

January 18, 2005

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; LaVon Christensen; and Marsha J. Carter, Clerk.

It was moved by Christensen, seconded by Ferry, to approve the agenda with the following addition, "Approval of the Master Matrix" AND the following items contained in the Consent Agenda:

- A. Minutes of January 3 & 11, 2005
- B. Office Reports – IT, Recorder & Sheriff
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the Claims of December 30, 2004 & January 18, 2005, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen  
NAYES: None

Now being the time for the Public Hearing on the first reading of Shelby County Ordinance No. 2005-1, the Chairman did open the hearing. It was moved by Ferry, seconded by Christensen, to introduce Shelby County Ordinance No. 2005-1, Amending Shelby County Ordinance No. 1995-3, An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Urban Renewal Area of Shelby County, Iowa, Pursuant to Section 403.19 of the Code of Iowa. AYES: Schmitz, Ferry, Christensen  
NAYES: None. There were no written or oral comments. It was moved by Christensen, seconded by Ferry, to suspend the future readings of Shelby County Ordinance No. 2005-1. AYES: Schmitz, Ferry, Christensen  
NAYES: None. It was moved by Ferry, seconded by Christensen, to adopt Shelby County Ordinance No. 2005-1, as set out below. AYES: Schmitz, Ferry, Christensen

**SHELBY COUNTY ORDINANCE NO. 2005-1  
AMENDING SHELBY COUNTY ORDINANCE NO. 1995-3  
AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE  
PROPERTY IN THE URBAN RENEWAL AREA OF SHELBY COUNTY, IOWA, PURSUANT  
TO  
SECTION 403.19 OF THE CODE OF IOWA**

BE IT ENACTED by the Board of Supervisors of Shelby County, Iowa:

Section 1. PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Urban Renewal Area of Shelby County, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Shelby County to finance projects in such area.

Section 2. DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

"County" shall mean the County of Shelby, Iowa.

"Urban Renewal Area" shall mean the Urban Renewal Area of Shelby County, Iowa, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted August 22, 1995 and amended October 19, 2004.

August 22, 1995

A parcel of land in the NE ¼ of Section 25, Township 79 North, Range 39 West of the 5<sup>th</sup> P.M., Shelby County, Iowa, commencing at the SE Corner of the NE ¼ of Section 25-70-39, thence S 89°44'30" W 1,095.8 feet along the South line of said NE ¼, thence N 00°05'30" E 1.9 feet to the point of beginning, thence continuing N 00°05'30" E 1,330.9 feet, thence S 89°24'05" W 1,063.8 feet to a point on the Easterly right-of-way line of U.S. Highway 59, thence S 11°46'25" W 257.0 feet along said right-of-way, thence S 05°01'20" W 600.1 feet along said right-of-way, thence S 06°11'30" W 475.2 feet along

said right-of-way, thence N 89°54'30" E 1,217.8 feet to the point of beginning. Said parcel contains 35.00 acres, more or less.

October 19, 2004

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.

Section 3. PROVISIONS FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the county and any school district or other taxing district in which the urban renewal area is located, shall be divided as follows:

- (a) that portion of taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the urban renewal area, as shown in the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the county auditor certifies the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by and for the taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an urban renewal area on the effective date of the ordinance or initial adoption of the plan, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance, which

amends the plan to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

- (b) That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the county to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded assumed or otherwise, including bonds issued under the authority of Section 403.9(1), incurred by the county to finance or refinance, in whole or in part, an urban renewal project within the area, except that the taxes for the payment of bonds and interest of each taxing district must be collected against all taxable property within the taxing district without limitation by provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Business Park Urban Renewal Area exceeds the total assessed value of the taxable property in such area, all of the taxes levied and collected upon the taxable property in the urban renew area shall be paid into funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
- (c) That portion of taxes mentioned in subsection (b) above and the special fund into which they shall be paid, may be irrevocably pledged by the county for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the county to finance or refinance, in whole or in part, a project within the Business Park Urban Renewal Area.
- (d) As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.
- (e) Upon certification of the amount of loans, advances, indebtedness, or bonds which qualify for payment for the special fund referred to in subsection (b) above, and the filing of the certificate shall make it a duty of the auditor to provide for the division of taxes in each subsequent year until the amount of the loans, advances, indebtedness, or bonds is paid to the special fund.

Section 4. REPEALER. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. SAVING CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. EFFECTIVE DATE. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Board of Supervisors of Shelby County this 18<sup>th</sup> day of January, 2005.

Randy Arnold, Broker for Principal, appeared before the Board to give an update on the County’s health insurance program.

The Board recessed at 9:50 a.m.

The Board came back into session at 10:23 a.m.

The Conservation Board submitted a written report but did not appear in person. The Board requested that the Conservation Director be the February 1 meeting.

Representatives of the Harlan Library, Elk Horn Library, and the Irwin Library appeared before the Board to request that the FY2006 funding remain the same as FY2005. It was moved by Ferry, seconded by Christensen, to rescind the January 20, 2004, motion: “It was moved by Petersen, seconded by Ferry, to fund the libraries in Shelby County as follows: FY2005 - \$.0675 x Rural Valuation, which is the minimum required by law, plus \$10,000; FY2006 – Minimum plus \$5,000; FY2007 – Minimum, with the stipulation that the libraries form an association, which will divide up the funding from the county among the county libraries. AYES: Schmitz, Ferry, Petersen NAYES: None” and to approve funding for the libraries for FY2006 as the minimum required by law plus \$10,000.00. AYES: Schmitz, Ferry, Christensen NAYES: None

Mark Hervey, Chief Deputy Sheriff and Jail Administrator, appeared before the Board to discuss the purchase of a digital recorder for monitoring the prisoners. It was moved by Christensen, seconded by Ferry, to approve the purchase of a Divar 2 digital video recorder at a cost of approximately \$5,000, funding to be taken from the Commissary Account. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to authorize the Chairman to sign the 28E Joint Mutual Aid Agreement between Shelby County and Region Four Fusion Center. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to approve Policy No. 17 – Use of County Equipment. AYES: Schmitz, Ferry, Christensen NAYES: None

Marsha Carter, Auditor, presented information about the possibility of security breaches in the Courthouse due to the use of camera equipped cell phones by employees and customers.

It was moved by Christensen, seconded by Ferry, to approve the Liquor License for The Club House located at 1243 1600<sup>th</sup> St, Harlan. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, not to participate in the Master Matrix process for the siting of livestock confinements in 2006. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Schmitz, to set the policy for the expense reimbursement for the Board of Supervisors as follows: The County will pay for the Board members' meeting registrations, but the members will not be reimbursed for travel, meals and/or lodging. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the County as a participant in a RISE Grant to install a turning lane into the Western Ventures Business Park at a cost of approximately \$200,000 with the County furnishing the 20% match, or \$40,000 to be paid with TIF Funds. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the plans for Project HC-17-10. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the plans for Bridge Replacement with Culvert Project LS-99-25 and to set the letting date as February 15, 2005 at 9:30 a.m. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the plans for Bridge Replacement Project LFM-99-15 and to set the letting date as February 15, 2005 at 9:30 a.m. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to authorize MidAmerican Energy to install lighting at the intersection of F32 & Hwy 59 and F32 & M47 at no cost to the County. Monthly charges will run approximately \$25 at each intersection. AYES: Schmitz, Ferry, Christensen NAYES: None

The County Engineer gave a secondary road project update.

There being no further business appearing, the Chairman declared the meeting adjourned at 11:30 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.