

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:30 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: Allen W. Burchett, Chairman; LaVon A. Christensen, Vice-Chairman; Merlyn Knudsen; and Marsha J. Carter, Clerk.

It was moved by Knudsen, seconded by Burchett, to amend the agenda with the following items: (1) Rural Transit Agreement; (2) Road Surfacing at Fairgrounds; (3) HOME Program (4) Insurance Costs for the Empowerment Board. Motion carried unanimously.

It was moved by Knudsen, seconded by Burchett, to approve the following items contained in the Consent Agenda.

- A. Minutes of May 2, 2000
- B. Office Reports – None
- C. Claims of May 16, 2000
- D. Committee Reports

AYES: Burchett, Christensen, Knudsen NAYES: None

It was moved by Knudsen, seconded by Burchett, to authorize the Chairman to sign the Rural/Community Planning and Development Fund Grant Agreement for the 2020 Response Grant as recommended by the EMA Coordinator. Motion carried unanimously.

After months of reviewing various health insurance providers and comparing plans and costs, the County Insurance Committee appeared before the Board to present their recommendation for the County Health Insurance Plan. Representatives of Wellmark and Principal were also in attendance. It was moved by Christensen, seconded by Knudsen, to approve Principal as the County's health insurance provider with an approximate savings of \$10,000 the first year. Motion carried unanimously. Randy Arnold, Principal representative, informed the Board of the following items. (1) There will be no pre-existing condition stipulations or waiting periods. (2) This is a Preferred Provider Organization (PPO), and the PPO's will bill Principal directly. (3) Pre-authorization for treatment is the responsibility of the providers. (4) The Employee Assistance Program will be in effect July 1, 2001. (5) This plan does not include an accidental death policy; nor does it include a Wellness Program benefit. (6) Dependents are covered under the family policy as full-time students until age 25. (7) Employee meetings will be scheduled.

It was moved by Burchett, seconded by Christensen, that the Insurance Committee investigate Cafeteria Plans/Flexible Benefit Plans and report their findings to the Board. Motion carried unanimously.

The Insurance Committee also discussed the Board May 2, 2000, ruling to stop funding a portion of the employees' deductible and co-insurance cost, retroactive to January 1, 2000. It was moved by Christensen, seconded by Knudsen, to rescind the May 2, 2000, motion and to amend Policy No. 20, NON-UNION EMPLOYEES BENEFIT PACKAGE, B. HEALTH INSURANCE PLAN, as follows: "All full-time, non-union employees will be eligible for the County Health Insurance Plan, effective on the first day of the month following their date of employment. Shelby County will provide both single and dependent coverage. Any deductible and co-insurance expenses will be the responsibility of the employee, effective July 1, 2000." Motion carried unanimously.

Larry Flanagan, Shelby County DevelopSource, appeared before the Board to discuss an economic development prospect. This company would employ 60 machinists, welders, etc. at an average hourly wage of \$9.25/Hr. These 60 jobs would be guaranteed to be created in three years and maintained for three years. It was moved by Christensen, seconded by Burchett, to allocate \$50,000 towards this project, provided all requirements are met and all other entities participate in the \$90,000 (\$1500 per job) Job Incentive Package. Motion carried unanimously.

Jerry Henscheid, Shelby County Chamber, appeared before the Board to request the balance of his FY2000 funding. It was moved by Christensen, seconded by Knudsen, to approve the payment of \$22,955 to the Chamber for projects presented by Henscheid. Motion carried unanimously.

It was moved by Knudsen, seconded by Burchett, to abate real estate taxes in the amount of \$4066.00 on the property described as Part of Government Lot 15 (100' x 160') in the City of Elk Horn, Iowa, as set out in Iowa Code Sections 446.7, 427, 445, and 569.8. Motion carried unanimously.

It was moved by Knudsen, seconded by Burchett, to appoint Burchett to the 28E Board for Case Management. Motion carried unanimously.

It was moved by Knudsen, seconded by Burchett, to authorize the Chairman to sign a letter of support for the Corley Community Club to apply for a grant to purchase adjoining property. Motion carried unanimously.

The Auditor reported that she had received a letter from ISAC stating that the settlement from the Wellmark litigation would be distributed as cash payments rather than a reduction in health insurance premiums.

It was moved by Knudsen, seconded by Burchett, to transfer \$190,000 from General Basic Fund to the Capital Fund. Motion carried unanimously.

It was moved by Burchett, seconded by Knudsen, to reimburse the Empowerment Fund in the amount of \$177.34 for cost overruns for D & O Insurance for the Empowerment Board. Motion carried unanimously.

Roger Ahrenholtz, Fair Board President, appeared before the Board to request funding to surface the roads at the Fairgrounds. It was moved by Burchett, seconded by Knudsen, that the County would assist with this project in an amount not to exceed \$5,000. Motion carried unanimously.

It was moved Knudsen, seconded by Christensen, to authorize the Chairman to sign the Rural Transit Agreement with Southwest Iowa Planning Council for FY2001. Motion carried unanimously.

It was moved by Knudsen, seconded by Christensen, to authorize the Chairman to sign the Iowa Department of Economic Development Home Investment Partnership (HOME) Program Funding Agreement Number 00-HM-104-65 for \$157,500 for the Shelby County Down Payment Assistance Program. Motion carried unanimously.

Now being the time for the Public Hearing on the leasing of office equipment, the Chairman did open the hearing. The Clerk reported that there were no written or oral comments on record. It was moved by Knudsen, seconded by Burchett, to close the hearing and to approve the equipment leasing plan presented by SCCI and Bro Business Center as recommended by the MIS Director. A copy of this plan is on file in the MIS Department. Motion carried unanimously.

Now being the time for the Public Hearing on the proposed SHELBY COUNTY ORDINANCE NO. 2000-1, RAGBRAI – SALE OF FOOD AND OTHER MERCHANDISE, the Chairman did open the hearing. It was moved by Knudsen, seconded by Christensen, to introduce SHELBY COUNTY ORDINANCE NO.2000-1, RAGBRAI – SALE OF FOOD AND OTHER MERCHANDISE. Motion carried unanimously. The Clerk reported that there were no written or oral comments on record. It was moved by Knudsen, seconded by Christensen, to suspend future readings of this Ordinance. Motion carried unanimously. It was moved by Burchett, seconded by Knudsen, to adopt the following ordinance:

**SHELBY COUNTY ORDINANCE 2000-1
RAGBRAI
SALE OF FOOD AND OTHER MERCHANDISE**

SECTION 1 – PURPOSE: To control safety and well-being of the public during the RAGBRAI visit in Shelby County, Iowa, on July 23, 2000 and July 24, 2000.

SECTION 2 – DEFINITIONS: Vendors shall include any person, association, corporation, organization or other entity that sells food, beverages, services or any merchandise to the public by way of a temporary stand or distribution area in the unincorporated areas of Shelby County, Iowa on July 23, 2000 and July 24, 2000.

SECTION 3 – REQUIREMENTS: The sale of food, beverages, services or merchandise or the location of a temporary stand for the sale of food, beverages, services or merchandise without a permit is hereby declared to be in violation of this ordinance. It shall be a simple misdemeanor for any person to sell or supply food, beverages, services or merchandise in the unincorporated areas of Shelby County, Iowa on July 23, 2000 and July 24, 2000, without having obtained a vendor's permit with the exception set out in Section 7 below.

Each separate sale after the vendor is told of the need for a permit shall be deemed a separate violation of this ordinance and each sale is subject to the maximum fine of \$100 or 30 days in jail for a simple misdemeanor.

SECTION 4 – PERMITS: Applications for permits for the unincorporated area of Shelby County may be obtained from the City of Harlan through the Shelby County Chamber of Commerce located at 803 Durant in Harlan, Iowa. The application shall be submitted to the corresponding community Vending Committee no later than July 22, 2000.

Vendors applying for a permit shall be required to show proof of adequate insurance and possession of all necessary licenses and permits. Food and beverage vendors must comply with all laws, rules and regulations promulgated by the Iowa Department of Inspections and Appeals relating to and governing the sale of food consumption.

A fee to be paid to the Vending Committee shall accompany the application. The fee is to be used to cover expenses to the cities in Shelby County and Shelby County for hosting RABGRAI. Fees for permits issued in the unincorporated area of Shelby County will match those of the fees required by the corresponding jurisdiction.

The application shall be reviewed by the Vending Committee along with the County Engineer, County Planning and Zoning Administrator and County Sheriff, to ensure that all requirements and safety issues have been addressed. A plan of placement shall be developed with the interest of safety and the well being of the general public and the RAGBRAI riders in mind and will also take into consideration the request of the applying vendor. The Vending Committee shall then develop a plan of placement for the vendor. A vendor's permit shall be granted if all requirements and safety issues are met and on the condition that the vendor locate his or her sale stand at a location to be determined in the plan of placement.

The Vending Committee shall ensure that notice is sent to any vendor whose application is denied or whose requested placement is altered. The vendor is required to locate where the plan of placement places him or her.

SECTION 5 – VENDING COMMITTEE JURISDICTION: The Vending Committee jurisdiction shall be considered any unincorporated area within the Shelby County exterior boundaries.

SECTION 6 – BOARD OF HEALTH LICENSE: No section within this ordinance shall exempt nonprofit organizations serving one or more meals in a calendar week or a profit organization from acquiring a Board of Health food license upon completion of an inspection. The cost for the food license is \$25.00 and is not transferable to a new location.

SECTION 7 – EXCEPTION: No vendor's permit shall be required for any person to sell or supply food or other merchandise in Shelby County, Iowa, on July 23, 2000 and July 24, 2000, on his or her previously licensed premises, provided that the person is in possession of a current Iowa Permit for the sale of food or other merchandise or for the consumption on the premises.

SECTION 8 – REPEALER: Any ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9 – SERVERABILITY 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 ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 10 – EFFECTIVE DATE: This ordinance shall become effective after its final passage and approval.

Passed by the Board of Supervisors on this 16th day of May, 2000.

AYES: Burchett, Christensen, Knudsen NAYES: None

The County Engineer reported that all work has been completed and section lines established in accord with a road vacation action and hearings held 9:30 A.M., February 22, 2000, in the Supervisors Chambers at the Courthouse in Harlan, Iowa, on a section of road the centerline of which is described as follows: A section of Road #43 as established December 3, 1870, the centerline of which is described as follows: Beginning at a point 1977.0 feet easterly of the W1/4 Corner Section 27, T-79N, R-39W (Lincoln Township) of the 5th P.M., Shelby County, Iowa, and continuing thence easterly terminating at a point 787.6 feet westerly of the E1/4 Corner of said Section 27. This report is considered final action on the matter and therefore the above described road and any stream crossing wherein are hereby vacated and abandoned.

It was moved by Christensen, seconded by Burchett, to approve the Supplemental Agreement to an Engineering Contract for design of Project BROS-C083(28), a bridge in section 34 Shelby Township. Motion carried unanimously.

At this time the Board went into Joint Session with the Audubon County Board of Supervisors. A discussion was held on pros/cons of sharing a County Engineer. Positive comments were made on the joint use of equipment and materials. It was moved by Knudsen, seconded by Burchett, to continue to share the County Engineer with Audubon County. The expense of the County Engineer's position will be shared equally by Audubon & Shelby Counties. Motion carried unanimously.

Also discussed was the renewal of the contract for Daniel Ahart, County Engineer. It was moved by Burchett, seconded by Knudsen, to offer Ahart a 3-year contract. The annual salary shall be computed based upon 70% of the single county average published annually by the Iowa County Engineer's Association Service Bureau paid by each county. For the period of July 1, 2000, to June 30, 2001, this sum shall not exceed \$85,000. Motion carried unanimously.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:31 a.m.

Allen W. Burchett, 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.