

December 6, 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 addition of the County Treasurer – Bankrupt Utility AND the following items contained in the Consent Agenda:

- A. Minutes of November 15, 2005
- B. Office Reports – None
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the Claims of November 30, 2005, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen

NAYES: None

Bob Seivert, EMA Coordinator, appeared before the Board to discuss a Joint City/County/EMA project in which to store the Mobile Command Center and impounded vehicles. It was moved by Christensen, seconded by Ferry, to allocate \$12,000 towards this building, which is being proposed to be connected to the Harlan City Maintenance Garage. Motion carried.

Kathleen Cue and other members of the Friends of Washington Township appeared before the Board to request that the County accept a one-room school house located within the Panama City Limits and the grounds surrounding it and develop it into a museum. Also requested was \$2000 to match a \$5,000 grant request. Funds already raised totaled approximately \$500. It was moved by Ferry, seconded by Christensen, that the County did not want to accept this as County property, but would commit up to \$2500 matching funds to the Friends of Washington Township towards this project. AYES: Schmitz, Ferry, Christensen

Frank Hermsen, New Hope Village, gave the 2005 update on the activities at New Hope Village.

David Yamada, DevelopSource, appeared before the Board to present the following Enterprise Zone resolutions.

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

#### RESOLUTION NO. 2005-26

RESOLUTION APPROVING THE APPLICATION BY SHELBY COUNTY TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING CERTIFICATION OF AN ENTERPRISE ZONE IN SHELBY COUNTY AND PROVIDING FOR THE EXEMPTION FROM TAXATION OF THE IMPROVEMENTS MADE BY BUSINESSES WITHIN THE ZONE.

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 2005 Iowa Code Sections 15E.191 through 15E.196 (the “Act”) is to encourage mutual development objectives between communities and private business and to promote economic investment in enterprise zones within the State; and

WHEREAS, the Act and administrative rules adopted by the Iowa Department of Economic Development require a 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 Board; and

WHEREAS, under the Act, one of the benefits provided to eligible businesses locating within a certified enterprise zone is a County exemption from taxation of all, or a portion, of the actual value added by improvements to real property that is: 1) directly related to new jobs created by the location or expansion of an eligible business in the zone, and 2) used in the operation of an eligible business within the zone; and

WHEREAS, It is the intention of the County to exempt from local taxation a portion of the assessed real estate value added by improvements to the property, beginning the first year the improvements are assessed for taxation in the enterprise zone; and

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

*Section 1.* The County certifies that it is eligible to participate under the Act. and SHELBY County meets the following distress criteria required by the Act:

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

*Section 2.* SHELBY County hereby requests enterprise zone certification from the Iowa Department of Economic Development Board as authorized in 2005 Iowa Code Section 15E.192 and Section 15E.194, when added to previously certified Shelby County Enterprise Zones, is less than 1% of the total Shelby County area certified for purposes of receiving the benefits under the Act.

Kirkman #1 NW ¼ & NE ¼  
Sec. 35, T 80 N, R 38 W  
Douglas Township  
Shelby County, Iowa

Kirkman #2 SW ¼  
Sec. 26, T 80 N, R 38 W  
Douglas Township  
Shelby County, Iowa

A detailed map of the area described above is identified in Attachments “A” and “B” to this Resolution.

*Section 3.* The property tax exemptions have not been established by the Board of Supervisors for Shelby County at this time.

*Section 4.* 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 5.* The following officers of the County are hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution:

Roger Schmitz, Chairman, Shelby County Board of Supervisors – 612 Court Street, Harlan, IA 51537  
Richard Ferry, Shelby County Board of Supervisors – 612 Court Street; Harlan, IA 51537  
LaVon Chrisensen, Shelby County Board of Supervisors – 612 Court Street; Harlan, IA 51537  
Marsha Carter, Shelby County Auditor – 612 Court Street; Harlan, IA 51537

*Section 6.* All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

*Section 7.* The provisions of this resolution are hereby declared to be severable and if any section, phrase, or provision shall 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 8.* This resolution shall become effective immediately upon its passage and approval.

Passed and approved: December 6, 2005.

AYES: Schmitz, Ferry, Christensen

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

RESOLUTION NO. 2005-27

RESOLUTION APPROVING THE APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING CERTIFICATION OF AN ENTERPRISE ZONE IN SHELBY COUNTY AND PROVIDING FOR THE EXEMPTION FROM TAXATION OF THE ACTUAL VALUE ADDED BY IMPROVEMENTS MADE BY APPROVED BUSINESSES WITHIN THE ZONE

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

WHEREAS, under the Act, one of the benefits provided to eligible businesses locating within a certified Enterprise Zone, as described in Iowa Code Section 15E.196, may at the election of the community be an exemption from taxation of all, or a portion, of the actual value added by improvements to real property that is: 1) directly related to new jobs created by the location or expansion of an eligible business in the zone, and 2) used in the operation of an eligible business within the zone; and

WHEREAS, it is the intention of the County to exempt from local taxation a portion of the assessed real estate value added by the improvements to the property made by an eligible and approved business, beginning the first year the improvements are assessed for taxation in the Enterprise Zone according to the following schedule:

The local tax exemption schedule has not been established by the Board of Supervisors for Shelby County at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SAMPLE 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) The County has an average weekly wage that ranks among the bottom 25 counties in the State.
- b) The County has 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 11.1 acres described below, which the County certifies, when added to previously certified zones, is less than 1% of the total area of the 3,784,412 acres in Shelby County.

Replat 1 Harlan Plaza of lot 6, Lots 2,3,4,5,6,7,8,9,10,11, 14 and part of Lot 15 except South 57.6 feet.

Country Club Estates Replat-III Lots 17,19,20,21,22,23,24,25,26,27, 37,39,42, 45,47, 108 and 117.

SECTION 3. The County exempts from taxation a portion of the assessed real estate value, in excess of the previous assessment, added by improvements to the property made by an eligible and

approved business beginning the year the improvements are first assessed for taxation within the Enterprise Zone according to the following schedule:

The property tax exemptions have not been established by the Board of Supervisors for Shelby County at this time.

SECTION 4. 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.

A copy of this resolution is hereby attached and a copy filed with the Shelby County Assessor.

SECTION 5. The following officers of the County are hereby authorized to take such further actions as deemed necessary in order to carry into effect the provisions of this resolution:

Roger Schmitz –Chairman Shelby Board of Supervisors

LaVon Christensen – Board of Supervisors

Richard Ferry – Board of Supervisors

Marsha Carter, Shelby County Auditor

SECTION 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. 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 8. This resolution shall become effective immediately upon its passage and approval.

Passed and approved: December 6, 2005

AYES: Schmitz, Ferry, Christensen

It was moved by Ferry, seconded by Christensen, to authorize the Chairman to sign the Release of Mortgage for Down Payment Assistance Program Project No. 00-HM-132-031. AYES: Schmitz, Ferry, Christensen

It was moved by Ferry, seconded by Christensen, to set the date and time for the Cash Rent of County-Owned Land as December 20, 2005, at 9:30 a.m. AYES: Schmitz, Ferry, Christensen

Tom Ouren, The Agency, appeared before the Board to present the January 1, 2006, Property/Casualty Insurance renewal.

Kathy Stinn, Treasurer, appeared before the Board to discuss the tax payments being received from the bankrupt utility, 360 Networks. It was moved by Ferry, seconded by Christensen, to apportion the delinquent tax payments received now and in the future from 360 Networks to pay off the principal owed first and then apply payments toward the interest. AYES: Schmitz, Ferry, Christensen

Marsha Carter, Auditor, presented the FY2005 GAAP Financial Report, which was required to be filed with the Iowa Department of Management by December 1.

Carter also presented the County Urban Renewal Debt Certificate, which was required to be filed by December 1, with the County Auditor.

A discussion was held on the FY2007 Budget schedule.

The County Engineer gave a secondary road project update.

The County Engineer discussed the proposed improvements to 900<sup>th</sup> Street in Section 25, Center Township. This would be a joint project with the City of Harlan. Harlan has contracted with Kirkman Michael, Inc. to draw up the plans. It was agreed that the County will do In-Kind services for this project, but will invest no dollars.

It was moved by Ferry, seconded by Christensen, to accept the proposal of Sundquist Engineering for Road Improvement Design Services for approximately 1.25 miles of 1400<sup>th</sup> Street and Redwood Avenue

in an amount not to exceed \$22,850 per mile and to authorize the County Engineer to approach Natural Milk Production to do a 50/50 cost share in the Road Improvement Design Services. AYES: Schmitz, Ferry, Christensen NAYES: None

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