

May 18, 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 May 4 and 10, 2004
- B. Office Reports – None
- C. Committee Reports

AYES: Schmitz, Ferry, Petersen

NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the claims of May 18, 2004. AYES: Schmitz, Ferry, Petersen NAYES: None

Now being the time for the public hearing on the Amendment to the County Urban Renewal District, the Chairman did open the hearing. M. J. Broomfield, SWIPCO, was present. Broomfield and the Auditor reported that they had received no written or oral comments. It was moved by Ferry, seconded by Petersen, to close the hearing and approve the following resolution:

RESOLUTION NO. 2004-16
AMENDMENT TO THE COUNTY'S URBAN RENEWAL PLAN

DESCRIPTION OF THE BUSINESS PARK URBAN RENEWAL DISTRICT

The boundaries of the Shelby County Business Park Urban Renewal District as stated on Page 6 of the Urban Renewal Plan is amended to include the following area:

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, R39W of the 5th 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.

TERMINATION OF URBAN RENEWAL PLAN

The date of termination of the Business Park Urban Renewal Plan as stated on Page 13 of the Urban Renewal Plan is amended to June 30, 2010.

All other portions of the Urban Renewal Plan will remain as stated.

Passed and approved this 18th day of May, 2004.

AYES: Schmitz, Ferry, Petersen

NAYES: None

Randy Arnold, Arnold Insurance Agency, appeared before the Board to present the health insurance renewal for FY2005. High usage has increased the proposed premium for our current health plan by 44%. Arnold presented alternative plans. It was moved by Ferry, seconded by Petersen, to approve the following plan changes with Principal, which will be only an 8% premium increase, and to authorize the Auditor to begin the process to contract with a Third Party Administrator to compute the reimbursements for the employees as prescribed by the Union contracts in place: Increase Deductible from \$500 to \$1500; Co-Insurance remains at

80/60; Increase Maximum Out of Pocket from \$4000 to \$6500; Increase Office Call from \$15 to \$30/\$45. AYES: Schmitz, Ferry, Petersen NAYES: None

A discussion was held on the vacancy on the Veterans Affairs Commission. Schmitz has been unable to find anyone to replace Verle Doonan, who resigned as of May 1, 2004. Also discussed was the resignation of Tom McMullen as Veterans Affairs Director as of June 30, 2004. It was moved by Ferry, seconded by Petersen, to appoint John Mock to replace McMullen at an annual salary of \$8,289 for two days per week. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Ferry, seconded by Petersen, to approve the Employment Agreement with Timothy Pederson as an employee of the Shelby County Sheriff's Office and to approve his appointment as Deputy Sheriff. AYES: Schmitz, Ferry, Petersen NAYES: None

A Question and Answer session was held on the new business prospect, Shelby County Cookers. The company has now signed a Minimum Assessment Agreement for \$6,000,000 for a \$47,000 square foot building. The Auditor reported that a letter is on file from the City of Harlan, stating that the sewage from Shelby County Cookers will meet their standards. The Board authorized the Auditor to begin gathering the necessary information for bonding for \$490,000: \$420,000 to install the sewer; \$150,000 forgivable loan; minus an \$80,000 Job Creation Grant.

It was moved by Petersen, seconded by Ferry, to authorize Bob Seivert, EMA Coordinator, to work with the Hazard Mitigation Grant in the on-line format. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the EMS Training Grant as presented by Roger Bissen, Harlan Fire Chief. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Petersen, seconded by Ferry, to pay back the \$307,000 loan from the Secondary Road Fund to the Debt Service Fund before the end of FY2004. This loan was used to pay off the remainder of the Anticipatory Warrants. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Ferry, seconded by Petersen, to set the dates for the readings of Shelby County Ordinance No. 2004-02, Amendment to Shelby County Ordinance No. 2001-01 – Subdivision Ordinance as follows: 9 a.m. on June 1, June 15, and July 6, 2004. AYES: Schmitz, Ferry, Petersen NAYES: None

The Board proceeded to review the Final Plat as presented by the Shelby County Zoning Administrator. He reported the following: At their meeting May 17, 2004, the Shelby County Planning and Zoning Commission reviewed a plat "Paulee Subdivision" located in Section 29, Cass Township. The Plat was approved and the Administrator was directed to forward the Plat to the Shelby County Board of Supervisors for their consideration and approval. After discussion, it was moved by Ferry, seconded by Petersen, to approve the Final Plat of the Paulee Subdivision as presented. AYES: Schmitz, Ferry, Petersen NAYES: None

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

RESOLUTION NO. 2004-17
A RESOLUTION ESTABLISHING A FIVE DOLLAR
COUNTY ENFORCEMENT SURCHARGE

WHEREAS, counties enforce the criminal laws passed by the State of Iowa, provide the county attorneys who prosecute criminals, and even provide the courtrooms where the criminal cases are tried, but do not receive any of the criminal fine money, which all goes to the State of Iowa; and

WHEREAS, in an attempt to begin to address this inequity the 2004 Iowa Legislature passed House File 2569, which provides that if a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff, the court shall assess a five dollar County Enforcement Surcharge for each applicable violation, with the surcharge going to the county general fund of the county where the citation was issued; and

WHEREAS, Section 9 of House File 2569 requires that for this county enforcement surcharge to go into effect in a given county, the Board of Supervisors must adopt an enacting resolution;

THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY BOARD OF SUPERVISORS that the Board adopts a five dollar County Enforcement Surcharge pursuant to House File 2569, with the surcharge to be assessed as of July 1, 2004.

Passed and approved this 18th day of May, 2004.

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 approve the Project Agreement with Hungry Canyons Alliance, Grant Agreement 04-7-F, West Nishnabotna River, Section 10, T81N, R37W.

AYES: Schmitz, Ferry, Petersen

NAYES: None

It was moved by Ferry, seconded by Petersen, to approve the Proposal for Engineering Services with Sundquist Engineering for not to exceed \$6300.00 for Hungry Canyons Project 04-7-F, West Nishnabotna River, Section 10, T81N, R37W.

AYES: Schmitz, Ferry, Petersen

It was moved by Ferry, seconded by Petersen, to set the date for the fuel bid as June 15, 2004, at 10 a.m.

AYES: Schmitz, Ferry, Petersen

NAYES: None

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

RESOLUTION NO. 2004-18
POLICY RELATING TO ROAD OIL DUST PALLIATIVE

INTENT

The intent of this policy is to assure uniform treatment of all County residents in permitting road oil dust palliative to be applied on the County road.

BACKGROUND

The Shelby County Road Department is responsible for the care, maintenance and replacement of approximately 1000 miles of road (paved, oiled, gravel and dirt) and some 225 bridge structures. In addition, there are literally thousands of culvert drainage structures. Because of the substantial costs of maintaining this road system and the limited, if not diminishing funds available, some services previously provided are no longer economically feasible to continue. The preparation of the road bed prior to road oil dust palliative application and the maintenance of the road oil thereafter are two of these services. Specifically, this is road oil for private residents throughout Shelby County. These locations are scattered at various rural locations and are not connected to or part of the bituminous road system of the County.

POLICY

REALIZING that Shelby County has nearly one-hundred (100) sites of road oil in isolated locations and;

REALIZING that funds to maintain the overall county road system are limited; and;

REALIZING that there is a substantial initial and annual cost associated with these sites of “private oil”; therefore;

BE IT RESOLVED by the Shelby County Board of Supervisors has adopted the following policy:

1. A road oil dust palliative permit will be required. The contractor applying the road oil will obtain this permit.

2. The Shelby County Road Department will provide “tight blading” services one times, as requested, prior to road oiling. Subsequent requests due to the contractors’ inability to apply road oil in a timely manner, will be charged to the applicant shown on the permit.
3. It will be the responsibility of the applicant to maintain the road oil. This includes any and all road sections left intact after scarification and surfacing with aggregate. These sections were left intact at the request of private residents. The Shelby County Road Department will not perform this maintenance. The applicant or a contracted agent may perform said maintenance. All maintenance costs will be borne by applicant.
4. If the road is not maintained to provide a safe road surface, the applicant will be contacted. Applicants will be given seven (7) days to bring the road surface to a safe condition. Failure to maintain the road oil surface may result in scarification of the entire road oil area. These actions will be commenced 14 days after the expiration of a second notice to maintain the road oiled surface.
5. Scarification of existing road oil sections and surfacing with aggregate will be done at the counties expense. Future road oiling of scarified section is permissible. However, if the section is later scarified do to maintenance neglect, the applicant will be charged for scarification and aggregate surfacing costs.
6. All necessary and proper barricades, flares, etc., as per the Manual on Uniform Traffic Control Devices, shall be furnished by and maintained by the applicant. Maximum safety precautions shall be maintained at all times to protect workers, property owners and the traveling public from accidents due to the operations of the applicant.
7. Shelby County shall be indemnified and saved harmless of any damages resulting from the applicant’s/contractor’s operation.

Adopted this 18th day of May, 2004 by the Shelby County Board of Supervisors.

AYES: Schmitz, Ferry, Petersen

NAYES: None

The Board proceeded to the County Care Facility to do their annual inspection of the building and grounds.

There being no further business appearing, the Chairman declared the meeting adjourned at 12:20 p.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.