

March 2, 2004

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

It was moved by Petersen, seconded by Ferry, to approve the agenda AND the following items contained in the Consent Agenda:

- A. Minutes of February 17, 2004
- B. Office Reports – MIS
- C. Committee Reports

AYES: Schmitz, Ferry, Petersen

NAYES: None

It was moved by Ferry, seconded by Petersen, to approve the claims of February 27, 2004.

AYES: Schmitz, Ferry, Petersen

NAYES: None

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

SHELBY COUNTY RESOLUTION 2004-6

RESOLUTION APPROVING THE APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING CERTIFICATION OF AN ENTERPRISE ZONE IN SHELBY COUNTY

WHEREAS, Shelby County (hereinafter referred to as the “ County”), State of Iowa is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the “State”); and

WHEREAS, the purpose of 2001 Iowa Code Sections 15E.191 through 15E.196 and all subsequent amendments including 2002 Iowa Acts, House File 2378 (the “Act”) is to encourage mutual development objectives between communities and private business and to promote development and investment in economically distressed areas within the State; and

WHEREAS, the Act and administrative rules adopted by the Iowa Department of Economic Development require the County to approve, by resolution, the establishment of an Enterprise Zone and the submission of a request for certification to the Iowa Department of Economic Development Board of Directors; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY AS FOLLOWS:

SECTION 1. The County certifies that it is an eligible participant under the Act and meets the following distress criteria required under Section 15E.194 of the Act, as amended by 2002 Iowa Acts, House File 2378:

- a) Shelby County has an average weekly wage that ranks among the bottom 25 counties in the State.
- b) Shelby County has a percentage of persons 65 years of age or older that ranks among the top 25 counties in the State.

SECTION 2. The County hereby requests Enterprise Zone certification from the Iowa Department of Economic Development Board of Directors as authorized in Section 15E.194 of the Act for the 24.45 acres described below, which the County certifies, when added to previously certified zones, is less than 1% of the total area of the 378,441.2 acres in Shelby County.

Shelby County, Harlan EZ #11 – 1st Industrial Park Outlot 2 Except Parcel A.

Shelby County, Harlan EZ #12 – Wyland’s Additon Lots 1-4, North 2 feet of Lot 8, and Lots 9-12.

SECTION 3. The County shall provide a copy of this resolution to the Iowa Department of Economic Development and shall file this resolution with the Shelby County Assessor.

SECTION 4. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. The provisions of this resolution are hereby declared to be severable and if any section, phrase, or provision shall be for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases, and provisions hereof.

SECTION 6. This resolution shall become effective immediately upon its passage and approval.

Passed and approved: March 2 2004

AYES: Schmitz, Ferry, Petersen NAYES: None

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

RESOLUTION NO. 2004-7
ENTRY RECORD OF THE HEARING AND DETERMINATION
OF THE COUNTY BUDGET FOR FISCAL YEAR 2004

BE IT REMEMBERED, on the 2nd day of March, 2004, A.D., at the hour of 9:00 A.M. of said day, the Board of Supervisors of Shelby County, Iowa, met for the purpose of the hearing upon the county budget as filed with the Board. There was present a quorum as required by law.

WHEREAS, the Board investigated and found that the notice of time and place of hearing had, according to law, and as directed by the Board, been published in the official county newspapers published in Shelby County and that affidavits of publication, therefore, are on file with the County Auditor.

WHEREAS, there was also on file the following list of proposed Designated Fund Balances and Capital Fund Purchases by Department:

DESIGNATED FUND BALANCES:

General	499,381	Operating Funds
Rural	165,056	Operating Funds
MH-DD	659,426	Specific Program
Secondary Roads	803,851	Specific Program
Debt Service	10,491	Specific Program
Capital Projects	185,655	Future Capital Projects
Other--	69,636	Specific Programs
Flood & Erosion Control		
REAP		
Recorder's Records Management		
K-9		
Commissary		
Drug Forfeiture		
Insurance	Reimbursement	
Conservation-Land	Acquisition	
TOTAL	2,393,496	

CAPITAL FUND PURCHASES:

Building & Grounds	27,700
MIS Department	45,500
Election	20,000
GIS Department	15,000
Sheriff	28,300
Jail	8,000
Roadside Management	12,800
Conservation	5,880

Environmental	11,085
TOTAL	174,265

THEREFORE, on said day, the budget was taken up and considered. Present were representatives from Harlan Newspapers, HMU Cable Station, KNOD Radio Station, other interested parties, and various department heads. Oral comments were heard by the Board of Supervisors. After discussion, the Chairman declared the hearing closed and the County Budget for Fiscal Year 2005 adopted, along with the Shelby County Compensation Board recommendation.

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on March 2nd, 2004, the vote thereon being as follows:

AYES: Schmitz, Petersen, Ferry NAYES: None

Bob Seivert, Emergency Management Coordinator, appeared before the Board to present the Shelby County Human Resource Directory, Shelby County Emergency Resource Directory, and Shelby County Multi-Hazard Emergency Response Planning Document.

Seivert also presented information on the Iowa Mutual Aid Compact. It was moved by Petersen, seconded by Ferry, to adopt the following resolution:

SHELBY COUNTY RESOLUTION NO. 2004-8
IOWA MUTUAL AID COMPACT

WHEREAS, emergencies and disasters transcend jurisdictional boundaries, making intergovernmental coordination essential in successful emergency response efforts; and

WHEREAS, there will inevitably be emergencies which require immediate access to outside resources due to the fact that few individual governments have all of the resources they may need in every type of emergency; and

WHEREAS, Senate File 2124, approved by the Second Session of the 79th General Assembly in 2002, creates Iowa Code Section 29C.22, the Statewide Mutual Aid Compact; and

WHEREAS, the Statewide Mutual Aid Compact allows participating counties, cities and other political subdivisions to provide in advance for mutual assistance in managing any emergency or disaster;

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster, the County hereby adopts the Statewide Mutual Aid Compact which is on file in the Office of the Emergency Management Agency.

Passed and approved this 2nd day of March, 2004.

AYES: Schmitz, Petersen, Ferry NAYES: None

It was moved by Petersen, seconded by Ferry, to designate Roger Schmitz, Chairman; Dan Ahart, Engineer; and Marsha Carter, Auditor, as persons with the authority to obligate funds and resources for Shelby County in the event of an emergency and to designate Bob Seivert as the 24-hour point of contact. AYES: Schmitz, Petersen, Ferry NAYES: None

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

SHELBY COUNTY RESOLUTION NO. 2004-9
RESOLUTION FOR STATE TO FULLY FUND PROPERTY TAX CREDITS

WHEREAS, last year the Iowa Legislature voted to cut state aid to Shelby County by \$103,000, after the budget was certified.

WHEREAS, this sudden cut in state aid negatively affected the people of the County by causing various cuts in services.

THEREFORE, BE IT RESOLVED THAT: Shelby County requests that the State Legislature refrain from making additional cuts in state aid to local governments and that the State fully fund property tax replacements.

Passed and approved this 2nd day of March, 2004.

AYES: Schmitz, Petersen, Ferry NAYES: None

Linda Jacobsen, Recorder, appeared before the Board to update them on the status of the project to re-scan the documents in her office. She reported that the microfilm had been picked up and that the company had begun the process of re-scanning.

The Board proceeded to review the bids on Project BROS-C083(34)—8J-83, Bridge Replacement as received by the Iowa Department of Transportation at their letting February 17, 2004. The bids are as follows: Godbersen-Smith Const, Ida Grove, Iowa, \$525,955.86: Murphy Heavy Contracting, Anita, Iowa, \$563,380.29: Dixon Construction, Correctionville, Iowa, \$574,100.34: AM Cohron & Son, Atlantic, Iowa, \$591,040.44. It was moved by Ferry, seconded by Petersen, to accept the low bid of Godbersen-Smith Const, Ida Grove, Iowa and authorize the Chairman to sign all contract documents and authorize the Auditor to issue warrants for progress payments as recommended by the County Engineer. AYES: Schmitz, Ferry, Petersen NAYES: None

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

SHELBY COUNTY RESOLUTION 2004-10
RESOLUTION OF NECESSITY

WHEREAS: The Board of Supervisors of Shelby County, Iowa, consisting of the following members: Roger Schmitz, Chairman; and Gayle Petersen, member and Richard Ferry, member, met to consider placing load limits on selected “Load Sensitive” road surfaces in the Shelby County Secondary Road System, to prevent frost break up, excessive load break up, etc., and

WHEREAS: The Board states that all designated surfaced roads be embargoed and allowing only trucks and other vehicles with a gross weight of less than ten (10) tons to travel these roads. School busses are exempt from this embargo.

THEREFORE: The Shelby County Board of Supervisors resolves to hereby order the County Engineer to post the same for load limits of ten (10) tons as soon as he deems necessary. These limits shall become effective when the signs are erected and shall remain in effect until the signs are removed.

BE IT FURTHER RESOLVED that the Board of Supervisors may grant permits of exemption upon a showing that there is a need to move to market farm produce a type subject to rapid spoilage or loss of value or to move any animal feed to the farm or fuel for home heating purposes.

Passed and approved this 2nd day of March, 2004.

AYES: Schmitz, Ferry, Petersen NAYES: None

The County Engineer was not available to updated the Board on ongoing Secondary Road projects.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:04 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.