

March 15, 2016

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:00 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: Roger Schmitz, Chairman; Steve Kenkel, Vice-Chairman; Charles Parkhurst; and Marsha J. Carter, Clerk.

The Chair asked that any Conflict of Interest be stated concerning any item on the agenda. Kenkel stated he would abstain from the vote on the liquor license for Shelby County Golf, because his son is the applicant. No other conflicts were stated.

It was moved by Parkhurst, seconded by Kenkel, to approve the agenda. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the Minutes of March 1, 2016, as presented. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Todd Valline, Shelby County Chamber/Industry, updated the Board on ongoing projects.

It was moved by Kenkel, seconded by Parkhurst, to approve the Claims of March 15, 2016, as listed in the Claims Register. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Now being the time for the public hearing on the Second Reading of Shelby County Ordinance No. 2016-2, Pertaining to the Use of the Road Right Of Way, the Chairman did open the hearing. The purpose of this Ordinance is to establish a policy, procedure and penalties for the improper use of County Road Right-of-Way. The Auditor and the County Engineer stated they had received no written or oral comments, and no one was present to comment for or against. It was moved by Kenkel, seconded by Parkhurst, to close the hearing and to note that the Third and Final Reading will be April 5, 2016 at 9:00 a.m. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Now being the time for the public hearing on the First Reading of Shelby County Ordinance No. 2016-3, An Amendment to Shelby County Ordinance No. 2012-1 Local Burning Ban Ordinance, the Chairman did open the hearing. The purpose of this Ordinance is to amend Exhibit A to include Nielsen's RV Park and the Shelby County Fairgrounds. There were no written or oral comments. It was moved by Parkhurst, seconded by Kenkel, to close the hearing, to suspend future readings, and to adopt the following Ordinance:

SHELBY COUNTY ORDINANCE NO. 2016-3  
LOCAL BURNING BAN ORDINANCE  
(REPEALS ORDINANCE NO. 2012-1)

SECTION 1: Purpose. The purpose of this ordinance is to establish a policy and procedure for the implementation of a local burning ban to protect public safety, environment, crops, and other values at risk from fire based on Shelby County's Fire Danger Rating Boards and to establish the penalty for violating that ban.

SECTION 2: Authority. The Shelby County Board of Supervisors has the authority to impose such a ban under Section 331 of the Code of Iowa.

SECTION 3: Implementation.

- A. Shelby County has implemented a Fire Danger Rating System throughout the County, and Fire Danger Rating Boards have been erected in every community.
- B. Whenever the majority of the Shelby County Fire Chiefs order the Fire Danger Rating Boards into the Extreme Category, this Ordinance establishes the following rules:

- No open burning will be allowed throughout the county, except in developed recreation sites shown on Exhibit A, until further notice.
  - No campfires or recreation fires will be permitted, which include fire pits.
  - A permit (Exhibit B) must be issued by a local Fire Chief in order to burn in metal, heavy wire mesh or concrete trash incinerators. The incinerators must have an opening no greater than one square inch.
  - An Extreme Fire Danger Rating shall not prohibit a supervised, controlled burn for which a permit has been issued by the Fire Chief of the fire district where the burn will take place, provided a Burn Plan is on file with the Shelby County Emergency Management Agency/911 Center and with the Fire Chief of the district in which the burn is to take place.
  - Barbecue grills are allowed.
- C. The Permit and blank Burn Plan forms can be downloaded at the Shelby County Emergency Management Agency website at [www.shelbycountyeema.com](http://www.shelbycountyeema.com). Paper copies are also available at the EMA Office at 1104 9<sup>th</sup> Street, Harlan, Iowa.
- D. Pursuant to Shelby County Fire Chiefs' order, the following are exempt from this order:
- Any Federal, State, or local officer or member of an organized rescue of firefighting force in the performance of official duties.
  - A person that has received a signed permit, Exhibit B, and has all provisions of permit in place prior to ignition.

SECTION 4: Penalty. A violation of this ordinance is punishable by a minimum fine of \$100 for an individual or \$500 for an organization, not to exceed \$1000. The violator may also be liable for additional reasonable restitution.

SECTION 5: Effective Date. This ordinance shall be effective immediately upon approval by the Board of Supervisors after such notice and public hearing as required by law.

SECTION 6: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7: Severability Clause. If any section, provision, or part of this ordinance shall be adjudged, invalid, or unconstitutional, such adjudication shall not affect the validity of the ordinances as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

### Exhibit -A-

#### State Parks:

Prairie Rose State Park

#### County Parks:

Manteno Park  
Nishna Bend  
Elk Horn Creek Recreation Area

#### Developed Recreation Sites

Nielsen's RV Park  
Shelby County Fairgrounds

#### City Parks:

Any city park with improved cooking areas,  
or fire rings provided for cooking.

## Exhibit -B-

(Open Burning and Bon Fire Permit Form)

Adopted this 15<sup>th</sup> day of March, 2016.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Representatives of the Salem Lutheran Home in Elk Horn appeared before the Board to update them on the future addition of 8,400 square feet of therapy space plus remodeling of the dining space at a total cost of \$2.5 million. They hope the project will be completed by the end of 2016.

It was moved by Parkhurst, seconded by Schmitz, to approve the Liquor License for Shelby County Golf, DBA 7 Penny Deuce. AYES: Schmitz, Parkhurst NAYES: None ABSTAIN: Kenkel

It was moved by Kenkel, seconded by Parkhurst, to approve the publication of the following 2015 Payroll and to authorize the Clerk to include the salaries of the employees of the Landfill, EMA, and Assessor. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Auditor: Marsha J. Carter, 26,400.50; Karen Goans, 43,488.03; Julie Goetzinger 14,426.53; Elections: Marsha Carter, 26,400.87; G.I.S./IT: Marsha Carter 2,000.04; Renee Hansen, 33,275.28; Treasurer: Carolyn Blum, 52,353.04; Janet Croghan 28,441.70; Motor Vehicle: Marissa Bierl, 892.50; Joann Christensen, 42,013.30; Debra McLaughlin, 33,150.70; Thomas Walker, 5,972.36; Recorder: Geralyn Greer, 50,265.99; Linda Fahn, 7,300.32; Janet Johannsen, 38,119.06; Carolyn Wurr, 32,839.71; County Attorney: Marcus Gross, Jr, 58,129.71; Todd Argotsinger, 39,432.47; Sheriff Administration: Mark Hervey, 69,855.74; Julie Goetzinger, 14,426.59; Sheriff Deputies: Rodney McMurphy, 51,601.24; Glenn Birks, 52,810.53; Chad Butler, 52,855.04; Donavon Dontje, 52,682.08; Neil Gross, 52,116.41; Michael Jurgensen, 50,628.25; Kelly Lefeber, 54,107.85; Nathan Pigsley, 50,325.41; Jail: Rodney McMurphy, 5,581.04; Andrew Bierl, 32,044.89; Michele Eckermann, 6,117.25; James Fleshman, 35,984.08; Elizabeth Gamblin, 1,116.50; Adam Gau, 36,576.71; Karla Kramer, 37,152.48; Lance Larsen, 1,995.00; Kyle Lindberg, 37,629.30; Nancy Pigsley, 31,145.88; Jordan Sanders, 622.50; Custodial: Penny Anderson, 36,485.69; Supervisors: Roger Schmitz, 28,491.52; Steve Kenkel, 28,505.11; Charles Parkhurst, 28,991.48; Budget Director: Marsha Carter, 3,116.61; Environmental: Terri Daringer, 52,066.36 Richard Arkfeld, 3,791.22; Janet Curtis, 677.22; Julie Goeser, 37,554.49; Lucas Wolken, 68.22; Rural Zoning: Tony Buman, 5,820.72; Veterans Administration: Durwood Cavanaugh, 18,142.90; Community Services: Ylonda Maguire, 71,666.58; Christy Casey, 48,922.22; Rachel Hansen Modra, 40,981.25; Kimarie Maassen, 35,406.24; Kelly Peters, 47,601.12; Mary Gertrude Salvo, 1,675.93; Jill Schiltz, 47,279.37; Leah Schmidt, 41,648.63; Shelley Welter, 43,310.56; Secondary Roads: Daniel Ahart, 106,188.48; Russell Allen, 41,123.83; Mark Assman, 42,274.74; James Baughman, 47,395.78; Kenneth Blackwell, 45,365.20; Brandon Burmeister, 61,697.12; John Campbell, 39,692.11; Douglass Daringer, 50,387.72; Jorge Esquivel, 6,586.43; Garrett Esser, 7,068.00; Thomas Ferry, 45,381.12; Thomas Finken, 33,178.93; David Gau, 67,472.74; Neil Gross, 673.65; Steve Gross, 14,184.00; Richard Hastert, 44,781.94; Robert Heflin, 40,854.85; Chad Henry, 36,430.26; Jared Henschied, 40,259.41; Jacob Holloway, 32,841.70; Terry Jacobsen, 11,192.25; Todd Jacobsen, 44,815.01; Vincent Jauron, 16,116.00; Michael Jurgensen, 3,029.58; Michael Kienast, 67,045.39; Kevin Klein, 45,915.69; Gary Murray, 11,720.52; Richard Musfeldt, 45,313.55; Arlyn Oman, 15,037.75; John Plagman, 13,375.92; Brent Rasmussen, 43,040.53; Matthew Rasmussen, 4,188.00; David Riley, 51,083.47; Bryce Schaben, 54,184.89; Joshua Schaben, 196.00; Edward Schmitz, 45,297.64; Curtis Seaman, 17,939.07; Franklin Sick, 43,521.16; Curtis Sonderman, 42,649.00; Bruce Waddell, 53,072.10; Ann Wolken, 42,454.97; Conservation: Nicholas Preston, 47,687.17; Christina Roelofs, 39,977.90; Neil

Ferguson, 10,453.13; Neil Gross, 367.83; Cameron Renkly, 1,209.01; Vance Roelofs, 190.45; Robert Seitz, 3,132.00; Jason Wickizer, 3,069.33; EMA: Robert Seivert, 63,117.85; Mark Hervey, 2,398.84; Mary Ann Anastasi, 36,795.98; Michele Andersen, 15,191.31; David Blanco, 44,275.76; Susan Giasson, 45,097.23; Karen Goans, 67.60; Angela Hansen, 41,447.79; Michael Jensen, 53,254.80; Ryne Nelson, 32,424.45; Roxanne Petersen, 42,122.75; Kandi Schlensig, 46,759.24; Jason Wickizer, 60,297.98; Landfill: Daniel Ahart, 11,056.56; Ann Wolken, 10,907.60; Philip Monahan, 39,334.85; Gary Murray, 6,178.13; Charles Wolken, 36,418.63; Vivian Arnold, 16,455.74; Bonnie Ickes, 14,092.54; Roland Wegner, 3,665.20; Assessor: Tony Buman, 61,157.99; Township Trustees: John Clayton, 45.00; Bryan Greve, 60.00; Larry Madson, 60.00; Kenneth Peters, 60.00; Flood & Erosion: Russell Kurth, 740.00.

Dan Ahart, County Engineer, was available to update the Board on activities of the county road crews and the status of current maintenance and construction projects.

Now being the time to open the bids on Project FM-CO83(64)–55-83 Granular Surfacing on various Farm To Market Roads, the Chairman authorized the County Engineer to open the bids. Only one bid was received: Schildberg Construction - 18,675 Ton @ \$21.17 for a total of \$395,349.75. Schildberg noted in their bid that, because of prior commitments, they would not be able to deliver the rock until mid to late summer. The Board's intent was for this rock to be on the roads this spring. Summer delivery will not address the current road problem. The matter was tabled until the County Engineer researches other options.

Now being the time to open the bids on Project CS-TSF-CO(220059) – 85-85 PCC Paving on 2200<sup>th</sup> Street west of US 59 to FSC Fertilizer Plant, the Chairman authorized the County Engineer to open the bids. Two bids were received: Ten Point Construction, Denison - \$151,221; Precision Concrete Services, Atlantic - \$154,920. It was moved by Kenkel, seconded by Parkhurst, to approve the low bid of Ten Point Construction for \$151,221, which will be paid for with Tax Increment Financing Funds, and to authorize the Chairman to sign all necessary contract documents. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the purchase of a 2017 Mack GU713 Tandem Axle Truck from RDO Truck Center, Omaha, for their quoted price of \$109,200. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 9:51 a.m.

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Roger Schmitz, Chairman

ATTEST:

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Marsha J. Carter  
Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.