

May 2, 2006

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 Ferry, seconded by Christensen, to approve the agenda with the addition of Corley Condemnation Costs AND the following items contained in the Consent Agenda:

- A. Minutes of April 18, 2006
- 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 April 28, 2006, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen

NAYES: None

Now being the time for the Public Hearing on the Third and Final Reading of Shelby County Ordinance No. 2006-1 – SEPTIC CONTRACTOR'S ORDINANCE, the Chairman did open the hearing. Carter reported that the proper notices had been published in the official newspapers. Carter reported that there were no written or oral comments. It was moved by Christensen, seconded by Ferry, to close the hearing and to approve the following Ordinance:

SHELBY COUNTY ORDINANCE NO. 2006-1
SEPTIC CONTRACTOR LICENSE
WITH REFERENCE TO SHELBY COUNTY ORDINANCE NO. 99-6
ON-SITE WASTEWATER TREATMENT & DISPOSAL SYSTEMS

CONTRACTOR LICENSE

I No person (including in that term any firm, corporation, or other legal entity) shall install, reconstruct, alter or repair, or provide on-site services assisting in the installation, reconstruction, alteration or repair of, any on-site wastewater treatment and disposal system located in Shelby County unless that person possesses a valid on-site wastewater treatment and disposal system contractors license.

II An application form for the contractors license may be obtained from the Shelby county Environmental Health Department and must be returned fully completed and accompanied by a nonrefundable application fee payable to the department in an amount as prescribed from time to time by resolution of the Shelby County Board of Health. A contractor license is valid for two years.

III The Environmental Health Department will issue a contractors license at such time as the Department is satisfied that the applicant is aware of all relevant rules and regulations and meets one of the following criteria:

- A. Has been a septic system installer or worked for a septic system installer for a period of two years.
- B. Has attended sufficient training as approved by the department related to the wastewater industry. This may include attending training at a DNR event or the Iowa Onsite Waste Water Association Conference.

IV The Director or a designee may revoke the license, if it is found that the licensee has violated any rule in this chapter. A revocation or suspension may be appealed in writing to the Board of Health at the next regular meeting. The Board of Health by majority vote may modify, withdraw, or order compliance with said notice or order.

SEVERABILITY

V Each section, paragraph, sentence, clause and provision of these rules and regulations is separate and if any provision of these rules is held as unconstitutional or invalid for any reason, such decision shall not affect the remainder of these rules and regulations not any part there of other than that part affected by such decision.

PENALTIES

VI Any person (including in that term any firm, corporation, or other legal entity) who violates any provision of this chapter or the rules and policies set forth by the Board of Health, its officers or its authorized agent shall be subject to a \$500.00 dollar fine for the first offense. \$1,000.00 fine for the second offense and any additional offense.

REPEALER

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

SAVING CLAUSE

VIII 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.

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 2nd day of May, 2006.

AYES: Schmitz, Ferry, Christensen

NAYES: None

Now being the time for the Public Hearing on the Second Reading of Shelby County Ordinance No. 2006-2 – KEG REGISTRATION ORDINANCE, the Chairman did open the hearing. Carter reported that the proper notices had been published in the official newspapers. Marcus Gross, County Attorney, explained the Ordinance. Carter reported that she had received no written comments, but Chairman Schmitz reported that he had received a letter from Jim and Jan Andersen in support of the Ordinance. Jenny Schulte, representing the Shelby County Drug and Alcohol Coalition, commented in support of the Ordinance. It was moved by Ferry, seconded by Christensen, to close the hearing with the Third and Final Reading of Ordinance No. 2006-1 to be held on May 23 at 9 a.m. AYES: Schmitz, Ferry, Christensen NAYES: None

David Yamada, Shelby County DevelopSource, appeared before the Board to update them on the ongoing economic development projects.

Charles Parkhurst, Building & Grounds Superintendent, appeared before the Board to present two proposals he had received regarding and repair/replacement of the south courthouse steps. Thrasher Basement Systems, Omaha, NE had submitted a proposal to repair the steps at a cost of \$18,500. Garry's Grain and Concrete Services, Harlan, IA had submitted a proposal to replace the steps at a cost of \$22,300. It was moved by Christensen, seconded by Ferry, to accept the proposal submitted by Thrasher Basement Systems in the amount of \$18,500 to repair the existing steps in order to keep the historic appearance of the Courthouse. AYES: Schmitz, Ferry, Christensen NAYES: None

After discussion concerning proposed budget amendments, it was moved by Christensen, seconded by Ferry, to adopt the following resolution:

RESOLUTION 2006-27 ENTRY RECORD OF THE FILING AND CONSIDERATION OF THE COUNTY BUDGET AMENDMENT FOR FISCAL YEAR 2006

BE IT REMEMBERED on this 2nd day of May, 2006, the Board of Supervisors of Shelby County, Iowa, met in scheduled session for filing and considering the amendment of the County Budget for Fiscal Year 2006 There was present a quorum as required by law.

Entry record for filing of said budget amendment was established and approved for publication. The board, being fully advised, find that the date of the hearing on said amendment should be fixed, and it does fix, the 23rd day of May, 2006, A.D., at the hour of 9:00 a.m. as the date and time of hearing to be held in the Supervisor's Chambers in the Courthouse in Shelby County, Iowa.

The above resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on May 2, 2006. The vote thereon being as follows:

AYES: Schmitz, Ferry, Christensen

NAYES: None

This being the time and date advertised for a public hearing on the proposed road vacation on the following sites:

ITEM NO. 1

The centerline of a portion of a road (1450th Street) originally established as #117, August 4, 1873, commencing at a point 2490 feet east of the W1/4 Corner Section 30 T-80N, R38W (Douglas Township) and running east 970 feet.

ITEM NO. 2

The centerline of a portion of a road (Woodland Road) originally established as #195, October 18, 1875, commencing at SE Corner Section 22 T-79N, R37W (Jackson Township) and running north along the section line and terminating at the NE Corner, SE1/4, SE1/4 of said Section 22.

The Chair opened said hearing at 9:35 a.m.

Item No. 1: The County Engineer gave a presentation on the proposed vacation and abandonment. The Auditor reported having received no written or oral comments. The floor was opened to receive comments. Dennis Greer spoke in favor of the action. No one spoke in opposition to the action. It was discussed that the physical closing and dirt work will take place after crops are out in the fall. There being no other comments, it was moved by Christensen, seconded by Ferry, to vacate and abandon the above described right of way, abandon all stream crossings therein, and to revert the land to adjacent landowners as per Iowa Code. Motion carried unanimously.

Item No. 2. The County Engineer gave a presentation on the proposed vacation and abandonment. The Auditor reported having received no written or oral comments. The floor was opened to receive comments. Lloyd Nelson spoke in favor of the action. There was discussion as to the possibility of selling the existing bridge to adjacent owners. The County Attorney will advise the parties as to the procedures involved. No one spoke in opposition to the action. It was discussed that the physical closing and dirt work will take place after crops are out in the fall. There being no other comments, it was moved by Christensen, seconded by Ferry, to vacate and abandon the above described right of way, abandon all stream crossings therein, and to revert the land to adjacent landowners as per Iowa Code. Motion carried unanimously.

Final action on these vacations will be taken upon report by the County Engineer that all dirt work has been completed and section line re-established in each case. It was moved by Christensen, second by Ferry to close the public hearing at 9:42. Motion carried unanimously.

The Board proceeded to review the bids on Project FM-C083(36)—55-83, Grading as received by the Iowa Department of Transportation at their letting April 18, 2006. The bids are as follows: LeRoy and Sons, Inc. \$346,816.40; Franklin A. Boeck Construction \$453,699.86; Reilly Construction Co., Inc. \$486,354.17; Peterson Contractors, Inc. \$522,130.30. It was moved by Ferry, seconded by Christensen, to accept the low bid of LeRoy and Sons, Inc. at their bid of \$346,816.40 and authorize the Chairman to sign all contract documents and authorize the Auditor to issue warrants for progress payments as recommended by the County Engineer. Motion carried unanimously.

IT was moved by Ferry, seconded by Christensen to authorize transfer of Shelby County Farm-to-Market funds for payment of Right of Way Activities costs as billed by the Iowa Department of Transportation in acquisitions for Project BRS-C083(38)—60-83. Motion carried unanimously.

The County Engineer gave the secondary road project update.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:58 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.