

October 16, 2001

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: LaVon A. Christensen, Chairman; Gayle Petersen, Vice-Chairman; Richard Ferry; and Marsha J. Carter, Clerk.

It was moved by Petersen, seconded by Ferry, to approve the addition of the Department of Management Proposal and the following items contained in the Consent Agenda:

- A. Minutes of October 2, 2001
- B. Office Reports – Sheriff’s & Recorder’s Quarterly Reports
- C. Committee Reports

AYES: Christensen, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Christensen, to approve the claims of October 16, 2001.
AYES: Christensen, Petersen, Ferry NAYES: None

Now being the time for the public hearing on the third and final reading of Shelby County Ordinance No. 2001-4, Fire Services Uniform Billing Ordinance; and Shelby County Ordinance No. 2001-5, Code of Ordinances in Effect for Shelby County, Repealing Ordinance No. 1996-3; the Chairman did open the hearing, asking for comments on the Fire Services Uniform Billing Ordinance. Supervisor Christensen commended the Fire Departments for looking for alternate revenue sources. Kevin Rasmussen, President of the Emergency Services Association, explained the purpose of the ordinance was to put a standard in place for any fire department in the county that wanted to charge for services. Fees would be set by the Emergency Services Association. No fire department would be forced to charge. If they wanted to charge, the fire department would then go to their township trustees to get the approval to put the charges in place. Various township trustees were present and voiced concerns that the fire departments did not come to them and explain the purpose of the ordinance prior to these hearings. A petition in opposition to the ordinance containing eight (8) signatures was placed on file. Supervisor Ferry commented that he felt the fire departments were trying to eliminate the township trustees’ authority to deal with fire protection. Ferry made a motion to not adopt the ordinance, but it died for lack of a second. It was moved by Petersen, seconded by Christensen, to table the decision on the Fire Services Uniform Billing Ordinance until the fire chiefs could meet with the township trustees and discuss the various issues. AYES: Christensen, Petersen NAYES: Ferry

Since it is required by law that a Code of Ordinances be adopted every five years and since this is the third and final reading of this Ordinance, the Chairman asked for comments on the Code of Ordinances in Effect for Shelby County. None being heard, it was moved by Ferry, seconded by Petersen, to close the public hearing and adopt the following ordinance with a change in the number:

**SHELBY COUNTY ORDINANCE NO. 2001-4
CODE OF ORDINANCES IN EFFECT
FOR SHELBY COUNTY, IOWA**

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:

TITLE I
ORGANIZATION & STRUCTURE

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

TITLE II
PUBLIC SERVICES

2001-3 Ordinance to Re-Precinct Shelby County & Adjust Voting Precinct
 Boundaries replacing Ordinance No. 1991-5
1991-6 Ordinance for Shelby County Rural Addressing System
1996-4 Shelby County Alarm Ordinance

TITLE III
BUSINESS & OCCUPATIONS

1995-3 Ordinance Providing for the Division of Taxes Levied on Taxable Property in the
 Business Park Urban Renewal Area of Shelby County
1998-3 School Local Option Sales and Services Tax
1999-1 Regular Local Option Sales and Services Tax amending Ordinance No. 1997-7 &
 1998-2
1999-2 Property Tax Exemption for Speculative Shell Buildings

TITLE IV
STREETS, ROADS, PUBLIC WAYS & TRANSPORTATION

1997-4 Class “A” and “B” Roads
1997-5 Class “C” Roads
1997-6 Shelby County Winter Road Maintenance repealing Ordinance No. 1984-1
1999-7 Use of Road Right-Of-Way

TITLE V
PUBLIC ORDER, SAFETY & HEALTH

1987-1 Flood Plain Management Ordinance
1999-3 Ordinance Adopting the Private Water Well Construction Permit Rules
 amending Ordinance No. 1989-1
1999-4 Ordinance Adopting the Nonpublic Water Well Rules amending Ordinance No.
 1989-2
1999-5 Ordinance Adopting the Requirements for Properly Plugging
 Abandoned Wells amending Ordinance No. 1989-3
1999-6 Ordinance Adopting the Onsite Wastewater Treatment and Disposal System
 Permit Rules amending Ordinance No. 1989-4
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 amending Ordinance 1991-2

1998-1 County Lead Ordinance

TITLE VI
PROPERTY & LAND USE

1983-1 Ordinance to Limit Height of Objects Around an Airport
2001-1 Ordinance Regulating the Subdivision of Land amending/repealing Ordinance
1973-1, 1991-3, 1992-2, 1995-2, & 1997-1
2001-2 Shelby County Zoning Regulations amending/repealing Ordinance No. 1973-1,
1991-3, 1992-1, 1995-1, & 1997-2

TITLE VII
SOCIAL & HUMAN SERVICES

1997-3 Ordinance Prescribing the General Relief Program in Shelby County repealing
Ordinance No. 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 16th day of October, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

Tom Walker, General Relief Director, appeared before the Board to discuss changes he feels are necessary to Shelby County Ordinance No. 1997-3, Ordinance Prescribing the General Relief Program in Shelby County. It was moved by Ferry, seconded by Petersen, to set 9:30 a.m. on November 6, 2001, in the Supervisors Chambers as the time for the public hearing on the proposed changes to this ordinance. AYES: Christensen, Petersen, Ferry NAYES: None

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

RESOLUTION NO. 2001-28
RESOLUTION CONDEMNING TERRORISM

WHEREAS, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists, and;

WHEREAS, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, DC, and the fourth into a field in Somerset County, Pennsylvania, and;

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

WHEREAS, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and;

WHEREAS, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud,

THEREFORE BE IT RESOLVED, that the Shelby County Board of Supervisors condemns the cowardly and deadly actions of these terrorists, and;

BE IT FURTHER RESOLVED, that the Shelby County Board of Supervisors supports the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and;

BE IT STILL FURTHER RESOLVED, that the Shelby County Board of Supervisors recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

Passed and approved this 16th day of October, 2001.

AYES: Christensen, Petersen, Ferry NAYES: None

Residents who live along Ridge Road appeared before the Board to protest the Board's September 18, 2001, decision to change the name of Ridge Road to Ridge Lane and changing the numbering system to make it fit into Shelby County's Rural Addressing System. Comments were made by the group concerning the costs associated with changing their house numbers and the fact that they felt they had not received appropriate notification of the possibility of the change. Bob Seivert, Emergency Management Agency Coordinator, apologized to the group for not properly notifying them of the change and reiterated the safety issues involved by not following the standard addressing system. He also stated that the Emergency Management Agency Executive Committee would be willing be to consider any costs associated with changing the numbers of the houses. The residents agreed to discuss the issues further and to report back to the Board at a later date.

It was moved by Petersen, seconded by Christensen, to authorize the Chairman to sign the FY2003 Private Water Well Grant Program application for \$16,500. AYES: Christensen, Petersen, Ferry NAYES: None

The County Engineer updated the Board on ongoing secondary road projects.

The County Engineer presented a bill he had received from the Iowa Department of Transportation for \$10,000 for the turning lane that was added to US 59 at the Defiance turn off. It was moved by Christensen, seconded by Petersen, that \$5,000 will be paid out of the Secondary Road Fund and \$5,000 will be paid out of the General Basic Fund. AYES: Christensen, Petersen, Ferry NAYES: None

Bob Seivert reported that he had received word that the Department of Justice had awarded Shelby County \$20,756 for an Equipment Grants Assessment Tool for Terrorism Planning.

The Board received a proposal from the Iowa Department of Management concerning the possible staff reductions in their Local Government Division. The option would be for the counties to fund the position, which is liaison between the DOM and the counties concerning county budgets. It was moved by Ferry, seconded by Petersen, to agree to fund this position at a cost of approximately \$550 annually until the State recovers from its financial crisis. AYES: Christensen, Petersen, Ferry NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 11:35 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.