

September 21, 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; Gayle Petersen and Marsha J. Carter, Clerk.

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

- A. Minutes of September 7 and 17, 2004
- B. Office Reports – IT
- C. Committee Reports

AYES: Schmitz, Ferry, Petersen

NAYES: None

It was moved by Ferry, seconded by Petersen, to approve the Claims of September 21, 2004, as listed in the Claims Register. AYES: Schmitz, Ferry, Petersen NAYES: None

Vicki Gillespie and Calla Poldberg, Shelby County Public Health; Bob Seivert, Emergency Management Agency; and Roger Bissen, Harlan Fire Department, appeared before the Board to report on the Biochemical Exercise of August 3, 2004.

Lonnie Maguire, Community Services Director, appeared before the Board to present the Case Management Cost Report for FY2004. Actual costs for each consumer were \$236.29 per month. Our projected costs were \$193.76 per month. Shelby County will be reimbursed the difference, or approximately \$29,000. It was moved by Petersen, seconded by Ferry, to approve the FY2004 Case Management Cost Report. AYES: Schmitz, Ferry, Petersen NAYES: None

Maguire also reported that the Shelby County Case Management Program had been audited and that we had received our 3-year accreditation for Case Management.

It was moved by Ferry, seconded by Petersen, to approve the GIS Contract for Services with the City of Harlan and Harlan Municipal Utilities. AYES: Schmitz, Ferry, Petersen NAYES: None

It was moved by Ferry, seconded by Petersen, to set the date and time for the opening of sealed bids on the Western Ventures Sewer Project as October 5, 2004, at 9:30 a.m. AYES: Schmitz, Ferry, Petersen NAYES: None

Board Member Ferry introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004A, OF SHELBY COUNTY, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Board Member Petersen seconded the motion to adopt. The roll was called and the vote was AYES: Schmitz, Ferry, Petersen NAYES: None. Whereupon, the Chairperson declared the Resolution duly adopted as follows:

RESOLUTION NO. 2004-34

RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004A, OF SHELBY COUNTY, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the County of Shelby, State of Iowa, should provide for the authorization of a Loan Agreement and the issuance of General Obligation Capital Loan Notes, Series 2004A, to the amount of not to exceed \$700,000, as authorized by Sections 331.402, 331.441 and 331.443, Code of Iowa, as amended, for the purpose of providing funds to pay costs of carrying out an essential county purpose project as hereinafter described; and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and General Obligation Capital Loan Notes, Series 2004A, issued to evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time

and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes, and of the right to petition for an election and to receive oral and/or written objections from any resident or property owner of the County to such action;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY, STATE OF IOWA:

Section 1. That this Board meet in the Supervisors Chambers of the Shelby County Courthouse, Harlan, Iowa, at 9:30 o'clock A.M., on the 19th day of October, 2004, for the purpose of taking action on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$700,000 General Obligation Capital Loan Notes, Series 2004A, to evidence the obligations of the County thereunder for an essential county purpose, the proceeds of which will be used to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including improvements to sewer services to the Business Park.

Section 2. The Auditor is authorized and directed to proceed on behalf of the County with the negotiation of terms of a Loan Agreement and the issuance of General Obligation Capital Loan Notes, Series 2004A, evidencing the County's obligations to a principal amount of not to exceed \$700,000, to select a date for the final approval thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the completion of a loan on a basis favorable to the County and acceptable to the Board.

Section 3. That the Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than ten (10) clear days before the date of said public meeting on the issuance of said Notes.

Section 4. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF SHELBY
COUNTY, STATE OF IOWA ON THE MATTER OF THE PROPOSED
AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF
NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004A,
(FOR AN ESSENTIAL COUNTY PURPOSE) AND THE PUBLIC HEARING
ON THE AUTHORIZATION AND ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Supervisors of Shelby County, Iowa, will hold a public hearing on the 19th day of October, 2004, at 9:30 o'clock A.M., in the Supervisors Chambers of the Shelby County Courthouse, Harlan, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and the issuance of \$700,000 General Obligation Capital Loan Notes, Series 2004A, for an essential county purpose, in order to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including improvements to sewer services to the Business Park. Principal and interest on the proposed Loan Agreement will be payable from the Debt Service Fund.

At any time before the date of said meeting, a petition, asking that the question of issuing such notes be submitted to the legal voters of said County, may be filed with the Auditor of said County in the manner provided by Section 331.442 of the Code of Iowa, as amended.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County, to the above action. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder or will abandon the proposal.

This Notice is given by order of the Board of Supervisors of Shelby County, State of Iowa, as provided by Sections 331.402, 331.441, and 331.443 of the Code of Iowa, as amended.

Dated this 21st day of September, 2004.

County Auditor of Shelby County, State of Iowa
(End of Notice)

PASSED AND APPROVED this 21st day of September, 2004

Board Member Ferry introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B, OF SHELBY COUNTY, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Board Member Petersen seconded the motion to adopt. The roll was called and the vote was, AYES: Schmitz, Ferry, Petersen NAYES: None. Whereupon, the Chairperson declared the Resolution duly adopted as follows:

RESOLUTION NO. 2004-35

RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B, OF SHELBY COUNTY, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the County of Shelby, State of Iowa, should provide for the authorization of a Loan Agreement and the issuance of Taxable General Obligation Capital Loan Notes, Series 2004B, to the amount of not to exceed \$150,000, as authorized by Sections 331.402, 331.441 and 331.443, Code of Iowa, as amended, for the purpose of providing funds to pay costs of carrying out an essential county purpose project as hereinafter described; and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and Taxable General Obligation Capital Loan Notes, Series 2004B, issued to evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and of the right to petition for election and to receive oral and/or written objections from any resident or property owner of the County to such action;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY, STATE OF IOWA:

Section 1. That this Board meet in the Supervisors Chambers in the Shelby County Courthouse, Harlan, Iowa, at 9:30 o'clock A.M., on the 19th day of October, 2004, for the purpose of taking action on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$150,000 Taxable General Obligation Capital Loan Notes, Series 2004B, to evidence the obligations of the County thereunder for an essential county purpose, the proceeds of which will be used to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including a forgivable loan to Shelby County Cookers, LLC.

Section 2. The Auditor is authorized and directed to proceed on behalf of the County with the negotiation of terms of a Loan Agreement and the issuance of Taxable General Obligation Capital Loan Notes, Series 2004B, evidencing the County's obligations to a principal amount of not to exceed \$150,000, to select a date for the final approval thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the completion of a loan on a basis favorable to the County and acceptable to the Board.

Section 3. That the Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than ten (10) clear days before the date of said public meeting on the issuance of said Notes.

Section 4. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF SHELBY COUNTY, STATE OF IOWA ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$150,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2004B, (FOR AN ESSENTIAL COUNTY PURPOSE) AND THE PUBLIC HEARING ON THE AUTHORIZATION AND ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Supervisors of Shelby County, Iowa, will hold a public hearing on the 19th day of October, 2004, at 9:30 o'clock A.M., in the Supervisors Chambers in the Shelby County Courthouse, Harlan, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$150,000 Taxable General Obligation Capital Loan Notes, Series 2004B, for an essential county purpose, in order to pay costs of aiding in the planning, undertaking and carrying out of an urban renewal project, including a forgivable loan to Shelby County Cookers, LLC. Principal and interest on the proposed Loan Agreement will be payable from the Debt Service Fund. At any time before the date of said meeting, a petition, asking that the question of issuing such notes be submitted to the legal voters of said County, may be filed with the Auditor of said County in the manner provided by Section 331.442 of the Code of Iowa, as amended.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County, to the above action. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder or will abandon the proposal.

This Notice is given by order of the Board of Supervisors of Shelby County, State of Iowa, as provided by Sections 331.402, 331.441, and 331.443 of the Code of Iowa, as amended.

Dated this 21st day of September, 2004.

County Auditor of Shelby County, State of Iowa
(End of Notice)

PASSED AND APPROVED this 21st day of September, 2004

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

RESOLUTION NO. 2004-36
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:

Parcel No. 831125104002 - A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the East Quarter Corner of said Section 25; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,333.76 feet along the east line of said Northeast Quarter; thence North 89 deg. 14' 55" West, a distance of 460.82 feet to a point on the north line of said Southeast Quarter of the Northeast Quarter, said point being the point of beginning; thence South 70 deg. 22' 48" West, a distance of 343.05 feet; thence South 69 deg. 55' 08" West, a distance of 335.45 feet to the east line of Shelby County Business Park, an official plat, now included in and forming part of the City of Harlan, Shelby County, Iowa.

Containing 13,570 square feet or 678.5 linear feet, more or less.

Parcel No. 831030202005 - A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the West Quarter Corner of said Section 30; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,474.93 feet along the west line of said Northwest Fractional Quarter; thence North 89 deg. 14' 55" East, a distance of 30.00 feet to the east right-of-way of Old Highway 59, said point being the point of beginning; thence North 60 deg. 28' 52" East, a distance of 130.90 feet; thence North 89 deg. 32' 31" East, a distance of 191.41 feet to the north line of Owners' property.

Containing 6,450 square feet or 322.5 linear feet, more or less.

Parcel No. 831030201004 – A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the West Quarter Corner of said Section 30; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,540.72 feet along the west line of said Northwest Fractional Quarter; thence South 89 deg. 14' 55" East, a distance of 1,620.00 feet to the west line of said Northeast Quarter of the Northwest Fractional Quarter, said point being the point of beginning; thence South 82 deg. 50' 50" East, a distance of 20.62 feet; thence North 60 deg. 47' 19" East, a distance of 170.00 feet; thence North 75 deg. 56' 09" East, a distance of 380.00 feet; thence North 52 deg. 35' 19" East, a distance of 240.00 feet; thence North 59 deg. 05' 52" East, a distance of 220.00 feet; thence North 87 deg. 14' 04" East, a distance of 295.00 feet; thence North 00 deg. 37' 29" East, a distance of 548.91 feet to the north line of said Northeast Quarter of the Northwest Fractional Quarter.

Containing 37,490 square feet or 1874.5 linear feet, more or less.

Parcel No. 831030202003 and 831030201002 – A strip of land 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the West Quarter Corner of said Section 30; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,544.96 feet along the west line of said Northwest Fractional Quarter; thence South 89 deg. 14' 55" East, a distance of 337.42 feet to the north line of the property conveyed to Owners in Book 2000 on Page 1114 in the Shelby County Recorder's Office, said point being the point of beginning; thence North 89 deg. 32' 31" East, a distance of 208.59 feet; thence North 80 deg. 51' 31" East, a distance of 400.00 feet; thence North 82 deg. 41' 28" East, a distance of 400.00 feet; thence South 82 deg. 20' 50" East, a distance of 284.38 feet to the east line of said Owners' property recorded in Probate Book 73 on Page 236.

Containing 25,860 square feet or 1293 linear feet, more or less.

Parcel No. 831125101001 – A strip easement 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the East Quarter Corner of said Section 25; thence North 00 deg. 45' 05" East (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 1,487.60 feet along the east line of said Northeast Quarter; thence North 89 deg. 14' 55" West, a distance of 33.00 feet to the west right-of-way of Old Highway 59, said point being the point of beginning; thence South 86 deg. 15' 44" West, a distance of 18.37 feet; thence South 70 deg. 19' 59" West, a distance of 380.00 feet; thence South 70 deg. 22' 48" West, a distance of 56.95 feet to the south line of said Northeast Quarter of the Northeast Quarter.

Containing 9,110 square feet or 455.5 linear feet, more or less.

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 21st day of September, 2004.

AYES: Schmitz, Ferry, Petersen

NAYES: None

It was moved by Petersen, seconded by Ferry, to set the date for the Consultation Meeting with the other affected taxing entities as October 5, 2004, at 9 a.m. and to set the Public Hearing on the Amendment to the Urban Renewal Area as October 19, 2004, at 9 a.m. AYES: Schmitz, Ferry, Petersen
NAYES: None

It was moved by Petersen, seconded by Ferry, to approve the following FY2005 budgeted transfers to the Capital Fund: General Basic - \$133,465, General Supplemental - \$20,000, and Rural Basic - \$12,800; Transfers to the Capital Fund due to FY2004 amendments: General Basic - \$3,000 and Rural Basic - \$18,005 (Includes \$17,100 loan from Rural Basic to Roadside Management-Capital); FY2004 Roadside Management-Capital loan payback to Rural Basic - \$17,100; Transfers to the Capital Fund of remaining FY2004 budgeted funds: General Basic/Treasurer to Capital/IT - \$5,000; General Basic/Treasurer to Capital/Treasurer - \$758; General Basic/GIS to Capital/GIS - \$8,258; General Supplemental/Elections to Capital/Elections - \$8,336; Rural Basic/Roadside Management to Capital/Roadside Management - \$9,824; Corrective Transfer from Rural Supplemental to Rural Basic - \$75,000. AYES: Schmitz, Ferry, Petersen
NAYES: None

It was moved by Ferry, seconded by Petersen, to approve an additional \$75,000 loan from Secondary Road Fund to the Capital Fund, for a total of \$125,000 for the Western Ventures Sewer Project. AYES: Schmitz, Ferry, Petersen
NAYES: None

It was moved by Ferry, seconded by Petersen, to approve Hungry Canyons Project HC04-19-F, Jefferson 21. AYES: Schmitz, Ferry, Petersen
NAYES: None

Gary Jorgensen and his attorney, Tom Andersen, appeared before the Board to discuss a driveway to the Jorgensen property that had been removed due to a bridge replacement in Center Township, and the County's options for replacing the driveway.. More discussion will be necessary before a final decision will be made.

A discussion was also held on the lane leading into the new Cyclone Ridge Addition. It was moved by Ferry, seconded by Petersen, to accept Kingwood Lane into the Shelby County Secondary Road System, contingent upon the final review and acceptance by the County Engineer. AYES: Schmitz, Ferry, Petersen NAYES: None

The County Engineer gave a secondary road project update.

OTHER BUSINESS: Marsha J. Carter, Auditor, reported that she had conferred with Marcus Gross, County Attorney, and that he had recommended that information regarding available deferred compensation plans, insurances of any kind, etc., should not be included with the employee paychecks. The only things that can be included would be notices regarding plans that are already in place.

A discussion was also held on the Courthouse bulletin board. Gross advised the Board that since it is considered a “public” bulletin board that there could be no monitoring of what notices are posted there.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:28 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.