

June 7, 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. No conflicts were stated.

It was moved by Parkhurst, seconded by Kenkel, to approve the agenda with the addition of Request for Declaration of John McIntosh Day. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the Minutes of May 17, 2016, as presented AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the Claims of May 31, 2016, as listed in the Claims Register. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Todd Valline, Shelby County Chamber of Commerce and Industry, updated the Board on ongoing projects and the possibility of forming a committee to review and plan for the housing needs in Shelby County.

Ron Chamberlain appeared before the Board to update them on the cleanup of the Pioneer Cemeteries in Shelby County and also to request to honor one of Shelby County's earliest veterans. It was moved by Parkhurst, seconded by Kenkel, to proclaim June 26, 2016, as John McIntosh Day. McIntosh served in the Black Hawk War in 1832. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Now being the time for the public hearing on the First Reading of Shelby County Ordinance No. 2016-4, Code of Ordinances in Effect for Shelby County, the Chairman did open the hearing. Carter explained that every five years the County is required to publish a listing of all the Ordinances currently in effect in Shelby County. The purpose of this Ordinance is meet those requirements set by the Code of Iowa. There were no written or oral comments. It was moved by Kenkel, seconded by Parkhurst, to close the hearing, to suspend future readings, and to adopt the following Ordinance:

SHELBY COUNTY ORDINANCE NO. 2016-4
CODE OF ORDINANCES IN EFFECT
FOR SHELBY COUNTY, IOWA

REPEALED - 2011-2
REPEALED - 2006-3
REPEALED - 2001-4
REPEALED - 1996-3
REPEALED - 1991-4
REPEALED - 1986-1

An ordinance readopting the existing county code and amending certain portions therein.

BE IT ENACTED by the Board of Supervisors of Shelby County, Iowa:

SECTION 1. Purpose. Code of Iowa Section 331.302 (9) requires that once every five years a County shall compile its code of ordinances. This ordinance readopts ordinances now in effect and any amendments thereto.

SECTION 2. Readoption and Amendment of Current Code. The Shelby County Code of Ordinances does contain the following ordinances stated by title and subject matter:

**SHELBY COUNTY
ORDINANCE INDEX**

(HOME RULE ADOPTION - RESOLUTION NO. 79-16, ADOPTED 7-10-1979)

**TITLE I
ORGANIZATION & STRUCTURE**

1994-2 Ordinance Adoption Procedure replacing Ordinance No. 1980-1
2016-4 Code of Ordinances in Effect for Shelby County replacing Ordinance No. 2011-2, 2006-3, 2001-4, 1996-3, 1991-4, and 1986-1

**TITLE II
PUBLIC SERVICES**

2001-5 Fire Services Uniform Billing Ordinance
2004-1 Drug Paraphernalia Ordinance
2009-1 Hazardous Materials Cost Recovery Ordinance
2010-1 An Ordinance replacing Ordinance No. 1991-6 Shelby County Rural Addressing System
2011-4 Ordinance to Re-Precinct Shelby County & Adjust Voting Precinct Boundaries replacing Ordinance No. 2011-3, 2005-4, 2001-3, 1991-5
2011-5 Shelby County Alarm Ordinance, Replaces 1996-4
2016-3 Local Burning Ban Ordinance, Replaces 2012-1

**TITLE III
BUSINESS & OCCUPATIONS**

1999-2 Property Tax Exemption for Speculative Shell Buildings
2005-2 Regular Local Option Sales and Services Tax Amending Ordinance No. 1997-7, 1998-2, & 1999-1
2006-7 School Infrastructure Local Option Tax, Repealed Ordinance No. 1998-3
2007-1 An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Douglas Township Urban Renewal Area
2013-2 An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2013 Amendment to the Shelby County Urban Renewal Area (Does NOT replace 2007-1)
2015-3 An Ordinance to Provide Partial Exemption from Property Taxation for Certain Properties in Shelby County, Replaces Resolution Dated June 30, 1988

**TITLE IV
STREETS, ROADS, PUBLIC WAYS & TRANSPORTATION**

1997-4 Class "A" and "B" Roads
2005-5 Class "C" Roads, Replaces Ordinance No. 1997-5
2011-1 Improper Use of County Roads
2016-1 Shelby County Winter Road Maintenance repealing Ordinance No. 1984-1 and 1997-6
2016-2 Use of Road Right-Of-Way, Replaces Ordinance No. 1999-7

**TITLE V
PUBLIC ORDER, SAFETY & HEALTH**

1990-1 Ordinance Adopting the Requirements for Inspection and Enforcement of Swimming Pools and Spas

- 1991-1 Ordinance Regarding the Disposal of Yard Waste in the Unincorporated Areas of Shelby County
- 1994-1 Environmental Assessment Ordinance repealing Ordinance No. 1991-2
- 1999-3 Ordinance Adopting the Private Water Well Construction Permit Rules replaces Ordinance No. 1989-1
- 1999-4 Ordinance Adopting the Nonpublic Water Well Rules replaces Ordinance No. 1989-2
- 1999-5 Ordinance Adopting the Requirements for Properly Plugging Abandoned Wells replaces Ordinance No. 1989-3
- 1999-6 Ordinance Adopting the Onsite Wastewater Treatment and Disposal System Permit Rules replaces Ordinance No. 1989-4
- 2004-3 Radon Control Methods
- 2005-3 County Lead Ordinance replacing Ordinance No. 1998-1
- 2006-1 Septic Contractors License with Reference to Shelby County Ordinance No. 1999-6 On-Site Wastewater Treatment & Disposal Systems
- 2006-5 An Ordinance providing for the quarantine and isolation of persons or animals with communicable diseases in Shelby County, Iowa.
- 2014-2 An Ordinance requiring a license for peddlers, Solicitors and Transient Merchants
- 2015-2 Floodplain Management Ordinance, replaces Ordinance No. 1987-1

TITLE VI
PROPERTY & LAND USE

- 1983-1 Ordinance to Limit Height of Objects around an Airport (See also 2014-1)
- 2001-7 Amendment to Shelby County Zoning Ordinance maps for Ordinance No. 2001-2
- 2002-1 Amendment to Shelby County Zoning Ordinance maps for Ordinance No. 2001-2
- 2004-2 Ordinance Regulating the Subdivision of Land amending/repealing Ordinance 1973-1, 1991-3, 1992-2, 1995-2, 1997-1, & 2001-1
- 2006-6 Shelby County Zoning Regulations amending/repealing Original Ordinance No. 1973-1, 1991-3, 1992-1, 1995-1, 1997-2, & 2001-2
- 2008-2 Assessment of Wind Energy Conversion Property
- 2014-1 Airport Zoning Ordinance (addition to 1983-1)
- 2014-3 Amendment to Shelby County Zoning Ordinance maps for Ordinance No. 2006-6
- 2015-1 Amendment to Shelby County Zoning Ordinance (Ordinance updated) and maps for Ordinance No. 2006-6

TITLE VII
SOCIAL & HUMAN SERVICES

- 2008-1 Ordinance Prescribing the General Relief Program in Shelby County amending/repealing Ordinance No. 2006-4, 2001-6, 1997-3 & 1981-1

SECTION 3. Code of Ordinances. Copies of the code as adopted herein shall be on file and available for public inspection in the office of the Shelby County Auditor.

SECTION 4. When Effective. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Passed and adopted this 7th day of June, 2016.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the following amendment to the Vehicle Operations Policy: Section 9.5 (10) Non-county employee riders are not allowed unless said rider is engaged in furthering county business, and the following

amendment to the Employee Information Handbook's examples of inappropriate, unacceptable conduct: Employee Conduct (12) ~~Having unauthorized firearms or other weapons on County premises or while on County business.~~ Except as required for County employment, having any firearms or other weapons on County premises or while on County business. Said amendments were recommended by the County Safety Committee. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the application from Lonely Oak Distillery, LLC, for a Class "A" Micro-distilled Spirits Permit. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Assessor Tony Buman, Auditor Marsha Carter, and Recorder Geralyn Greer presented a plan to the Board to do a trial sharing of the two employees currently being shared by the Assessor and Auditor. If the current part-time position could be increased to a full-time position, the three offices feel that the full-time position in the Recorder's Office, which is being vacated by an employee retiring as of June 30, could possibly be eliminated. The Board commended the three offices for coming up with this cost-saving plan on their own, but also agree that the efficiency of this sharing agreement should be reviewed in six months with the option of additional staffing to meet the needs of the three offices, if it is deemed necessary at that time. Kenkel commented that he did not want to tie the hands of any Department Head when they are only trying to become more efficient.

It was moved by Kenkel, seconded by Parkhurst, to approve request to increase the part-time position shared by the Assessor and Auditor to a full-time position, effective June 1, 2016, to help facilitate the sharing of employees between the Assessor, Auditor, and Recorder. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the following amendment to Shelby County Employee Information Handbook and to approve the procedures to implement the Vacation Buy-Back as set out below. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Vacation Carryover

Full-time employees will be allowed to carryover one half (1/2) of their annual paid vacation hours at the end of their employment year. Employees are required to use a minimum of 80 hours of vacation to be eligible to carryover vacation hours. ~~Example: If an employee is entitled to 120 80 hours of paid vacation during his employment year, he could carryover 40 hours and use 160 120 hours of paid vacation the next year.~~ This is not accumulative. An employee's unused vacation hours shall never exceed one and one half (1.5) times the annual paid vacation hours as set out in the Vacation Schedule in this section. A Vacation Carryover Request is required to be filed with the Payroll Department before the vacation hours will be carried over.

Vacation Buy-Back

The Board of Supervisors may annually authorize a "buy-back" of up to eighty (80) hours of vacation. If an employee elects to participate in this program, the employee shall comply with all procedures set by the Board. The value of the vacation "buy-back" shall be placed into the employee's deferred compensation account or health savings account.

BOARD PROCEDURES FOR VACATION BUY-BACK PROGRAM

1. Qualifying employees must be entitled to at least 160 hours of vacation.
2. Employee is required to use a minimum of 80 hours of vacation to be eligible.
3. Compensatory time is not eligible.

4. The value of the vacation hours “bought back” by the County will be deposited in the employees’ deferred compensation account. All employees will have the option of adding it to their health savings account.
5. This policy is effective July 1, 2016. In the future, the Board will review the policy when preparing the annual budget.

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.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:14 a.m.

Roger Schmitz, Chairman

ATTEST:

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.