

The Marion County Board of Supervisors met January 02, 2007, for their annual organizational meeting with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present.

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

Ayes: Pothoven, Mater and Nichols Nays: none. Abstentions: none. Absent: none

Jake Grandia, Marion County Auditor, called the meeting to order at 9:30 A.M. He then entertained motions for Chairman of the Marion County Board of Supervisors for the year of 2007. Mater moved and Pothoven seconded for approval of Sam L. Nichols as Chairman with authorization to sign for Official County Business.

Chairman Nichols then assumed leadership of the meeting.

Nichols moved and Mater seconded for approval of Dwight Mater Jr. as Vice-Chairman of the Marion County Board of Supervisors with authorization to sign for Official County Business.

Pothoven moved and Mater 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.

Mater moved and Pothoven seconded that per their Official Request, The Marion County News, Pella Chronicle, and Marion County News be named the Official Newspapers for the County's publications.

Pothoven moved and Mater 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 Wells Fargo Bank Iowa N.A. M.C. Emp Acct.	Knoxville	50,000	50,000
County Auditor Wells Fargo Bank Iowa N.A. M.C. Dental Insurance Acct	Knoxville	100,000	100,000
County Auditor Wells Fargo Bank Iowa N.A. Marion County VBA	Knoxville	25,000	25,000
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 Auditor Iowa State Savings Bank M.C. Fully Fund Health Ins	Knoxville	250,000	250,000
County Recorder Wells Fargo Bank Iowa N.A.	Knoxville	100,000	100,000
County Recorder Iowa State Savings Bank	Knoxville	30,000	30,000
County Recorder Wells Fargo Bank Iowa N.A. Vitals	Knoxville	15,000	15,000

County Sheriff Wells Fargo Bank 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	Bussey	1,000,000	1,000,000
County Treasurer Wells Fargo Bank Iowa N.A.	Knoxville	13,000,000	13,000,000
County Treasurer US Bank	Pella	500,000	500,000
County Treasurer Marion County State Bank	Pella	6,000,000	6,000,000
County Treasurer Pleasantville State Bank	Pleasantville	2,000,000	2,000,000
County Treasurer Horizon Federal Savings	Oskaloosa	1,000,000	1,000,000
County Treasurer Leighton State Bank	Leighton	1,000,000	1,000,000
County Treasurer Pella State Bank	Pella	250,000	250,000
County Treasurer US Bank	Oskaloosa	500,000	500,000
County Treasurer Iowa State Savings Bank DOT	Knoxville	250,000	250,000
County Treasurer Edwards Jones Investments	Knoxville	1,000,000	1,000,000
County Extension Iowa State Savings Bank	Knoxville	70,000	70,000
Elderly Nutrition Iowa State Savings Bank	Knoxville	25,000	25,000
Elderly Nutrition State Bank of Bussey	Bussey	25,000	25,000
Elderly Nutrition Wells Fargo Bank Iowa N.A.	Knoxville	25,000	25,000
Elderly Nutrition Pleasantville State Bank	Pleasantville	25,000	25,000
Elderly Nutrition US Bank	Pella	25,000	25,000
Elderly Nutrition Wells Fargo Bank Iowa N.A. Travis Trust	Knoxville	200,000	200,000
Senior Activity Wells Fargo Bank Iowa N.A.	Knoxville	0	2,000

CERTIFICATION. I hereby certify that the foregoing is a true and correct copy of a resolution of the Marion County Board of Supervisors adopted at a meeting of said public body, duly called and held on the 2nd day of January 2007, 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 2007.

Mater moved and Pothoven seconded to reappoint Roger Schletzbaum as Marion County Engineer.

Pothoven moved and Mater 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.

Pothoven moved and Mater seconded the duties of the County Weed Commissioner be assigned to the Marion County Engineer's Department.

Pothoven moved and Mater seconded the approval of the following Official Holidays as listed for the County.

New Years Day	Monday	January 1, 2007
President's Day	Monday	February 19, 2007
Memorial Day	Monday	May 28, 2007
Independence Day	Wednesday	July 4, 2007
Labor Day	Monday	September 3, 2007
Veteran's Day	Monday	November 12, 2007
Thanksgiving Day	Thursday	November 22, 2007
Friday after Thanksgiving	Friday	November 23, 2007
Christmas Day	Tuesday	December 25, 2007
Personal Floating Day		

Mater moved and Pothoven seconded that Steve Edwards be reappointed as Marion County A.D.A. Coordinator.

Mater moved and Pothoven seconded to approve the following:

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
Deputy (63-12)	Robert Wittkowski

Pothoven moved and Mater 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:

Ed Marshall  
 Randy Brooks  
 Perry Penroy  
 Lee Dachenbach  
 Doug DeRonde  
 Joe Ferguson  
 Greg Shrou  
 John Greatbatch  
 Valerie Green  
 Scott Jerkins  
 Jeff Lanser  
 Darren Naaktgeboren  
 Rick Routh

Larry Robuck  
 Steve McCombs  
 Mark Sweitzer  
 Don Rowland  
 Bill Simpson  
 Shane Sweitzer  
 Curtis Van Vark  
 John Walker  
 Roger Wardenburg  
 Patrick Zeimet  
 Jeff Zentner  
 Nigel McKay  
 Jason Spencer

Mater moved and Pothoven seconded to approve the following:

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:

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

Pothoven moved and Mater seconded that Dr. John Kanis and Dr. Earl McKeever, or their representatives, be reappointed as the Marion County Medical Examiners.

Mater moved and Pothoven seconded to designate the County Engineer, Roger Schletzbaum, to the South Central Iowa Solid Waste Authority Board.

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

South Central Youth & Family Services	Dwight Mater Jr.	1 yr.
Capstone Center, Inc.	Sam L. Nichols	1 yr.
Regional Workforce Investment Alliance (RWIA)	Howard Pothoven	1 yr.
5th Judicial District Advisory Board	Sam L. Nichols	1 yr.
Heart of Iowa Regional Transit Agency (HIRTA)	Howard Pothoven	1 yr.
Red Rock Community Action Program	Sam L. Nichols	1 yr.
Mental Health Institute Advisory Board	Dwight Mater Jr.	1 yr.
County Home Board	Howard Pothoven	1 yr.
	Dwight Mater Jr.	1 yr.
	Sam L. Nichols	1 yr.
Informational Meeting on Committee Reports	Howard Pothoven	1 yr.
	Dwight Mater Jr.	1 yr.
	Sam L. Nichols	1 yr.
Social Services Coordinating Board	Howard Pothoven	1 yr.
	Dwight Mater Jr.	1 yr.
	Sam L. Nichols	1 yr.
Area Aging Resources Board	Dwight Mater Jr.	1 yr.

FEMA Advisory Board	Howard Pothoven	1 yr.
Emergency Management Commission	Howard Pothoven	1 yr.
Heartland Resource Conservation & Development	Sam L. Nichols	1 yr.
Board of Health	Dwight Mater Jr.	1 yr.
Des Moines River Greenbelt Commission	Sam L. Nichols	1 yr.
Dept. of Justice-Courthouse Security Advisory Board	Sam L. Nichols	1 yr.
Mid Iowa Development Fund, Inc.	Sam L. Nichols	1 yr.
Child Welfare Decategorization Program-Exec. Board	Dwight Mater Jr.	1 yr.
Whitebreast Watershed Assoc.	Sam L. Nichols	1 yr.
	Jim Mc Coy, alternate	1 yr.
Pella Planning and Zoning Commission	Howard Pothoven	1 yr.
E-911 Board	Howard Pothoven	1 yr.
South Central Iowa Solid Waste Agency - Alternate	Dwight Mater Jr.	1 yr.
S.E. Iowa 28E Contracting Consortium	Dwight Mater Jr.	1 yr.
Pella Area Development Commission (PADCO)	Howard Pothoven	1 yr.

There being no other business Mater moved and Nichols seconded the meeting be adjourned.  
Meeting adjourned 10:06 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on January 4, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting.

1:00 P.M. – The Board discussed the following items:

- Review on agenda item requests for the regular 01/08/07 Board meeting
- Discussion on FY 07/08 budget process including deadlines, wage adjustments, and Courthouse first floor copier expense.
- Review Marion County Compensation Board recommendation. Recommendation must be received and filed with final decision accepted at approval of budget.
- Marion County Care Facility Ad-Hoc Committee report by Dwight Mater regarding agenda for the 01/10/07 Ad-Hoc meeting.
- Review on County appointed boards/commission assignments. Each Board member will contact Memorial Hall Commissions.
- Discussion on possible relocation of Courthouse first floor offices due to vacant space left from the Sheriff Office vacancy.
- Discussion on possible County Farm Land Sale to include acquiring an appraisal, attorney information, and if land will be divided.

There being no other business, meeting adjourned at 3:40 P.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session January 8, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Consent Agenda:

Mater moved and Pothoven seconded to approve the agenda as posted and the following consent agenda as follows:

1. Approval of Agenda – January 8, 2007.
2. Approval of Minutes – December 26, 2006
3. Approval of Minutes – Board of Supervisor Special Sessions: 01/02/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Receive and File 2006 Marion County Compensation Board Recommendation Report.
6. Approval of Marion County Claims – Warrants #156292 - #156485

Public Hearings: None

Executive Session: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to remove Tabled Item – “Take action on a Construction Evaluation Resolution using the Master Matrix regarding confined animal feeding operations effective 02/01/07 – 01/31/08.

2.) Pothoven moved and Mater seconded to approve the following “Construction Evaluation Resolution” as follows:

Whereas, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

Whereas, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

Whereas, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

Whereas, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2007 and January 31, 2008 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).

Other Business:

1.) Mater moved and Pothoven seconded to approve a Iowa Code Chapter 28E Memorandum of Agreement Between Marion County, Iowa, and The Iowa Department of Transportation to establish terms and conditions whereby the County will perform duties as an agent of the Department under Iowa Code Chapter 321M.

2.) Mater moved and Pothoven seconded to approve a 3 year Centrex Contract with Iowa Telecommunications Services, Inc. and Marion County, Iowa, for telephone services.

3.) Pothoven moved and Mater seconded to approve the Certificate of Substantial Completion regarding the Marion County Law Enforcement Center Project.

Appointments: Mater moved and Pothoven seconded to approve the following:

- 1.) Central Iowa Tourism - Regional Representative: Tom Schmeh – term ending 12/31/07
- 2.) Central Iowa Tourism – Regional Representative: Carla Ferguson – term ending 12/31/07
- 3.) Greenbelt Commission – Steve Edwards – term ending 12/31/07
- 4.) HIRTA, Alt. – Sam Nichols – term ending 12/31/07
- 5.) Board of Adjustment – Duane Jones – term ending 12/31/2011
- 6.) Zoning Commission – Alan Terpstra – term ending 12/31/2011
- 7.) Board of Health – Jamie Meyer – term ending 12/31/2009
- 8.) Board of Health – Pat Stockton – term ending 12/31/2009
- 9.) Board of Health – Virginia Pettyjohn, RN – term ending 12/31/2008

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met for a special work session on January 11, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting.

9:00 A.M. – The Board discussed the following items:

- Update from Dwight Mater on 01/01/07 Marion County Care Facility Ad-Hoc Committee. Mater expressed some frustration on direction of meeting and felt the committee just needed to get clarification on the Supervisors charge to the committee.
- Review of County appointed boards/commissions. Most slots have been addressed.
- Nichols presented a plan for the reorganization of the first floor office locations. Departments issues and concerns were addressed.
- Discussion on possible County Farm Land sale. Pothoven commented an appraisal should be conducted by an appraiser from outside the county. Pothoven also commented the land should be sold now because the previous Board agreed to sell the land after the Law Enforcement Center was completed to reimburse the Basic General Fund.
- Discussion on request from Courthouse Security Committee to hire a Uniformed Officer for the Courthouse due to Sheriff's Office no longer being located in the Courthouse. Discussion took place regarding funding the position, responsibilities, supervision, and legal requirements.
- Pothoven presented an update on RWIA. He indicated everything is extremely complicated and legal process will begin in January.
- Discussion on ideas for periodic department head meetings with the Board.

There being no other business, meeting adjourned at 10:30 A.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on January 15, 2007, with Sam L. Nichols and Dwight Mater present. Chairman Nichols opened the meeting at 9:30. Howard Pothoven joined the meeting at 9:43.

9:30 AM – The Board discussed the following items with Roger Schletzbaum, Marion County Engineer:

- Appraisal received on proposed new shop site.
- I-80 Corridor Study. The City of Pella has selected committee members.
- Brief review of FY 07/08 budget and 5 year plan worksheets.

10:00 AM –The Board discussed the following items with Betty Moll, Marion County CPC.

The following may be presented to the Board of Supervisors at the January 22, 2007 board meeting:

- Country Life – new contract for services with rate change proposal.
- Short-term contract with Courage Connection, Inc. for services through 6-30-07.

There being no other business, meeting adjourned at 10:30 A.M. Ayes all.

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Lorri L Jahner, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on January 19, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:15 A.M.

9:15 A.M. – The Board discussed the following departmental budget submissions with the department head:

- Betty Moll, Central Point Coordination
- Ray Stone, Emergency Management
- Mike Kuhn, Emergency Management
- John McCoy, Sanitation and Zoning

There being no other business, meeting adjourned at 12:10 A.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session January 22, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Consent Agenda:

Mater moved and Pothoven seconded to approve the agenda as posted and the following consent agenda as follows:

1. Approval of Agenda – January 22, 2007.
2. Approval of Minutes – January 8, 2007
3. Approval of Minutes – Board of Supervisor Special Sessions: 01/04/07, 01/11/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Receive and File Marion County Sheriff Quarterly Report ending 12/31/06.
6. Approval of Marion County Conservation Claims #156488 - #156518 through 01/16/07.
7. Approval of Marion County Claims – Warrants #156519 - #156743.

Public Hearings: None

Executive Session: None

Public Comments: None

Zoning Items: None

Resolutions: None

Other Business:

1.) Mater moved and Pothoven seconded to approve a 3 year Centrex Contract with Iowa Telecommunications Services, Inc. and Marion County, Iowa, for a new Cabinet, Voice Mail, and Wireless Polycom Conference Unit for telephone services, contingent to clarification of warranty details. Contract is not to be signed unless warranty details are satisfied.

2.) Pothoven moved and Mater seconded to approve a project agreement with the Iowa Department of Transportation, City of Knoxville, and Marion County for reconstruction work on the Hwy 5/92 bypass.

3.) Pothoven moved and Mater seconded, upon recommendation of Betty Moll, Marion County CPC, to table Agenda Item #3 – Discuss and take action on new contract with Courage Connection, Inc. for MH/DD services effective 02/01/07-06/30/07.

4.) Pothoven moved and Mater seconded, upon recommendation of Betty Moll, Marion County CPC, to approve a new 18 month contract with Ottumwa Regional Health Center, Inc. for MH/DD and Substance Abuse services subject to final copy containing language changes per Marion County request. Final copy will be verified by CPC.

5.) Mater moved and Pothoven seconded, upon recommendation of Betty Moll, Marion County CPC, to approve the request from Country Life for a per diem rate increase from \$33.18 to \$36.00 per diem rate effective 07/01/07.

Appointments: Mater moved and Pothoven seconded to approve the following:

- 1.) Marion County Development Commission (MCDC) – Chris Dana (Pella area)
- 2.) Marion County Development Commission (MCDC) – Craig Agan (At-Large)
- 3.) Memorial Hall Commissioner: Pella – Gary Gezel – term ending 12/31/07
- 4.) Memorial Hall Commissioner: Pella – Paul Simons – term ending 12/31/07
- 5.) Memorial Hall Commissioner: Pella – Dick Van Zante – term ending 12/31/08
- 6.) Memorial Hall Commissioner: Pella – Alvin R. Van Zante – term ending 12/31/08
- 7.) Memorial Hall Commissioner: Pella – Jake Schuring – term ending 12/31/09
- 8.) Memorial Hall Commissioner: Pella – Gerrit Van Hal – term ending 12/31/09
- 9.) Memorial Hall Commissioner: Knoxville – Terry Foster – term ending 12/31/10

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on January 24, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:15 A.M.

9:15 A.M. – The Board discussed the following departmental budget submissions with the department head:

- Carla Ferguson, Marion County Development Commission
- Denise Emal, Marion County Treasurer
- Randy Kelley, Marion County Care Facility
- Librarians from 4 of 5 libraries located in Marion County.

There being no other business, meeting adjourned at 11:55 A.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on January 26, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following departmental budget submissions with the department head:

- Gary Verwers, Marion County Sheriff
- Steve Edwards, Marion County Conservation Director
- Ken Thraikill, Marion County Maintenance Director

There being no other business, meeting adjourned at 12:10 A.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on January 29, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

- 9:00 A.M. – The Board discussed the following items:
  - Discussion with Jack Lipovac, HR Onesource, on the possibility of contracting with HR Onesource on a part time basis for human resource / risk management services on behalf of the County. Discussion involved setting up a short term contract for initial implementation with evaluation and review at the end of the initial contract. The potential contract should be drafted and brought to the County for review and consideration by the Board. The Board held further discussion with Lipovac on desired goals and direction of the contracted position.

There being no other business, meeting adjourned at 10:50 A.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met for a special work session on February 02, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following departmental budget submissions with the department head:

- Karen Schwanebeck, Marion County Recorder
- Terry Rachels, Marion County Attorney
- Jake Grandia, Marion County Auditor

There being no other business, meeting adjourned at 12:20 A.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on February 05, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following departmental budget submissions with the department head:

- Scott Thomas – Presentation of South Central Youth and Family Services budget request
- Roger Schletzbaum, Marion County Engineer
- Kim Dorn, Marion County Public Health Director

Recess from 12:00 P.M. – 1:00 P.M.

Gary Verwers, Marion County Sheriff

There being no other business, meeting adjourned at 3:00 P.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on February 07, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following departmental budgets with Jake Grandia, Marion County Auditor:

- Court Services
- Medical Examiner
- Substance Abuse
- Non-departmental

Dwight Mater was excused at 10:10 A.M.

There being no other business, meeting adjourned at 11:50 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session February 12, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Consent Agenda:

Pothoven moved and Mater seconded to amend agenda item IX. Other Business 3.) Discuss and take action on requests from the Department of Human Services as outlined in Chapter 427.9 for suspension of property taxes. The change is 4.) 09549-000-00 to 09519-000-00.

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

- Approval of Amended Agenda – February 12, 2007.
- Approval of Minutes – January 22, 2007
- Approval of Minutes – Board of Supervisor Special Sessions: 01/15/07, 01/19/07, 01/24/07, 01/26/07, 01/29/07, 02/02/07, 02/05/07, 02/07/07
- Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
- Receive and File Marion County Treasurer Semi- Annual Report ending 12/31/06.
- Approval of Marion County Claims – Warrants #156745 - #157043.

Public Hearings: Open – Chairman Nichols

1.) Marion County Engineer - Notice is hereby given to the affected property owners that Marion County will consider authorizing the commencement of a project to replace a bridge west of Attica in Section 10, Township 74 North, and Range 19 West of the 5<sup>th</sup> P.M. on Story Drive. Roger Schletzbaum, Marion County Engineer, gave an overview of the proposed bridge project. Glenn Brown, landowner, discussed the need of the project, condition of the existing road, size of culvert replacement, and requested the culvert be tall enough to act as a cattle crossing. There were no written comments received by the County Auditor. Pothoven moved and Mater seconded to close that portion of the public hearing.

2.) Marion County Engineer - Notice is hereby given to the affected property owners that Marion County will consider authorizing the commencement of a project to replace a bridge south of Kennedy Drive in Section 33, Township 76 North, and Range 21 West of the 5<sup>th</sup> P.M. on 30<sup>th</sup> Place. Schletzbaum gave an overview of the proposed bridge project. Frank Folsom, landowner, discussed the project with the Board and Engineer. He showed pictures of the involved creek after a heavy rain. He indicated a great need for the new culvert to have a much wider opening than the current bridge. He was also concerned about beaver activity on the creek. He recalled dealing with the Secondary Road Department on previous projects and how the maintenance and financial concerns were handled. He informed the engineer that he would remember the previous dealings if the County came to negotiate. Schletzbaum responded that was fine but he was required to follow the process as required by the Iowa Department of Transportation. There were no written comments received by the County Auditor. Mater moved and Pothoven seconded to close that portion of the public hearing.

3.) Marion County Engineer – Notice is given to consider an amendment to Marion County Ordinance Chapter 21, Area Service System C Road Classification. Schletzbaum gave an overview of the proposed amendment. The Code of Iowa has been revised and the Marion County Code of Ordinances needs to be amended to meet the Code. This is not a new ordinance. There were no written comments received by the County Auditor. Pothoven moved and Mater seconded to close that portion of the public hearing.

Executive Session: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Pothoven moved and Mater seconded to approve a Resolution to affect replacement of Marion County Bridge #61330024 on 30<sup>th</sup> Place as follows:

Whereas, 30<sup>th</sup> Place is under the jurisdiction of Marion County and;  
Whereas, a bridge on 30<sup>th</sup> Place is in need of repair and;  
Whereas, additional right-of-way is needed to replace the bridge and;  
Whereas, federal funding is available through the FHWA to partially fund a project to replace the bridge;  
Now Therefore, Be it Resolved, that a project to affect replacement of the bridge on 30<sup>th</sup> Place and acquire the necessary Right-Of Way shall be initiated and the Board of Supervisors enter into a Federal Aide agreement with the Iowa Department of Transportation.

2.) Mater moved and Pothoven seconded to approve a Resolution to affect replacement of Marion County Bridge #49103054 on Story Drive as follows:

Whereas, Story Drive is under the jurisdiction of Marion County and;  
Whereas, a bridge on Story Drive 3/4 mile west of Attica is in need of repair and;  
Whereas, additional right-of-way is needed to replace the bridge and;  
Whereas, federal funding is available through the FHWA to partially fund a project to replace the bridge;  
Now Therefore, Be It Resolved, that a project to affect replacement of the bridge on Story Drive ¾ mile west of Attica and acquire the necessary Right-Of Way shall be initiated and the Board of Supervisors enter into a Federal Aide agreement with the Iowa Department of Transportation.

3.) Pothoven moved and Mater seconded to approve a Resolution to Amend the Marion County Code of Ordinances, Chapter 21 and waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings as follows:

Whereas, Section 21.03, consisting of Subsections 21.03(1), (2) and (3) of Chapter 21 of the Marion County Code of Ordinances no longer comports with state law, Section 309.57(3) Code of Iowa; and  
Whereas, the Marion County Board of Supervisors, after consultation with the Marion County Engineer, desires to amend said Chapter 21;  
Now, Therefore, Subsections 21.03(1), 21.03(2), and 21.03(3) are hereby repealed, and Section 21.03 is amended to read as follows:  
21.03 How Established.

1. Resolution. Roads may only be classified as Area Service C by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road.
2. Notice of Action. Before the Board may take action to establish an Area Service C road, a notice of the proposed action, including the location of the Area Service C road and the time and place of the meeting at which the Board proposes to take action, shall be published as provided by law.
3. Board Action. At the meeting, the Board shall receive oral or written comments from any resident or property owner of the County. After all comments have been received and considered, the Board, at that meeting or on a date to which it is adjourned, may take action after consultation with the Engineer.

4.) Mater moved and Pothoven seconded to take final action and approval to Amend the Marion County Code of Ordinances, Chapter 21 as follows:

Whereas, Section 21.03, consisting of Subsections 21.03(1), (2) and (3) of Chapter 21 of the Marion County Code of Ordinances no longer comports with state law, Section 309.57(3) Code of Iowa; and  
Whereas, the Marion County Board of Supervisors, after consultation with the Marion County Engineer, desires to amend said Chapter 21;  
Now, Therefore, Subsections 21.03(1), 21.03(2), and 21.03(3) are hereby repealed, and Section 21.03 is amended to read as follows:  
21.03 How Established.

1. Resolution. Roads may only be classified as Area Service C by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road.
2. Notice of Action. Before the Board may take action to establish an Area Service C road, a notice of the proposed action, including the location of the Area Service C road and the time and place of the meeting at which the Board proposes to take action, shall be published as provided by law.
3. Board Action. At the meeting, the Board shall receive oral or written comments from any resident or property owner of the County. After all comments have been received and considered, the Board, at that meeting or on a date to which it is adjourned, may take action after consultation with the Engineer.

Other Business:

1.) Mater moved and Pothoven seconded to approve a letter of support from Marion County to the Iowa Department of Transportation for the City of Pella's RISE Grant application regarding road improvements for the Point Development/Earthpark Project.

2.) Pothoven moved and Mater seconded to approve a 5 year contract between Marion County, Iowa, and CBM Food Service, Sioux Falls, S.D., for food services at the Marion County Law Enforcement Center effective March 1, 2007.

3.) Mater moved and Pothoven seconded to approve the requests from the Department of Human Services as outlined in Chapter 427.9 for suspension of property taxes. The following real estate parcels are approved:

09576-000-00    02668-000-00    12582-005-00    09519-000-00

4.) Mater moved and Pothoven seconded, according to the recommendation of the Marion County Courthouse Security Committee, to permanently place a certified Law Enforcement Officer in the Marion County Courthouse.

5.) Pothoven moved and Mater seconded to authorize the procurement of an independent real estate value appraisal of the agricultural ground on the Marion County property known as the "County Farm".

6.) Pothoven moved and Mater seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- a.) Curt Froyen
- b.) Mark De Cook

Appointments: Mater moved and Pothoven seconded to approve the following:

1.) Memorial Hall Commissioner: Pleasantville – Dennis Harkin – term ending 12/31/09

2.) Memorial Hall Commissioner: Pleasantville – Carole Rowland – term ending 12/31/09

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on February 12, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board discussed the following budget topics:

- Request by Jake Grandia, Marion County Auditor, to establish a Marion County GIS Coordinator Committee and a budget amount for the department.
- Review of the overall FY 07-08 countywide budget and proposed levies.

There being no other business, meeting adjourned at 2:50 P.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on February 13, 2007, with Sam L. Nichols and Dwight Mater present. Howard Pothoven was absent. Chairman Nichols opened the meeting at 9:30 A.M.

9:30 A.M. – The Board discussed the following topics:

- Representatives of the City of Pleasantville presented the Board with an update on the proposed ethanol plant project in Pleasantville. They outlined the direction the City was approaching the project regarding financing, infrastructure, and public opinion. Part of the discussion involved the City inquiring about the possibility of the City using a portion of the Counties debt capacity for the project. Each member of the Board felt the concept was possible and could be further investigated.

There being no other business, meeting adjourned at 11:05 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met for a special work session on February 16, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 11:08 A.M.

11:08 A.M. – The Board discussed the following topics:

- Review of compensation boards 5 year recommendation history and subsequent Board of Supervisor action.
- Discussion on 2006 compensation board recommendation for elected official salaries.
- Discussion on overall budget totals and levies.

There being no other business, meeting adjourned at 12:05 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session February 26, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Consent Agenda:

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

- Approval of Agenda – February 26, 2007.
- Approval of Minutes – February 12, 2007.
- Approval of Minutes – Board of Supervisor Special Sessions: 02/12/07, 02/13/07, 02/16/07.
- Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
- Approval of Marion County Law Enforcement Center Project – Change Order #11 - \$16,280.00
- Approval of Marion County Conservation Claims #157044 - #157072 through 02/20/07.
- Approval of Marion County Claims – Warrants #157073 - #157268.

Public Hearings: Open – Chairman Nichols

1.) Planning and Zoning - Petition 451A – Larry Lautenbach, landowner, is presenting West View Estates Final Plat for consideration and approval. The legal description being: West ½ of the SW1/4 of Section 25, Township 77N, Range 19W. (Full legal description is available in the Marion County Zoning Office) The parcel is located on 180<sup>th</sup> Avenue and just north of Hwy 163 west of Pella. John McCoy, Planning and Zoning Director, gave an overview of the project. McCoy noted the Zoning Commission recommended approval. It was noted the neighboring property is zoned industrial. Chairman Nichols placed an email message on record from neighboring landowner Loren Van Wyk with concerns of the development. Nichols also voiced concerns about the lack of buffer between the industrial zoned property and proposed subdivision. Larry Lautenbach, petitioner, indicated the roads in the subdivision would be gravel and would be private. Roger Schletzbaum, Marion County Engineer, explained the roads would not be accepted into the Secondary Road System. There were no written comments received by the County Auditor. Pothoven moved and Mater seconded to close that portion of the public hearing.

2.) Planning and Zoning - Petition 451B – Larry Lautenbach, landowner, is proposing to rezone lots 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, and 20 of West View Estates Final Plat from Ag to R-2 for the possibility of duplexes. (Full legal description is available in the Marion County Zoning Office) McCoy gave an overview of the proposed petition. Larry Lautenbach, petitioner, indicated to the Board that he was willing to withdraw his request. He indicated he was happy with the Ag Zoning for now and may come back at a later date for rezoning on the public road front lots. Nichols introduced an email with concern from Loren Van Wyk, adjoining landowner. There were no written comments received by the County Auditor. Mater moved and Pothoven seconded to close that portion of the public hearing.

Executive Session: None

Public Comments:

1.) Ken Hewitt, landowner, addressed concerns regarding dogs being a nuisance in his neighborhood. He asked the County to come up with a process for himself, and others, to get relief and assistance. Chairman Nichols stated he would set up a meeting with the County Attorney and County Sheriff for the immediate problem. The Board also indicated they would research any type of ordinance that would assist in these situations.

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded approval of a Resolution for the Final Plat of West View Estates as follows:

Whereas, Larry J. Lautenbach and Jody L. Lautenbach, husband and wife, have caused certain real estate located in Marion County, Iowa, to be surveyed and platted, and have presented the Final Plat of said real estate to the Board of Supervisors of Marion County, Iowa; and,

Whereas, said Final Plat has been reviewed by the Marion County Zoning Administrator and the Marion County Engineer and they have found no objection thereto; and

Whereas, said Final Plat was approved by the Marion County Zoning Commission and complies in all respects with the rules and procedures concerning the subdivision of lands in Marion County, Iowa; and,

Whereas, said Final Plat conforms in all respects with the laws of the State of Iowa.

Now, Therefore, Be It Resolved that the Final Plat of the following described real estate situated in Marion County, Iowa, known as West View Estates, and having a legal description as follows:

A part of the West One-Half of the Southwest Quarter of Section 25--Township 77 North- Range 19 West of the 5th P.M., Marion County, Iowa being more particularly described as follows: Beginning at the NW corner of said West 1/2-SW 1/4; thence S 89° 44' 00" E 1,315.10 feet to the NE corner thereof; thence S 0° 04' 55" W 1,865.52 feet along the East line thereof to the centerline of the former Chicago, Rock Island and Pacific Railroad; thence N 63° 9' 30" W 1,470.90 feet along said centerline to the West line of said SW 1/4; thence N 0° 00' 00" E 536.82 feet along said West line to the SW corner of Parcel B of the NW 1/4 of said SW 1/4; thence N 90° 00' 00" E 327.34 feet to the SE corner thereof; thence N 0° 00' 00" E 290.43 feet to the NE corner thereof; thence S 90° 00' 00" W 327.34 feet to the NW corner thereof and the West line of said SW 1/4; thence N 0° 00' 00" E 380.25 feet to the Point of Beginning containing 44.17 acres subject to the county roadway containing 0.70 acres along a part of the West side thereof. The West line of said SW 1/4 is assumed to bear N 0° 00' 00" E for purposes of this description. be, and hereby is, approved by the Marion county Board of Supervisors.

Be It Further Resolved that all easements as shown on said plat are hereby approved and accepted for perpetual use as dedicated on the Consent to Plat filed with said Final Plat.

#### Zoning Items:

1.) Pothoven moved and Mater seconded to reject Planning and Zoning Petition 451B – Request by Larry and Jodi Lautenbach to rezone lots 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, and 20 of West View Estates Final Plat from Ag to R-2.

#### Other Business:

1.) Mater moved and Pothoven seconded to approve a letter of support from Marion County to the City of Knoxville on behalf of their efforts to explore alternative uses for the V.A. Hospital / Medical Center.

2.) Mater moved and Pothoven seconded to approve an agreement with HR OneSource to provide human resource services for Marion County.

3.) Pothoven moved and Mater seconded to remove the following previous agenda item from the table - Discuss and take action on new contract with Courage Connection, Inc. for MH/DD services effective 02/01/07 – 06/30/07.

4.) Mater moved and Pothoven seconded to approve a new contract arrangement with Courage Connections, Inc. for MH/DD services effective 02/01/07 – 06/30/07. Nichols noted the agreement was an “as needed basis”.

Appointments: Mater moved and Pothoven seconded to approve the following:

1.) Board of Health – Dr. J. Bhama – term ending 12/31/07

2.) Pella Community Development Commission – Virginia Moore – term ending 08/01/09

There being no other business, Pothoven moved and Mater seconded the meeting be adjourned at 10:12 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on February 28, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board discussed the following topics:

- Review of referral process at the Marion County Care Facility with Randall Kelley. Deb Dye was unable to attend.
- Mater gave an update on the Marion County Care Facility Ad-Hoc Committee.
- Review of the potential sale of Marion County agricultural land known as the “County Farm”. Discussion took place on accepting bids for continuing to rent the land.
- Vacancy on the Aging Resources Advisory Board.
- Dog nuisance problems in the townships. Legal process can assist landowners.
- Beer keg registration – the State is moving forward on this topic.
- Courthouse tuck point project – update contacts and check on bidding process.
- Marion County 457 Plan – review of program. Discussion on opening availability for other vendors.
- Time off form – proceed with form for departmental use.

There being no other business, meeting adjourned at 3:30 P.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on March 9, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following topics:

- Secondary Road Department - budget overview, wages, and union ratification – Roger Schletzbaum
- Process and possibility of initiating a Marion County Courthouse tuck point project.
- Process of initiating and accepting leases for the Marion County agricultural land known as the “County Farm”.
- Evaluation of parking spaces in the Marion County Courthouse parking lot.
- Time off form – to be used by County employees which report directly to the Board.

There being no other business, meeting adjourned at 10:55 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session March 12, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Consent Agenda:

Pothoven moved and Mater seconded to amend the consent agenda #2 to correct February 12, 2007 to February 26, 2007.

Mater moved and Pothoven seconded to approve the following amended consent agenda as follows:

1. Approval of Agenda – March 12, 2007.
2. Approval of Minutes – February 26, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 02/28/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #157272 - #157502.

Public Hearings: Open – Chairman Nichols

1.) Board of Supervisors – The Marion County Board of Supervisors presented the proposed Marion County Budget for July 1, 2007, through June 30, 2008. The Board is also proposing to exceed statutory maximums on the FY 07-08 General Basic Levy Property Tax Rates from 3.50 to 3.90. Jake Grandia, Marion County Auditor, gave an overview of the proposed budget and levies. There were no written comments received by the County Auditor. There being no public comments, Pothoven moved and Mater seconded to close that portion of the public hearing.

Executive Session: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve the following Resolution to lease Marion County farm ground as follows:

Whereas, the Marion County Board of Supervisors is desirous of leasing certain farm ground owned by Marion County, to wit: 83 acres, more or less, of cropland in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and 80 acres, more or less, of pasture in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and,

Whereas, a system of sealed bids and auction is deemed to be a fair and proper method by which to offer said land for lease;

Therefore, Be It Resolved By The Board that the following steps be taken:

1. Bidding shall be by sealed bids mailed or delivered to the Marion County Auditor's Office by 12:00 p.m. on 03/23/07; and opened on 03/23/07 at 1:00 p.m. in the Boardroom at the Marion County Courthouse.
2. The minimum bid for the cropland parcel is \$145 per acre.
3. The minimum bid for the pasture parcel is \$25 per acre.
4. The lease for each parcel is through 02/28/09 with an additional 3 year annual renewal.
5. In the event there is more than one bid on each parcel, the lease will be auctioned off to the highest bidder, said auction to be held in the Boardroom at the Marion County Courthouse at 8:00 a.m. on 03/26/07.

Other Business:

- 1.) Mater moved and Pothoven seconded to approve the FY 07-08 Marion County Budget as presented.
- 2.) Mater moved and Pothoven seconded to approve an 3 year agreement with Hunt, Kain, & Associates, P.C. for performing the annual examination of the County's financial statements for the years ending June 30, 2007, 2008, and 2009.
- 3.) Pothoven moved and Mater seconded to direct the Marion County Attorney to proceed with a nuisance ordinance violation in the township.
- 4.) Mater moved and Pothoven seconded to approve a contract amendment to the agreement with Evercom Systems, Inc., a division of SECURUS Technologies and Marion County regarding the use of pre-paid phone cards in the prisoner phone system in the Marion County Law Enforcement Center.

Appointments: Mater moved and Pothoven seconded to approve the following:

- 1.) Memorial Hall Commissioner: Bussey – John Nichols – term ending 12/31/08
- 2.) Memorial Hall Commissioner: Bussey – Ted Spaur – term ending 12/31/09
- 3.) Memorial Hall Commissioner: Bussey – Leroy Vander Veer – term ending 12/31/09

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 9:53 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session March 12, 2007, for the purpose of canvassing the vote from the March 6, 2007, Special Knoxville School Instructional Support Levy Election for the Knoxville Community School District in the County of Marion, Iowa. Present were Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols.

Chairman Nichols opened the special canvass at 1:20 P.M.

Auditor Jake Grandia announced there were 0 provisional ballots. Chairperson Nichols read the results for the March 6, 2007, Special Knoxville School Election.

Mater moved and Pothoven seconded to declare the canvass complete and certify the results of the election to the County Auditor and the Knoxville Community School District with Public Measure A being adopted. Ayes all.

The results of the Knoxville School Special I.S.L. Election were as follows:

Yes: 198

No: 54

Mater moved and Pothoven seconded that the special canvass be adjourned. Ayes all.  
The canvass was adjourned at 1:25 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors



The Marion County Board of Supervisors met for a special work session on March 12, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board met with the following department heads:

- Karen Schwanebeck, Marion County Recorder. The Recorder's office gave updates on boat registration renewal processing and fee increase. Passport applications have decreased this month, but processing time has increased.
- Carla Ferguson, Marion County Development. Discussed "Fast Track" Program for new businesses and the upcoming Washington D.C. trip.
- Kim Dorn, Community Health Director. Discussed approval of AED grant and the several staff positions open at Community Health.
- Betty Moll, Marion County CPC. Received update on the contract with Ottumwa Regional Health for substance abuse services.

There being no other business, meeting adjourned at 1:45 P.M. Ayes all.

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Lorri L. Jahner, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on March 13, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:30 A.M.

9:30 P.M. – The Board met with the following department heads:

- Roger Schletzbaum, Marion County Engineer – Time 21 proposition, G40 update, I-80 corridor update, County 5 year program, and evaluation status.

There being no other business, meeting adjourned at 11:00 A.M. Ayes all.

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Lorri L. Jahner, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session March 26, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Consent Agenda:

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

1. Approval of Agenda – March 26, 2007.
2. Approval of Minutes – March 12, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 03/09/07, 03/12/07, 03/13/07
4. Approval of Minutes – Board of Supervisor Special Canvass – Knoxville School I.S.L. Election 03/12/07
5. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
6. Approval of Marion County Conservation Board Claims: #157506 - #157544 through 03/20/07
7. Approval of Marion County Claims – Warrants #157545 - #157735.
8. Approval of Class C Beer Permit Renewal: QT Ventures LLC dba Red Rock Quick Stop
9. Approval of Class C Beer Permit Renewal: Deer Point Bait and Tackle.

Public Hearings: None

Executive Session: None

Public Comments:

1.) Gene De Heer and Craig Van Donselaar, concerned citizens, addressed the Board regarding the 28E Agreement in effect between the City of Pella and Marion County involving zoning and subdivision authority within areas of the two mile radius around the City. They asked the Board to review and rescind the 28E Agreement with the City of Pella.

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve the following Resolution to lease Marion County farm ground as follows:

Whereas, the Marion County Board of Supervisors was desirous of leasing certain farm ground owned by Marion County, to wit: 83 acres, more or less, of cropland in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and 80 acres, more or less, of pasture in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and,

Whereas, a system of sealed bids and auction was deemed to be a fair and proper method by which to offer said land for lease;

Whereas, sealed bids were received and auction taken place;

Therefore, Be It Resolved By The Board that the following be awarded the "County Farm" ground lease per the lease agreement:

1. Cropland: Gary Wayne Collins - \$290.00 per acre.
2. Pasture: Ted L. Ward – \$47.50 per acre.

2.) Mater moved and Pothoven seconded to approve the County Engineer's County Five Year Program as follows:

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

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

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

Whereas, The County's secondary road construction program is based on a projection of the funds available for the five year period,

Now Therefore, Be It Resolved that the County adopt the proposed secondary road construction program for the period of FY08 through FY12.

3.) Pothoven moved and Mater seconded to approve a Resolution regarding TIME 21 as follows:

Whereas, Marion County has many unmet road system needs including, safety, structural, functional and paving needs under it's jurisdiction and;

Whereas, Marion County has 230 bridges of which 77 have posted load limits and;

Whereas, an effective efficient transportation system in Iowa and Marion County is vital to support economic activity including Agriculture, Manufacturing, Commercial Recreation, Tourism, and quality of life activities and;

Whereas, other needs exist at all levels of the transportation system including Rail, Trails and Transit and;

Whereas, the 81st General Assembly of the Iowa Legislature, in Section 85 of House File 868 requested a study of transportation funding and needs in Iowa and;

Whereas, a committee of City, County and State transportation officials has prepared a report to the legislature entitled TIME 21 (Transportation Investment Moves the Economy in the 21st Century and;

Whereas, the Time 21 report recognizes there are high priority needs at all jurisdictional levels, City, County and State that are unmet by the current level of funding and ;

Whereas, the TIME 21 report recognizes that the transportation system in Iowa is on the verge of being in a crisis situation as a result of flattening revenues, dramatically increasing construction costs, aging infrastructure, increasing usage and deferred maintenance and;

Whereas, the Time 21 report recommends various options for increasing revenues to meet these needs and;

Whereas, the TIME 21 report recommends a funding split of 60% State, 20% county, and 20% City and;

Whereas, the Marion County Board of Supervisors is supportive of the current method of allocating road funding;

Now therefore be it resolved, that the Marion County Board of Supervisors supports the need for increased funding for the purposes of improving the transportation infrastructure at all levels in the State of Iowa and requests the Iowa legislature adopt the necessary options in the TIME 21 report to affect timely improvement for the entire transportation system in Iowa.

Other Business:

1.) Don Zoutte was ill and unable to attend the meeting and present his update regarding the proposed veterans memorial.

2.) Mater moved and Pothoven seconded to approve Marion County income guidelines for determination of eligibility for assistance in Marion County.

3.) Mater moved and Pothoven seconded to approve the execution of a construction contract with Herberger Construction for replacement of Marion County Bridge 49106600 – Local Project 491008-1.

Appointments: None

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on March 2, 2007, with Sam L. Nichols, Howard Pothoven, and Dwight Mater present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following topics:

- Pandemic Planning with Barb Van Wyk, Community Health Department.
- Progress and update on HR department
- I-80 Corridor update
- Mental Health funding at Legislative level – discussion with Rod Braun, Christian Opportunity Center
- REAP project – need to update clientele on committee.

There being no other business, meeting adjourned at 11:15 A.M. Ayes all.

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Lorri L. Jahner, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on March 4, 2007, with Sam L. Nichols and Dwight Mater present. Chairman Nichols opened the meeting at 9:30 A.M. Howard Pothoven joined the meeting at 9:45 A.M.

9:30 A.M. – The Board discussed the following topics:

- BluePriority Flex Benefit Plan Renewal – Auditor Jake Grandia recommended raising maximum level to \$2,500.
- Discussion on present process of administering available 457 plans and the possibility of opening up to other vendors. The board wanted to discuss situation with Dave Hanson, HR Director.
- Planning and Zoning – Update on Tracy Sewer project grant rejection. Discussion on getting process to continue for grant application for following year.
- Planning and Zoning – Brief on mechanics of current Zoning and Subdivision 28E Agreement with City of Pella.

There being no other business, meeting adjourned at 11:15 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session April 9, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none. Abstentions: none. Absent: none

Announcement: Closed Session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property.

Mater moved and Pothoven second to amend the agenda after item X. Closed Session to add: Reconvene – Discuss and take action to re-open regular Board session.

Consent Agenda:

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

1. Approval of Amended Agenda – April 9, 2007.
2. Approval of Minutes – March 26, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 04/02/07, 04/04/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #157737 - #157941.
6. Accept and File final audit report of Marion County for year ended June 30, 2006, as prepared by Hunt, Kain, and Associates.
7. Accept and File letter of agreement rescission and damages from Gary Wayne Collins regarding the cropland lease on the Marion County property known as the "County Farm".

Public Hearings: None

Executive Session: None

Public Comments: None

Zoning Items: None

Resolutions:

- 1.) Mater moved and Pothoven seconded to approve to rescind cropland lease as follows:

Whereas, the Marion County Board of Supervisors was desirous of leasing certain farm ground owned by Marion County, to wit: 83 acres, more or less, of cropland in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and 80 acres, more or less, of pasture in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and,

Whereas, a system of sealed bids and auction was deemed to be a fair and proper method by which to offer said land for lease;

Whereas, sealed bids were received and auction taken place;

Whereas, Gary Wayne Collins was awarded the highest bidder on cropland parcel and subsequent Marion County Resolution 07/12 to Award Bid was approved,

Whereas, Gary Wayne Collins presented the Marion County Board of Supervisors with a letter of rescission regarding the bid and lease award for the agricultural ground known as the "County Farm",

Therefore, Be It Resolved By The Board that the portion listed below of Marion County Resolution 07/12 awarding lease be null and void.

- Cropland: Gary Wayne Collins - \$290.00 per acre.

- 2.) Pothoven moved and Mater seconded to approve to lease Marion County farm ground as follows:

Whereas, the Marion County Board of Supervisors was desirous of leasing certain farm ground owned by Marion County, to wit: 83 acres, more or less, of cropland in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and 80 acres, more or less, of pasture in Section 11 and Section 14, Township 75 North, Range 20 West of the 5th P.M.; and,

Whereas, a system of sealed bids and auction was deemed to be a fair and proper method by which to offer said land for lease;

Whereas, sealed bids were received and auction taken place;

Therefore, Be It Resolved By The Board that the following be awarded the "County Farm" ground lease per the lease agreement:

- Cropland: Synhorst Livestock & Grain Inc. - \$200.00 per acre.

3.) Mater moved and Pothoven seconded to approve the Marion County employee benefit plan as follows:

Whereas, the proposed "EMPLOYEE BENEFIT PLANS OF MARION COUNTY, IOWA, JULY 1, 2007," has been carefully reviewed by the Board of Supervisors, and

Whereas, all comments and suggestions relative to the proposed "EMPLOYEE BENEFIT PLANS OF MARION COUNTY, IOWA, JULY 1, 2007," have been carefully considered, and

Now Therefore Be It Resolved, that the proposed "EMPLOYEE BENEFIT PLANS OF MARION COUNTY, IOWA, JULY 1, 2007," be approved as follows:

WELLMARK SINGLE and FAMILY PLAN COSTS				
Health Deductible		Total Premium	Marion County Pays	Employee Pays
<b>Alliance Select PPO – (Plan A)</b>				
Employee	500	384.01	384.01	0.00
Family	1000	960.03	766.65	193.38
<b>Alliance Select PPO – (Plan B)</b>				
Employee	750	372.78	372.78	0.00
Family	1500	931.95	744.92	187.03
<b>Blue Advantage HMO – (Plan C)</b>				
Employee	500	345.83	345.83	0.00
Family	1000	864.58	691.14	173.44

Delta Dental Rates			
	Rate	County Pays	Employee Pays
Single	26.16	26.16	0.00
Family	83.99	26.16	57.83

Avesis Vision Rates							
	Rate	County Pays	Employee Pays		Rate	County Pays	Employee Pays
Materials Only Plan				Fully Insured Plan			
Employee	4.97	4.97	0.00	Employee	6.96	4.97	1.99
EE + Sp	8.70	4.97	3.73	EE + Sp	12.18	4.97	7.21
EE + Ch	10.44	4.97	5.47	EE + Ch	14.61	4.97	9.64
Family	12.93	4.97	7.96	Family	18.09	4.97	13.12

Passed and approved this 9th day of April, 2007.



4.) Mater moved and Pothoven seconded to approve a Marion County Transportation Policy on Drug and Alcohol Abuse as follow:

The Board of Supervisors of Marion County acting for Marion County Transportation hereby adopts the following resolution:

The Board of Supervisors adopted the Marion County Transportation Policy on Drug and Alcohol Abuse at its board meeting on April 9, 2007. This policy replaces the previous policy in place. Marion County Transportation is dedicated to providing safe, dependable and economical transportation services to our transit system passengers in the Marion County area. MCT employees are our most valuable resource, and it's our goal to provide a healthy, satisfying work environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner.
2. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse.

Other Business:

1.) Pothoven moved and Mater seconded to approve an agreement between Marion County and International Union of Operating Engineers, Local 234 effective July 1, 2007.

2.) Mater moved and Pothoven seconded to approve a Federal Aide Agreement with the Iowa DOT for Marion County Highway Bridge Program Project: Project BROS-COS63(85)-8J-63.

3.) Mater moved and Pothoven seconded to approve the request of Maxine Chambers to use the sidewalk west of the Marion County Courthouse for the Farmer's Market beginning May 26, 2007, through October 14, 2007, every Tuesday afternoon and Saturday morning.

4.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- a.) Bob Greubel
- b.) James Chaplin
- c.) Dwight Ensor

Appointments: None

Closed Session: Pothoven moved and Mater seconded to enter into Closed Session at 9:48 A.M. pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property.

Reconvene: Mater moved and Pothoven seconded to reconvene into regular session.

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 11:02 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on March 9, 2007, with Sam L. Nichols, Dwight Mater Jr., and Howard Pothoven present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board discussed the following topics with department heads:

- Betty Moll, Central Point Coordinator – Contract with St. Lukes, Cedar Rapids, Iowa. Placement of Marion County resident.
- Mike Kuhn, Veterans Affairs/General Relief – Crossroads Family Challenge (Families at Risk) holding meetings at Knoxville Celebrate Church on April 19, 2007, and Pella Community Center on April 23, 2007.
- Ken Thrailkill, Maintenance – Veterans memorial on Courthouse yard. Basement progress and storage assignments. Parking assignments in Courthouse parking lot.
- Denise Emal, County Treasurer – New computer software for Drivers License will be installed April 13-16. Drivers license will be closed during that time.
- John McCoy, Planning and Zoning – Zoning department will increase building permit fees to offset signage cost. Nuisance letters have been mailed.
- Kim Dorn, Community Health – Difficulty hiring staff due to wage level. Pandemic flu. Possible sharing office space with Clinical Base Outpatient Clinic – VA.
- Randy Kelley, County Care – Commented on same issues as CPC experienced.

There being no other business, meeting adjourned at 2:10 P.M. Ayes all.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on April 10, 2007, with Sam L. Nichols, Dwight Mater, and Howard Pothoven present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 P.M. – The Board met with the following department heads:

- Gary Verwers, Marion County Sheriff – Explanation of proposed Work Release Rate Resolution, discussed jail room and board rates.
- Roger Schletzbaum, Marion County Engineer – discussed current project plans and future staff changes.

There being no other business, meeting adjourned at 10:30 A.M. Ayes all.

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Lorri L. Jahner, Marion County Designee

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on March 11, 2007, with Sam L. Nichols and Howard Pothoven present. Dwight Mater Jr. was absent. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following topics:

- Tracy Sewer Project – The BOS has received a letter informing them the Tracy Sewer Project did not receive 2007 CDBG Grant Funding. The Board held discussion with Randy Pleima, Mahaska County Rural Water, Missy Poffenbarger, Marion County Sanitation, Ken Williams, Marion County Sanitation, Connie Duinink, USDA, and Jack Pope, Garden and Associates. A timeline and milestones were laid out for re-applying for the CDBG Grant with potential construction in the summer of 2008. The process needs to involve land acquisition, final engineering, environmental, and archeological studies before bidding and construction can commence. Progress meetings will continue to take place throughout the year in anticipation of receiving funding in 2008.

There being no other business, meeting adjourned at 9:45 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session April 23, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Consent Agenda:

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

1. Approval of Agenda – April 23, 2007.
2. Approval of Minutes – April 9, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 04/09/07, 04/10/07, 04/11/07.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #157984 – #158223.
6. Approval of Marion County Conservation Claims – Warrants #157942 - #157983 through 04/17/07.

Public Hearings: None

Executive Session: None

Public Comments: None

Zoning Items: None

Resolutions:

- 1.) Mater moved and Pothoven seconded to approve Cost of Work Release as follows:

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

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

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

Now, Therefore be it Resolved by the Marion County, Iowa, Board of Supervisors, for the benefit of all Marion County Citizens, that Marion County Sheriff be allowed:

Work release prisoners will pay one/half of there net pay to the jail for each day that they are working with a maximum of \$40.00 collected per day. If it appears that a inmate may not pay for his or her work release, a Wage Assignment form will be filled out and filed with the Court and the Employer. Other Counties with prisoners on work release will be billed \$45.00 per day minus the work release to be collected by Marion County.

- 2.) Pothoven moved and Mater seconded to approve Cost of Boarding Out-of-County Inmates in the Marion County Law Enforcement Center as follows:

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

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

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

Now, Therefore, be it Resolved by the Marion County, Iowa, Board of Supervisors, for the benefit of all Marion County Citizens, that Marion County Sheriff be allowed to: Establish the cost of boarding out of County of normal inmate be adjusted to \$45.00 per day, additional costs of medical attention or medication to be paid as needed over and above the \$45.00 per day.

3.) Roger Schletzbaum, Marion County Engineer, gave an overview of the proposed "Resolution Authorizing the Board Chair to execute an Offer to Purchase Property for the Purpose of the Use by the Secondary Road Department for the Purpose of the Maintenance Shop". Schletzbaum reviewed the process the department had gone through in identifying building sites to accommodate relocating the Pella area shop and potential future facilities. He explained the current situation of the Pella Shop and the need to improve its functionality. Schletzbaum reported the negotiations that had taken place with the landowner and Graham and Associates, land acquisition company, had come to a conclusion with the landowner at his final position. Pothoven asked Schletzbaum about the long term plans for the site. Pothoven wanted to know if the department would be satisfied with just the first phase of the long term plan by relocating the Pella area shop. Pothoven wanted to clarify that he would only support Phase I of the long term plans. Schletzbaum responded the definite need was to relocate the Pella shop and construct added salt storage. He further added this will allow for the consolidation of some smaller road department facilities. The proposed phases II and III of the long term plan would be individual budget decisions by future Boards. This will make the space available for future decisions if necessary. Mater moved and Pothoven seconded to approve the following resolution:

Whereas, Marion County has a need to relocate the Secondary Road Maintenance facility currently located in Pella and;

Whereas, the Marion County Engineer has evaluated various site alternatives, and

Whereas, a 23.17 Acre site located in the SW1/4 of the SW ¼, of section 12-75-19, parcel number 0569300100, near the intersection of Old Highway 92 and new Highway 92 is the preferred location and;

Whereas, the County has retained Graham Land Acquisitions Associates to assist in the purchase process and;

Whereas, an appraisal by Peoples Company of Iowa has been performed on the property and;

Whereas, an offer at the appraised value of \$4229.61 per acre has been made to the property owner and;

Whereas, Graham Land Acquisitions Associates has presented the offer of \$4,229.61 to the property owner and;

Whereas, the property owner has made a counter offer of \$5,000 per acre and;

Whereas, negotiations with the property owner to find a mutually acceptable value below \$5000 have been unsuccessful and;

Whereas, condemnation is deemed to be untimely and costly;

Now therefore be it resolved that the Chairman of the Marion County Board of supervisors be authorized to execute a purchase agreement for the above referenced property in the amount of \$5,000 per acre.

#### Other Business:

1.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Charles Smith
- Marc Worthington
- Mark Fee

Appointments: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on May 1, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board discussed the following topics:

- Ancillary ground at Marion County Farm – Discussion concerning 3-4 acres of land outside of the leased land near the Care Facility. Is there a need to improve the land for any reason? The Board discussed the feeling that the land was being taken care of now by the individuals that held the leases for the remainder of the farm land.
- 28E Agreement with the City of Pella regarding zoning and subdivision control in the two mile around the City – The agreement was finalized in 2003. Gene De Heer, landowner in the two mile radius, had concerns with the agreement. De Heer and the Board discussed the mechanics and intent of the agreement. The Board assured De Heer the Iowa State Code allows cities right of review regarding splits and subdivisions even without the 28E Agreement.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in special session May 11, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 10:00 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Announcement: Announce Closed Session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Consent Agenda:

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

1. Approval of Agenda – May 11, 2007

Closed Session:

1.) Mater moved and Pothoven seconded to approve entering into Closed Session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Reconvene:

- 1.) Mater moved and Pothoven seconded to re-enter into open session at 10:33 A.M.

Adjournment:

There being no other business, Pothoven moved and Mater seconded the meeting be adjourned at 10:42 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met in regular session May 14, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Pothoven moved and Mater seconded to amend agenda item III. Public Hearing 1.) Planning and Zoning Petition #689 - Corey Johnson is requesting a portion of his property be rezoned from Ag to C-2 for auto sales. The property address is 701 B NE St., Melcher-Dallas, IA. The legal description is the West 8 rods of the South 40 rods of the East 20 rods and 25' of SE1/4 of NE1/4 except the South 200' thereof in Sec 11 – T74N – R18W. The legal description should be R21W.

Consent Agenda:

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

1. Approval of Agenda as amended – May 14, 2007.
2. Approval of Minutes – April 23, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 05/01/07.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #158226 – #158513.
6. Approval of Class C Beer Permit renewal for Lake Red Rock Marina. (store)
7. Approval of new Class C Beer Permit with Sunday Sales for Lake Red Rock Marina. (dock)
8. Approval of Class C Liquor License renewal for D-Mac Inc. d/b/a/ Udders Steakhouse.

Public Hearings: Open – Chairman Nichols

1.) Planning and Zoning Petition #689 – Corey Johnson is requesting a portion of his property be rezoned from Ag to C-2 for auto sales. The property address is 701 B NE St., Melcher-Dallas, IA. The legal description is the West 8 rods of the South 40 rods of the East 20 rods and 25' of SE1/4 of NE1/4 except the South 200' thereof in Sec 11 – T74N – R21W. Missy Poffenbarger presented an overview of the request. Poffenbarger explained the Planning and Zoning Board approved the request. She also explained the landowner had been informed this would create a non-conforming parcel and he would not be allowed to sell his home without a variance. Johnson indicated he understood the obstacle for his future and was OK with the situation. Johnson also presented a petition to the Zoning Board signed by adjoining landowners in favor of the rezoning request. Pothoven inquired about the access to the property. There were no written comments received by the Auditor's office. Pothoven moved and Mater seconded to close that portion of the public hearing.

2.) Planning and Zoning Petition #692 – Adair Holdings and prospective buyer Don Hyde are requesting the NE corner of Sec 7 – T75N – R21W (full legal description available at Marion County Zoning Office) located at 1425 20<sup>th</sup> Pl., Pleasantville, be rezoned from C-2 back to Ag for a rural residence. The property was rezoned to C-2 in 2000 but has not been used in such manner. Poffenbarger presented an overview of the request. She indicated the original intent of the County was to have this area be classified as Agricultural. A neighbor called Planning and Zoning in support of the request. The Planning and Zoning Board approved the request. There were no written comments received by the Auditor's Office. Mater moved and Pothoven seconded to close that portion of the public hearing.

3.) Planning and Zoning Petition #693 – Cole Vander Linden is requesting approval of Vander Linden Subdivision Final Plat located in SE1/4 of Sec 24 – R77N – R20W of 5<sup>th</sup> P.M. in Marion County, Iowa. (Full legal description is available in the Marion County Zoning Office). The subdivision is a 10 lot subdivision with at least 1.5 acres per lot. Poffenbarger presented the Board with an overview of the request. Pothoven asked about the location of the subdivision and type of septic systems that would be required. Poffenbarger stated final percolation tests would be required before final determination of system types. The subdivision will have a private road that will not be a part of the County Road System. Vander Linden stated he was going to build a house on one of the lots. The Planning and Zoning Board approved the request. There were no written comments received by the Auditor's Office. Pothoven moved and Mater seconded to close that portion of the public hearing.

4.) Planning and Zoning Petition #694 – Larry Lautenbach is presenting a revised final plat of West View Estates for approval. The final plat has been revised due to a legal description change. Separate parcels that were formally in railroad right-of-way were created outside of the subdivision. The legal description being: A subdivision of a part of the West 1/2 of the SW1/4 of Sec 25 – T77N – R19W. (Full legal description is available in the Marion County Zoning Office.) Poffenbarger presented the Board with an overview of the request. Lautenbach stated the new parcels will be quit claimed to the individuals that purchase the corresponding lot in the subdivision. The Planning

and Zoning Board approved the request. There were no written comments received by the Auditor's Office. Mater moved and Pothoven seconded to close that portion of the public hearing.

Executive Session: None

Public Comments: None

Zoning Items:

1.) Pothoven moved and Mater seconded to approve Planning and Zoning Petition #689 – Request by Corey Johnson to rezone from Ag to C-2 for auto sales.

2.) Mater moved and Pothoven seconded to approve Planning and Zoning Petition #692 – Request by Adair Holdings and prospective buyer Don Hyde to rezone from C-2 back to Ag for a rural residence.

Resolutions:

1.) Mater moved and Pothoven seconded to approve Final Plat of the Vander Linden Subdivision – Plat 1 as follows:

Whereas, Cole Vander Linden, filed with Marion County, Iowa, a final plat known as “Vander Linden Subdivision – Plat 1”, located in Marion County, Iowa, and more particularly described as follows, to-wit:

A subdivision of a parcel of land located in the SE ¼ of Section 24, Township 77 North, Range 20 West of the 5th P.M. in Marion County, Iowa, described as: Beginning at the SE Corner of Section 24, Township 77 North, Range 20 West of the 5th P.M., thence North 90° 00' West 408.0 ft. along the south line of the SE ¼ of said Section 24, thence North 00° 00' West 242.6 ft. along the east line of Parcel B of the SE ¼ of the SE ¼ (Book 2004, Page 6120), thence South 86° 06' West 139.1 ft. along the north line of said Parcel B, thence South 01° 11' East 8.2 ft. along said north line of Parcel B, thence North 85° 12' West 161.4 ft. along said north line of Parcel B, thence North 00° 09' East 899.3 ft., thence North 90° 00' East 300.0 ft., thence North 00° 09' East 281.0 ft., thence North 90° 00' East 408.0 ft., thence South 00° 09' West 1418.7 ft. along the East line of the SE ¼ of said Section 24 to the point of beginning containing 19.51 acres, more or less, including the public roads established along the south and east sides thereof which contain 3.98 acres., 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 Vander Linden Subdivision – Plat 1, be formally accepted and approved at this time.

2.) Mater moved and Pothoven seconded to approve Final Plat of West View Estates Subdivision as follows:

Whereas, Larry J. Lautenbach and Jody L. Lautenbach, husband and wife, have caused certain real estate located in Marion County, Iowa, to be surveyed and platted, and have presented the Final Plat of said real estate to the Board of Supervisors of Marion County, Iowa; and,

Whereas, said Final Plat has been reviewed by the Marion County Zoning Administrator and the Marion County Engineer and they have found no objection thereto; and

Whereas, said Final Plat was approved by the Marion County Zoning Commission and complies in all respects with the rules and procedures concerning the subdivision of lands in Marion County, Iowa; and,

Whereas, said Final Plat conforms in all respects with the laws of the State of Iowa.

Now, Therefore, Be It Resolved that the Final Plat of the following described real estate situated in Marion County, Iowa, known as West View Estates, and having a legal description as follows:

West View Estates, a Subdivision of a part of the West One-Half of the Southwest Quarter of Section 25 - Township 77 North - Range 19 West of the 5th P.M., Marion County, Iowa, being more particularly described as follows:

Beginning at the NW corner of said West 1/2 - SW 1/4; thence S 89° 44' 00" E 1,315.10 feet to the NE corner thereof; thence S 0° 04' 55" W 1,809.52 feet along the East line thereof to the Northeasterly right-of-way line of the former Chicago, Rock Island and Pacific Railroad; thence N 63° 09' 30" W 1,471.00 feet along said R.O.W. line to the West line of said SW 1/4; thence N 0° 00' 00" E 480.78 feet along said West line to the SW corner of Parcel B of the NW 1/4 of said SW 1/4; thence N 90° 00' 00" E 327.34 feet to the SE corner thereof; thence N 0° 00' 00" E 290.43 feet to the NE corner thereof; thence S 90° 00' 00" W 327.34 feet to the NW corner thereof and the West line of said SW 1/4; thence N 0° 00' 00" E 380.25 feet to the Point of Beginning containing 42.48 acres subject to the county roadway containing 0.66 acres along a part of the West side thereof. The West line of said SW 1/4 is assumed to bear N 0° 00' 00" E for purposes of this description.

be, and hereby is, approved by the Marion County Board of Supervisors.

Be It Further Resolved that all easements as shown on said plat are hereby approved and accepted for perpetual use as dedicated on the Consent to Plat filed with said Final Plat.

Be It Further Resolved that this Resolution replaces Marion County Resolution No. 07-10.

Other Business:

1.) Mater moved and Pothoven moved to accept the Marion County Residential Care Facility Ad-Hoc Committee report as presented by Betty Moll, Marion County CPC and committee member. Chairman Nichols expressed the Board's sincere gratitude for all the time and effort the committee put into the report over the last several months.

2.) Mater moved and Pothoven seconded to approve a contract with St. Luke's Hospital, Cedar Rapids, Iowa, for mental health services. Betty Moll, Marion County CPC, explained the need for the contract being Marion County responsible clients were sometimes being placed in the facility by other counties. This contract will reduce the daily rate charged by almost 50% versus not having a contract.

3.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- John Anderson
- Laura DeVos
- Homer Hall
- Duane Schmaltz
- Robert Lepley

Appointments: Mater moved and Pothoven seconded to approve the following appointment:

1. Marion County Examining Board – Dody De Vries – Complete term ending 12/31/07.

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a work session on May 14, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board discussed the following topics:

- Monthly Departmental Updates
  1. Steve Edwards, Conservation: Park update, Ramps – high water, Washington D.C. trip
  2. Carla Ferguson, Development Commission: Tourism – State Fair : Business – Fast Track, River Hills Partnership, Economic Development Website
  3. Mike May, Assessor: Protest period, Assessor applications
  4. Mike Kuhn, General Relief/Veterans Affairs: General Affairs statewide website, VA Grants
  5. John McCoy & Missy Poffenbarger, Planning and Zoning: Nuisance violations, Tracy project
  6. Kim Dorn, Public Health: Grant writing, lightening strikes, building flooding
  7. Karen Schwanebeck, Recorder: Passport applications, recording documents
  8. Betty Moll, CPC: Contracts, meeting with CPC consultant
  9. Jake Grandia, Auditor: Postage rates
- Chairman Nichols presented a Risk Management/Loss Control initiative for all departments countywide. Dave Hansen, HR Director, will begin collecting data to formulate a direction for the safety program.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a work session on May 15, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:00 A.M.

9:00 A.M. – The Board discussed the following topics:

- Sheriff Department
  1. Water softener systems – The Law Enforcement Center needs to have a water softener system installed to prevent damage to equipment.
  2. Monthly jail update: Out of county prisoners, food service
- Secondary Road Department
  1. Project update: Patching in Bussey, Bridge on Rutledge, G71, G40
  2. Closed roads due to Red Rock Lake levels
  3. Proposed vacated roads – Public hearings will be held.
  4. Land acquisition project update – legal documents being created.
  5. Lightening damage to wireless bridge between Courthouse and Sec. Road Office.
  6. Nurse-on-Call : Workers compensation pilot program .

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a work session on May 15, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 1:00 P.M.

1:00 P.M. – The Board discussed the following topics:

- Marion County Residential Care Facility Ad-Hoc Committee Report
  1. Stress importance not to close facility
  2. Possibility of talking to another non-profit organization for another perspective other than the organization that presented to the committee.
  3. Need to continue studying report and financial figures.
- Chairman's report
  1. HR department update
  2. GIS Coordinator position update
  3. Safety program initiative – risk management/loss control
  4. County 457 program limitations – desire to open up opportunity to other vendors.
  5. Pilot program workers compensation opportunity – Nurse-on-Call.
  6. Tracy sewer project
  7. Future considerations for the county owned building on the Knoxville square known as the "Dickerson Building".
  8. Pleasantville Red Rock Renewable ethanol plant project update.

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Sandra Smith, Marion County Designee

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in special session May 18, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 8:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Consent Agenda:

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

1. Approval of Agenda – May 18, 2007

Other Business:

1.) Terry Rachels, Marion County Attorney, presented the Board with an overview of an offer from the County's insurance carrier, Iowa Communities Assurance Pool (ICAP), regarding payment of CIETC legal expenses and representation from this point forward. Mater moved and Pothoven seconded to accept the ICAP offer communicated in the letter dated April 23, 2007, from attorney Karl Olson, and to approve representation of Marion County by attorney Jonathan Wilson in the CIETC matter, with the understanding that by so doing Marion County reserves any claims it now has or may later assert against ICAP, its agents or attorneys, in connection with any aspect of the CIETC matter.

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 8:45 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session May 29, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Consent Agenda:

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

1. Approval of Agenda – May 29, 2007.
2. Approval of Minutes – May 14, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 05/11/07, 05/14/07, 05/15/07, 05/18/07.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #158573 – #158772.
6. Approval of Marion County Conservation Claims #158515 - #158572 through May 15, 2007.
7. Receive and file Marion County Sheriff's Quarterly Report: 01/01/07 – 03/31/07

Public Hearings: Open – Chairman Nichols

1.) Board of Supervisors – The Marion County Board of Supervisors held a public hearing on a proposed FY 06/07 Marion County Budget Amendment. There were no public comments. There were no written comments received by the Auditor's office. Pothoven moved and Mater seconded to close that portion of the public hearing.

2.) Secondary Road Department – A public hearing on a proposed road vacation on a segment of road situated in the west half of the SE1/4 of the SE1/4 of section 27-77-21, currently serving as a private drive to 911 address 479 Erbe St. Beginning at the north ROW line of Road #350, more commonly known as Erbe St., thence north a distance of approximately 550 ft. to terminate county maintenance. Subject to the rights of ingress and egress of any and all existing utilities. Steve McCombs, Marion County Engineer's Office, gave an overview of the proposed road vacation. There were no public comments. There were no written comments received by the Auditor's Office. Mater moved and Pothoven seconded to close that portion of the public hearing.

3.) Secondary Road Department – A public hearing on a proposed road vacation on a segment of road situated in the west half of the SW1/4 of the SE1/4 of Section 27-77-21. Established in 1872 as Road #585 at a width of 33 ft. and currently serving as a private drive to 911 address 455 Erbe St., beginning at the north ROW line of Road #350 more commonly known as Erbe St. thence north approximately 500 ft. to terminate county maintenance. Subject to the rights of ingress and egress of any and all existing utilities. Steve McCombs, Marion County Engineer's Office, gave an overview of the proposed road vacation. There were no public comments. There were no written comments received by the Auditor's Office. Mater moved and Pothoven seconded to close that portion of the public hearing.

4.) Secondary Road Department – A public hearing on a proposed road vacation on a segment of road established at 66 ft. in April of 1889 as Road #985 more commonly known as Nevada Dr. More particularly being described as beginning at the SE corner of the SW1/4 of the SE1/4 of Section 11, Township 75N, Range 19W of the 5<sup>th</sup> PM, thence east along section line a distance of approximately 700 ft., containing 1.06 acres more or less. Steve McCombs, Marion County Engineer's Office, gave an overview of the proposed road vacation. He explained the main reason for looking at this proposed vacation was due to the landowner of the only residence on the end of the dead end road having added a second access onto new Hwy 92 with permission from the IDOT. He also stated the Engineer's Office had received a Letter of Objection and Claim for Damages for the proposed road vacation for that landowner, Mack Lyles. Mr. Lyles was present at the public hearing and held conversation with the Board. He stated this was the only public access to his property and was concerned about becoming landlocked. He said the only reason he got permission from the IDOT for the second entrance off of Hwy 92 was to be able to access the area for mowing to keep the place looking good. He went on to say that access was not passable by vehicles as it is in a wet spot and anyone who tries to drive through the entrance gets stuck. He indicated he had also spent a considerable amount of money since he purchased the property in privately maintaining the public road with rock and leveling due to the lack of maintenance by the County in the past. He said the main reason he needed the road to stay public was the need to have utility companies have access to his property. Conversation took place about how these vacations include reserving ingress/egress rights for these purposes across an adjoining landowners property. There was further discussion about the second access off of Hwy 92 and the viability of improving that access. Nichols asked about the sight/distance requirements for that access onto Hwy 92. McCombs indicated all the requirements were OK with that particular access. Roger Schletzbaum, Marion County Engineer, stated his department would be willing to talk to the IDOT and look at improving the access off of Hwy 92. He believed this would be a benefit to the County in the long term. Mr. Lyles stated that with all due respect he would really rather have the situation left as it is with the road open. McCombs suggested the action item later in the agenda be tabled



while the Engineer's Office researches improving the new Hwy 92 access and Mr. Lyles contact the adjoining landowner about acquiring access to get access to his property from the county road. There were no written comments received by the Auditor's Office. Mater moved and Pothoven seconded to close that portion of the public hearing.

Executive Session: None

Public Comments:

1.) Kyle A. Simons – 455 Erbe Street landowner, asked the Board if he could address Public Hearing #3. He apologized for missing that portion of the meeting and stated he got held up in traffic. Chairman Nichols allowed the request as this was the public comment portion of the agenda. Simons then presented the Board with a Letter of Objection and filed a Claim for Damages regarding the proposed road vacation. Simons stated this road was the only access to his residence and property. He stated this was there sole residence. He went on to say there had been very minimal County maintenance on the road in the last 7 years. Dwight Mater, Board of Supervisor, stated this in essence was like a private drive. Simons states this had always been a public road and vacating it would be a major burden on them. He had no equipment to maintain the road if it became private. Sam Nichols, Board of Supervisor, asked Roger Schletzbaum, Marion County Engineer, if there was an option for some type of maintenance agreement with the landowner. Schletzbaum responded he felt it best the County did not get into the business of private road maintenance for individuals. Simons responded by saying he has looked and has been unable to find any private individual that would be willing to push the snow off the road. Nichols asked if it would be fair to say that 90% of the traffic on the road were the owners of the property. Simons responded he believed that to be accurate.

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve the Adoption of Budget Amendment as follows:

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

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

Whereas, the Marion County Board of Supervisors has met the budget hearing requirements in IA Code 331.435 through the public hearing held on 5/29/07 at 9:30 AM;

Therefore, Be It Resolved, on the 29th day of May 2007, that the Marion County Board of Supervisors hereby adopts by resolution the Amendment to County Budget for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

2.) Pothoven moved and Mater seconded to approve appropriate budgetary monies as follows:

Whereas, the Marion County Board of Supervisors approved a budget amendment for Fiscal Year 2006-2007, 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 06-07 year.

<u>Department</u>	<u>Original</u>	<u>Amendment</u>	<u>Total</u>
Court Services	113,300	16,805	130,105
Conservation	841,684	120,797	962,481
Sheriff	2,202,549	16,461	2,219,010
Sanitation	78,975	9,972	88,947
Data Processing	166,552	9,900	176,452
Non-Departmental	6,334,516	88,798	6,423,314
Public Health	1,207,519	252,979	1,460,498

3.) Mater moved and Pothoven seconded to approve a audio tape retention policy as follows:

Whereas, Iowa Code 21.5(4) states: A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also tape record all of the closed session. The detailed

minutes and tape recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and tape recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and tape recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and tape recording of any closed session for a period of at least one year from the date of that meeting.

Therefore, all audio tapes of closed sessions of the Marion County Board of Supervisors will be destroyed after one year from the date of meeting; unless required to retain due to pending litigation.

4.) Pothoven moved and Mater seconded to approve the road vacation at 479 Erbe Street as follows:

Whereas, a public hearing was held at 9:30 AM on the 29th day of May, 2007, in the office of the Marion County Board of Supervisors and,

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

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

Now therefore be it resolved that, subject to the rights of ingress and egress of any and all existing utilities, A segment of road situated in the west half of the SE 1/4 of the SE 1/4 of Section 27, Township 77, Range 21 of the 5th. P.M., currently serving as a private drive to 911 address 479 Erbe St., beginning at the north right-of-way line of Road # 350, more commonly known as Erbe St., thence north a distance of approximately 550 ft. to terminate county maintenance. Subject to rights of ingress and egress of any and all existing utilities.

Be hereby vacated.

5.) Pothoven moved to table Agenda Item – Resolutions #5. Motion died due to lack of support.

Mater moved and Nichols seconded to approve a road vacation at 455 Erbe Street as follows:

Whereas, a public hearing was held at 9:30 AM on the 29th day of May, 2007, in the office of the Marion County Board of Supervisors and,

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

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

Now therefore be it resolved that, subject to the rights of ingress and egress of any and all existing utilities, A segment of road situated in the west half of the SW 1/4 of the SE 1/4 of Section 27, Township 77N, Range 21W, of the 5th. P.M. established in 1872 as Road # 585 at a width of 33 ft. and currently serving as a private drive to 911 address 455 Erbe St., beginning at the north right-of-way line of Road No. 350, more commonly known as Erbe St., thence north approximately 500 ft. to terminate county maintenance. Subject to rights of ingress and egress of any and all existing utilities.

Be hereby vacated.

Roll call vote as follows: Ayes: Mater, Nichols Nays: Pothoven

6.) Mater moved and Pothoven seconded to table Agenda Item – Resolutions #6: Discuss and take action on road vacation of a segment of Road #985 known as Nevada Drive in Section 11-75N-R19W.

#### Other Business:

1.) Mater moved and Pothoven seconded to void Marion County Law Enforcement Center Project Change Order #11 as previously approved on February 26, 2007.

2.) Pothoven moved and Mater seconded to approve Marion County Law Enforcement Center Project Change Order #12 for a total increase of \$8,556.60.

Appointments: Pothoven moved and Mater seconded to approve the following appointment:

1. Marion County Commission of Veterans Affairs – Richard Mason – 3 yr term ending 06/30/2010.

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 10:49 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on May 31, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:00 AM.

- 9:00 A.M. – The board met with Rich DeHeer from DeHeer & Associates to discuss the process of a proposed appraisal for the Dickerson Building and sales trends in downtown Knoxville. Meeting adjourned at 9:25 A.M.
- 10:00 A.M. – The Board met with Ben Wright and Dave Randall from Community Care, Inc. to receive a presentation from a non-profit organization regarding care facilities. Betty Moll, Marion County CPC and Randall Kelley, Marion County Care Facility Director, were also present. Meeting adjourned at 11:10 A.M.

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Lorri L. Jahner, Marion County Designee

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special work session on June 4, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:00 AM.

- 9:00 A.M. – Planning and Zoning – Randy Pleima, Mahaska County Rural Water, gave an update in the land acquisition phase of the Tracy sewer project. Agreements in principle have been reached with the landowner. Approximately 10-12 acres will be required for the project. Jack Pope, Garden and Associates, gave a timeline of upcoming engineering steps for the project. Marsha Cory, grant writer, asked for any new information for the grant and stated the grant was due November 2007. Chairman Nichols closed the work session at 9:40 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special work session on June 7, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:00 AM.

1. Elderly Nutrition Program – Meal site conduct policy
2. Pandemic Exercise – Countywide exercise (government, schools, business)
3. CPC applications required for MCCF residents / Terms on proposed agreement with Country Life for administrative services at MCCF / CPC to create rough draft of RFP for residential care
4. Marion County Tuck-point Project – 2 quotes received by maintenance, County Engineer to research requirements for bidding and present process recommendations.
5. G.I.S. Committee – job description and job advertisement completed and ready for BOS approval
6. Courthouse Security – process under review for applicant qualifications, hours of service, office location
7. HR OneSource – proposed agreement on renewal of human resources contract
8. Marion County Assessor – Examining Board has process under way and will proceed to Conference Board
9. National Association of Counties (NACO) Drug Card Program – Auditor to pursue application for participation
10. Marion County Auditor – Resolution per new Iowa legislation regarding voting equipment and voter verified paper trail requirements
11. R.E.A.P. – committee requirements will be handled by Steve Edwards, Conservation Director
12. Pleasantville Memorial Building – Commissioners concerned about financial future of Memorial Hall
13. Temporary road closure – City of Pella Fourth of July celebration – Engineer has authority for closure

Chairman Nichols closed the meeting at 11:30 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session June 11, 2007, with Howard Pothoven and Sam L. Nichols present. Dwight Mater Jr. was absent. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – June 11, 2007.
2. Approval of Minutes – May 29, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 05/31/07, 06/04/07, 06/07/07.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #158774 – #158991.

Public Hearings: None

Executive Session: None

Public Comments:

1.) Don Zoutte – Marion County Veterans Memorial update – Financing is coming to together for the project. Commemorative pins are being sold to complete the financing. Don asked to be placed on a future agenda to set a date for a ceremonial ground breaking.

Zoning Items: None

Resolutions:

1.) Pothoven moved and Nichols seconded to approve Resolution 07/29 as follows:

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, 2007; 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 2008 Unified Planning Work Program and Budget for the period beginning July 1, 2007, through June 30, 2008.

2.) Pothoven moved and Nichols seconded to approve Resolution 07/30 as follows:

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

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

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

Therefore, Be It Resolved that the transfer of funds for an Interfund Loan principle payment from the Marion County General Basic Fund to the Marion County General Basic Supplemental Fund be approved by the Marion County Board of Supervisors for the Fiscal Year of 06/07 for \$93,153.06 and,

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

3.) Pothoven moved and Nichols seconded to approve Resolution 07/31 as follows:

Whereas, Marion County has undertaken a review of its Geographic Information System (GIS) and;

Whereas, this review has resulted in the need to create a Marion County GIS Coordinator position and;

Whereas, a Marion County GIS Coordinator job description has been prepared by the Marion County GIS Committee and reviewed by Marion County's HR director and ;

Whereas, this description is necessary for implementation of the Marion County GIS Coordinator position,

Now Therefore Be It Resolved, that the new Marion County GIS Coordinator job position description be adopted for the Marion County GIS Department.

4.) Pothoven moved and Nichols seconded to approve Resolution 07/32 as follows:

Whereas, Iowa Code section 52.7, subsection 1, paragraph "1", as amended by 2007 Iowa Acts, Senate File 369, requires voting systems to provide a paper record for review by the voter, and

Whereas, 2007 Iowa Acts House File 911, section 1, subsection 13, requires the county board of supervisors to submit to the office of secretary of state a resolution adopted by the board declaring the method by which the county intends to comply with section 52.7, subsection 1, paragraph "1", 2007 Iowa Acts, Senate File 369, by June 15, 2007,

Therefore We, the Board of Supervisors of Marion County hereby resolve that we intend to comply with section 52.7, subsection 1, paragraph "1", 2007 Iowa Acts, Senate File 369 as follows:

- ☐ Option A. Marion County uses only direct recording electronic voting machines (DRE) and intends to add paper record printer attachments that are compatible with the county's current DRE voting machines. Full re-imbursement funds are available from the state for this option.

#### Other Business:

1.) Pothoven moved and Nichols seconded to deny the claim for damages of \$82,557.11 in full, by Kyle Simons and Paula Midgorden, regarding a road vacation at 455 Erbe Street.

2.) Pothoven moved and Nichols seconded to approve an agreement between Marion County, Iowa, and Country Life Health Care, Inc. to administer the Marion County Care Facility as a Residential Care Facility commencing July 1, 2007, through June 30, 2008.

3.) Pothoven moved and Nichols seconded to approve a renewal and modification of HR Agreement with HR-OneSource for human resource and risk management services from July 1, 2007 through December 31, 2007.

4.) Pothoven moved and Nichols seconded to authorize the services of Rich De Heer to appraise the County owned building located at 113 S Third Street known as the Dickerson Building.

5.) Pothoven moved and Nichols seconded to approve the Marion County Senior Nutrition Program Senior Center and Activity Rules of Participation Policy.

6.) Pothoven moved and Nichols seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Dewey Houser
- Mack Lyles

Appointments: None

Chairman Nichols publicly thanked Karen Schwanebeck and her church groups for planting and maintaining the flowers around the Courthouse grounds.



Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on June 11, 2007, with Howard Pothoven and Sam L. Nichols present. Dwight Mater Jr. was absent. Chairman Nichols opened the meeting at 1:00 PM.

1. IMWCA – Company Nurse Workman’s Compensation Pilot Program
  - a. Lisa Shives, Auditor’s Office, Dave Hansen, Human Resource, and Dean Schade, IMWCA, presented an overview of the pilot program for reporting work place employee injuries.
2. Safety Program
  - a. Dean Schade, IMWCA, presented a kick-off of the County Safety Program.
3. Monthly department head updates
  - a. Terry Rachels, Attorney
  - b. John McCoy, Planning and Zoning
  - c. Mike Kuhn, General Relief and Veterans Affairs
  - d. Betty Moll, CPC – Contracts, RFP, COC
  - e. Denise Emal, Treasurer - Tax Sale
  - f. Randy Kelley, Marion County Care Facility
  - g. Ron Goemaat, Sheriff Dept – Cops Grant
  - h. Ray Stone, EMA – Disaster declaration, Pandemic Exercise
  - i. Karen Schwanebebeck, Recorder – Passport delays
  - j. Roger Schletzbaum, Engineer – RR crossing guards on T17
  - k. Dave McKinney, Conservation – Camp grounds
  - l. Kim Dorn, Public Health – Pandemic Exercise, Elderly Nutrition, Grants

Chairman Nichols closed the meeting at 2:15 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session June 25, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – June 25, 2007.
2. Approval of Minutes – June 11, 2007.
3. Approval of Minutes – Board of Supervisor Special Sessions: 06/11/07.
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #159056 – #159319.
6. Approval of Marion County Conservation Claims #158994 - #159055 through June 19, 2007.
7. Approval of Class B Beer permit renewal with Sunday Sales and Outdoor Service for Terry Hoch, dba Wackos.

Public Hearings: None

Executive Session: None

Public Comments:

1.) Don Zoutte – Marion County Veterans Memorial update – Zoutte officially asked the Board to set the date of July 14, 2007, at 10:00 A.M. for a ceremonial groundbreaking ceremony for the new Marion County Veterans Memorial to be located on the courthouse grounds.

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve Resolution 07/33 as follows:

Whereas the Marion County Board of Supervisors approved the budget for Fiscal Year 2007-2008, 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 07-08 year.

Supervisor	166,725
Auditor	302,442
Treasurer	454,054
Attorney	309,752
Sheriff	2,377,712
Court Services	147,805
Recorder	249,339
Zoning	53,318
Landfill	0
Human Resources/Risk Management	81,249
Dept. of Human Services	74,790
Geographic Information System (GIS)	81,703
Engineer	6,343,418
Veterans Affairs	64,883
Conservation	911,684
Community Health	1,444,144
Weed Commission	8,660
General Assistance	100,336
Medical Examiner	40,000

Libraries	80,000
Child Support Recovery	500
Ambulance	13,531
Care of Indigents	104,739
Sanitation	84,164
Custodial & Maintenance	425,000
Data Processing	178,511
Mental Health	2,457,112
Development Commission	141,875
Substance Abuse	108,000
Non-departmental	3,750,215
	<u>20,555,661</u>

Total Appropriation

2.) Mater moved and Pothoven seconded to approve Resolution 07/34 as follows:

Whereas, Iowa Code chapter 321.354 regulates Stopping on traveled way, and

Whereas, Marion County has jurisdiction over traffic on County Road S-45 and,

Whereas, The portion of County Road S-45 south of Highway 5 is not in a business district, rural residential district or residential district,

Whereas, Marion County has constructed a parking area in the area of the intersection of Highway 5 and County Road S-45 for the purpose of accommodating commuter and vendor parking,

Now Therefore Be It Resolved by the Marion County Board of Supervisors that; parking shall be prohibited on County Road S-45 south of Highway 5 on the East and West sides for a distance of one half mile from the south edge of Highway 5; and the appropriate No Parking signs shall be erected.

#### Other Business:

1.) Mater moved and Pothoven seconded to approve Marion County for using Company Nurse for workers compensation injury reporting effective July 1, 2007.

2.) Pothoven moved and Mater seconded to approve the permit request for Gateway Community Church, Monroe, Iowa, for a fireworks display to be held July 1, 2007, on the farm of Danny Van Wyk located 1 mile North of the Mile Long Bridge on Hwy 14.

3.) Pothoven moved and Mater seconded to adopt the Application for Employment form, as presented by the Human Resource Department, for use in all Marion County departments.

4.) Mater moved and Pothoven seconded to approve annual meal site contracts commencing July 1, 2007, with Elderly Nutrition Meal Sites in Knoxville, Pella, Pleasantville, Melcher-Dallas, and Bussey.

5.) Mater moved and Pothoven seconded to approve the FY 07-08 Marion County Secondary Road Payroll Policy.

Discussion held between Board members regarding further discussion of proposed contract and language involving the requirement of a performance evaluation of the County Engineer.

Pothoven moved and Mater seconded to amend the original motion to remove the County Engineer Salary portion of the FY 07-08 Marion County Secondary Road Payroll Policy.

Roll Call vote as follows: Ayes: Pothoven, Mater Nays: Nichols

Roll Call vote as follows on motion to approve amended FY 07-08 Marion County Secondary Road Payroll Policy: Ayes: Pothoven, Mater Nays: Nichols

6.) Mater moved and Nichols seconded to Table until July 9, 2007, Agenda Item - Other Business #6 – Discuss and take action on employment agreement for the position of County Engineer between Marion County, Iowa, and Roger Durl Schletzbaum, Registered Professional Civil Engineer, effective July 1, 2007 through June 30, 2010.

7.) Pothoven moved and Mater seconded to approve a final design agreement with Calhoun and Burns for Marion County Bridge #61330024 on 30<sup>th</sup> Place, south of Highway 92.

8.) Mater moved and Pothoven seconded to approve a Engineering Services Agreement with Kirkham-Michael for design of bridge #58325018 on County Road T17.

9.) Mater moved and Pothoven seconded to approve an agreement with Marion County, Iowa, and Courage Connections for Mental health and Substance Abuse services effective July 1, 2007, through June 30, 2008.

10.) Pothoven moved and Mater seconded to approve an agreement with Marion County, Iowa, and Knoxville Residential for Mental Health and Substance Abuse services effective July 1, 2007 through June 30, 2008.

11.) Mater moved and Pothoven seconded to approve an agreement with Marion County, Iowa, and Pine Rest for Mental Health services effective July 1, 2007, through June 30, 2008.

12.) Mater moved and Pothoven seconded to approve an agreement with Marion County, Iowa, and Capstone for Mental Health and Substance Abuse services effective July 1, 2007, through June 30, 2008.

13.) Pothoven moved and Mater seconded to approve an agreement with Marion County, Iowa, and Mary Greeley, Ames, for Mental Health and Substance Abuse services effective July 1, 2007, through June 30, 2008.

14.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Paul Stalzer
- Rodney De Zwarte
- Steve Hatch
- Ralph Porter
- Mark and Kay De Cook
- Teresa Stull

Appointments: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special work session on July 5, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 10:00 AM.

The board met with a group of concerned landowners to discuss the potential new City of Pella Airport and related Site Selection Committee. The board received a list of questions from the group to be presented at the next Site Selection Committee meeting.

The board discussed the RFP for the Marion County Care Facility. The RFP has been reviewed by the county attorney and further review by board members should be done prior to sending out. Other options involving the care facility and the need for more data were discussed.

The meeting adjourned at 12:16 PM.

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Lorri L. Jahner, Marion County Designee

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session July 9, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

Chairman Nichols announced a Executive Session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

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

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

Consent Agenda:

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

1. Approval of Agenda – July 9, 2007.
2. Approval of Minutes – June 25, 2007.
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Claims – Warrants #159328 – #159549.

Public Hearings: Open – Nichols

1.) Secondary Road Department - Notice is hereby given to the affected property owners that Marion County will consider authorizing the commencement of a project to replace a bridge north of Bussey over the Burlington Northern Railroad in Section 13, Township 74 North, Range 18 West on Story Street. Roger Schletzbaum, County Engineer, presented an overview of the proposed project. Schletzbaum indicated his department had received a positive written comment from Howard Ellis. Jay Davis, Secondary Road Department, indicated 2 adjoining landowners had asked how the project would affect them and stated their approval. Schletzbaum indicated the new bridge would be longer and wider with the County maintaining responsibility. Pothoven moved and Mater seconded to close the public hearing.

Public Comments: None

Zoning Items: None

Resolutions:

- 1.) Mater moved and Pothoven seconded to approve Resolution 07/35 as follows:

Whereas, Story Drive is under the jurisdiction of Marion County, Iowa and;

Whereas, a bridge on Story Drive north of Bussey over the Burlington Northern Railroad is in need of repair and;

Whereas, additional right-of-way is needed to replace the bridge and;

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

Now Therefore, Be It Resolved, that a project to affect replacement of the bridge on Story Drive north of Bussey over the Burlington Northern Railroad and acquire the necessary Right-Of Way, shall be initiated and the Board of Supervisors enter into a Federal Aide agreement with the Iowa Department of Transportation.

Other Business:

1.) Mater moved and Pothoven seconded to remove from Tabled Items - Discuss and take action on employment agreement for the position of County Engineer between Marion County, Iowa and Roger Durl Schletzbaum, Registered Professional Civil Engineer, effective July 1, 2007 through June 30, 2010.

2.) Mater moved and Pothoven seconded to approve an employment agreement for the position of County Engineer between Marion County, Iowa, and Roger Durl Schletzbaum, Registered Professional Civil Engineer, effective July 5, 2007 through June 30, 2010.

3.) Mater moved and Pothoven seconded to authorize Marion County, Iowa, to participate in the National Association of Counties (NACO) Prescription Drug Card Program.

4.) Mater moved and Pothoven seconded to approve a construction contract with Norris Asphalt for resurfacing of County Road S-71.

5.) Mater moved and Pothoven seconded to set the date of July 14, 2007 at 10:00 A.M. for a ceremonial groundbreaking ceremony for the new Marion County Veterans Memorial to be located on the courthouse grounds.

Appointments: None

Executive Session:

1.) Mater moved and Pothoven seconded to enter Executive Session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

2.) Pothoven moved and Mater seconded to reconvene in Regular Session.

3.) Pothoven moved and Mater seconded to support the letter dated July 5, 2007 from Marion County counsel Dorsey and Whitney.

Adjournment:

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

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Lisa Shives, Marion Co. Admin. Asst.

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Sam Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met for a special work session on July 20, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 8:30 A.M.

1. Marion County Development Commission and Tourism Guide
  - a. The Board discussed the process the commission and partners went through this year in organizing the tourism guide with Carla Eysink, Marion County Development Commission, and members of the Knoxville Chamber of Commerce.
2. Courthouse Tuckpoint Project
  - a. The Board reviewed an opinion by the Marion County Attorney on the new bidding process requirements and the potential courthouse tuckpoint project. Roger Schletzbaum, County Engineer, was asked to review the estimates received by the County. Further questions were compiled to ask potential contractors.
3. County Employee Mileage Reimbursement Rates
  - a. Discussion was held regarding the current mileage reimbursement rate of \$0.35 and how to annually review the rates.
4. Marion County Care Facility RFP
  - a. Discussion was held on the final draft of the RFP that was reviewed by the County Attorney. The RFP needs to have dates updated and it should be complete.

Chairman Nichols closed the meeting at 10:10 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session July 23, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – July 23, 2007.
2. Approval of Minutes – July 9, 2007.
3. Approval of Work Session Minutes – 07/05/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #159594 – #159804.
6. Approval of Marion County Conservation Warrants #159551-#159593 through July 17, 2007.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

- 1.) Mater moved and Pothoven seconded to approve Resolution 07/36 as follows:

Whereas it has been the policy of Marion County to pay mileage at the rate of \$ .35 per mile and,

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

Now Therefore Be It Resolved by the Marion County Board of Supervisors that beginning for mileage driven on or after July 23, 2007, the mileage rate paid by Marion County is hereby increased to \$ .39 per mile. The Marion County Board of Supervisors further resolve to review the Marion County Mileage Reimbursement rate the last meeting in June of every fiscal year for potential changes to be effective the following July 1.

- 2.) Pothoven moved and Mater seconded to approve Resolution 07/37 as follows:

Whereas, it is in the best interest of the citizens of Marion County to have South Central Youth and Family Service provide services to young persons of Marion County and to their families who are in or on the verge of trouble to assist them in finding individually and socially acceptable solutions to their problems, and;

Whereas, the State of Iowa allows for joint agreements pursuant to the provision of Iowa Code Chapter 28E.

Now Therefore, Be It Resolved That The Marion County Board of Supervisors gives authorization to enter an agreement between Marion County, Iowa, and the South Central Youth and Family Services Commission as provided by Iowa Code Chapter 28E.

Other Business:

- 1.) Pothoven moved and Mater seconded to accept the low L.P. bid from New Alliance Farm Service for Marion County usage effective 8/1/07-7/31/08. The bids were as follows:

1. New Alliance Farm Service, Inc. - \$1.369/gal.
2. Two Rivers Cooperative - \$1.445/gal.

- 2.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- George Bandstra
- Lew Brent
- EH Lester Leasing

Appointments: Pothoven moved and Mater seconded to approve the following appointments:

- 1.) Marion County Development Commission: Pleasantville – John Franey – 3 yr term eff. 7/1/07
- 2.) Marion County Development Commission: Knoxville – John Jensen – 3 yr term eff. 7/1/07
- 3.) Marion County Development Commission: Melcher-Dallas – Jeff Roland – 3 yr term eff. 7/1/07
- 4.) Marion County Development Commission: At-Large – Lana Pol – 3 yr term eff. 7/1/07

Mater noted he had received a phone call from a MCDC Board Member to convey their unhappiness with certain appointments.

Executive Session: None

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 9:46 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special session on August 6, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 8:00 A.M.

1. Marion County property: 113/115 3rd Street, Knoxville, IA
  - a. The Board discussed the process and merit of potentially offering the property for sale.
2. Marion County Courthouse windows
  - a. Supervisor Mater reported he had contacted Pella Corporation regarding the possibility of receiving assistance on a potential Courthouse window replacement project. He indicated Pella Corporation was pleased to reply and would have a company representative visit the Courthouse for an initial assessment immediately. Mater stressed he was very pleased but this was only a very initial step with no commitments involved from either party.
3. Marion County Courthouse 1st floor old cell block demolition estimate.
  - a. Chairman Nichols reported the maintenance department had received a cost estimate for demolition of the old cells on the 1st floor of the courthouse. The Board discussed if there was a necessity for this action and expense at this time. There was consensus to not proceed with the project any further at this time.
4. Marion County Courthouse basement storage for departments.
  - a. Chairman Nichols briefed the Board on storage location assignments that had been given to individual departments within the Courthouse.
5. Proposed Policy Manual from Human Resource Department.
  - a. The Board needed further time to review the draft copy as presented before any comments or recommendations would be made.
6. Recycling in Courthouse.
  - a. Supervisor Pothoven briefed the Board regarding his thoughts and findings on having the County departments begin a recycling program. He stressed he believed this would be a positive move for the County.

Chairman Nichols closed the meeting at 9:18 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session August 13, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – August 13, 2007.
2. Approval of Minutes – July 23, 2007.
3. Approval of Special Session Minutes – 07/20/07, 8/6/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Special Class C Liquor License for John Pierce on behalf of the Columbia Fire Department.
6. Approval of Class C Beer Permit renewal for Alice Avery d.b.a. Lakeridge Enterprises.
7. Approval of Marion County Claims – Warrants #159808 – #160104.

Public Hearings: Open: Chairman Nichols

1.) Secondary Road Department – Proposed road vacation: A segment of road known as West St. under joint jurisdiction with Marion County and the City of Bussey, the west half of said road being under the jurisdiction of Marion County and being more particularly described as; the west half of West St. beginning at the south ROW line of 4th St., thence south to the north ROW line of 5th St., and the west half of West St., beginning at a point 480 feet south of the NE corner of Section 23, Township 74N, Range 18W of the 5<sup>th</sup> P.M., thence south to the north ROW line of 7th Street. Steve McCombs, Secondary Road Department, presented an overview of the project. There were no written comments received by the Marion County Auditors Office. There being no public comments, Pothoven moved and Mater seconded to close the public hearing.

Public Comments: None

Zoning Items: None

Resolutions:

- 1.) Mater moved and Pothoven seconded to approve Resolution 07/38 as follows:

Whereas, a public hearing was held at 9:30 AM on the 13th day of August, 2007, in the office of the Marion County Board of Supervisors and,

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

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

Now therefore be it resolved that, subject to the rights of ingress and egress of any and all existing utilities, A segment of road known as West St. under joint jurisdiction with Marion County and the City of Bussey, the west half of said road being under the jurisdiction of Marion County and being more particularly described as; the west half of West St. beginning at the south right-of-way line of 4th. St. thence south to the north right-of-way line of 5th. St. and the west half of West St. beginning at a point 480 feet south of the Northeast corner of Section 23, Township 74N, Range 18W of the 5th. P.M. thence south to the north right-of-way line of 7th. St.

Be hereby vacated. Adopted this 13th day of August, 2007.

Other Business:

1.) Mater moved and Pothoven seconded to accept and authorize release of the Request for Proposal for a 24-Hour Residential Care Facility as presented by the Marion County Central Point Coordinator.

2.) Mater moved and Pothoven seconded to receive and record quotations received regarding a proposed Marion County Courthouse Tuckpoint Project. The quotes received are as follows:

1. Karr Tuckpointing - \$87,153.00
2. Woods Waterproofing & Restoration - \$139,000.00

3.) Mater moved and Pothoven seconded to accept the quote of Karr Tuckpointing, 1801 West D St., Vinton, Iowa, for \$87,153.00 regarding a Marion County Courthouse Tuckpoint Project.

4.) Pothoven moved and Mater seconded to enter into a one year agreement with Lucas County Health Center regarding detoxification inpatient care for county residents effective September 1, 2007.

5.) Mater moved and Pothoven seconded to approve the request of Mr. Rod Beier, 262 Gear St., Pleasantville, Iowa, for application for Wind Energy Tax Credits pursuant to Iowa Code section 476B.6(1) regarding the construction of a wind turbine on his property.

6.) Mater moved and Pothoven seconded to accept the bids received from the used equipment sale by the Marion County Secondary Road Department and Marion County Conservation Department. A list is available at the Secondary Road Department.

7.) Mater moved and Pothoven seconded to pursue options and offer for sale the Marion County property located at 113/115 3rd St., Knoxville, IA., locally known as the Dickerson building in downtown Knoxville.

8.) Mater moved and Pothoven seconded to accept the following recommendations on behalf of Marion County, Iowa, from Bill Miller, Dorsey & Whitney LLP, regarding Marion County LACV091733:

1. Continue to pursue interpleader only by taking any further action necessary to secure a court order commanding the Board to interplead the retained funds with the court.
2. Communicate with the other parties to this lawsuit as necessary to defend the Board and otherwise express its goal to have the retained funds deposited with the court;
3. File answers to Accurate's and Septagon's cross-claims; and
4. Formally tender the defense of the Accurate cross-claim to Septagon and Fidelity under the provisions of the Payment Bond for the Project.

9.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Bill Sytsma

Appointments: None

Executive Session: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session August 27, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – August 27, 2007.
2. Approval of Minutes – August 13, 2007.
3. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
4. Approval of Marion County Claims – Warrants #160173 – #160350.
5. Approval of Marion County Conservation Claims #160107 - #160170 through August 21, 2007.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions: None

Other Business:

1.) Mater moved and Pothoven seconded, after Mater acknowledged the good job Randy had done since he had assumed the administrative duties, to accept the resignation received from Randall Kelley as Administrator of Marion County Care Facility effective August 31, 2007, ending the contract between Marion County and Country Life Health Care Facility.

2.) Mater recommended to the Board they appoint Barbara Van Wyk as temporary administrator for the Marion County Care Facility effective when necessary for as long as necessary. He went on to explain Barbara was a current Marion County Public Health employee, former Director of Nursing at the Facility, properly educated, and licensed to act as director of the facility. He had also spoken to Barbara's current department head to inquire about this possibility and if they could make a working arrangement for Barbara's duties to be divided. Mater moved and Pothoven seconded to appoint Barbara Van Wyk as temporary administrator of the Marion County Care Facility effective as necessary for as long as necessary.

3.) Mater moved and Pothoven seconded to approve a supplemental agreement for final design services for the bridge on Story Street over the Burlington Northern Santa Fe Railway northeast of Bussey.

4.) Mater moved and Pothoven seconded to approve the Iowa Department of Transportation Federal Aid Agreement regarding the new High Risk Rural Roads Program Project on G-40 west of Pleasantville.

5.) Pothoven moved and Mater seconded to extend an "offer of employment" to William Buttrey to serve as the Marion County GIS Coordinator.

Appointments: None

Executive Session: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special session on September 4, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 10:00 A.M.

1. Tracy Sewer Project update – Missy Poffenbarger, Planning and Zoning
  - a. Not completed: land acquisition, land appraisal, soil borings
  - b. Completed: design work
2. Marion County Property – 113/115 Third St., Knoxville
  - a. Attempt to sell property without realtor / Place signs / paper advertisement
3. Marion County Courthouse Tuckpoint Project
  - a. Contract has been signed. Project will be scheduled.
  - b. Pothoven stated he was concerned about proper oversight during the project.
4. Leadership Red Rock Program
  - a. Assignments for program were discussed.
5. Marion County Care Facility update – Barb Van Wyk.
  - a. Staff was doing a great job.
  - b. Residents were doing well.
  - c. Areas with questions – boiler, lagoon, payroll, billings
6. Marion County Care Facility interim administrator possible salary adjustment.
  - a. The Board will consider possible adjustments on the next regular agenda.
7. Marion County Care Facility RFP update – Betty Moll.
  - a. RFP sent out.
  - b. Contact from one firm.
  - c. No completed RFP's returned yet.
8. Marion County Courthouse window project update – Dwight Mater.
  - a. Pella Corporation has engineers and draftsman working on prototype on window for Courthouse.
  - b. No cost to County yet.
  - c. Pella Corporation seemed pleased to participate in project.
9. Employee handbook update.
  - a. Discussion on future dates for reviewing proposed handbook with Dave Hansen, HR Director, were discussed.
10. Will Prather request.
  - a. Mater reviewed his conversation with Will Prather regarding deer population and soil erosion around the lake. Steve Edwards, Marion County Conservation, discussed the efforts to open up Roberts Creek Park for a special 21 deer deprivation hunt with bow and arrow.
11. Chairman's update.
  - a. Union bargaining sessions will begin in late September or early October.
  - b. Departments are beginning to move into the new storage areas.
  - c. Paper recycling program has begun in the Courthouse.

Chairman Nichols closed the meeting at 11:30 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors



The Marion County Board of Supervisors met in regular session September 10, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – September 10, 2007.
2. Approval of Minutes – August 27, 2007.
3. Approval of Special Session Minutes – 9/4/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #160452 – #160542.

Public Hearings: Open – Chairman Nichols

1.) Marion County Engineer – The Marion County Board of Supervisors, after consultation with the Marion County Engineer, desires to amend Chapter 51.03 of the Marion County Code of Ordinances regulating the Flood Plain in Marion County. Roger Schletzbaum, Marion County Engineer, reviewed the required ordinance revision to set the date of the applicable Flood Insurance Rate Map. There being no further comment, Pothoven moved and Mater seconded to close that portion of the public hearing.

2.) Marion County Engineer - Be it resolved by the Marion County Board of Supervisors that the matter of vacating all or part of certain road rights-of-way as existing, in Marion County, Iowa and subject to the rights of ingress and egress of any and all existing utilities, being more particularly described as: A segment of Road # 741 established at 40 feet in June of 1875, known locally as Virginia St. and being more particularly described as beginning at a point 33 feet east of the North 1/4 corner of Section 36, Township 74N, Range 21W of the 5th. PM, the intent being to describe the east right-of-way line of a local road known as 65th. Ave, thence east to a point approximately 300 feet west of the North 1/4 corner of the Northwest 1/4 of Section 31, Township 74N, Range 20W of the 5th. PM, the intent being to describe the west bank, as currently existing, of a stream known locally as English Creek. The Engineer's Office gave an overview of the proposed vacation. Dorothy Clark, landowner, indicated her opposition to the proposed road vacation. Pothoven suggested the Engineer's Department contact an adjoining landowner to inquire about easements for Mrs. Clark. There being no further comments, Mater moved and Pothoven seconded to close the public hearing.

Public Comments:

1.) Marv Kooyman, Park Hills developer, addressed the Board regarding the roads in the Park Hills developments. Mr. Kooyman indicated his desire to have the County assume responsibility of the roads in the developments.

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve the first reading of Resolution 07/39 to amend Marion County Ordinance Chapter 51.03 regarding Marion County Flood Ordinance.

2.) Pothoven moved and Mater seconded to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings and approve the final approval of Resolution 07/39 to amend Marion County Ordinance Chapter 51.03 regarding Marion County Flood Ordinance as follows:

Whereas, the Federal Emergency Management Agency and the Iowa Department of Natural Resources requires a revision to the County's Flood Plain Regulations and,

Whereas, Chapter 51 of the Marion County Code of Ordinances regulates the Flood Plain in Marion County and,

Whereas, the Marion County Board of Supervisors, after consultation with the Marion County Engineer, desires to amend Chapter 51;

Now, Therefore, Subsection 51.03 is hereby repealed and amended to read as follows:

51.03 Lands to Which Chapter Applies. The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of Marion County. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Marion County and Incorporated Areas, dated November 16, 2007, which is hereby adopted and made a part of this Ordinance.

Now Therefore Be It Resolved, this 10th day of September, 2007, that Chapter 51 of the Marion County Code of Ordinances is hereby revised as stated above.

3.) Pothoven moved and Mater seconded to table Resolution 07/40: Resolution to vacate a segment of Road #741 locally known as Virginia Street.

4.) Mater moved and Pothoven seconded to approve Resolution 07/41as follows:

Whereas the Marion County Board of Supervisors approved the transfer of \$1,299,588.00 from the Rural Basic Fund to the Secondary Road Fund under the FY 07-08 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 \$1,299,588.00 from the Rural Basic Fund to the Secondary Road Fund be approved by the Marion County Board of Supervisors for the fiscal year of 2007-2008, and,

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

Other Business:

1.) Pothoven moved and Mater seconded, upon recommendation of the annual bridge inspection program, to approve the closure of Marion County Bridge #78365900 on Erbe Street located east of 240<sup>th</sup> Avenue.

Appointments: None

Executive Session: None

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 10:04 A.M.

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Lisa Shives, Administrative Assistant

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special session on September 10, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 1:00 P.M.

1. Mike Kuhn -Marion County Veterans Affairs
  - a. Applicants for assistance are growing.
2. Betty Moll – Marion County Central Point Coordinator (CPC)
  - a. CPC applications have been received and are being reviewed for Marion County Care Facility residents.
  - b. Discussion on need for daily rate increase for Care Facility.
3. Barb Van Wyk – Marion County Care Facility
  - a. Update on residents since administrator change.
  - b. Update on lagoon requirements and inspection.
  - c. Discussion regarding Iowa Medicaid cost report. Advised a meeting with the County Attorney for direction be set up.
4. Drew Sanders – Marion County Assessor
  - a. The County has received a notice of a tentative 6% equalization on all residential property in Marion County. This could require new valuations protests and the Board of Review to reconvene.
  - b. He is in process of addressing the need for a deputy assessor.
5. Ken Thraikill - Maintenance
  - a. Soliciting new truck bids
6. Kim Dorn – Community Health Director
  - a. Community Health is revamping process with a huge change – more billings through Medicaid.
  - b. 1<sup>st</sup> – Five Program: working with doctors.
  - c. Financial clerk has resigned. Would like to change that to a full time accounting position.
  - d. Flu clinics are approaching in October. County employees can receive shot at no cost.
  - e. Working with Emergency management on a CDC Grant.

Chairman Nichols closed the meeting at 2:15 P.M.

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Lisa Shives, Administrative Assistant

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in special session September 14, 2007, for the purpose of canvassing the vote from the September 11, 2007, Regular School Board Elections in the County of Marion, Iowa. Present were Dwight Mater Jr. and Sam L. Nichols. Howard Pothoven was absent.

Chairman Nichols opened the special canvass at 8:45 A.M.

Marion County Commissioner of Elections Jake Grandia announced there were 5 provisional ballots of which 0 were counted. Auditor Grandia read the results for the September 11, 2007, Regular School Board Election.

Mater moved and Nichols seconded to declare the canvass complete and certify the results of the election to the County Commissioner of Elections and the individual school districts. Ayes all.

The winners of the Regular School Board Election were as follows:

Board of Director Member – At Large:

Timothy W. McDonald – Knoxville Community School District

Jeff Wallace – Knoxville Community School District

Robert W. Lepley – Melcher-Dallas Community School District

Jennifer Dursky – Pleasantville Community School District

Rory L Worthington – Pleasantville Community School District

Director District 2

Kelly Carlson – Twin Cedars Community School District

Director District 4

Zack Dunkin – Twin Cedars Community School District

Director District 1

Marvin Van Wyk – Pella Community School District

Director District 2

Joan Corbin – Pella Community School District

Director District 2 – To Fill a Vacancy

Jennifer Palmer – Pella Community School District

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

The canvass was adjourned at 8:55 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special session on September 18, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 2:30 P.M.

1. Marion County Care Facility update and RFP
  - a. Barb Van Wyk, facility administrator, indicated the process of the turnover is progressing.
  - b. Betty Moll, CPC, indicated 4 firms had contacted the County regarding the RFP.
  - c. Discussion on the negotiable items in the RFP.
2. Marion County Property – 113/115 Third St., Knoxville
  - a. Pothoven inquired about having the building be used by the Community Health Department to help their space problems. Kim Dorn, Community Health Director, indicated it may work as a emergency solution, but would not work long term. The marketing of the building could be placed on hold until the department finds a solution for their immediate space requirements.
3. Marion County Community Health Department
  - a. Kim Dorn indicated she is working on her space needs and also pursuing transportation needs for various programs.
4. Pleasantville Ethanol Plant update
  - a. The City of Pleasantville has indicated a desire to hold a special session for discussion on the proposed plant and the possibility of the establishment of a county tax increment finance district.
5. Chairman update
  - a. Waterline break on County owned pipe from city limits of Knoxville to the Marion County Care Facility. The line is used by 9 local residents, but not the County.

Chairman Nichols closed the meeting at 3:35 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special session on September 21, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:00 A.M.

1. Marion County Employee handbook updates
  - a. Discussion with Dave Hansen, HR Department, regarding updating language for employee handbook.

Chairman Nichols closed the meeting at 11:35 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session September 24, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – September 24, 2007.
2. Approval of Minutes – September 10, 2007.
3. Approval of Special Session Minutes – 9/10/07, 9/18/07
4. Approval of School Board Canvass Minutes – 9/14/07
5. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
6. Approval of Marion County Claims – Warrants #160585 – #160837.
7. Approval of Marion County Conservation warrants #160453 - #160584 through September 19, 2007.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Pothoven moved and Mater seconded to approve Resolution 07/42 to allow for the filing of Homestead Tax Credit and/or Military Service Tax Exemption pursuant to Chapter 425 and 426A, Code of Iowa as follows:

Whereas, pursuant to Chapters 425 and 426A, Code of Iowa, the Marion County Board of Supervisors is empowered to establish by resolution that any person may request, from the appropriate assessor, forms for the filing of homestead tax credit and/or military service tax exemption, and,

Whereas, it is in the best interest of the residents of Marion County, Iowa, to be allowed to make such requests.

Now, Therefore, Be It and It Is Hereby Resolved by the Board of Supervisors, Marion County, Iowa, this date met in lawful session that in accordance with Iowa Code Sections 425.2 and 426A.14 any person may request, in writing, from the appropriate assessor, forms for the filing for homestead tax credit and for military service tax exemption.

Other Business:

1.) Pothoven moved and Mater seconded to approve entering into a Business Associate Agreement with Max Elg, Inukshuk Technologies, LLC, for HIPPA related services.

2.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Evelyn Smith
- Neil Carruthers
- Robert Black

Appointments: None

Executive Session: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special session on September 27, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the special session at 1:00 P.M.

1. Discussion with Steve Rowe and Joe Van Haalen, City of Pleasantville representatives, attorney Bob Josten, and Paul Lopez, Red Rock Renewable regarding proposed ethanol plant in Pleasantville.
  - a. Memorandum of Understanding – 5 main points.
  - b. Establishment of Urban Renewal Area.
  - c. Establishment of Tax Increment Revenue Finance District.
  - d. Developer Agreement.
  - e. Schedule of proposed actions.

Chairman Nichols closed the meeting at 2:28 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors



The Marion County Board of Supervisors met for a special session on October 1, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:00 A.M.

1. Marion County Employee handbook updates
  - a. Discussion with Dave Hansen, HR Department, regarding updating language for employee handbook.
  - b. At 9:40 AM the Board was briefly addressed by Connie Harvey regarding the surface of the road the runs between Marysville and Hwy 5.

Chairman Nichols closed the meeting at 11:25 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session October 8, 2007, with Howard Pothoven and Sam L. Nichols present. Dwight Mater Jr. was present by telephone. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – October 8, 2007.
2. Approval of Minutes – September 24, 2007.
3. Approval of Special Session Minutes – 9/21/07, 9/27/07, 10/01/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #160846 – #161051.

Public Hearings: None

Public Comments:

The following voiced concern and opposition to the proposed ethanol plant in Pleasantville.

- 1.) Vera Wise – Resident of Pleasantville
- 2.) Judy Moon – Resident of Pleasantville
- 3.) Barbara Bowers – Resident of Pleasantville

The following voiced concern regarding road maintenance on a portion of 118<sup>th</sup> Avenue.

- 1.) Gib Dean - landowner

Zoning Items: None

Resolutions:

1.) Pothoven moved and Mater seconded to approve Resolution 07/43 to approve a Memorandum of Understanding between Red Rock Renewables LLC, City of Pleasantville, and Marion County, Iowa as follows:

Whereas, Red Rock Renewables LLC is interested in building a 110 million-gallon-per-year ethanol processing plant in the City of Pleasantville, Iowa; and

Whereas, this facility will create new jobs and make an investment in the City and Marion County; and

Whereas, this project will create an important new market for area agriculture producers, providing them with another revenue source, expand the area's economy resulting in a positive economic impact for the area; and

Whereas, the project intends to apply for grants and loans through various state and federal programs; and

Whereas, Red Rock Renewables LLC is in need of financial assistance in order to make this project a reality;

Now, Therefore, Be It and It Is Hereby Resolved By The Board Of Supervisors, Marion County, Iowa, That:

Section 1. The County wholly indorses this project and all applications for state and federal grant and loan funding; and

Section 2. The Chair, Marion County Board of Supervisors, is hereby authorized to sign the Memorandum of Understanding, in substantially the form as approved, on behalf of the County.

Other Business:

1.) Mater moved and Pothoven seconded to approve entering into an Engineering Services Agreement with Snyder and Associates for design services for the Hwy G-40 High Risk Rural Roads Project.

Appointments: None

Executive Session: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met for a special session on October 8, 2007, with Howard Pothoven and Sam L. Nichols present. Dwight Mater Jr. was absent. Chairman Nichols opened the meeting at 1:00 P.M.

1. Mike Kuhn -Marion County Veterans Affairs / General Relief
  - a. Applicants for assistance are changing due to foreclosures.
  - b. Veteran Affairs legislative agendas for next Iowa session.
2. Missy Poffenbarger – Planning and Zoning / Sanitation
  - a. Tracy Sewer Project update
  - b. P & Z requirements for establishment of potential Urban Renewal Area in Pleasantville.
3. Kim Dorn – Community Health
  - a. Flu shot clinics.
  - b. Public comment time for Public Health standards.
  - c. WIC clinic location.
  - d. Aging resources – elderly nutrition program in Marion County.
4. Betty Moll – Marion County Central Point Coordinator (CPC)
  - a. RFP deadline for Marion County Care Facility 10/15/07.
5. Barb Van Wyk – Marion County Care Facility
  - a. New lawn tractor bids.
  - b. Roof repair needed.
  - c. Office equipment clean-up needed.
6. Jake Grandia – Marion County Auditor
  - a. City elections are 11/06/07.
7. Roger Schletzbaum – County Engineer
  - a. Update on road projects.
  - b. Update on damage and repair to Tracy Bridge.
  - c. New shop site improvements nearly completed.

Chairman Nichols closed the meeting at 1:45 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special session on October 17, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:00 A.M.

1. Not on agenda - The Board received public comment and held discussion with a few citizens regarding the Pleasantville Senior Center and the Elderly Nutrition Program in Pleasantville.
  - a. Kim Dorn – Community Health participated in discussion.
2. Sheriff Department – Gary Verwers, Marion County Sheriff, and Ron Goemaat, Chief Deputy
  - a. COPS Grant – budget requirements, expectations, jurisdictional guidelines
3. ISAC Request – Woodbury County litigation
  - a. Sheriff Dept. - Opportunity to participate in sharing costs of litigation regarding prisoner searches.
4. Kim Dorn – Marion County Community Health Director
  - a. Review of space needs for department.
  - b. Potential new construction or existing facility possibilities.

Chairman Nichols closed the meeting at 12:15 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special session on October 19, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:38 A.M.

1. The Board received one proposal regarding the Marion County Care Facility Proposal. Pothoven moved and Mater seconded to receive and open the proposal.
  - a. Proposal received from Community Care, Inc., DeWitt, Iowa.
  - b. Proposal will be reviewed by County Attorney before presented to evaluation committee.
  - c. Appointments to evaluation committee will be made at a future board meeting.

Chairman Nichols closed the meeting at 9:50 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in regular session October 22, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – October 22, 2007.
2. Approval of Minutes – October 8, 2007.
3. Approval of Special Session Minutes – 10/08/07, 10/17/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #161092 – #161307.
6. Approval of Marion County Conservation Warrants #161053 - #161091 through 10/16/07.
7. Approval of Marion County Care Facility Financial Report as of June 30, 2007.

Public Hearings: Open - Nichols

1.) Marion County Board of Supervisors – The Board of Supervisors will hold a public hearing to consider the submission of an application for a Community Development Block Grant. The grant application will request funding assistance for construction of a public sewer system for the unincorporated community of Tracy, Iowa. Missy Poffenbarger, Environmental Health, briefed the Board on the status of the project. There were no written comments received. Mater moved and Pothoven seconded to close the public hearing.

Public Comments: None

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve Resolution 07/44 to delegate authority to the Marion County Human Resource Director as follows:

Whereas, it is in the best interest of Marion County, Iowa, to have a Human Resource Director, and,

Whereas, it is in the best interest of Marion County, Iowa, to authorize the Human Resource Director to act in that capacity.

Now, Therefore, Be It and It Is Hereby Resolved by the Board of Supervisors, Marion County, Iowa, that authority is hereby delegated by the Marion County Board of Supervisors to the Human Resources Director to make decisions or give approval on behalf of the Marion County Board of Supervisors, or the County, in the following areas:

1.) Enforcement of human resources policies and practices:

Decisions arising out of interpretations and application of policies in the Employee Handbook and application of practices.

2.) Resolution of Employee concerns:

Decisions to achieve resolution of employee concerns, if unresolved at the immediate supervisor/department head level.

3.) Application of corrective action/termination:

Review and approval of any corrective action before it is administered to any employee, especially before termination is carried out, unless the Iowa Code dictates specific action for certain cases.

4.) Risk Management:

Decisions regarding correcting unsafe conditions or practices.

5.) Leaves of Absences:

Approval of all leaves of absences.

Other Business:

1.) Pothoven moved and Mater seconded to approve the cancellation of the contract between Marion County and the Pleasantville Senior Board for rental of the Congregate Meal Site in Pleasantville.

2.) Mater moved and Pothoven seconded to approve the final revised Marion County Handbook as presented by the Human Resources Director to be effective November 1, 2007.

3.) Pothoven moved and Mater seconded to authorize the Marion County Sheriff Department to enter into a \$406,852.00 COPS Grant with the U.S. Department of Justice.

4.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Carl and Connie Duinink
- Robert Nichols

Appointments:

1.) Marion County Conservation Board – Scott Visser, unexpired term ending 12/31/2011.

Executive Session: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met for a special session on October 24, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:05 A.M.

1. Nichols moved and Mater seconded to approve the following appointments to the Marion County Care Facility RFP Evaluation Committee. Ayes all.

- a. Howard Pothoven – Marion County Board of Supervisor
- b. Dwight Mater Jr. – Marion County Board of Supervisor
- c. Betty Moll – Marion County Central Point Coordinator (CPC)
- d. Bonnie Crook – Marion County Care Facility Care Review Committee
- e. Ralph Porter – Marion County Care Facility Care Review Committee

2. There being no other business, Pothoven moved and Mater seconded the meeting be adjourned at 9:18 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special session with the Marion County Care Facility RFP Evaluation Committee on October 31, 2007, with Howard Pothoven, Dwight Mater Jr., Betty Moll, Bonnie Crook, and Ralph Porter present. Supervisor Mater opened the meeting at 9:05 A.M.

Supervisor Mater opened the meeting with an overview of the RFP process and the amount of responses received. The role of the RFP Evaluation Committee was discussed. The role was to review the validity of respondents and make a possible recommendation to the Board of Supervisors to proceed in pursuing a relationship with the respondent. The role was not to make a final decision or negotiate a contract. There was only one response received. The respondent was Community Care Inc., De Witt, Iowa. Discussion involved qualifications and capabilities of Community Care Inc, need for continued excellent care of residents, and effects on current staff.

1. Pothoven moved and Porter seconded to approve making a recommendation to the Marion County Board of Supervisors to proceed in pursuing a potential relationship with Community Care Inc. Ayes all.
  - a. Facilities operated by Community Care Inc. will be visited.
2. There being no other business, Pothoven moved and Crook seconded the meeting be adjourned at 10:05 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Dwight Mater Jr., Board of Supervisors

The Marion County Board of Supervisors met for a special session on November 2, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:00 A.M.

1. Mater moved and Pothoven seconded to accept the recommendation of the Marion County Care Facility RFP/Proposal Evaluation Committee to proceed in pursuing a potential relationship with Community Care Inc. Ayes all.
2. There being no other business, Pothoven moved and Mater seconded the meeting be adjourned at 9:06 A.M. Ayes all.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair, Board of Supervisors

The Marion County Board of Supervisors met in regular session November 13, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – November 13, 2007.
2. Approval of Minutes – 10/22/07.
3. Approval of Special Session Minutes – 10/19/07, 10/24/07, 10/31/07, 11/02/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #161321 – #161637.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Pothoven moved and Mater seconded to approve Resolution 07/45 to adopt the 2007 Comprehensive Solid Waste Management Plan Update for the South Central Iowa Solid Waste Agency as follows:

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

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

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

Whereas, officials, waste haulers, and individuals working and residing within the County have had the opportunity to participate in the development of the 5th round Comprehensive Plan Update;

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

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

Now Therefore, the Marion County Board of Supervisors adopts the 2007 Comprehensive Solid Waste Management Plan Update, its findings, implementation plan, and schedule; and resolves to work toward its completion.

2.) Mater moved and Pothoven seconded to approve Resolution 07/46 to establish a 30 mile per hour speed limit on 118<sup>th</sup> Place from Business 92 to Lisbon Drive as follows:

Whereas, Marion County has undertaken a simplified speed study on 118th Place in Marion County and,

Whereas, residential use of this road is increasing, and

Whereas, currently the speed limit is unposted on 118th Place and,

Whereas, the 85th percentile speed is 30 miles per hour the County Engineer recommends a maximum speed limit of 30 M.P.H. be established on 118th Place from Business 92 to Lisbon Drive,

Now Therefore Be It Resolved that a maximum speed limit of 30 M.P.H. be established on 118th Place from Business 92 to Lisbon Drive and the County Engineer be directed to erect the appropriate signage.

3.) Pothoven moved and Mater seconded to approve Resolution 07/47 to erect a stop sign at the intersection of Geneva Drive and 50<sup>th</sup> Street – northbound as follows:

Whereas, Marion County has undertaken a study of the traffic patterns at the intersection of 50th and Geneva Drive;

Whereas, the intersection involves a level B road controlled by a stop sign north of the intersection and;

Whereas, the intersection is controlled by a stop sign on Geneva drive west bound;

Whereas, the County Engineer recommends the erection of a stop sign at the intersection of Geneva Drive and 50th Street north bound, to promote the orderly flow of traffic and protect the public health, safety and welfare;

Whereas, the County is granted jurisdiction under Iowa Code 321.255 to regulate traffic on secondary roads;

Now Therefore Be It Resolved that the County engineer be directed to erect a stop sign at the intersection of Geneva Drive and 50th Street for northbound traffic into the intersection.

4.) Pothoven moved and Mater seconded to approve an annual transfer of funds from the Local Option Sales and Services Fund to the Marion County Debt Service Fund as follows:

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

Whereas, the Marion County Board of Supervisors believe it is in the best interest of the taxpayers of Marion County to supplement the annual debt service principal and interest payment on the Marion County Law Enforcement Center with funds from the proceeds of the Local Option Sales and Services Tax (LOSST) collected in Marion County. The Board approved in the Fiscal Year 2007-2008 budget to use \$300,000 LOSST Funds to reduce the required debt service levy to fund the construction of the Marion County Law Enforcement Center.

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

Therefore, Be It Resolved that the transfer of funds from the Marion County Local Option Sales and Services Fund to the Marion County Debt Service Fund be approved by the Marion County Board of Supervisors for the Fiscal Year of 2007/2008, and,

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

Other Business:

1.) Mater moved and Pothoven seconded to approve a Federal-Aid Agreement for County Highway Program Project Number BRS-CO63(89)—60-63, bridge number 58325018 (239770) on County Road T-17 south of Pierce Drive.

Appointments: None

Executive Session: None

Adjournment:

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

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session November 13, 2007, for the purpose of canvassing the vote from the November 6, 2007, Regular City Elections in the County of Marion, Iowa. Present were Dwight Mater Jr., Howard Pothoven, and Sam L. Nichols.

Chairman Nichols opened the special canvass at 10:20 A.M.

Marion County Commissioner of Elections Jake Grandia announced there were 5 provisional ballots of which 1 was counted. Auditor Grandia read the results for the November 6, 2007, Regular City Election.

Mater moved and Pothoven seconded to declare the canvass complete and certify the results of the election to the County Commissioner of Elections and the individual cities. Ayes all.

The winners of the Regular City Election were as follows:

Mayor - City of Bussey

Larry Pinegar

Council Member At Large – City of Bussey

John Price

Frank Spaur

Merlin Vander Sluis

Mayor – City of Hamilton

Bruce Pettyjohn

Council Member At Large – City of Hamilton

Joan Thornburg

Jody Mc Carty

Josh Dykstra

Lional Kiler

Marlene Allen

Mayor – City of Harvey

Dennis Seibert

Council Member At Large – City of Harvey

Charles W. Evans

Martin R Heaton

Sheryl Kersey

Rick Seibert

Tom Shinn

Mayor – City of Knoxville

Harvey E Sprafka

Council Member At Large – City of Knoxville

Michael Roberts

Kurt Sorensen

Bob Wims

Public Measure A – City of Knoxville

Yes

Mayor – City of Marysville

Sherri Pettyjohn

Council Member At Large – City of Marysville

Mary Champlin

Tony Champlin

Delbert Pettyjohn

Norma Sparks

Mitzi Pettyjohn

Mayor – City of Melcher-Dallas

Louis R Karpan

Council Member At Large – City of Melcher-Dallas

Kelley Cort De Heer

Jerry L Starckovich

Dennis G Tickle

Mayor – City of Pella  
Darrell D Dobernecker  
Council Member At Large – City of Pella  
James Mueller  
Council Member Ward 2 – City of Pella  
Richard Savery  
Council Member Ward 4 – City of Pella  
Tony Bokhoven  
Mayor – City of Pleasantville  
Joe Van Haalen  
Council Member At Large – City of Pleasantville  
Chad De Joode  
Aaron Hurt  
Jason Hinnners  
Mayor – City of Swan  
Robert Harding  
Council Member At Large – City of Swan  
Bill Gobbel  
Bill Millison  
David Wright  
Mark Collins  
Sarah Heywood

Pothoven moved and Mater seconded that the special canvass be adjourned. Ayes all.  
The canvass was adjourned at 10:40 A.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met for a special session on November 13, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 1:00 P.M.

1. Missy Poffenbarger – Planning and Zoning / Sanitation
  - a. Tracy Sewer Project update
  - b. P & Z variance request in Otley.
2. Kim Dorn – Community Health
  - a. Pleasantville – Elderly Nutrition Program
  - b. Dawn Bowman – Senior trip to Chicago.
  - c. WIC Clinic moving into the Dickerson Building.
3. Betty Moll – Marion County Central Point Coordinator (CPC)
  - a. RFP proposals – Site visits to Community Care Inc.
4. Drew Sanders – Marion County Assessor
  - a. Residential equalization order.
  - b. Deputy position / Field worker.
5. Jake Grandia – Marion County Auditor
  - a. City elections wrap-up.
  - b. Budget worksheets going out end of November.
  - c. Hunt Kain and Associates beginning audit.

Chairman Nichols closed the meeting at 1:48 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors



The Marion County Board of Supervisors met for a special session on November 14, 2007, with Howard Pothoven, Dwight Mater Jr., and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:40 A.M.

1. Roger Schletzbaum – Marion County Engineer
  - a. Official Report FY 2007 for the Marion County Highway Engineer.

Dwight Mater Jr. was excused at 11:25 A.M.

Chairman Nichols closed the meeting at 12:00 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in special session November 19, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:00 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Announcement: Announce Closed Session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Consent Agenda:

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

1. Approval of Agenda – November 19, 2007

Closed Session:

1.) Pothoven moved and Mater seconded to approve entering into Closed Session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Reconvene:

- 1.) Pothoven moved and Mater seconded to re-enter into open session at 10:35 A.M.

Other Business: General discussion on the following topics.

- 1.) Marion County Courthouse Window Project
  - a. Two prototype windows to be installed.
  - b. Bidding process being researched by County Attorney.
- 2.) FY 2008-2009 Budget Concerns and Processes
  - a. Goal to keep General Fund Levy at \$3.50
- 3.) Status of disposition of County owned water lines.
  - a. Public Hearing / Resolution / Letter to adjoining landowners.
- 4.) Human Resources Contract Renewal with HR OneSource.
  - a. 6 month renewal proposed.
- 5.) Status of new/tractor for Marion County Care Facility and Marion County Law Enforcement Center.
  - a. Possibility of trading in current mower.
- 6.) Marion County Care Facility RFP questions or concerns.
  - a. On-site visits completed with positive results.
  - b. Talks on Community Care Inc. RFP proposal on a potential contract for services to be scheduled.

Mater moved and Pothoven seconded to close that portion of the meeting.

Appointments:

- 1.) Marion County Compensation Board (BOS representative) – Tim Heerema – term ending 6/30/2011.
- 2.) Marion County Compensation Board (BOS representative) – Todd Chambers – term ending 6/30/2011.

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 11:55 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session November 26, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – November 26, 2007.
2. Approval of Minutes – 11/13/07.
3. Approval of Minutes – City Election 2007 Canvass 11/13/07.
4. Approval of Special Session Minutes – 11/13/07, 11/14/07, 11/19/07
5. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
6. Approval of Marion County Claims – Warrants #161676 – #161868.
7. Approval of Marion County Conservation Warrants #161639 - #161675 through 11/20/07.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve Resolution 07/49 to vacate a portion of the Marion County Secondary Road Bussey Shop to the City of Bussey, Iowa as follows:

Whereas, the Marion County Secondary Road Department maintains a maintenance and storage facility within the city limits of the town of Bussey, Iowa and

Whereas, the property for said facility was conveyed to Marion County from the City of Bussey in March of 1938 by a Special Warranty Deed and being described as beginning at the NW corner of Lot 3, Block 1, Original Plat of Bussey, Iowa, thence south 115 feet, thence east 132 feet, to the east line of Lot 5, Block 1, thence north 115 feet to the NE corner of Lot 2, Block 1, thence west 132 feet to place of beginning and

Whereas, the Secondary Road Department no longer requires the use of the south 25 feet of said property and wishes to vacate back to the city of Bussey, Iowa as per the contents of the afore-mentioned Special Warranty Deed recorded in Book 90 page 104.

Now Therefore Be It Resolved That, subject to the rights of ingress and egress of any and all utilities.

The north twenty five feet of Lot 4 and Lot 5 of Block 1 in the original Plat of Bussey, Iowa, containing to date Parcels No. 1824600000, 1824700000 and 1824800000, more particularly being described as beginning at the NW corner of Lot 4, thence south 25 feet, thence east a distance of 132 feet to the east line of Lot 5, thence north 25 feet to the NE corner of Lot 5, thence west 132 feet to the point of beginning, containing .076 acres more or less.

Be Hereby Vacated.

Other Business:

1.) Pothoven moved and Mater seconded to renew a contract with HR OneSource to provide Human Resource/Risk Management services to Marion County through 06/30/08.

2.) Mater moved and Pothoven seconded to approve a 3 month contract with option to renew through 06/30/08 with the Pleasantville Senior Board regarding Senior Meal Site in Pleasantville, Iowa.

3.) Pothoven moved and Mater seconded to approve a 5 Day Class C Liquor License (Commercial) for Teresa Rowley d.b.a. Knoxville Bike Night Bar Association.

4.) Discussion was held with Ben Wright, Community Care Inc. regarding the Marion County Residential Care Facility RFP proposal. The topics involved an overview of Community Care Inc. and the services they provide

for residents, processes of converting from County operated to CCI operated facilities, and questions regarding funding. Mater moved and Pothoven seconded to end the discussion on topic #4.

Appointments: None

Executive Session: None

Adjournment:

There being no other business, Pothoven moved and Nichols seconded the meeting be adjourned at 11:30 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in special session November 28, 2007, with Howard Pothoven and Sam L. Nichols present. Chairman Nichols opened the meeting at 9:37 A.M. Dwight Mater Jr. joined the meeting at 9:40 A.M.

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

Ayes: Pothoven, Mater, and Nichols Nays: none Abstentions: none. Absent: none

Pothoven moved and Nichols seconded to amend the agenda by removing the following: Other Business 1.) Discuss and take action on approving the plan of action recommendation received from Bill Miller, Dorsey and Whitney, regarding the Marion County Law Enforcement Center and the execution of a bond for the Crescent Electric claim by Septagon/Fidelity per Iowa Code.

Consent Agenda:

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

1. Approval of Agenda as amended – November 28, 2007

Other Business:

1.) Discussion among Board members regarding assignments for their upcoming presentation to Leadership Red Rock. Mater moved and Pothoven seconded to end the discussion on item #1.

2.) Discussion among Board members regarding participating in a new regional economic development program. There was interest to participate in the program. Carla Eysink, Marion County Economic Development, will represent the County at the original meeting. Mater moved and Pothoven seconded to end the discussion on item #2.

3.) Discussion among Board members about pursuing a relationship with non-profit Community Care Inc. regarding the operations of the Marion County Care Facility according to the Marion County RFP proposal. Discussion involved comments from site visits, overview of CCI services, details of RFP proposal regarding costs and expenses, transportation services, commitment of services to residents, and possibilities to create ongoing maintenance fund for the Care Facility. Howard Pothoven was excused at 11:45 A.M. Mater moved and Nichols seconded to end the discussion on item #3.

Adjournment:

There being no other business, Mater moved and Nichols seconded the meeting be adjourned at 11:55 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session December 10, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Mater moved and Pothoven seconded to approve amended Consent Agenda item #3 as follows: Approve Supervisor Special Session Minutes – 11/28/07.

Consent Agenda:

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

1. Approval of Agenda – 12/10/07.
2. Approval of Minutes – 11/26/07.
3. Approval of Special Session Minutes – 11/28/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #161873 – #162139.

Public Hearings: Open – Chairman Nichols

1.) Marion County Board of Supervisors - The Marion County Board of Supervisors are considering the disposition of one (1) County owned waterline to the Marion County Rural Water District and one (1) County owned waterline to the City of Knoxville, for one dollar and other valuable consideration.

4 inch Marion County Residential Care Facility Waterline – In 1977 the Marion County Board of Supervisors deemed it necessary to replace approximately 4,000' of 2 inch water line with 4 inch waterline to the Marion County Residential Care Facility. The County waterline began at the end of the City of Knoxville waterline and runs along 110th Avenue. Several landowners in the area access the waterline. In 1998 the Marion County Board of Supervisors deemed it necessary to discontinue using the 4 inch waterline and assisted the Marion County Rural Water District in the construction of a new waterline to service the Marion County Residential Care Facility. This waterline begins near Highway 14 and runs in a westerly direction across the Knoxville Municipal Airport ground and continues west along Newbold Street to the Care Facility. The Marion County Board of Supervisors now desires to dispose of their entire interest and turn the 4 inch waterline, running from the end of the City of Knoxville line to the Marion County Residential Care Facility, to the Marion County Rural Water District. The current users of the waterline will continue to access the waterline, but will be required to convert to meters used by the Marion County Rural Water District.

8 inch DHS Waterline – In 1992 the Marion County Board of Supervisors deemed it necessary to construct approximately 2000' of new 8 inch waterline to supply water to the Department of Human Services building owned by Marion County. The line began at the end of the Ben Bontrager (now MidAmerican) property and runs along Hwy T-15 to the DHS building. Several landowners in the area access the waterline. The Marion County Board of Supervisors now desires to dispose of their entire interest of the 8 inch waterline and turn it over to the City of Knoxville. The landowners accessing the waterline will continue to right of access.

Nichols gave an overview of the proposed dispositions. There were no comments received from the public. Pothoven moved and Mater seconded to close the public hearing.

Public Comments:

1.) Tim McClung, concerned citizen, addressed the Board regarding the Marion County Residential Care Facility and the possibility of the County privatization with non-profit Community Care Inc. He commented on the recommendations of the Marion County Residential Care Facility Ad-Hoc Committee and expressed concerns about the financial aspects of move. He asked the Board to consider the following 5 comments: 1.) Identify and compare cost savings with CCI compared to making enhancements recommended by the MCCF advisory committee. 2.) Communicate those projected savings to the public. 3.) Analyze the potential savings vs. any potential negative impacts and loss of control of the facility. 4.) Identify contingency plans in case there are problems after CCI takes control of the facility. 5.) Provide a designated opportunity for public input based on that analysis.

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve Resolution 07/50 to dispose of certain waterlines owned by Marion County, Iowa as follows:

Whereas, in the interest of the County, certain waterlines have been constructed and maintained by Marion County described as follows,

- 1.) 4 inch waterline - Marion County Residential Care Facility along 110th Avenue.
- 2.) 8 inch waterline – Marion County Department of Human Services along T-15.

Whereas, the County no longer desires to own and maintain these waterlines, and

Whereas, the County has found interested parties that will, for one dollar and other valuable consideration, assume ownership control of these waterlines and will still allow area residents access to water through these lines.

Now therefore be it Resolved by the Board of Supervisors of Marion County, Iowa that Marion County dispose of the particular waterlines in their entirety to the following;

- 1.) 4 inch waterline – To Marion County Rural Water District.
- 2.) 8 inch waterline – To City of Knoxville.

Done this 10th day of December, 2007.

2.) Mater moved and Pothoven seconded to approve Resolution 07/51 to adopt certain traffic regulations in the area of Old Hwy 163 and 240<sup>th</sup> Place as follows:

Whereas, the Marion County Board of Supervisors is empowered under authority of sections 321.236 and 321.255 of the Code of Iowa to designate any secondary road intersection under their jurisdiction as a stop intersection and to erect stop signs at one or more entrances to such intersection, and

Whereas, section 321.236 of the Code of Iowa further allows for the regulation of speed on roads under the jurisdiction of local authorities and,

Whereas, Marion County has jurisdiction over the intersection of Old Highway 163 and 240th Place near the City of Pella,

Whereas, the City of Pella commissioned an Intersection Traffic Review – Old IA 163 and 240th Pl. Eagle Lane by Snyder and Associates to determine the warrants for additional stop signs and,

Whereas, the Intersection Traffic Review indicates warrants would be met for a four way stop sign at said intersection during morning and afternoon traffic events at the newly erected school and,

Whereas, other traffic regulations are recommended in the Intersection Traffic Review including 40mph speed zone and advance warning signs;

Now Therefore Be It Resolved by the Marion County Board of Supervisors that the recommendations of the Intersection Traffic Review be implemented and the County Engineer be directed to erect the appropriate signage.

3.) Pothoven moved and Mater seconded to approve Resolution 07/52 to adopt a Federal Aide Agreement for an asphalt overlay project on County Road T-15 as follows:

Whereas, County Road T-15 is under the jurisdiction of Marion County and;

Whereas, County Road T-15 is in need of maintenance and;

Whereas, a project to improve the surfacing of County Road T-15 is included in the current County Five Year Construction Plan and;

Whereas, federal funding is available through the FHWA to partially fund a project to assist with the project;

Now Therefore, Be It Resolved, that a project to maintain the surface of County road T-15 shall be initiated and the Board of Supervisors shall enter into a Federal Aide agreement with the Iowa Department of Transportation.

Other Business:

1.) After discussion by the Board regarding the options available per Iowa Code, Pothoven moved and Mater seconded to appoint Ron Goemaat as the new Marion County Sheriff effective 12:01 A.M. on December 22, 2007, due to the resignation of Sheriff Gary Verwers.

2.) Mater moved and Pothoven seconded to approve a settlement agreement regarding a substance abuse services judgement against a Marion County resident in the amount of \$4500.00.

3.) Pothoven moved and Mater seconded to authorize the Marion County Board of Supervisor Chairman to sign the FY 07-08 Southeast Iowa Consortium Agreement.

4.) Mater moved and Pothoven seconded to approve the purchase of a van for use by Community Action/HIRTA in the amount of \$22,500.00.

5.) Mater moved and Pothoven seconded to approve Work Beyond the Right-of-Way Agreements between the Secondary Road Department and the following landowners:

- Ted Dykstra Sr.
- Ron Swan
- John Bruxvoort

6.) Rowe Winecoff, Capstone, presented Capstone's plan to rent a new location and expand services in Marion County.

Appointments: None

Executive Session: None

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 10:30 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors



The Marion County Board of Supervisors met for a special session on December 10, 2007, with Howard Pothoven and Sam L. Nichols present. Supervisor Dwight Mater was absent. Chairman Nichols opened the meeting at 1:00 P.M.

1. Missy Poffenbarger – Planning and Zoning / Sanitation
  - a. Website preparation – zoning map
2. Kim Dorn – Community Health
  - a. Deer licenses.
  - b. Passport timelines have improved.
3. Mike Kuhn – Marion County General Relief and Veterans Affairs
  - a. VA – Compensation claims.
  - b. Spring school
4. Denise Emal – Marion County Treasurer
  - a. Drivers license activity.
  - b. Tax suspension properties.
  - c. Disposition of unknown properties.
5. Kim Dorn – Community Health Director
  - a. Elderly Nutrition – Pleasantville
  - b. Departmental IT concerns.
  - c. Grant writing
6. Jake Grandia – Marion County Auditor
  - a. Sheriff appointment.
  - b. Valuation report due 1/1/08.

Chairman Nichols closed the meeting at 1:50 P.M.

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Jake Grandia, Marion County Auditor

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Sam L. Nichols, Chair Board of Supervisors

The Marion County Board of Supervisors met in a special session December 17, 2007, with Howard Pothoven, Sam L. Nichols, and Dwight Mater Jr. present. Chairman Nichols opened the meeting at 9:00 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – December 10, 2007

Resolutions:

1.) Pothoven moved and Mater seconded to approve Resolution 07/53 to ratify CIETC Settlement Agreement.

Whereas, Marion County is a governmental agency and as part of the exercise of its lawful authority, voluntarily entered into a 28E Agreement that created and established the Central Iowa Employment and Training Consortium (CIETC) as a separate and independent unit of limited purpose government;

Whereas, the 28E Agreement made no provision for assessments to the respective CIETC member governments, but recognized the potential for shared, voluntary contributions based on a pre-determined formula;

Whereas, the CIETC governing Board, made up of representatives duly appointed by the CIETC member governments, entered into an engagement agreement with the firm of Davis, Brown, Koehn, Shors, & Roberts, P.C. (Davis Brown) for legal services to be rendered on an hourly basis at discounted hourly rates;

Whereas, the State of Iowa, unsupported by Iowa law, has nonetheless asserted the liability of individual member governments for the obligations of the CIETC entity;

Whereas, the advice, counsel, and services of Davis Brown have directly benefited CIETC and have inured to the benefit of the CIETC member governments;

Whereas, the resources of CIETC could not lawfully be used for legal services necessary to resolve Intergovernmental Disputes;

Whereas, Davis Brown has provided valuable services in the assertion of claims and defenses arising out of a variety of matters, including the Intergovernmental Dispute with the State of Iowa, Iowa Workforce Development arising out of the federal government's demand for repayment from the State of Iowa of the compromise sum of \$1,300,000.00 for alleged disallowed costs;

Whereas, a settlement of the Intergovernmental Dispute with the State of Iowa, Iowa Workforce Development has been achieved between CIETC, its member governments, and the State of Iowa, Iowa Workforce Development, as memorialized in a Settlement Agreement and Release that is subject to ratification by CIETC and each of its member governments;

Whereas, a continuation of the services of Davis Brown is contemplated and deemed necessary and appropriate in order to effectuate the settlement; and

Whereas, in order to ratify the Settlement Agreement and Release to resolve the CIETC Intergovernmental Dispute with the State of Iowa, Iowa Workforce Development:

It Is Therefore Resolved by the Marion County Board of Supervisors that the County hereby ratifies the settlement agreement entered into between CIETC, the member governments, and the State of Iowa, Iowa Workforce Development, subject to ratification by all other CIETC member governments.

It Is Therefore Further Resolved by the Marion County Board of Supervisors that the County hereby voluntarily agrees to the payment of \$3,373.99 as its proportionate share of attorney fees and cash advances incurred through October 31, 2007, and thereafter pursuant to the aforesaid engagement and in accordance with the formula set forth in the CIETC 28E Agreement.

It Is Further Resolved by the Marion County Board of Supervisors that the County is authorized to execute such documents and do such things as necessary to effectuate resolutions of the CIETC Intergovernmental Dispute.

Done this 17th day of December, 2007.

2.) Mater moved and Pothoven seconded to approve Resolution 07/54 to approve CIETC Settlement, Agreement, Release, and Assignment regarding Iowa Community Assurance Pool (ICAP) and Employers Mutual Casualty Company (EMC).

Whereas a settlement has been reached in the Intergovernmental Dispute portion of the CIETC matter, and;

Whereas ICAP has entered into an agreement with Marion County to pay certain legal and other expenses connected with the Intergovernmental Dispute, and;

Whereas as a part of the settlement agreement, an agreement with ICAP involving payment of funds, release, and assignment of claims is necessary,

Whereas EMC has agreed to participate in the settlement and requires release from the other Member Governments to do so,

It Is Therefore Resolved by the Marion County Board of Supervisors that the ICAP Settlement Agreement, Release, and Assignment and the Settlement Agreement and Release with EMC are ratified, subject to ratification by all other CIETC Member Governments.

Done this 17<sup>th</sup> Day of December, 2007.

Other Business:

There was general discussion of the following topics:

1.) Proposed Community Care Inc. contract concerning management of the Marion County Residential Care Facility. David Wells, DHS gave a brief explanation of Medicaid and State reimbursements for services and fees.

2.) Various assignments of the Code of Iowa required in the Board of Supervisor Annual Organizational Meeting on January 2, 2008.

3.) Status of Emergency Management Agency Coordinator pending vacancy due to retirement of coordinator.

4.) Status of annual update of Condemnation Commissioner list as required by Iowa Code.

Adjournment:

There being no other business, Mater moved and Pothoven seconded the meeting be adjourned at 11:20 A.M.

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Lorri L Jahner, Marion County Designee

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Sam Nichols, Chairman Board of Supervisors

The Marion County Board of Supervisors met in regular session December 24, 2007, with Howard Pothoven and Sam L. Nichols present. Dwight Mater Jr. was present via conference call. Chairman Nichols opened the meeting at 9:30 A.M.

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

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

Consent Agenda:

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

1. Approval of Agenda – 12/24/07.
2. Approval of Minutes – 12/10/07.
3. Approval of Special Session Minutes – 12/10/07, 12/17/07
4. Approval of Marion County Staff Salary Adjustments. A list is available in the Auditor's Office.
5. Approval of Marion County Claims – Warrants #162117 – #162358.
6. Approval of Marion County Conservation Claims #162141 - #162176 through 12/18/07.

Public Hearings: None

Public Comments: None

Zoning Items: None

Resolutions:

1.) Mater moved and Pothoven seconded to approve Resolution 07/55 to take action on a "Construction Evaluation Resolution" using the Master matrix regarding confined animal feeding operations effective 02/01/08 – 01/31/09 as follows:

Whereas, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

Whereas, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

Whereas, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

Whereas, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2008 and January 31, 2009 and submit an adopted recommendation regarding that application to the DNR; and

Whereas, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

Now, Therefore, Be It Resolved By The Board Of Supervisors Of Marion County that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

2.) Pothoven moved and Mater seconded to approve Resolution 07/56 to designate authorized signers of Work Beyond Right-of-Way Agreements for the Secondary Road Department as follows:

Whereas, In the performance of its maintenance duties the Secondary Road Department is at times required to work beyond the right-of-way and to enter on to private property, and

Whereas, such entry requires a signed agreement between the affected property owner and Marion County to allow entry on to private property, and

Whereas, such agreements currently are reviewed and signed at regularly scheduled board meetings which at times causes up to a two week delay in starting the work and whereas it would be to the departments advantage if the

Chairman of the Board and the County Engineer could sign the agreements following execution by the property owner to avoid time delays.

Now Therefore Be It Resolved, by the Board of Supervisors of Marion County Iowa that the Chairman of the Board and the County Engineer be hereby authorized and empowered on behalf of the Board of Supervisors of Marion County to execute any and all Work Beyond Right-of-Way Agreements that do not involve monetary compensation. All agreements involving monetary compensation shall be acted upon and signed by the entire board.

Other Business:

1.) Pothoven moved and Mater seconded to approve a 3 year agreement renewal covering fiscal years 2008 through 2010 from Cost Advisory Services (CAS) regarding the DHS indirect cost recovery program in Marion County.

2.) Pothoven moved and Mater seconded to approve the Iowa Interactive Agreement and ASPIRE Agreement regarding the Iowa Association of County Auditors (ISACA) website.

Appointments: None

Executive Session: None

Adjournment:

There being no other business, Pothoven moved and Mater seconded the meeting be adjourned at 9:48 A.M.

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Jake Grandia, Marion County Auditor

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Sam Nichols, Chairman Board of Supervisors