

August 1, 2003

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: Gayle Petersen, Chairman; Roger Schmitz, Vice-Chairman; and Richard Ferry; and Marsha J. Carter, Clerk.

It was moved by Ferry, seconded by Schmitz, to approve the agenda with the addition of Designated Health Care Provider for Workers Compensation; Project BROS-CO83(32)—8J-83; and Project LS-18-29 AND the following items contained in the Consent Agenda:

- A. Minutes of July 1, 2003 – Correction – “Parcel No. 834200000000 – N 380’ 3rd St, N 522’ 2nd St, Main St Between Blks 2 & 3, 1st St Lying E W Lts 1-9 Blk 1, Original Plat, Corley, 9-78-39” AND “Parcel No. 834200000004 – 3rd St Lying E W Blk 3, 2nd St Ex N 522’ & South St Lying N OL 5, Original Plat, Corley, 9-78-39”
- B. Minutes of July 15, 2003
- C. Office Reports – Sheriff’s Quarterly Report
- D. Committee Reports

AYES: Petersen, Schmitz, Ferry

NAYES: None

It was moved by Ferry, seconded by Schmitz, to approve the claims of July 31, 2003. AYES: Petersen, Schmitz, Ferry NAYES: None

Applications had been received for the County Attorney position vacated by Jeffrey Larson, who had been appointed as 4th Judicial District Court Judge. Applicants were Marcus Gross, Jr., and Vicki Ryan Feser. The Chair asked for comments from both applicants. It was moved by Schmitz, seconded by Petersen, to appoint Marcus Gross, Jr., as County Attorney until the next General Election, which will be held in November of 2004. AYES: Petersen, Schmitz NAYES: None ABSTAIN: Ferry

It was moved by Petersen, seconded by Schmitz, to appoint Susan Larson Christensen as the Assistant County Attorney. AYES: Petersen, Schmitz, Ferry NAYES: None

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

RESOLUTION NO. 2003-22

AMENDMENT TO THE TOURISM COMMITTEE MEMBERSHIP DESCRIBED IN RESOLUTION NO. 2002-18 AUTHORIZING THE IMPOSITION OF A HOTEL AND MOTEL TAX FOR THE UNINCORPORATED AREA OF SHELBY COUNTY, IOWA

WHEREAS, Iowa Code Chapter 422A allows the Unincorporated Area of Shelby County, Iowa, by resolution to impose a hotel and motel tax at a rate not to exceed seven percent (7%) as defined in Iowa Code Section 422A; and

WHEREAS, a Special Hotel/Motel Tax Election was held on July 30, 2002, with the Official Canvass being held today. The results were as follows: YES 43; NO 31, resulting in the passage of the question.

IT IS HEREBY RESOLVED BY THE SHELBY COUNTY BOARD OF SUPERVISORS, AS FOLLOWS:

Section 1. Imposition of Tax. A tax of 7% shall be and same is hereby imposed upon the gross receipts from the renting of sleeping quarters in a hotel, motel, inn public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, with or without meals except for sleeping rooms provided for guests of a religious institution if the property is exempt under section 427.1(8) of the Iowa Code, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally. This tax shall only apply within the Unincorporated Area of Shelby County, Iowa.

Section 2. Use of Funds. Revenues derived from this tax shall be used as follows:

100% thereof shall be expended for the promotion and encouragement of tourism. The funds, once received by the County, will be forwarded to the Tourism Committee, made up of the following, who will make decisions regarding the allocation of these funds:

1 Harlan City Council Representative/Designee
1 Board of Supervisor Representative/Designee
1 Rural Business Owner
1 Harlan Business Owner
1 Rural Resident
1 Harlan Resident
1 Chamber Board Representative
Non-voting member:
Executive Director of the Shelby County Chamber of Commerce

Section 3. Effective Date of Tax Imposition. The tax shall be imposed beginning on the 1st day of October, 2002, following the required notice of at least 45 days to the Director of Revenue and Finance as provided by Section 422A.1 of the Code of Iowa, 2002.

PASSED AND APPROVED by the Board of Supervisors of Shelby County, Iowa, on the 1st day of August, 2003.

AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Ferry, seconded by Petersen, to authorize the Chairman to sign the contract for services with WESCO, as recommended by the Community Services Director. AYES: Petersen, Schmitz, Ferry NAYES: None

Bob McLaughlin of Maplewood, Inc., and Kathy Stinn, County Treasurer, appeared before the Board to discuss a compromise settlement for the real estate taxes against a Mobile Home located in Jackson Township. It was moved by Ferry, seconded by Schmitz, that Maple, Inc., pay the 2001 taxes plus costs of \$923.00 and that the Auditor abate the 2002 and 2003 assessment. AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Schmitz, seconded by Ferry, to approve the Subordination Agreement with Midstates Bank for Down Payment Assistance Program Project 00-HM-104-005. AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Ferry, seconded by Schmitz, to approve the Mortgage Releases for Down Payment Assistance Program Projects 94-HM-132-003, 005, 006, and 007. AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Ferry, seconded by Petersen, to set August 19, 2003, at 9 a.m. as the date and time for the public hearing on Weed Destruction Costs. AYES: Petersen, Schmitz, Ferry NAYES: None

Marsha Carter, Shelby County Auditor, informed the Board that she would be receiving \$5000 for being the fiscal agent for the Empowerment Board.

It was moved by Schmitz, seconded by Ferry, to authorize the Chairman to sign the HIPAA required Business Associate and Chain of Trust Agreement with Heartland Technology. AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Ferry, seconded by Schmitz, to designate the following physicians as Shelby County's Designated Health Care Provider for Workers Compensation injuries: 1. Dr. Bret Heilesen and 2. Dr. Don Klitgaard. AYES: Petersen, Schmitz, Ferry NAYES: None

The County Engineer updated the Board on ongoing Secondary Road projects.

It was moved by Ferry, seconded by Schmitz, to set September 2, 2003, at 9:30 a.m. as the date and time for letting Bridge Replacement Project LS-18-29. AYES: Petersen, Schmitz, Ferry NAYES: None.

The Board proceeded to review the bids on Project BROS-C083(31)—8J-83, bridge replacement project on 1120th street, as received by the Iowa Department of Transportation at their letting

July 15, 2003. The bids are as follows: A.M. Cohron & Son, Inc. \$445,333.82; Godbersen-Smith Construction Co. \$464,494.45; Murphy Heavy Contracting Corp. \$468,502.80; Elk Horn Construction Co. \$480,669.60; Christensen Bros., Inc \$502,752.50; Graves Construction Co., Inc \$515,194.04. It was moved by Schmitz, seconded by Petersen, to accept the low bid of A.M. Cohron & Son, Inc. of Atlantic, Iowa at their bid of \$445,333.82 and authorize the Chairman to sign all contract documents. AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Petersen, seconded by Schmitz, to se the letting date to receive bids for Road Oil Project MRO-1-03 as August 8, 2003, at 9:30 a.m. AYES: Petersen, Schmitz, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the purchase of a crew cab pickup for the Secondary Road Department from Keast Ford at their low quote of \$23,741.00. AYES: Petersen, Schmitz, Ferry NAYES: None

The Board proceeded to review the bids for Project HC-00-25, a stream control structure, as received in letting of July 22, 2003. The bids were as follows. Peterson Contractors \$99,903.50; Nelson/Rock Construction \$104,095.50: King Construction \$113,480.00. It was moved by Schmitz, seconded by Ferry, to accept the bid of Peterson Contractors of Reinbeck, Iowa, at their quote of \$99,903.50, authorize the Chairman to sign all contract documents and authorize the Auditor to pay progress payments as recommended by the County Engineer. AYES: Petersen, Schmitz, Ferry NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 10:59 a.m.

Gayle Petersen, 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.