2004 School Infra-Structure Local Option Sales and Services Tax Election for the County of Marion, Iowa. Present were Howard Pothoven and Bob De Joode. Absent was William G. Shepherd.

Vice-Chairman Pothoven opened the special session at 10:30 A.M.

The canvass was completed and the results are as follows:

**Approved** - Public Measure A: To authorize imposition of a 1% local sales and services tax in the County of Marion, Iowa, for school infrastructure projects for 10 years, from July 1, 2004 to June 30, 2014.

De Joode moved and Pothoven seconded that the special session be adjourned. Ayes all.  
The session was adjourned at 10:45 A.M.

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Jake Grandia, Marion County Auditor

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Howard Pothoven, Vice-Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session April 12, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to remove Item #9, discuss and take action on change orders for the Courthouse re-roof project, and approve the rest of the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the March 22, 2004, and March 29, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #139011 thru #139398 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to receive and accept the County's Annual Audit Report for the fiscal year ended June 30, 2003, as prepared by Hunt, Kain, and Associates. Ayes all.

Pothoven moved and De Joode seconded to approve the first reading, waive the second and third readings, and approve Marion County Ordinance H-1010 establishing a School Infra-Structure Local Option Sales and Services Tax applicable to transactions within the County of Marion, Iowa. Ayes all.

Pothoven moved and De Joode seconded to approve a daily rate increase to \$30.00 per day, effective July 1, 2004, for the Marion County Care Facility. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of the agreement between Marion County and Ottumwa Regional Health Center, Inc. to provide substance abuse services and mental health services. Ayes all.

De Joode moved and Shepherd seconded to approve the appointment of Marilyn Miller to the Area Aging Resources Board for a four year effective which begins January 1, 2004. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

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 FY05 through FY09. Ayes all.

Pothoven moved and De Joode seconded to approve an agreement between Marion County and the Iowa Department of Transportation for a Federal-Aid Highway Bridge Replacement and Rehabilitation Project on Marion County Bridge # 49055100 in 05-74-19. Ayes all.

Pothoven moved and De Joode seconded to approve an agreement between Marion County and the Iowa Department of Transportation for a Federal-Aid Highway Bridge Replacement and Rehabilitation Project on Marion County Bridge # 50300044 in 03-74-18. Ayes all.

Pothoven moved and De Joode seconded to approve Work Beyond R.O.W. Agreements between Marlin Hoch and Ida Grimes and the Secondary Road Department. Ayes all.

The following departments gave an update on current activities in their department.  
Roger Schletzbaum, Marion County Engineer  
Kim Dorn, Marion County Public Health Director

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:09 A.M. Ayes all.

The Marion County Board of Supervisors met in special session April 12, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – An Ordinance establishing a School Infra-Structure Local Option Sales and Services Tax applicable to transactions within the County of Marion, Iowa.

There being no public comment, De Joode moved and Pothoven seconded to close the public hearing. Ayes all.

De Joode moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:05 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session April 26, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

Pothoven moved and De Joode seconded to add Item #17, discuss and take action on Resolution approving Sheriff Reserve Peace Officers, and Item #18, discuss and take action on Resolution to authorize the contract for architect services with The Durrant Group, Inc. for the proposed Marion County Jail Project, and approve the rest of the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the April 12, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #139449 thru #139636 be approved for payment. Ayes all.

De Joode moved and Pothoven seconded to receive and accept the Marion County Sheriff's Quarterly Report. Ayes all.

Brian Stickel, Knoxville Chamber of Commerce, and Candi Stevens, Candi's Flowers, held discussion with the Board regarding the present location of the State of Iowa's Parole Office in the County's Old Dickerson Building on Third Street.

Rich De Heer, concerned citizen, held discussion with the Board regarding the funding source of the Marion County Development Commission.

Jon De Nooy, concerned citizen, held discussion with the Board regarding the progress and funding of the ongoing Marion County Courthouse Re-Roof Project.

Pothoven moved and De Joode seconded to approve the request by David Lewis to hold the annual Farmer's Market on the Courthouse Lawn every Tuesday and Saturday from May 29, 2004 thru October 9, 2004. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors has signed a 28E agreement with eleven (11) other counties, and

Whereas, the 28E agreement, known as the "Southeast Iowa Contracting Consortium 28E Agreement" will expire on June 30, 2004, and

Whereas, the Southeast Iowa Contracting Consortium 28E Agreement is an agreement that allows the 11 member counties to cooperate in ways of mutual advantage to contract for services to meet the needs of their residents in the areas of mental health, mental retardation, and developmental disabilities, and

Whereas, the Marion County Board of Supervisors desires to extend this 28E agreement for a period of two (2) years, until June 30, 2006, to continue to participate in this agreement, if the agreement is also signed by the other member counties.

Be It Therefore Resolved, that Marion County hereby approves the Southeast Iowa Contracting Consortium 28E Extension Agreement, and hereby extends its participation in this agreement from July 01, 2004 until June 30, 2006. Ayes all.

Pothoven moved and De Joode seconded to approve entering into a 28E Agreement with Iowa State Association of Counties concerning County Rate Information System (CRIS) for MH/DD contracting with providers. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of a Class C Liquor License for D-Mack, Inc. d.b.a. Udders Steak House. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

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 inspection and analysis indicate bridge 70098850 is no longer capable of carrying a safe operating load;

Now Therefore, Be It Resolved, this 26th day of April, 2004, that bridge 70098850 be closed and that proper signs and barricades shall be erected and maintained to post the closure until the bridge is repaired, reconstructed, or removed. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

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 inspection and analysis indicate a safe operating load capacity for certain Marion County bridges as listed below.

<u>Bridge Number</u>	<u>Load Limit (Posting)</u>
41223400	6T

Now Therefore, Be It Resolved, this 26th day of April, 2004, that the above recommended 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 repaired, reconstructed, or removed. Ayes all.

Pothoven moved and De Joode seconded to approve an agreement between Marion County and Shuck-Briston, Inc. for design services for County Bridge # 48030034 - Project # BROS-CO63(75)—5F-63, located on 220<sup>th</sup> Avenue North of Reagan Drive. Ayes all.

Pothoven moved and De Joode seconded to approve Work Beyond R.O.W. Agreements with Frank Folsom and LeRoy Rothfus and the Secondary Road Department. Ayes all.

The following departments gave an update on current activities in their department.  
Roger Schletzbaum, Marion County Engineer  
Denise Emal, Marion County Treasurer

Rich De Heer, concerned citizen, held discussion with the County Engineer and Board regarding the County's rock hauling policies and procedures in relationship to local quarries.

Pothoven moved and De Joode seconded to approve the following Resolution:

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:

Stephen Lynn McCombs  
Robert Beau Wittkowski

Adopted this 26th day of April, 2004. Ayes all.

Pothoven moved and DeJoode seconded to approve the following Resolution:

Whereas, it is in the best interest of the citizens of Marion County, Iowa, to obtain an agreement for Architect Services to help in the comprehensive planning process concerning jail facilities and future needs, and;

Whereas, Marion County has been utilizing an interested citizens committee, Sheriff's Office personnel, and the Board of Supervisors to research the needs of Marion County, and;

Whereas, Marion County has advertised and interviewed interests applicants offering Architect Services and has chosen The Durrant Group, Inc. as the best group to provide services, and;

Now, Therefore Be It Resolved, by the Board of Supervisors of Marion County, Iowa to enter into an agreement with The Durrant Group, Inc. for Architect Services for the proposed Marion County Jail Project.

Adopted the 26<sup>th</sup> day of April, 2004. Ayes all.

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:27 A.M. Ayes all.

The Marion County Board of Supervisors met in regular session May 10, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

Pothoven moved and De Joode seconded to add Item #12, approve the appointment of Keith Davis to the Marion County Zoning Commission to fill a term expiring 12/31/04. Ayes all.

Pothoven moved and De Joode seconded to approve the agenda as amended. Ayes all.

De Joode moved and Pothoven seconded the minutes of the April 26, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #139638 thru #139897 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the appointment of Mickey Edwards to the Marion County Board of Health. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of a Class C Beer Permit for Fini Conditioned Air, Inc. d.b.a. The Trading Post. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Pursuant to Section 356.30 of the Iowa Code, the law provides that the Board of Supervisors set an amount to be paid by prisoners held in the Marion County Jail while on work release for their board and costs, and

Whereas, it is necessary to set an amount of such costs and to direct the Sheriff to collect same from prisoners on work release, and

Whereas, Section 356.30 of the Iowa Code sets a limitation not to exceed 50% of the wages or salaries of the prisoner after deductions required by law;

Therefore, Be It Resolved that each prisoner gainfully employed and released pursuant to Section 356.26 of the Iowa Code shall be liable for the cost of the prisoner's board in the jail at the rate of \$40.00 per day.

Be It Further Resolved that in instances where the prisoner's net income is less than \$80.00 per day then each such prisoner gainfully employed and released pursuant to Section 356.26 of the Iowa Code shall pay an amount for the cost of such prisoner's board equal to 50% of that prisoner's daily pay or salary.

Be It Further Resolved that daily net pay or salary shall mean the wage or salary of the prisoner per day after deductions required by law. Daily net pay or salary shall be computed by calculating the amount of the prisoner's net income per pay period divided by the number of days the prisoner worked during the pay period. Ayes all.

Pothoven moved and De Joode seconded to approve Change Order #005 for the Marion County Courthouse Re-Roof Project for a total add of \$1,167,768.00. Ayes all.

Pothoven moved and De Joode seconded to approve Work Beyond R.O.W. Agreement with Leland McCormick and the Secondary Road Department. Ayes all.

The following departments gave an update on current activities in their department.  
Roger Schletzbaum, Marion County Engineer  
Jake Grandia, Marion County Auditor

Pothoven moved and De Joode seconded to approve the appointment of Keith Davis to the Marion County Zoning Commission to fill a term expiring 12/31/04. Ayes all.

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:08 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in regular session May 24, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the May 10, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #139953 thru #140161 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve a Class C Beer Permit for Wayne and JoAnn Langstraat d.b.a. Columbia Store. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of a Class C Beer Permit for R & J Sail Iowa d.b.a. Red Rock Marina. Ayes all.

Pothoven moved and De Joode seconded to approve the amendment to the Marion County Fiscal Year 2003-2004 Budget. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors approved a budget amendment for Fiscal Year 2003-2004, and

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

Therefore Be It Resolved that the following monies be appropriated for each amended department listed for the FY 03-04 year.

<u>Department</u>	<u>Original</u>	<u>Amendment</u>	<u>Total</u>
Sheriff	1,921,796	11,150	1,932,946
Engineer	5,142,274	112,300	5,254,574
Non-Departmental	2,917,371	1,870,292	4,787,663

Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors have undertaken the Marion County Courthouse Re-Roof Project to repair the roof structure and fourth floor of the Marion County Courthouse, and,

Whereas, it is in the best interest of the citizens of Marion County to complete the Courthouse Re-Roof Project, and,

Whereas, the Marion County Board of Supervisors would like to utilize a Non-Current Interfund Loan from the Marion County General Supplemental Fund to the Marion County General Fund to assist in paying for costs of the Re-Roof Project, and

Whereas, the Marion County Board of Supervisors plan on repaying the Non-Current Interfund Loan over a ten year period at an annual interest rate of two percent interest.

Therefore, Be It Resolved that the Non-Current Interfund Loan of funds from Marion County General Basic Supplemental Fund to Marion County General Basic Fund for costs incurred in the Marion County Re-Roof Project be approved by the Marion County Board of Supervisors, and,

Be It Further Resolved, that the Auditor be instructed to make a final payment schedule upon completion of the Marion County Courthouse Re-Roof Project. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors approved the Non-Current Interfund Loan from Marion County General Basic Supplemental Fund to 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, 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 from Marion County General Basic Supplemental Fund to Marion County General Basic Fund be approved by the Marion County Board of Supervisors for the Fiscal Years of 03/04 and 04/05, and,

Be It Further Resolved, that the Auditor and Treasurer be instructed to make the said transfers in a timely fashion equal to the amount of the Non-Current Interfund Loan required to complete the costs of the Marion County Courthouse Re-Roof Project. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Jake Grandia, Marion County Auditor

Denise Emal, Marion County Treasurer

Kim Dorn, Marion County Health Director

There being no other business, Pothoven moved and De Joode seconded the meeting be adjourned at 9:55 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session May 24, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd and Howard Pothoven. Absent was Bob De Joode.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – A Public Hearing on the proposed amendment to the current Fiscal Year 2003-2004 budget for the County of Marion, Iowa.

There being no public comment, Pothoven moved and Shepherd seconded to close that portion of the public hearing. Ayes all.

Item #2 - A Non-Current Interfund Loan up to the amount of \$1,000,000 to be transferred from the Marion County General Supplemental Fund to the Marion County General Fund to assist in paying for the Marion County Courthouse Re-Roof Project. The proposed non-current interfund loan is to be paid back to the General Supplemental Fund over a ten year period with a 2% annual interest rate. A payment schedule will be developed upon the transfer of the funds.

There being no public comment, Pothoven moved and Shepherd seconded to close that portion of the public hearing. Ayes all.

Pothoven moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:15 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session June 14, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:38 A.M.

De Joode moved and Pothoven seconded to remove Item #6 from the Agenda and approve the agenda as amended. Ayes all.

De Joode moved and Pothoven seconded the minutes of the May 24, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #140166 thru #140518 be approved for payment but hold claim # 41890 until further notice of Board. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, John Burnett has caused certain real estate located in the 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 conforms in all respects with the laws of the State of Iowa;

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

Commencing at the SE Corner of the NW1/4 of the SW1/4 of Section 4, Township 75 North, Range 20 West of the 5<sup>th</sup> P.M. thence North 01°23' West 124.7 ft. along the east line of said NW1/4 of the SW1/4 to the point of beginning, thence North 83°00' West 596.5 ft. along the North right-of-way line of Iowa Highway 5 & 92, thence North 01°15' West 509.6 ft., thence South 88°47' West 250.0 ft., thence South 01°10' East 474.0 ft., thence North 83°45' West 500.8 ft. along the north right-of-way line of Iowa Hwy 5 & 92, thence North 01°15' West 267.9 ft. along the west line of the NW1/4 of the SW1/4 of said Section 4, thence North 88°47' East 330.0 ft., thence North 01°15' West 400.0 ft. along the east line of Lot 4 the NW1/4 of the SW1/4 of Section 4, Township 75 North, Range 20 West of the 5<sup>th</sup> P.M. as recorded in Book 99, Page 75 of Land Deed Records of Marion County Recorder, thence South 88°47' West 330.0 ft., thence North 01°15' West 66.0 ft. along the west line of the aforesaid NW1/4 of the SW1/4, thence North 88°47' East 330.0 ft., along the south line of Lot 3 of the aforesaid Subdivision of the NW1/4 of the SW1/4 of the SE corner of said Lot 3, thence North 01°15' West 1045.5 ft., thence North 88°53' East 1010.9 ft. to a Corps of Engineers boundary monument, thence South 01°23' East 776.9 ft. to a Corps of Engineers boundary monument at the NE corner of the NW1/4 of the SW1/4 of the aforesaid Section 4, thence South 01°23' East 1186.6 ft. to the point of beginning containing 43.83 acres, more or less, including the public road established along part of the west side thereof which contains 0.30 acre.  
be formally accepted and approved at this time. Ayes all.

Pothoven moved and De Joode seconded to approve the re-appointment of Richard Mason as a Commissioner on the Veterans Affairs Board beginning July 1, 2004, and ending June 30, 2007. Ayes all.

Pothoven moved and De Joode seconded to approve a Class C Beer Permit for Richard C. Lambirth d.b.a. R.C.'s. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, counties enforce the criminal laws passed by the State of Iowa, provide the county attorneys who prosecute criminals, and even provide the courtrooms where the criminal cases are tried, but do not receive any of the criminal fine money, which all goes to the State of Iowa; and

Whereas, in an attempt to begin to address this inequity the 2004 Iowa Legislature passed House File 2569, which provides that if a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff, the court shall assess a five dollar county enforcement surcharge for each applicable violation, with the surcharge going to the county general fund of the county where the citation was issued; and

Whereas, section 9 of House File 2569 requires that for this county enforcement surcharge to go into effect in a given county, the board of supervisors must adopt an enacting resolution;

Therefore, Be It Resolved By The Board of Supervisors of Marion County that the Board adopts a five dollar county enforcement surcharge pursuant to House File 2569, with the surcharge to be assessed as of July 1, 2004. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Marion County is a member of the Central Iowa Regional Transportation Planning Alliance, as organized under Iowa Code Chapter 28E; and

Whereas, annually, the Central Iowa Regional Transportation Planning Alliance requests its member governments to approve, by resolution, the Unified Planning Work Program and Budget for the upcoming fiscal year beginning July 1; and

Whereas, the budget to support the Unified Planning Work Program is funded by federal funds and member government assessments, and

Whereas, at least the majority of the Central Iowa Regional Transportation Planning Alliance member governments must approve the Unified Planning Work Program and Budget;

Now, Therefore, Be It Resolved, that the Marion County Board of Supervisors, hereby approves the Central Iowa Regional Transportation Planning Alliance Fiscal Year 2005 Unified Planning Work Program and Budget for the period beginning July 1, 2004, through June 30, 2005. Ayes all.

Pothoven moved and De Joode seconded to approve the Fiscal Year 2005 Secondary Road Payroll Policy. Ayes all.

Pothoven moved and De Joode seconded to approve the purchase of two trucks for the Secondary Road Department through the State of Iowa FY04 Snow Removal Equipment Contract. Ayes all. The trucks are as follows:

2005 IHC Model 7400 6x4 Tandem Axle Truck w/ 15 ft. Dump Box - \$93,498

2005 IHC Model 7400 4x2 Single Axle Truck w/ 11 ft. Dump Box - \$79,671

Pothoven moved and De Joode seconded to approve the sale of three used dump trucks from the Secondary Road Department. Ayes all. The high bids are as follows:

1990 IHC w/10 ft. Dump Box - \$5,200 – Eric Harsin

1990 IHC w/11 ft. Dump Box - \$8,800 – Eric Harsin

Ford Tandem - \$11,000 – Etcher Farms

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Jake Grandia, Marion County Auditor

Denise Emal, Marion County Treasurer

There being no other business, Pothoven moved and De Joode seconded the meeting be adjourned at 10:08 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session June 14, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Petition #407 Proposed Burnett Subdivision Final Plat located in Section 4, Township 75N, Range 20W.

There being no public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Item #2 – Petition #413 Request by Ryan Fuhs to change the zoning from Ag to Commercial (C-2) of a property known as Parcel F of SE1/4 SW1/4 of Section 13, Township 76N, Range 20W (locally known as 1247 Illinois Drive, Knoxville, IA) for used auto sales.

Comments were received from Marion County Planning and Zoning Director, John Mc Coy, petitioner Ryan Fuhs, adjoining landowner Bryce Westerkamp, and tenants Charmaine Gilbert and Kent Limpus.

There being no further public comment, Pothoven moved and De Joode seconded to close that portion of the public hearing. Ayes all.

Pothoven moved and De Joode seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:36 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session June 14, 2004 for the purpose of canvassing the vote from the June 8, 2004, Primary Election for the County of Marion, Iowa. Present were William G. Shepherd, Howard Pothoven and Bob De Joode.

Chairman Shepherd opened the special canvass at 10:15 A.M.

The canvass was completed and the results are as follows:

### Republican Offices

Name	Office	Party
Chuck Grassley (vote for one)	United States Senator	R
Stan Thompson (vote for one)	U.S. Representative Dist. 3	R
Paul McKinley (vote for one)	State Senator-Dist. 36	R
Jim Van Engelenhoven (vote for one)	State Rep. - Dist. 71	R
Richard Arnold (vote for one)	State Rep. - Dist. 72	R
Dwight A. Mater Jr.	County Supervisor	R
Sam L. Nichols (vote for two)	County Supervisor	R
Jake Grandia (vote for one)	County Auditor	R
No Candidate (vote for one)	County Sheriff	R
Bryce Kelderman	Clay Twp Trustee	R
No Candidate (vote for two)	Clay Twp Trustee	R
No Candidate	Dallas Twp Trustee	R
No Candidate (vote for two)	Dallas Twp Trustee	R
No Candidate	Franklin Twp Trustee	R
No Candidate (vote for two)	Franklin Twp Trustee	R

Jim Force	Indiana Twp Trustee	R
No Candidate	Indiana Twp Trustee	R
(vote for two)		
No Candidate	Knoxville Twp Trustee	R
No Candidate	Knoxville Twp Trustee	R
(vote for two)		
Bradley J. Rietveld	Lake Prairie Twp Trustee	R
Arvin Van Wyk	Lake Prairie Twp Trustee	R
(vote for two)		
No Candidate	Liberty Twp Trustee	R
No Candidate	Liberty Twp Trustee	R
(vote for two)		
No Candidate	Pleasant Grove Twp Trustee	R
No Candidate	Pleasant Grove Twp Trustee	R
(vote for two)		
Marion L. Kingery	Red Rock Twp Trustee	R
No Candidate	Red Rock Twp Trustee	R
(vote for two)		
No Candidate	Summit Twp Trustee	R
No Candidate	Summit Twp Trustee	R
(vote for two)		
No Candidate	Union Twp Trustee	R
No Candidate	Union Twp Trustee	R
(vote for two)		
No Candidate	Washington Twp Trustee	R
No Candidate	Washington Twp Trustee	R
(vote for two)		

#### **Democratic Offices**

Arthur Small	United States Senator	D
(vote for one)		
Leonard L. Boswell	U.S. Representative Dist. 3	D
(vote for one)		
Dave Sextro	State Senator-Dist. 36	D
(vote for one)		

No Candidate (vote for one)	State Rep. - Dist. 71	D
Steven Reed (vote for one)	State Rep. - Dist. 72	D
Jerry Weldon	County Supervisor	D
No Candidate (vote for two)	County Supervisor	D
No Candidate (vote for one)	County Auditor	D
Gary Verwers (vote for one)	County Sheriff	D
Paul Harrington	Clay Twp Trustee	D
No Candidate (vote for two)	Clay Twp Trustee	D
No Candidate	Dallas Twp Trustee	D
No Candidate (vote for two)	Dallas Twp Trustee	D
Rodney Johnson	Franklin Twp Trustee	D
Doran Van Rheenen (vote for two)	Franklin Twp Trustee	D
Carlene K. Roland	Indiana Twp Trustee	D
No Candidate (vote for two)	Indiana Twp Trustee	D
Robert Crozier	Knoxville Twp Trustee	D
Myles Murphy (vote for two)	Knoxville Twp Trustee	D
No Candidate	Lake Prairie Twp Trustee	D
No Candidate (vote for two)	Lake Prairie Twp Trustee	D
No Candidate	Liberty Twp Trustee	D
No Candidate (vote for two)	Liberty Twp Trustee	D
Bruce Clark	Pleasant Grove Twp Trustee	D
Phillip Myers (vote for two)	Pleasant Grove Twp Trustee	D

Michael Hotovec	Red Rock Twp Trustee	D
No Candidate	Red Rock Twp Trustee	D
(vote for two)		
Carl Weyers	Summit Twp Trustee	D
No Candidate	Summit Twp Trustee	D
(vote for two)		
Henry Bensink	Union Twp Trustee	D
Leroy Schumacher	Union Twp Trustee	D
(vote for two)		
John G. Pierce	Washington Twp Trustee	D
Joy Pierce	Washington Twp Trustee	D

De Joode moved and Pothoven seconded that the special canvass be adjourned. Ayes all.  
The canvass was adjourned at 10:30 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session June 28, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to remove Item #10 from the Agenda and approve the agenda as amended. Ayes all.

De Joode moved and Pothoven seconded the minutes of the June 14, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #140602 thru #140930 be approved for payment. Ayes all.

Jerry Weldon, concerned citizen, held discussion with the Board regarding the status of the Courthouse Re-Roof Project.

John McCoy, Marion County Zoning Director, gave an overview of a proposed zoning change from Agricultural to Commercial(C-2) on the South 307.2" of Parcel F of SE1/4 SW1/4 of Section 13, Township 76N, Range 20W. Discussion was held between the Board, Petitioner Ryan Fuhs, and McCoy regarding the proposed zoning change. Pothoven moved and De Joode seconded to table Agenda Item #5 until the petitioner has completed the recommendations as set forth by the Zoning Director's Report. The completed actions are to be inspected by the Zoning Director. The Board will approve the zoning change request upon receiving confirmation from the Zoning Director that all the required actions have been satisfied. Ayes all.

Pothoven moved and De Joode seconded to approve the application for permit for the display of fireworks for Federated Fellowship Church to be held on July 4, 2004, at the Timber Ridge Subdivision near Pella. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors approved the budget for Fiscal Year 2004-2005, and

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

Therefore Be It Resolved, that the following monies be appropriated for each department listed for the FY 04-05 year.

Supervisors	165,923
Auditor	223,726
Treasurer	420,611
Attorney	263,472
Sheriff	1,934,796
Court Services	129,800
Recorder	221,461
Zoning	45,886
Landfill	5,000
D.H.S.	76,358
Engineer	5,681,926
Veteran's Affairs	57,857
Conservation	760,860
Health Board	1,794,075
Weed Commission	7,969
General Assistance	82,797
Medical Examiner	31,360
Libraries	60,000
Child Support Recovery	980
Ambulance	18,280
Care of Indigents	211,992
Sanitation	75,701
Custodial & Maintenance	388,542
Data Processing	195,762
Mental Health	2,800,610
Development	117,161
Substance Abuse	153,500
Joint Disaster Services	98,368
Non-departmental	<u>4,152,724</u>
	\$20,177,497

Total Appropriation. Ayes all.

Pothoven moved and De Joode seconded to approve the Marion County Bio-Emergency Response Plan as presented. Ayes all.

Pothoven moved and De Joode seconded to approve and certify salary and wage rates as presented to be effective July 1, 2004, of all the Marion County Elected Officials office staff's as required by section 331.904(1) of the Code of Iowa. Ayes all. A list is available in the Auditor's Office.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Jake Grandia, Marion County Auditor

Denise Emal, Marion County Treasurer

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:10 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in regular session July 12, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the June 28, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #140935 thru #141145 be approved for payment. Ayes all.

De Joode moved and Pothoven seconded to receive and file the Marion County Sheriff's quarterly and year end reports. Ayes all.

Pothoven moved and De Joode seconded to approve and certify salary and wage rates as presented to be effective July 12, 2004, of all the Marion County Elected Officials office staff's as required by section 331.904(1) of the Code of Iowa. Ayes all. A list is available in the Auditor's Office.

Pothoven moved and De Joode seconded to approve the renewal of a Class C Beer Permit for Red Rock Quick Stop, Inc. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors, has received a request that Marion County review the speed limit in and approaching the Subdivision of South Shore Heights;

Whereas, The purpose of chapter H321.285 "Speed Limits on Marion County Secondary Roads" is stated to be to delineate the speed limits on Marion County Secondary Roads in order to protect the public health, safety and welfare and;

Whereas, the County Engineer has conducted an engineering study of 150<sup>th</sup> Ave and the streets in South Shore Heights for the purpose of reevaluating the speed limit, and

Whereas, the result of the study found that the area is developing as a residential area which changes the nature of the road usage, and

Whereas, the County Engineer recommends a maximum speed limit of 45 M.P.H. be established on 150<sup>th</sup> beginning 500 feet South of Jersey Drive and a maximum speed limit be established on all roads in the platted subdivision of 25 miles per hour beginning 500 feet south of the platted subdivision on 150<sup>th</sup> Avenue

Now Therefore Be It Resolved, that a maximum speed limit of 45 miles per hour be established on 150<sup>th</sup> beginning 500 feet South of Jersey Drive and a maximum speed limit be established on all roads in the platted subdivision of 25 miles per hour beginning 500 feet South of the platted subdivision on 150<sup>th</sup> Avenue. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a county may apply for modifications to its farm to market system to add or subtract mileage from its system, to accept or delete highways gained or lost through jurisdictional transfers, or to change the classification of roads within its system, and

Whereas, the Board of Supervisors of Marion County has consulted with its County Engineer and desires to modify its farm to market road system to provide continuity of intracounty and intercounty routes, to meet the needs of existing or potential traffic, to better meet land use needs, or to provide a more suitable location for a farm to market route, and

Whereas, application for modifications to any county's farm to market system must be made to the Farm to Market Review Board per the requirements of Code of Iowa Section 306.6,

Now Therefore Be It Resolved By The Board of Supervisors of Marion County that this County is formally requesting that the Farm to Market Review Board approve the following modifications to its farm to market system:

Road segments proposed for addition to the farm to market system:

County road G-71 (formerly state highway 156) from the North city limits of Bussey to state highway 5. (approx. 4.63 miles)

County road S-45 (formerly state highway 181) from the North city limits of Melcher-Dallas to the Intersection with State highway 5/92 (approximately 8.52 Miles)

County road T-17 from County road G-46 to county road 216<sup>th</sup> Pl. (approximately .79 miles)

Total Mileage added to the Farm to Market System approximately 13.94 miles

Road segments within city corporate limits as farm to market extensions:

County road G-71 from the North City limits of Bussey to the Intersection of County Road T-23 (approximately .125 miles)

West Street in Harvey from the intersection of Main and West to the Intersection of West Street and Main Street. (approx. .52 miles)

Total Mileage added to Farm to Market Extension System: approximately .645miles

Road segments proposed for deletion from the farm to market system: County road 216<sup>th</sup> between Lowe Dr. and Keokuk Drive (approximately .63 miles)

County road 150<sup>th</sup> from section line between sections 20 and 29 north (approximately .63 miles)

Total Mileage deleted from the Farm to Market System: 1.26 miles

Road segments proposed for deletion from the farm to market extension system:

Main Street from West street to 2<sup>nd</sup> St and 2<sup>nd</sup> street from Main St. to West street (.88 miles)

Total Mileage deleted from the farm to market extension system: .88miles

The board of supervisors of Marion County, in lawful session this 12<sup>th</sup> day of July, 2004 hereby adopts this farm to market modification resolution. Ayes all.

Pothoven moved and De Joode seconded to approve the bid from Skyline Enterprises for repairs on County Bridge # 58214449, Project No. L-01105, in the amount of \$29,550. Ayes all. The following is a list of bids received:

Skyline Enterprises - \$29,550                      Herberger Construction Co., Inc. - \$31,800

Schmidt Construction Co., Inc. - \$36,125      Iowa Bridge and Culvert, L.C. - \$44,230

Pothoven moved and De Joode seconded to approve the design agreement with Calhoun and Burns & Associates for final design work of Marion County Bridge # 49055100. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Jake Grandia, Marion County Auditor

Denise Emal, Marion County Treasurer

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 9:55 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session July 12, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – County Engineer Project No. L-01205: Proposed plans, specifications, and proposed form of contract and estimated cost for said Bridge Replacement Project on 195 Place just North of Oklahoma Drive. The work consists of removing the existing bridge deck and beams, grading and shaping the channel, and installing a 6' by 12' precast box culvert.

There being no public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Item #2 – County Engineer Project No. L-01105: Proposed plans, specifications, and proposed form of contract and estimated cost for said Bridge Repair Project located south of Old Highway 92 on 215<sup>th</sup> Place. The repair work consists of driving pile, replacing beams, and constructing a new deck.

There being no public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Pothoven moved and De Joode seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:10 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session July 12, 2004 for the purpose of receiving rate information from the Christian Opportunity Center. Present were William G. Shepherd, Howard Pothoven and Bob De Joode.

Chairman Shepherd opened the special meeting at 10:30 A.M.

Discussion was held with Mickey Edwards, John Eilers, and Lora Van Essen, C.O.C., regarding proposed rate changes.

Pothoven moved and De Joode seconded to accept the rates as recommended to be effective July 1, 2004. Ayes all.

De Joode moved and Pothoven seconded that the special meeting be adjourned. Ayes all.  
The meeting was adjourned at 11:20 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in special session July 19, 2004 for the purpose of canvassing the vote from the July 13, 2004, City of Knoxville Hotel/Motel Election in the County of Marion, Iowa. Present were William G. Shepherd, Howard Pothoven and Bob De Joode.

Chairman Shepherd opened the special canvass at 10:45 A.M.

The canvass was completed and the results are as follows:

**Public Measure A - "Shall the City of Knoxville, Iowa, impose a Hotel and Motel Tax at the rate of seven percent (7%) with said funds to be used for the following purposes;**

- 1) 50% of said Hotel and Motel Tax to be allocated for tourism, recreation, convention, cultural, or entertainment facilities, events, and promotions pursuant to Chapter 422A.2 of the Code of Iowa.**
- 2) 50% of said Hotel and Motel Tax to be allocated for: 1. Economic Development 2. Promotional Signage 3. Local Heritage Projects and Special Events 4. Residential, Commercial, and Industrial Development Promotions 5. Cultural Events and Productions 6. Streetscape Planning and Development 7. Other Tourism, Recreation, Cultural, Convention, and Entertainment Purposes"**

**Yes – 207**

**No – 45**

**Public Measure A - Approved**

De Joode moved and Pothoven seconded that the special canvass be adjourned. Ayes all.

The canvass was adjourned at 10:50 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session July 26, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the July 12, 2004, and July 19, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #141146 thru #141341 be approved for payment. Ayes all.

De Joode moved and Pothoven seconded to receive and file the Annual Marion County Care Facility Financial Report as of June 30, 2004.. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Mike and Janet Evinger, 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 Engineer and the Marion County Zoning Administrator and they have approved the 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 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 of the following described real estate in Marion County, Iowa, known as Arnott Subdivision, and having a legal description as follows:

Commencing at the W1/4 Corner of Section 16, Township 75 North, Range 19 West of the 5<sup>th</sup> P.M., thence North 00°38' West 586.81 ft. along the west line of said Section 16 to a point on the north right of way of Iowa Highway #92 being the Point of beginning, thence continuing North 00°38' West 832.28 ft. along the west line of said Section 16, thence North 88°30' East 590.75 ft., thence South 00°39' East 832.28 ft., thence South 88°30' West 591.10 ft. to the point of beginning containing 11.29 acres, more or less, including the public road established along the south side thereof which contains 1.22 acres.

Be formally accepted and approved at this time. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the maximum allowable federal mileage rate as determined by the Internal Revenue Service is adjusted annually and,

Whereas, it would be in the best public interest for the Marion County Sheriff's Office to charge the maximum allowable federal mileage rate for county owned vehicles,

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 the maximum allowable federal mileage rate for county owned vehicles as annually determined by the Internal Revenue Service. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the minimum mileage rate charged by the Marion County Sheriff's Office is set at \$1.00 and,

Whereas, the cost of fuel and vehicle maintenance costs have increased over the past several years, and

Whereas, it would be in the best public interest for the Marion County Sheriff's Office to increase the minimum mileage rate charged for county owned vehicles,

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 \$3.00 as the minimum mileage rate for county owned vehicles. Ayes all.

De Joode gave an overview of the events leading up to the lease proposal with Fifth Judicial and after assuring the Board all issues were resolved with the County Assessor's Office, Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Fifth Judicial District of the State of Iowa has expressed a desire to rent office space in the Dickerson Building owned by Marion County; and

Whereas, Marion County has such space available;

Now, Therefore, Be It Resolved, that the Marion County Board of Supervisors hereby approves a contract with the Fifth Judicial District to rent office space in the Dickerson Building, beginning on or about August 1, 2004, for the sum of \$400 per month. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Participant Counties desire to cooperate, one with another, for the purpose of establishing a state-wide rate setting methodology; and

Whereas, each County is a public agency within the meaning of Iowa Code Chapter 28E (2001) and the Iowa State Association of Counties ("ISAC") is a private agency within the meaning of Iowa Code Chapter 28E (2001):

Therefore, Be It Resolved, by the Board of Supervisors of Marion County that this County does hereby enter the County Rate Information System 28E Agreement with the Iowa State Association of Counties and with other Counties, to form a separate legal entity known as County Rate Information System, to provide state-wide setting methodology, and the Chairperson of the Board of Supervisors is hereby empowered and directed to execute the County Rate Information System 28E Agreement on behalf of this County. Ayes all.

Pothoven moved and De Joode seconded to approve the County funding the request for Dr. John Kanis, County Medical Examiner, to attend the Forensic Medical Investigation Workshop in Phoenix, Arizona, on November 11-14, 2004. Ayes all.

De Joode moved and Pothoven seconded to reject all bids received on Marion County Project L-01205 installation of a concrete box culvert on 195<sup>th</sup> Street lying North of Oklahoma Drive. Ayes all. Bids are available for viewing in the Auditor's Office.

Pothoven moved and De Joode to second the following Resolution:

Whereas, Marion County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance; and

Whereas, the County after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "C" roads pursuant to Iowa Code Section 309.57; and

Whereas, the County desires that the following road be classified as an Area Service "C" road; and

Whereas, the said road may have access restricted by means of a locked gate assembly, consisting of the gates, corner posts, brace posts, and braces, purchased and installed by the County. The County shall be reimbursed for the cost of materials for the gate assembly, by the property owners adjacent to the road to be classified level "C", prior to installation. Maintenance of the gate assembly will be the responsibility of the adjacent property owners. If not so maintained the County may remove the gate; and

Whereas, the only persons who will have access rights to the roads shall be:

1. the owner, lessee, or person in lawful possession of any adjoining land,
2. the agent or employee of the owner, lessee or person in lawful possession of any adjoining land
3. any peace officer
4. any magistrate
5. any public employee or consultant to the county whose duty it is to supervise the use or perform maintenance of the road
6. any agent or employee of any utility located upon the road

Whereas, the minimal level of maintenance will be as follows:

1. Blading. Blading or dragging will be performed at the county's discretion but no more than 2 times per year, once in spring and once in the fall.
2. Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded on a regular basis.

3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE LEVEL C ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE.
4. Weeds, Brush and Trees. Mowing and spraying of weeds, cutting brush, and tree removal will not be performed on a regular basis. Adequate site distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. They will be inspected at least every 2 years. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6. Shoulders. Shoulders will not be maintained on a regular basis.
7. Crown. A crowned road cross section will not be maintained on a regular basis.
8. Road Surfacing. There will be no surfacing materials applied to Area Service System "C" Roads.
9. Repairs. Road repairs will not be made on a regular basis.
10. Uniform Width. Uniform width of the traveled portion of the roadway will not be maintained on a regular basis.
11. Inspections. Regular inspections will not be performed.

Whereas, Any level of service desired by the property owners beyond that described in this resolution shall be the responsibility of any combination, from one to all, of the adjoining property owners to execute and pay for.

Therefore, Be It Resolved By The Board of Supervisors of Marion County that the following described road in Marion County is hereby established as Area Service "C" with restricted access and a minimal level of maintenance.

A segment of road beginning at a point from the south line of the easement of Beardsley Street, South along the alignment of 190<sup>th</sup> Avenue to a point 2200 feet North of the SE corner of the SE1/4 of the NE ¼ of Section 13 Township 77 North Range 19 West of the fifth principal Meridian.

Ayes all.

Pothoven moved and De Joode seconded to approve the agreement with the Iowa Department of Transportation Agreement for federal-aid Highway Bridge Replacement and Rehabilitation (HBRR) Program Project for Project BROS-CO63(74)—5F-63 on County Bridge #49055100 on Quebec Street from 135<sup>th</sup> to 150<sup>th</sup>. Ayes all.

The following departments gave an update on current activities in their department.  
Roger Schletzbaum, Marion County Engineer

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

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session July 26, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Zoning Petition #415 – Proposed Arnott Subdivision Final Plat, by Mike Evinger, described as follows: Commencing at the W1/4 Corner of Section 16, Township 75 North, Range 19 West of the 5<sup>th</sup> P.M., thence North 00°38' West 586.81 ft. along the west line of said Section 16 to a point on the north right of way of Iowa Highway #92 being the Point of beginning, thence continuing North 00°38' West 832.28 ft. along the west line of said Section 16, thence North 88°30' East 590.75 ft., thence South 00°39' East 832.28 ft., thence South 88°30' West 591.10 ft. to the point of beginning containing 11.29 acres, more or less, including the public road established along the south side thereof which contains 1.22 acres.

John Mc Coy, Marion County Zoning Director, and Mike Evinger, Developer, gave an overview of the proposed subdivision.

There being no further public comment, Pothoven moved and De Joode seconded to close that portion of the public hearing. Ayes all.

Item #2 – Proposed County Resolution to designate a portion of 190<sup>th</sup> Avenue lying North of Clemons Street and South of Beardsley Street as a Level C road described as follows: A segment of road beginning at a point from the south line of the easement of Beardsley Street, South along the alignment of 190th Avenue to a point 2200 feet North of the SE corner of the SE1/4 of the NE ¼ of Section 13 Township 77 North Range 19 West of the fifth principal Meridian.

Roger Schletzbaum, Marion County Engineer, gave an overview of the proposed reclassification. Jerry Van Wyk and Paul Van Zee, adjoining landowners, gave comments to the Board.

There being no further public comment, Pothoven moved and De Joode seconded to close that portion of the public hearing. Ayes all.

Pothoven moved and De Joode seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:25 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session July 29, 2004 for the purpose of receiving information regarding a proposed Local Option Sales and Services Tax Income Redistribution 28E Agreement between Marion County and the City of Pella. Present were William G. Shepherd, Howard Pothoven and Bob De Joode.

Chairman Shepherd opened the special meeting at 9:05 A.M.

Discussion was held between Mike Nardini, City Manager of Pella, and the Board.

De Joode moved and Pothoven seconded that the special meeting be adjourned. Ayes all.  
The meeting was adjourned at 10:20 P.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session August 9, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

Pothoven moved and De Joode seconded to amend the agenda by adding number 9A and approve the agenda as amended. Agenda item 9A follows: Review and take action on a entering into a contract with Peterson Construction, as bid thru the IDOT, for the removal of a viaduct on Old Hwy 92 over the BNSF Railroad near Tracy. Ayes all.

De Joode moved and Pothoven seconded the minutes of the July 26, 2004, and July 29, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #141434 thru #141671 be approved for payment. Ayes all.

De Joode moved and Pothoven seconded to approve the renewal of a Class C Beer Permit for Alice Avery d.b.a. Lakeridge Enterprises. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Chapter 28E, Code of Iowa, allows governmental jurisdictions to enter into agreements; and

Whereas, Marion County and Pella ("Parties") have determined that there is a need to formulate a workable program for utilizing their respective resources and other appropriate private and public resources to provide for the financing, construction, equipping and maintenance of various public projects within their respective boundaries; and

Whereas, Parties have determined that they should jointly exercise their powers under Chapters 28E and 422 B of the Code of Iowa, 2003, as amended, to take certain actions that the Parties deem necessary or appropriate to achieve their goals and objectives as they pertain to their respective projects; and

Whereas, Pella has a local option sales and services tax that has been in effect since January 1, 2002; and

Whereas, Marion County has a local option sales and services tax that has been in effect since January 1, 2004; and

Whereas, Parties agree that the formula for distribution of revenues collected from the tax as set out in the Code, should be amended and that an alternative formula for distribution/allocation of the revenues should be agreed upon; and

Whereas, it is in the best interest of the Parties and of all of the citizens thereof that an agreement be reached concerning said alternative formula.

Now, Therefore Be It Resolved by the Board of Supervisors of Marion County, Iowa, That the Agreement pursuant to Iowa Code Chapter 28E between Marion County and Pella regarding the allocation of local option sales and services tax revenues be approved. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the Marion County Board of Supervisors approved the transfer of \$1,239,612.00 from the Rural Basic Fund to the Secondary Road Fund under the FY 04-05 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 transfer of \$1,239,612.00 from the Rural Basic Fund to the Secondary Road Fund be approved by the Marion County Board of Supervisors for the fiscal year of 2004-2005, and,

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

Pothoven moved and De Joode seconded to approve the agreement with the Iowa Department of Transportation for transfer of public road jurisdiction for that portion of 250<sup>th</sup> Avenue (previously Highway 102) in Marion County. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Marion County has a bridge on Quebec Street between 135<sup>th</sup> Avenue and 150<sup>th</sup>, bridge number 49055100, and;

Whereas, this bridge is of an age and condition that it is in need of replacement and;

Whereas, funding is available through the IDOT, CIRPTA, and FHWA to partially fund a project to replace the bridge and;

Whereas, replacement of the bridge will involve the purchase of additional right of way,

Now Therefore, Be It Resolved that project to replace bridge number 49055100 shall be initiated. Ayes all.

Pothoven moved and De Joode seconded to approve Peterson Contractors Inc. of Reinbeck, Iowa, for a contract of \$164,137.75, as bid thru the IDOT, for the removal of a viaduct on Old Hwy 92 over the BNSF Railroad near Tracy. Ayes all

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Jake Grandia, Marion County Auditor

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 9:59 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session August 9, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – County Engineer Project on Bridge #49055100: Notice to affected property owners that Marion County will consider authorizing the commencement of a project to replace a bridge in Section 5, Township 74 North, and Range 19 West on Quebec Street. If the above described project is approved by Marion County, the County will attempt to acquire said properties and easements by negotiated purchase, and may condemn those properties or easements which is unable to purchase.

There being no public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

De Joode moved and Pothoven seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:10 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session August 9, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

Pothoven moved and De Joode seconded to amend the agenda by adding number 12 and approve the agenda as amended. Agenda item 12 follows: Review and take action on a request to change zoning from agriculture to commercial (C-2) on the S 370' of Parcel F, SE SW Section 13, 76-20. (1247 Illinois Dr.) Ayes all.

De Joode moved and Pothoven seconded the minutes of the August 9, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #141724 thru #141891 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to receive and file the Treasurer's Semi Annual Financial Report. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas,, Leticia Pitt (through Michael D. Pitt, Conservator) have caused certain real estate located in the 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 compiled in all respects with the rules and procedures concerning the sub-division of lands in Marion County, Iowa; and

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

Now, therefore, be it resolved by Marion County Board of Supervisors, that the final plat the following described real estate situated in Marion County, Iowa, known as "Leticia Pitt Subdivision", and having a legal description as follows:

Beginning at the E 1/4 of Section 4, Township 75 North, Range 19 West of the 5<sup>th</sup> P.M. in Marion County, Iowa, thence South 00°05' West 247.7 ft. along the east line of the NE 1/4 of the SE 1/4, thence North 89°49' West 424.2 ft., thence North 00°21' East 223.7 ft., thence North 72°04' West 64.1 ft., thence North 00°48' West 243.9 ft., thence North 70°00 East 519.5 ft. along the south right-of-way line of the former Chicago, Rock Island and Pacific Railroad Company, thence South 00°05' West 418.8 ft. along the east line of the SE1/4 of the frl. NE 1/4 of the aforesaid Section 4 to the point of beginning containing 6.11 acres, more or less, including the public road established along the east side thereof which contains 0. acre. Ayes all.

Pothoven moved and De Joode seconded to approve the salary changes of Elected Official's staff members. Ayes all. A list is available in the Auditor's Office.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Iowa Code Section 229.19 requires that in counties with a population of less than 300,000, the chief judge of the judicial district appoints the mental health advocate and approves compensation for advocate services for each county; and

Whereas, the chief judge has appointed Kelly Yeggy to serve as advocate for Marion and Jasper Counties; and

Whereas, Iowa Code Section 229.19 requires that in counties with a population of more than 300,000, the County Board of Supervisors appoint a mental health advocate and approve compensation for advocate services; and

Whereas, the Polk County Board of Supervisors previously appointed Kelly Yeggy to serve as mental health advocate for Polk County; and

Whereas, Marion and Jasper Counties will receive reports documenting the service the advocate has provided in each county in a format agreed upon by the counties, the Court and the advocate; and

Whereas, the advocate will submit monthly detailed billing statements to Polk County Health Services in a format defined by Polk County Health Services; and

Whereas, it is in the best interest that one administrative source be responsible for receipt of revenues and payment for advocate services; and

Whereas, the Executive Director of Polk County Health Services has been directed to amend the contract between Polk County Health Services and Kelly Yeggy to reflect the sharing arrangement; and

Now, therefore be it resolved that the Marion County Board of Supervisors approves having one administrative source for payment of advocate services with Polk and Jasper Counties; and

Be it further resolved that, Marion and Jasper Counties agreed to reimburse Polk County for expenses associated with performance of duties in those counties. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Marion County has a bridge on 228<sup>th</sup> Place, bridge 78260882 (FHWA 240990) and one on 240th Place, bridge 78147584(FHWA 240950) and;

Whereas, These bridges are on Farm to Market routes, and;

Whereas, These bridges are in need of repair and or replacement and;

Whereas, Construction of these bridges is included in the currently adopted County Five Year Plan and;

Whereas, Funding is available through the IDOT, CIRPTA, and FHWA to partially fund a project to repair and or replace the bridges and;

Whereas, Said repair and or replacement of these bridges may involve the purchase of additional right of way and,

Whereas, specialized design services are required to economically and efficiently prepare project documents for the proposed projects;

Now therefore, be it resolved that project to repair and or replace bridges 78260882 (FHWA 240990) and 78147584(FHWA 240950) shall initiated and the board chair is authorized to execute a design agreement with Calhoun – Burns and Associates. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Pothoven moved and De Joode seconded to approve the zoning change request of Ryan Fuhs from agriculture to commercial (C-2) of the S 370” of Parcel F of the SE SW Section 13 of 76-20. (1247 Illinois Dr.) Ayes all.

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:0 A.M. Ayes all.

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LISA SHIVES, MARION CO. DEPUTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session August 23, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Howard Pothoven, and Bob De Joode.

Chairman Shepherd opened the public hearing at 9:02 A.M.

Item #1-Petition #416 Proposed Leticia Pitt Subdivision Final Plat located in Section 4, Township 75N, Range 19W.

There being no public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

De Joode moved and Pothoven seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:07 A.M.

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Lisa Shives, Marion County Deputy Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session September 13, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded the minutes of the September 13, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #141897 thru #142199 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to designate Betty Moll, Marion County CPC, as the Marion County representative authorized to find placement for patients subject to involuntary hospitalization proceedings. Ayes all.

Pothoven moved and De Joode seconded to approve an amendment to the lease agreement between Marion County and the Iowa Department of human Services (DHS Case Management). Ayes all.

Pothoven moved and De Joode seconded to approve Change Order #6 for a total add of \$440,167.68 on the Marion County Courthouse Re-Roof Project. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the former method of determining inter-county allocations of Secondary Roads and Farm-to-Market Road Use Tax revenues, known as the Quadrennial Needs Study, was discontinued by SF 2192, 2002 Iowa Acts, and,

Whereas, the Secondary Road Fund Distribution Advisory Committee, pursuant to the mandate of Iowa Code Section 312.3C, has developed and recommended a new method known as the "Factor Breakdown Method", and,

Whereas, after due study, Marion County has determined that the proposed method will provide a base level of funding for all counties, and will allow for the allocation of funds to shift as population, system size, and traffic change, and,

Whereas, the proposed method has been endorsed by the Executive Boards of the Iowa County Engineers Association and the Iowa State Association of County Supervisors,

Now Therefore, Be it Resolved that Marion County, Iowa hereby endorses the adoption of the Factor Breakdown Method by the Legislature as presented by the Secondary Road Fund Distribution Advisory Committee, to become effective in FY 2007 and be phased in over a five year period. Ayes all.

Pothoven moved and De Joode seconded to approve a Work Beyond the Right of Way Agreement between the Marion County Secondary Road Department and Robert Loynachan. Ayes all.

Pothoven moved and De Joode seconded to approve a revision to the Marion County Secondary Road Payroll Policy to reflect the current method of determining insurance premium benefits. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Jake Grandia, Marion County Auditor

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 9:55 A.M. Ayes all.

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JAKE GRANDIA, MARION COUNTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session September 17, 2004 for the purpose of canvassing the vote from the September 14, 2004, School Board Election in the County of Marion, Iowa. Present were William G. Shepherd and Bob De Joode.

Chairman Shepherd opened the special canvass at 8:00 A.M.

The canvass was completed and the winning results are as follows:

**Knoxville School District Director:**

**Michael C Helle**

**Jeff Wallace**

**Melcher-Dallas School District Director:**

**Joe Clark**

**Twin Cedars School District Director:**

**Dennis Miller – District #2**

**Bonnie Courtney – District #4**

**Pleasantville School District Director:**

**Thomas E Adreon**

**Mark Thompson**

**Pella School District Director:**

**Marvin Van Wyk – District #1**

**Joan Corbin – District #2**

**DMACC Public Measure A - “Shall the Des Moines Area Community College (Merged Area XI) be authorized to levy an additional tax not exceeding six (6) cents per thousand dollars of assessed value in any one year for a period of ten (10) consecutive years following this election?”**

**Yes – 280**

**No – 377**

De Joode moved and Shepherd seconded that the special canvass be adjourned. Ayes all.

The canvass was adjourned at 8:15 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session September 27, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the September 13, 2004, and September 17, 2004, meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #142252 thru #142474 be approved for payment. Ayes all.

John De Nooy, concerned citizen, questioned the Board about the status of the Courthouse Re-Roof Project.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, it is in the best interest to the citizens of Marion County for the Treasurer's Office to designate a Deputy Treasurer, and;

Whereas, the Code of Iowa has established the rules and procedures for the establishment of a Deputy Treasurer,

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 Deputy Treasurer:

Marcia Shives     Michaela Darland

Ayes all.

Pothoven moved and De Joode seconded to approve the salary changes of Elected Official's staff members. Ayes all. A list is available in the Auditor's Office.

Pothoven moved and De Joode seconded to approve the agreement and contract with Local 3673-4 American Federation of State, County, and Municipal Employees for July 1, 2005 to June 30, 2006. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 AM on the 27th day of September, 2004, 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 A segment of road known locally as 216th. Pl. located in Section 33, Twp.76N, Rng.18W of the 5th. P.M. Beginning at a point North 48 degrees 15 minutes, West approximately 179.15 ft. from the North 1/4 corner of Section 4, Twp.75N, Rng.18W of the 5th. P.M. This point also being known as Station 13+34 on road plans on file of Marion County Project L-17170. A strip of land 100 ft. wide extending North/Northwesterly to Station 35+88.5, that point being at the southerly end of Bridge# 68333855 ( the Dollar Bridge ) containing 5.195 acres more or less. This real estate was acquired by Marion County through easement for road purposes in October of 1970 from the estate of Tunis H. Klein and constitutes the former graded right-of-way and road bed of the old Wabash Railroad. This vacation being subject to any and all utility easements.

Be hereby vacated. Ayes all.

Pothoven moved and De Joode seconded to approve a Work Beyond the Right of Way Agreements between the Marion County Secondary Road Department and Gerald McCurry and Ralph Dyer. Ayes all.

De Joode moved and Pothoven seconded to Table Agenda Item #11, Work Beyond Right of Way Agreement between Marion County Secondary Road Department and Norman Chrisman, until a cost analysis study is completed by the Secondary Road Department. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Karen Schwanebeck, Marion County Recorder

Jake Grandia, Marion County Auditor

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 9:56 A.M. Ayes all.

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JAKE GRANDIA, MARION COUNTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session September 27, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd and Bob De Joode. Howard Pothoven was absent.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – County Engineer proposal to vacate all or part of certain road rights-of-way as existing in Marion County, Iowa, more particularly described as follows: A segment of road known locally as 216th. Pl. located in Section 33, Twp.76N, Rng.18W of the 5th. P.M. Beginning at a point North 48 degrees 15 minutes, West approximately 179.15 ft. from the North 1/4 corner of Section 4, Twp.75N, Rng.18W of the 5th. P.M. This point also being known as Station 13+34 on road plans on file of Marion County Project L-17170. A strip of land 100 ft. wide extending North/Northwesterly to Station 35+88.5, that point being at the southerly end of Bridge# 68333855 ( the Dollar Bridge ) containing 5.195 acres more or less. This real estate was acquired by Marion County through easement for road purposes in October of 1970 from the estate of Tunis H. Klein and constitutes the former graded right-of-way and road bed of the old Wabash Railroad. This vacation being subject to any and all utility easements.

There being no public comment, De Joode moved and Shepherd seconded to close that portion of the public hearing. Ayes all.

De Joode moved and Shepherd seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:10 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session October 11, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:56 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the September 27, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #142489 thru #142740 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, it is deemed necessary and advisable that Marion County, Iowa (hereinafter sometimes referred to as the "County"), issue its bonds in an amount not exceeding \$5,100,000, for the purpose of constructing, furnishing and equipping a new Law Enforcement Center (hereinafter referred to as the "Project"); and

Whereas, pursuant to Section 331.442 of the Code of Iowa, before the County may issue its bonds for such purpose, the County must hold a special election upon such proposition and receive a favorable vote from at least 60% of the total votes cast at such special election;

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

Section 1. A special county election is hereby called and ordered to be held in and for the County on Tuesday, the 7th day of December, 2004, at which there will be submitted to the voters of the County the following proposition:

Shall the County of Marion, State of Iowa, be authorized to construct, furnish and equip a new County Law Enforcement Center, and acquire land for such purpose, at a total cost not exceeding \$5,100,000 and issue its general obligation bonds in an amount not exceeding \$5,100,000 for that purpose?

Section 2. The County Auditor is hereby authorized and directed to issue a proclamation and notice of the aforementioned proposition and of the time and place of the election and to take all other actions necessary pursuant to state law to conduct the election. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Steven D. Gotta and Phyllis A. Gotta have caused certain real estate located in the 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 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 of the following described real estate situated in Marion County, Iowa, known as "Sunset Ridge Subdivision" as described in the attached Exhibit "A", be formerly accepted and approved at this time. Ayes all. (Legal description, Exhibit A, may be viewed in the Auditor's Office)

Pothoven moved and De Joode seconded to approve Planning/Zoning Petition #419 to re-zone from Agricultural to Commercial (C-2) 6.21 acres located in part of the NE1/4 of the SW1/4 and part of the NW1/4 of the SW1/4 in Section 21, Township 74N, Range 18W of the 5<sup>th</sup> p.m. for a cellular tower. Ayes all.

Pothoven moved and De Joode seconded to approve the renewal of a Class B Beer Permit for Roger Carter d.b.a. Wacko's. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 AM on the 11th. day of October, 2004, 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 A segment of road known locally as Harding Dr., established at 33 ft. on September 2, 1873, more particularly described as being the north 33 ft. beginning at the NW corner of the South 1/2 of the SE 1/4 of the NE 1/4 of Section 9, Township 76N, Range 18W of the 5th. P.M., running thence East approximately 409.86 ft. to the West right-of-way line of the Burlington Northern and Santa Fe Railroad. Subject to any and all existing utility easements. Containing .31 acres more or less.

Be hereby vacated. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Kim Dorn, Marion County Public Health

Steve Edwards, Marion County Conservation

Gary Verwers, Marion County Sheriff

There being no other business, Pothoven moved and De Joode seconded the meeting be adjourned at 10:17 A.M. Ayes all.

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JAKE GRANDIA, MARION COUNTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session October 11, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Item #1 – Planning/Zoning Petition #421 – Request by Rosalie Souter for proposed Parcel B of Lot 14 Van Gorp Subdivision Final Plat located in Section 34, Township 76N, Range 19W of the 5<sup>th</sup> p.m., locally known as 1279 160<sup>th</sup> Ave. Knoxville, IA 50138. Marion County Zoning Commission recommended approval.

There being no public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Item #2 – Planning/Zoning Petition #419 – Request by USCOC of Greater Iowa d/b/a U.S. Cellular to require a property located in part of the NE1/4 of the SW1/4 and part of the NW1/4 of the SW1/4, all located in Section 21, Township 74N, Range 18W of the 5<sup>th</sup> p.m., Marion County, Iowa for a cellular tower. The property is currently zoned Agricultural and would be rezoned to Commercial (C-2). Marion County Zoning Commission recommended approval. Julie Shebek, U.S. Cellular, presented an overview of the request.

There being no further public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Item #3 – Planning/Zoning Petition #417 – Request by Steve Gotta for proposed Sunset Ridge Subdivision Final Plat located in Section 2, Township 75N, Range 20W of the 5<sup>th</sup> p.m., Marion County, Iowa. Lengthy discussion took place between Steve Gotta, Mike Lane, John McCoy, City of Knoxville officials, and the Board. Concerns raised by the Board were that there is only one seal coat road accessing the subdivision, that no septic systems will be allowed in the subdivision, the new city sewer has yet to be constructed to serve the area, and that annexation of this property into the city has not taken place.

There being no further public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Item #4 – County Engineer proposal to vacate all or part of certain road rights-of-way as existing in Marion County, Iowa, more particularly described as follows: A segment of road known locally as Harding Dr., established at 33 ft. on September 2, 1873, more particularly described as being the north 33 ft. beginning at the NW corner of the South 1/2 of the SE 1/4 of the NE 1/4 of Section 9, Township 76N, Range 18W of the 5<sup>th</sup> P.M., running thence East approximately 409.86 ft. to the West right-of-way line of the Burlington Northern and Santa Fe Railroad. Subject to any and all existing utility easements. Containing .31 acres more or less. Discussion took place between Carole Rowland, Gene Heberlin, Secondary Road personell, and the Board.

There being no further public comment, De Joode moved and Pothoven seconded to close that portion of the public hearing. Ayes all.

Pothoven moved and De Joode seconded to adjourn the public hearing. Ayes all. The public hearing was adjourned at 9:49 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session October 25, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

Pothoven moved and De Joode seconded to approve the addition of item 10B to the agenda: Work Beyond the Right of Way Agreement between the Secondary Road Department and Richard Johnson. Ayes all.

Pothoven moved and De Joode seconded to approve the agenda as amended. Ayes all.

De Joode moved and Pothoven seconded the minutes of the October 11, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #142782 thru #142982 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to receive and file the 2004 Bridge Inspection and Rating Report as presented by Mike Vander Wert of Calhoun - Burns and Associates, Inc. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

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 inspection and analysis indicate a safe operating load capacity for certain Marion County bridges as listed below.

<u>Bridge Number</u>	<u>Load Limit (Tons)</u>
41248950	18
41351599	5
41357599	3
49103054	12
51010082	11
58190650	4axles(15T),5axles(25T),6axles(25T)
61120012	22
70065500	6
70076501	6
78287851	4axles(25T),5axles(38T),6axles(38T)

Now Therefore, Be It Resolved, this 25th day of October, 2004, that the above recommended 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 repaired, reconstructed, or removed. Ayes all.

Pothoven moved and De Joode seconded to approve a contract with Calhoun-Burns and Associates, Inc. for the County's Bridge Inspection Services for the calendar years 2005 and 2006. Ayes all.

Pothoven moved and De Joode seconded to approve an Engineering Agreement with Calhoun-Burns and Associates, Inc. for Professional Engineering Services for a feasibility study on 12 grade separation structures on the Union Pacific Railroad and 7 structures on the Burlington Northern – Santa Fe Railroad. Ayes all.

Pothoven moved and De Joode seconded to approve an Engineering Agreement with Kirkham-Michael Consulting Engineers for Professional Engineering Services for design of a bridge deck to use the salvaged beams from the Tracy Viaduct. Ayes all.

Pothoven moved and De Joode seconded to approve an Engineering Agreement with French Reneker and Associates, consulting engineers, for professional engineering services for core sampling on portions of hwy T15. Ayes all.

Pothoven moved and De Joode seconded to approve a Work Beyond the Right of Way Agreements between the Marion County Secondary Road Department and Richard Johnson. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Jake Grandia, Marion County Auditor

There being no other business, De Joode moved and Pothoven seconded the meeting be adjourned at 10:31 A.M. Ayes all.

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JAKE GRANDIA, MARION COUNTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in regular session November 8, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:32 A.M.

De Joode moved and Pothoven seconded to approve the agenda. Ayes all.

De Joode moved and Pothoven seconded the minutes of the October 25, 2004, meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #142984 thru #143211 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to receive and file the Sheriff's quarterly report ending 9-30-2004. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Rosalie Souter, 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 Engineer and the Marion County Zoning Administrator and they have approved the 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 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 of the following described real estate in Marion County, Iowa, known as Parcel B of Lot 14 A Subdivision of Lot 14 in Van Gorp Subdivision, and having a legal description as follows:

Beginning at the NW Corner of Lot 14 of Van Gorp Subdivision of Section 34, Township 76 North, Range 19 West of the 5<sup>th</sup> P.M., thence South 89°41'47" East 198.00 ft. along the north line of said Lot 14, thence South Q0°00'00" East 659.24 ft. to a point on the south line of said Lot 14, thence North 89°54'32" West 198.00 ft. along said south line to the SW Corner of Lot 14, thence North Q0°00'Q0" West 659.98 ft. along the west line of said Lot 14 to the point of beginning containing 3.00 acres, more or less, including the established public road along the west side thereof which contains 0.30 acre. Ayes all.

Pothoven moved and De Joode seconded to approve the elected official staff salaries. Ayes all. A list is available in the Auditor's office.

Pothoven moved and De Joode seconded to approve a Work Beyond the Right of Way Agreements between the Marion County Secondary Road Department and Mark Core. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

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 A segment of road and excess right-of-way known locally as Old Hwy. 92, located between the east right-of-way line of the B.N.S.F railroad and the west right-of-way line of a local road known as 245th. Pl. in section 24, Township 75N, Range 18W of the 5th. P.M. and more particularly described as commencing at the West 1/4 corner of Section 24, T75N, R18W, thence North 1473', thence S.82 deg.- 07' E.397.6 ft., thence Easterly 835 ft., along a 1432.5 ft. radius curve concave Northerly with a central angle of 33 deg., 24', thence N. 64 deg., 29' E. 347.8 ft., to the point of beginning: Thence Southerly along the East right-of-way line of the B.N.S.F railroad 78.64 ft., thence N. 64 deg., 29' E. 130.7 ft., thence Easterly 532.55 ft. along a 1835 ft. radius curve concave Southerly with a central angle of 16 deg.- 37' - 45", thence N. 0 deg.-15' W. 353.4 ft., thence Westerly 687.27 ft. along a 2185 ft. radius curve concave Southerly with a central angle of 18 deg.-01'- 22", thence S. 64 deg.- 29'- W. 240.8 ft., thence Southerly 288.36 ft. along the East right-of-way line of the B.N.S.F. railroad along a 5730 ft. radius curve concave Westerly with a central angle of 2 deg.- 52'- 49" to the point of beginning and containing 6.60 acres more or less. Note: The bearing of the west line of Section 24 is taken as due North. Also to allow Marion County to stock pile on vacated right-of-way, rip rap, generated at the site. To be used by the county in normal maintenance operations until depleted. Subject to any and all existing utility easements. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Kim Dorn, Marion County Public Health

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

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LISA SHVIES, MARION CO DEPUTY AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session November 8, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd and Bob De Joode. Howard Pothoven was absent.

Chairman Shepherd opened the public hearing at 9:02 A.M.

Regarding vacating all or part of certain road rights –of-way as existing, in Marion County, Iowa, more particularly described as:

A segment of road and excess right-of-way known locally as Old Hwy. 92, located between the east right-of-way line of the B.N.S.F railroad and the west right-of-way line of a local road known as 245th. Pl. in section 24, Township 75N, Range 18W of the 5th. P.M. and more particularly described as commencing at the West 1/4 corner of Section 24, T75N, R18W, thence North 1473', thence S.82 deg.- 07' E.397.6 ft., thence Easterly 835 ft., along a 1432.5 ft. radius curve concave Northerly with a central angle of 33 deg., 24', thence N. 64 deg., 29' E. 347.8 ft., to the point of beginning: Thence Southerly along the East right-of-way line of the B.N.S.F railroad 78.64 ft., thence N. 64 deg., 29' E. 130.7 ft., thence Easterly 532.55 ft. along a 1835 ft. radius curve concave Southerly with a central angle of 16 deg.- 37' - 45", thence N. 0 deg.-15' W. 353.4 ft., thence Westerly 687.27 ft. along a 2185 ft. radius curve concave Southerly with a central angle of 18 deg.-01'- 22", thence S. 64 deg.- 29'- W. 240.8 ft., thence Southerly 288.36 ft. along the East right-of-way line of the B.N.S.F. railroad along a 5730 ft. radius curve concave Westerly with a central angle of 2 deg.- 52'- 49" to the point of beginning and containing 6.60 acres more or less.

Note: The bearing of the west line of Section 24 is taken as due North. Also to allow Marion County to stock pile on vacated right-of-way, rip rap, generated at the site. To be used by the county in normal maintenance operations until depleted.

Subject to any and all existing utility easements.

De Joode moved Shepherd seconded to close the public hearing. Ayes all.

De Joode moved Shepherd seconded to adjourn the public hearing. Ayes all. Meeting was adjourned at 9:03 am.

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Lisa Shives, Marion County Deputy Auditor

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William G. Shepherd, Chairman Board of Supervisors

BOARD OF SUPERVISORS MEETING    TWENTY NINTH DAY    NOVEMBER 9, 2004

The Marion County Board of Supervisors met in special session November 9, 2004 for the purpose of canvassing the vote from the November 2, 2004, General Election for the County of Marion, Iowa. Present were William G. Shepherd and Bob De Joode. Howard Pothoven was absent.

Chairman Shepherd opened the special canvass at 9:00 A.M.

The canvass was completed and the results are as follows:

2004 General Election Winners

Name	Office
** George W Bush/Dick Cheney	United States President
** Chuck Grassley	United States Senator
** Leonard Boswell	U.S. Representative Dist. 3
** Paul McKinley	State Senator-Dist. 36
** Jim Van Engelenhoven	State Rep. - Dist. 71
** Richard Arnold	State Rep. - Dist. 72
Dwight A. Mater Jr.	County Supervisor
Sam L. Nichols	County Supervisor
** Jake Grandia	County Auditor
** Gary Verwers	County Sheriff
** Bryce Kelderman	Clay Twp Trustee
** Paul Harrington	Clay Twp Trustee
Josh Schneider	Dallas Twp Trustee
Richard Schneider	Dallas Twp Trustee
** Rodney Johnson	Franklin Twp Trustee
** Doran Van Rheen	Franklin Twp Trustee
** Jim Force	Indiana Twp Trustee
** Carlene K Roland	Indiana Twp Trustee
** Robert Crozier	Knoxville Twp Trustee
** Myles Murphy	Knoxville Twp Trustee

Bradley J. Rietveld	Lake Prairie Twp Trustee
** Arvin Van Wyk	Lake Prairie Twp Trustee
Bob Smith	Liberty Twp Trustee
Winner Declined Position	Liberty Twp Trustee
** Bruce Clark	Pleasant Grove Twp Trustee
** Phillip Myers	Pleasant Grove Twp Trustee
** Marion L. Kingery	Red Rock Twp Trustee
** Michael Hotovec	Red Rock Twp Trustee
** Carl Weyers	Summit Twp Trustee
John Joenks	Summit Twp Trustee
** Henry Bensink	Union Twp Trustee
** Leroy Schumacher	Union Twp Trustee
** John G Pierce	Washington Twp Trustee
** Joy Pierce	Washington Twp Trustee
** Janet Petty	Soil & Water Conservation
** Jack Bensink	Soil & Water Conservation
** Vernon Boot	Soil & Water Conservation
** Mark Drost	County Agricultural Extension
** Cindi Dale	County Agricultural Extension
Nancy Harsin	County Agricultural Extension
Craig Greene	County Agricultural Extension
David S Wiggins	Supreme Court - Yes
Jerry L Larson	Supreme Court - Yes
Louis A Lavorato	Supreme Court - Yes
Robert E Mahan	Court of Appeals - Yes
Gayle Vogel	Court of Appeals - Yes
Martha Mertz	District Court - Yes
Gregory A Hulse	District Court - Yes
Paul R Huscher	District Court - Yes
Terry L Wilson	District Court Assoc - Yes
** Incumbent	

De Joode moved and Shepherd seconded that the special canvass be adjourned. Ayes all.  
The canvass was adjourned at 9:15 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session November 22, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the addition of item #12 to the agenda, review and take action on a Class B Beer Permit renewal for the Tracy Store. Ayes all.

De Joode moved and Pothoven seconded to approve the agenda as amended. Ayes all.

De Joode moved and Pothoven seconded the minutes of the November 8, 2004 and November 9, 2004 meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #143244 thru #143591 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Steven D. Gotta and Phyllis A. Gotta have caused certain real estate located in the 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 previously been reviewed by the Marion County Zoning Administrator and the Marion County Engineer and they have approved said plat, and

Whereas, Steven D. Gotta and Phyllis A. Gotta have revised the final plat to increase the total number of lots of the subdivision from 76 to 83, 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 conforms in all respects with the laws of the State of Iowa;

Now, Therefore, Be It Resolved by Marion County Board of Supervisors, that the revised final plat of the following described real estate situated in Marion County, Iowa, known as "Sunset Ridge Subdivision" as described in the attached Exhibit "A", be formerly accepted and approved at this time. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Sunset Ridge Subdivision is being treated as a development project within the City of Knoxville's corporate limits, including use of the City's subdivision design standards, and provision of public utilities to Sunset Ridge by the City, and a public/private partnership to construct the larger sewer infrastructure.

Whereas, Sunset Ridge would now be annexed into Knoxville's corporate limits, but for a lack of cooperation from neighboring property owners, and

Whereas, the City of Knoxville still intends to annex Sunset Ridge, and

Whereas, the City of desires to assume the responsibility for all inspection and permitting functions relative to Sunset Ridge that would otherwise fall within the jurisdiction of Marion County, Iowa, and

Whereas, City assumption of all permitting and inspection functions for Sunset Ridge provides tremendous benefit to the developer by precluding the need to interface regularly with multiple planning, permitting, and inspection entities each having multiple standards, and

Whereas, an Agreement approved under the provisions of Chapter 28E of the Code of Iowa would legally enable both County and City to affect said arrangement.

Now, Therefore Be It Resolved by the Board of Supervisors of the County of Marion, Iowa, that the Board Chairperson of said County is hereby authorized to execute the attached 28E Agreement with the City of Knoxville, Iowa for the provision of permitting and inspection functions, and all corresponding revenues derived from such, relative to the Sunset Ridge Subdivision. Ayes all.

Pothoven moved and De Joode seconded to approve the appointment of Michael Farquhar to the City of Pella Community Development Committee to complete the 3 year term of Betty Buitenwerf. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, chapter 28E of the Iowa Code provides for the Joint Exercise of Government Powers and;

Whereas, the State of Iowa has enacted Senate File 451, regarding the jurisdiction of Farm to Market Road Extensions in cities with populations less than 500 and;

Whereas, the county currently has 28E agreements with the cities of Hamilton, Marysville, Swan, Harvey and Bussey and;

Whereas, with the enacting of Senate File 451, it is mutually beneficial for the cities and the County to enter into revised 28 E agreements;

Now Therefore Be It Resolved that Marion County and the cities of Hamilton, Marysville, Swan, Harvey and Bussey enter into revised 28E agreements for road maintenance within the city limits. Ayes all.

Pothoven moved and De Joode seconded to approve a design Supplement with Calhoun and Burns for the final design of Marion County Bridges #78147584 and #78260882 on County Road T22. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Denise Emal, Marion County Treasurer

Kim Dorn, Marion County Public Health

Gary Verwers, Marion County Sheriff

Jake Grandia, Marion County Auditor

Pothoven moved and De Joode seconded to approve the renewal of a Class B Beer Permit for the Tracy General Store, Inc. Ayes all.

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

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session December 13, 2004 for the purpose of canvassing the vote from the December 7, 2004, Special Law Enforcement and Melcher-Dallas City Council Election for the County of Marion, Iowa. Present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

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

The canvass was completed and the results are as follows:

Marion County Law Enforcement Center Public Measure A (60% passage)

Yes – 1,135

No – 264

Melcher-Dallas City Council Member At-Large (To fill a Vacancy)

Naomi Miller – 130

Dennis G. Tickle – 45

Scattering – 1

De Joode moved and Pothoven seconded that the special canvass be adjourned. Ayes all.

The canvass was adjourned at 10:05 A.M.

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Jake Grandia, Marion County Auditor

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William G. Shepherd, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session December 13, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the November 22, 2004 meeting be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #143594 thru #143903 be approved for payment. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, Iowa Code section 459.304(3) (2003), 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, 2005 and January 31, 2006 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). Ayes all.

Pothoven moved and De Joode seconded to approve the following appointments to the Marion County Conservation Board:

1. Will Prather – complete Nancy Niday's term ending 12/31/2008.
2. Bill Boyd – reappointment with term ending 12/31/2009.

Ayes all.

Pothoven moved and De Joode seconded to approve Elected Official staff salary changes. Ayes all. A list is available in the Auditor's office.

Pothoven moved and De Joode seconded to approve entering into two Agreements for Federal-Aid Highway Bridge Replacement and Rehabilitation with the Iowa Department of Transportation for Marion County Bridge numbers 78147584 and 78260882 located on Hwy T-22. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 AM on the 13th. day of December, 2004, 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 a segment of road known locally as 120th. Ave. in Section 2, Township 76N, Range 20W of the 5th. P.M. and more particularly described as beginning at a point 1795 feet north and 242.7 feet west of the S.E. corner of Section 2-76-20, thence in a southwesterly direction approximately 153.3 feet to the point of beginning of a previous vacation recorded in March of 1962, containing .23 acres more or less.

Be hereby vacated. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Karen Schwanebeck, Marion County Recorder

Kim Dorn, Marion County Public Health

Steve Edwards, Marion County Conservation

Jake Grandia, Marion County Auditor

There being no other business, Pothoven moved and De Joode seconded the meeting be adjourned at 9:45 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session December 13, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Regarding vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa. More particularly described as: A segment of road known locally as 120th. Ave. in Section 2, Township 76N, Range 18W of the 5th. P.M. described as beginning at a point 1795 feet north and 242.7 feet west of the S.E. corner of Section 2-76-20, thence in a southwesterly direction approximately 153.3 feet to the point of beginning of a previous vacation recorded in March of 1962, containing .23 acres more or less.

The Board held discussion with Linda Hicks and Sam Nichols as adjoining landowners.

Pothoven moved De Joode seconded to close the public hearing. Ayes all.

Pothoven moved De Joode seconded to adjourn the public hearing. Ayes all. Meeting was adjourned at 9:10 am.

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Jake Grandia, Marion Co. Auditor

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William G. Shepherd, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session December 27, 2004, with William G. Shepherd, Howard Pothoven, and Bob De Joode present. Chairman Shepherd opened the meeting at 9:30 A.M.

De Joode moved and Pothoven seconded to approve the agenda as posted. Ayes all.

De Joode moved and Pothoven seconded the minutes of the December 13, 2004 meetings be approved. Ayes all.

De Joode moved and Pothoven seconded that warrants #143944 thru #143148 be approved for payment. Ayes all.

The Board received a presentation by Jacque Moats, Laura Shepherd, and Timothy Shepherd of T.A.D.A. (Teens Against Drugs and Alcohol) regarding a proposed countywide ordinance for beer keg registrations.

Pothoven moved and De Joode seconded to approve Elected Official staff salary changes. Ayes all. A list is available in the Auditor's Office.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, the citizens of Marion County have authorized the construction of a new county jail/law enforcement center, and

Whereas, the Marion County Board of Supervisors has determined said facility should be constructed on property currently owned by G.I. Warehouse Corp., said property legally described in the attached Exhibit "A", totaling some twenty-three (23) acres, more or less, and

Whereas, said property has been offered for sale at \$6,000 per acre, said price having been determined fair and equitable by the Marion County Board of Supervisors,

Now Therefore Be It Resolved, by the Marion County Board of Supervisors that an offer to buy real estate be executed and tendered to G.I. Warehouse Corp. for the property described in Exhibit "A" for the sum of \$6,000 per acre. Ayes all.

Exhibit "A" may be viewed in the Marion County Auditor's Office.

Pothoven moved and De Joode seconded to approve the sale of 18 lots of various items from the Secondary Road and Conservation Departments as presented. Ayes all. A complete list is available at the Engineer's Office.

Pothoven moved and De Joode seconded to approve entering into a 28E Agreement with the City of Pleasantville and the Engineer's Department for maintenance of certain roads in and around the City of Pleasantville. Ayes all.

Pothoven moved and De Joode seconded to approve the following Resolution:

Whereas, a public hearing was held at 9:00 AM on the 27th. day of December, 2004, 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 Stanton St. between Munsell St. and Needham St. and also Woltz St. from the west right-of-way line of alley in Block 3 and Block 6 in the original town of Tracy, west to Stanton St.

Subject to any and all existing utilities. Be hereby vacated. Ayes all.

Pothoven moved and De Joode seconded to approve a work beyond the right-of-way agreement between the Secondary Road Department and Michael Crozier located at 1621 Hwy T15. Ayes all.

The following departments gave an update on current activities in their department.

Roger Schletzbaum, Marion County Engineer

Kim Dorn, Marion County Public Health

Gary Verwers, Marion County Sheriff

Jake Grandia, Marion County Auditor

There being no other business, Pothoven moved and De Joode seconded the meeting be adjourned at 10:19 A.M. Ayes all.

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JAKE GRANDIA, MARION CO. AUDITOR

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WILLIAM G. SHEPHERD, CHAIRMAN BOARD OF SUPERVISORS

The Marion County Board of Supervisors met in special session December 27, 2004, for the purpose of a public hearing. Board members present were William G. Shepherd, Bob De Joode, and Howard Pothoven.

Chairman Shepherd opened the public hearing at 9:00 A.M.

Regarding vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa. More particularly described as: Stanton St. between Munsell St. and Needham St. and also Woltz St. from the west right-of-way line of alley in Block 3 and Block 6 in the original town of Tracy, west to Stanton St.

The Board held discussion with the Don DeWit, adjoining landowner, and the Engineer's staff.

Pothoven moved De Joode seconded to close the public hearing. Ayes all.

De Joode moved Pothoven seconded to adjourn the public hearing. Ayes all. Meeting was adjourned at 9:21 am.

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Jake Grandia, Marion Co. Auditor

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William G. Shepherd, Chairman Board of Supervisors