

September 4, 2001

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 8:30 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: LaVon A. Christensen, Chairman; Gayle Petersen, Vice-Chairman; Richard D. Ferry; and Marsha J. Carter, Clerk.

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

- A. Minutes of August 21, 2001, Meeting
- B. Department Head Meeting
- C. Office Reports – MIS
- D. Committee Reports

AYES: Christensen, Petersen, Ferry NAYES: None

Charles Parkhurst, Building & Grounds Superintendent, reported that Iowa Department of Transportation—Drivers' License Division will be moving out of the Courthouse basement on Saturdays and will be at the County Annex on Thursdays from 8 a.m. - 4 p.m. beginning September 13, 2001. They will be paying rent in the amount of \$100/Month.

It was moved by Ferry, seconded by Petersen, to approve the claims of August 31, 2001. AYES: Christensen, Petersen, Ferry NAYES: None

Now being the time for the public hearing for the first reading of SHELBY COUNTY ORDINANCE NO. 2001-1, AN ORDINANCE REGULATING THE SUBDIVISION OF LAND, REPLACING ORDINANCE NO. 1997-1; SHELBY COUNTY ORDINANCE NO. 2001-2, AN ORDINANCE REGULATING SHELBY COUNTY ZONING, REPLACING ORDINANCE NO. 1997-2; SHELBY COUNTY ORDINANCE NO. 2001-3, AN ORDINANCE TO RE-PRECINCT SHELBY COUNTY, REPLACING ORDINANCE NO. 1991-5, the Chairman did open the hearing. There were no written or oral comments. It was moved by Ferry, seconded by Petersen, to close the hearing with the second reading to be held September 18, 2001. AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Christensen, seconded by Petersen, to set the public hearing dates for SHELBY COUNTY ORDINANCE NO. 2001-4, AN ORDINANCE REGULATING UNIFORM BILLING FOR FIRE SERVICES, as September 18, October 2, and October 16, 2001, at 9:30 a.m. AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Christensen, seconded by Petersen, to re-establish the public hearing dates for SHELBY COUNTY ORDINANCE NO. 2001-5, AN ORDINANCE TO RECODIFY SHELBY COUNTY ORDINANCES, as September 18, October 2, and October 16, 2001, at 9:30 a.m. This was done to include Shelby County Ordinance No. 2001-4. AYES: Christensen, Petersen, Ferry NAYES: None

Tom Gaffigan, the new Harlan Municipal Utilities CEO, appeared before the Board to introduce himself.

It was moved by Ferry, seconded by Petersen, to approve the following resolution:

RESOLUTION NO. 2001-25

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Whereas, the governing body of Shelby County, Iowa, a political subdivision of the State of Iowa has determined that a true and very real need exists for the equipment described in the Master Equipment Lease/Purchase Agreement presented to this meeting; and

Whereas, Shelby County has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

Whereas, Shelby County proposes to enter into the Agreement substantially in the form presented in this meeting; and

Whereas, Shelby County reasonably anticipates that it and its subordinate entities will not issue tax exempt obligations in the face amount of more than \$10,000,000 during the current calendar year.

Now, therefore, be it resolved by the governing body of lessee as follows:

Section 1. It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution are in the best interests of Shelby County for the acquisition of the Equipment.

Section 2. The Agreement is hereby approved. The Shelby County Board of Supervisors Chairman, who shall have power to execute contracts on behalf of Shelby County, shall be, and hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The Shelby County Board of Supervisors Chair who shall have power to do so shall be, and hereby is, authorized to affix the official seal of Shelby County to the Agreement and attest the same.

Section 3. The proper officers of Shelby County shall be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Agreement.

Section 4. Shelby County hereby designates the Agreement as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 as Amended.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Master Equipment Lease/Purchase Agreement is the same as presented at said meeting of the governing body of Shelby County.

Passed and approved this 4th day of September, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Christensen, to approve the following resolution:

RESOLUTION NO. 2001-26
IN SUPPORT OF A CHAPTER 28E AGREEMENT TO TRANSFER OF CERTAIN TAX
INCREMENT FINANCING REVENUES TO THE SHELBY COUNTY BOARD OF
SUPERVISORS ON BEHALF OF SHELBY COUNTY, IOWA

Whereas, the City Council of Harlan, Iowa, acknowledges the need to promote economic development in the Harlan/Shelby County area by providing a portion of tax revenues realized from tax increment financing to the Shelby County Board of Supervisors on behalf of Shelby County, Iowa, for capital improvements, and,

Whereas, in keeping with the acknowledgement, there has been prepared an agreement between the City of Harlan/Shelby County Board of Supervisors on behalf of Shelby County, Iowa, in accordance with Chapters 28E and 403 of the Code of Iowa, as amended, a copy of which agreement is on file in the Auditor’s Office, and,

Now, therefore, be it resolved by the Shelby County Board of Supervisors that said 28E Agreement with the City of Harlan as attached is hereby approved, that the Chairman of the Board is hereby authorized and directed to execute said Agreement on behalf of the Shelby County Board of Supervisors on behalf of Shelby County, Iowa.

Passed and approved this 4th day of September, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to authorize the Chairman to sign the FY2001 Actual Case Management Report and submit it to Consultec, Des Moines. Shelby County should receive an additional \$12,000 in Case Management Funds. AYES: Christensen, Petersen, Ferry
NAYES: None

It was moved by Ferry, seconded by Petersen, to authorize the Treasurer to credit interest earned back to the Empowerment Fund and the transfer interest earned since the inception of the fund from the General Basic Fund to the Empowerment Fund in the amount of \$1,552.23. AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Christensen, to authorize the Chairman to sign the contract addendum with GeoCom for up to 10 additional AVL units at the same price quoted in the original contract. AYES: Christensen, Petersen, Ferry NAYES: None

Pat Hall, SWIPCO, appeared before to discuss the Down Payment Assistance Program. It was moved by Petersen, seconded by Ferry to re-allocate \$2240, which had been repaid to the program, to SWIPCO for additional administrative expenses. AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the following resolution:

RESOLUTION NO. 2001-27

STATE OF IOWA DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE
RESOLUTION FOR A HAZARD MITIGATION PLANNING ASSISTANCE GRANT

Be it resolved by Shelby County that Patrick Hall, Executive Director of Southwest Iowa Planning Council, is hereby authorized to execute on behalf of Shelby County, this hazard mitigation project and to file it with Iowa Emergency Management Division (IEMD) for the purpose of obtaining Federal/State financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended) and the Code of Iowa, Chapter 29C.

Passed and approved this 4th day of September, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Ferry, seconded by Petersen, to authorize the Chairman to sign the Iowa Department of Transportation Agreement for Federal-Aid Highway Bridge Replacement and Rehabilitation Program Project for Project No. BROS-CO83(29)—8J-83. AYES: Christensen, Petersen, Ferry NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 10:24 a.m.

LaVon A. Christensen, 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.