

April 6, 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 with the following additions: (1) Mortgage Releases and (2) Speed Limit Reduction – M16 AND the following items contained in the Consent Agenda:

- A. Minutes of March 16, 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 March 31, 2004. AYES: Schmitz, Ferry, Petersen NAYES: None

Now being the time for the public hearing on the 02-CF-013 Community Development Block Grant Project, the construction of an Early Childhood Development Center in Harlan, the Chairman did open the hearing. M. J. Broomfield, SWIPCO, reported to the Board that it is hoped the building will be complete by the end of June. The \$600,000 in grant funds are being funneled through Shelby County. There were no written or oral comments. After all the Board's questions were answered, the Chairman closed the hearing.

The Board received notification that the Housing Fund Grant for \$300,000 that had been applied for by SWIPCO had been denied.

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

#### RESOLUTION NO. 2004-11

#### RESOLUTION TO DECLARE NECESSITY AND AMEND AN URBAN RENEWAL AREA, PURSUANT TO SECTION 403 OF THE CODE OF IOWA

WHEREAS, Shelby County has an approved urban renewal plan for the Business Park Urban Renewal District; and,

WHEREAS, an expansion of the defined Business Park Urban Renewal District area is found to be necessary for Shelby County; and,

WHEREAS, the following area is proposed for the expansion and proposed for inclusion in an amendment to the Business Park Urban Renewal District:

NE ¼ NW ¼ of Section 30- 79 - 38

Fr NW ¼ NW ¼ of Section 30 – 79 – 38

NW ¼ NE ¼ of Section 25 – 79 – 39

NE ¼ NE ¼ of Section 25 – 79 – 39

S ½ NE ¼ of Section 25, T79 N, R 39 W of the 5<sup>th</sup> PM except there from that portion of the real estate conveyed under warranty deed recorded in Book 378, Page 165, and except that part of real estate conveyed under warranty deed recorded as instrument # 1388-91, subject to public roads, containing 32.1 taxable acres

NOW THEREFORE, be it resolved by the Board of Supervisors of Shelby County, Iowa, as follows:

SECTION 1. The Business Park Urban Renew District is found to need an amendment to extend the district area as defined above.

SECTION 2. The area outlined above is hereby declared to be an addition to the existing Business Park Urban Renewal District, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated by the Shelby County Supervisors.

Passed and approved this 6<sup>th</sup> day of April, 2004.

AYES: Schmitz, Ferry, Petersen

NAYES: None

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

RESOLUTION NO. 2004-12  
PROPOSED DISPOSAL OF COUNTY INTEREST IN REAL ESTATE

WHEREAS, the Board of Supervisors wishes to dispose of County interest in the following described real estate:

- A. Parcel No. 833407000071 – The South 10 feet of Lot 7 of Amended Westridge Estates II to the City of Harlan, Iowa and subject to public streets, ordinances and easements of record.
- B. Parcel No. 831412401001 – Starting at a point 882' south of the NE Corner of the SE ¼ of Section 12-78-39 and running thence southwest 1222' along the NW side of drainage ditch on centerline of 40' road to a point 185' east of the SW corner of the NE ¼ SE ¼ of Section 12-78-39, containing 1.122 acres of land, more or less.

WHEREAS, in response to solicitation of proposals, property owners wish to purchase adjoining land and combine it with their property as one taxable parcel; and

WHEREAS, disposal of the County's interest in this real estate would be by Quit Claim Deed according to County Policy; and

WHEREAS, Iowa Code Section 331.361(2) requires a public hearing on disposal of an interest in real estate;

NOW THEREFORE BE IT RESOLVED that a public hearing on this proposed disposal of County interest in real estate is set for May 4, 2004, at 9:00 a.m. in the Supervisors Chambers in the Shelby County Courthouse, and the Shelby County Auditor is directed to publish the notice of hearing.

AYES: Schmitz, Ferry, Petersen

NAYES: None

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

RESOLUTION NO. 2004-13  
TRANSFER OF CERTIFICATE OF PURCHASE

IT IS HEREBY RESOLVED by the Shelby County Board of Supervisors to order the Shelby County Treasurer to transfer the Certificates of Purchase to the Shelby County Board of Supervisors for the property described as follows:

- A. DP-GV – Parcel No. 830430202001
- B. EK-CL - Parcel No. 831620301001
- C. HL-FV – Parcel No. 834200000000
- D. HL-FV – Parcel No. 834200000001
- E. HL-FV – Parcel No. 834200000002
- F. HL-FV – Parcel No. 834200000003
- G. HL-FV – Parcel No. 834200000004

H. HL-FV – Parcel No. 834200000005

I. HL-FV – Parcel No. 834200000006

J. HL-FV – Parcel No. 834200000007

K. HL-FV – Parcel No. 834200900021

L. MG-JF – Parcel No. 834100000000

M. MG-JF – Parcel No. 834100000001

Passed and approved this 6<sup>th</sup> day of April, 2004.

AYES: Schmitz, Ferry, Petersen

NAYES: None

The Board had requested proposals from the three telephone companies serving this area. Proposals were received from Iowa TeleCom, FMCTC, and HMU. Discussion was held on the proposals. Schmitz commented that he was a member of the FMCTC Board, and Petersen commented that he had family employed by FMCTC. Because of the conflicts of interest and on the advice of the County Attorney, it was moved by Petersen, seconded by Schmitz, to delegate the authority to choose the telephone service for the County to Ferry. AYES: Schmitz, Ferry, Petersen NAYES: None Based on the discussion that the Board as a whole would like to keep the service local and the fact that the FMCTC proposal was less than HMU, Ferry chose FMCTC as the provider of telephone service for the County, effective May 1 or as soon as possible.

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

RESOLUTION NO. 2004-14  
WEED DESTRUCTION PROGRAM

BE IT RESOLVED, that pursuant to the provisions of Chapter 317, Code of Iowa, it is ordered:

That each owner and each person in possession or control of any lands in Shelby County, shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in the chapter, at such time in each year and in such manner as shall prevent such weeds from blooming or coming to maturity, and shall keep said lands free from such growth as shall render the streets or highways adjoining said lands unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed as published in the official newspapers of Shelby County.

That, if owners or persons in possession or control of any lands in Shelby County fail to comply with the foregoing orders, the weed commissioner shall cause this to be done and the expenses of said work including cost of serving notice and other costs, if any, to be assessed against real estate.

THEREUPON, the Board instructed the County Auditor to place said notice in the official newspapers of Shelby County.

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on April 6, 2004, the vote thereon being as follows:

AYES: Schmitz, Ferry, Petersen

NAYES: None

It was moved by Ferry, seconded by Petersen, to authorize the Chairman to sign the Community Mental Health Affiliation letter. . AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Petersen, seconded by Ferry, that the process begin to put the Local Option Tax Question on the ballot at the 2004 General Election for the rural part of Shelby County in lieu of the petition process. AYES: Schmitz, Ferry, Petersen NAYES: None

Marsha Carter, Auditor, updated the Board on the progress of the Help America Vote Act and its requirement to update the County voting system.

It was moved by Petersen, seconded by Ferry, to appoint Jon Burmeister as the Treasurer's representative to the Shelby County Compensation Board. AYES: Schmitz, Ferry, Petersen  
NAYES: None

It was moved by Petersen, seconded by Ferry, to authorize the Chairman to sign the Mortgage Releases for Down Payment Assistance Projects 94-HM-132-001, 99-HM-132-025, and 99-HM-132-023. AYES: Schmitz, Ferry, Petersen NAYES: None

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

It was moved by Petersen, seconded by Ferry, to authorize the Chairman to sign the Secondary Road Union Contract, effective July 1, 2004 to June 30, 2007. AYES: Schmitz, Ferry, Petersen  
NAYES: None

It was moved by Ferry, seconded by Petersen, to approve the FY2005 Iowa Department of Transportation Secondary Road Budget and Construction Program. AYES: Schmitz, Ferry, Petersen  
NAYES: None

The Board discussed the purchase of a single axle truck for the Secondary Roads Department as presented by Dennis Anastasi, Shop Foreman. It was moved by Petersen, second by Ferry to approve the purchase of a 2005 International single axle truck for the price quoted by Cornhusker International of Omaha, Nebraska of \$49,680.59. AYES: Schmitz, Ferry, Petersen  
NAYES: None

It was moved by Ferry, second by Petersen to approve the engineering services contract with Sundquist Engineering of Denison for design and survey of 1.8 miles of M-36 in Douglas Township. AYES: Schmitz, Ferry, Petersen NAYES: None

The Board was in receipt of a request to lower the speed limit on Road M-16 southbound into the City of Earling. The Board directed the County Engineer to evaluate the request and take action should such a speed reduction be appropriate.

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

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Roger Schmitz, Chairman

ATTEST:

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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.