

May 23, 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 Christensen, seconded by Ferry, to approve the agenda with the addition of Audit Proposals AND the following items contained in the Consent Agenda:

- A. Minutes of May 2, 2006
- B. Office Reports – None
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the Claims of May 2, 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 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 or oral comments, but Chairman Schmitz reported that he had received a letter from Rachel Birks in support of the Ordinance. Jenny Schulte, representing the Shelby County Drug and Alcohol Coalition, commented in support of the Ordinance. Don Kaufman, local bar owner, spoke in opposition. It was moved by Christensen, seconded by Ferry, to close the hearing and to approve the following Ordinance:

**SHELBY COUNTY ORDINANCE NO. 2006-2
KEG REGISTRATION ORDINANCE**

Section 1. Definitions.

- a. Keg. Container of alcoholic beverage of two gallon volume or more intended or used for retail sale and off-site consumption.
- b. Purchaser. Any person or entity who proposes to or actually buys or is otherwise transferred possession of a keg by a retailer.
- c. Label. Registration label issued to Seller by the Shelby County Auditor containing a Shelby County registration number and applicable warnings.
- d. Registration number. The unique identification number assigned to a keg.
- e. Registration record. Forms and other related documents maintained by Seller of the registration number, purchaser's name, address and identification number, and return information for each keg.
- f. Seller. Any retail person, entity or establishment who sells or otherwise transfers possession of a keg to any Purchaser.

Section 2. Registration Requirements.

- a. Seller shall obtain registration labels from the Shelby County Auditor's Office.
- b. The Auditor shall issue consecutively numbered labels only to licensed alcoholic beverage retailers, and shall maintain a record of each Seller to whom each label is distributed.
- c. Seller shall assign, record and attach to each keg a label containing a registration number. The label shall be attached to the keg prior to the time of delivery to Purchaser, and shall contain a prominent warning that it is illegal to alter, damage or remove the label from the keg.
- d. Purchaser shall provide photographic identification, name, address and individual identification number to Seller prior to purchase or transfer of the keg.
- e. Seller shall verify and record Purchaser's name, address, individual identification number, keg identification number and the keg return date.
- f. Purchaser shall return the keg to Seller on or before the return date specified, and the label shall be intact, legible and undamaged.
- g. Seller shall record in the registration record the date on which the keg is returned, by whom, and the condition of the label or absence thereof.
- h. Seller shall remove the label immediately after return and maintain the label with the keg registration log for a period of 12 months.

Section 3. Redistribution of registration record.

Seller shall provide keg registration records at the request of any law enforcement officer, and said records may be used in criminal or civil legal proceedings.

Section 4. Unlawful Keg Possession.

No person shall possess a keg purchased or sold in a retail sales transaction in Shelby County, Iowa, without an intact, legible and undamaged label attached thereto.

Section 5. Alteration, Destruction or Removal of a Keg Label.

No person shall alter, damage, destroy or remove a label from a keg.

Section 6. Applicability.

Sections 4 and 5 are not applicable to retailer or retailer’s employees complying with the other provisions of this ordinance, nor to wholesalers, retailers or their employees who are possessing or transferring kegs in the course of the performance of their job duties.

Section 7. Penalties.

Violation of this ordinance constitutes a simple misdemeanor, punishable by a fine of at least \$50 and not more than \$500, and by up to 30 days in jail.

Section 8. Severability Clause.

If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this document, that are separable from the unlawful provision, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 9. Effective Date.

This ordinance shall be effective on July 1, 2006, after its final passage, approval and publication as provided by law.

Passed and approved by the Board of Supervisors of Shelby County this 23rd day of May, 2006.

AYES: Schmitz, Ferry, Christensen NAYES: None

Jenny Schulte also reported on the efforts of the Drug and Alcohol Coalition to implement a Party Stoppers Hotline, which would be one more way to control underage drinking.

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

RESOLUTION NO. 2006-28
ENTRY RECORD OF THE HEARING AND DETERMINATION OF
THE AMENDMENT TO THE COUNTY BUDGET FOR FISCAL YEAR 2006

BE IT REMEMBERED on this 23rd day of May, 2006, the Board of Supervisors met in scheduled session for the filing and considering of an amendment to the Shelby County Budget for Fiscal Year 2006.

THEREUPON, the Board investigated and found that the notice of the time and place of hearing had, according to law, and as directed by the Board, been published and that the affidavit of publication is on file with the County Auditor.

THEREUPON, on said day, the budget amendment was taken up and considered. There were no written or oral comments.

THEREFORE, BE IT RESOLVED, that the Shelby County Budget Service Areas be amended as follows:

- Public Safety & Legal Services from \$1,489,634 to \$1,525,634
- Physical Health & Social Services from \$375,425 to \$416,425
- Mental Health, MR & DD from \$1,825,208 to \$2,025,208
- County Environment & Education from \$312,496 to \$366,191
- Roads & Transportation from \$4,214,516 to \$4,295,692
- Government Services to Residents from \$362,766 to \$374,116
- Administration from \$975,950 to \$1,012,600
- Nonprogram Current from \$25,100 to \$44,700

Capital Projects from \$940,879 to \$1,194,268

The Department Appropriations will be as follows:

Policy & Administration	1,384,797
IT/GIS	343,974
Auditor/Elections	334,235
Recorder	155,009
Treasurer	257,886
Attorney	144,250
Misc Court	102,746
Sheriff	889,429
Conservation/Land Use	419,424
Public Health	224,375
Social Services	118,680
Veterans	29,345
MH/MR/DD	2,025,208
Secondary Road	4,909,150
TOTAL	11,338,508

The Capital Fund Purchases will be as follows:

Building & Grounds	56,200
Western Ventures Sewer Project	2,000
IT Dept	116,499
Election	130,000
GIS	18,000
Sheriff	33,300
Jail	8,000
Roadside Management	6,389
Environmental Health	3,300
TOTAL	373,688

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on May 23, 2006, the vote thereon being as follows:

AYES: Schmitz, Ferry, Christensen NAYES: None

Randy Arnold, Arnold Agency, appeared before the Board to give an update on the status of the County's health insurance premiums. It was moved by Christensen, seconded by Ferry, to remain with Principal at their proposed 9.4% premium increase for FY2007. AYES: Schmitz, Ferry, Christensen
NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the FY2007 Rural Transit Joint Participation Agreement with SWIPCO. AYES: Schmitz, Ferry, Christensen NAYES: None

Proposals for the County Audit for FY2007 were reviewed. Chairman Schmitz ordered Carter to contact other counties who have used these companies and report at the next meeting.

David Yamada, Shelby County DevelopSource, appeared before the Board to discuss the Regional Info Tech Center/College Plaza Project. Also present were Bob Broomfield, Harlan Community Schools; Randy Pash, Iowa Western Community College; Terry Knapp and Steve Mores, Harlan Industrial Foundation; and Terry Cox, City of Harlan. It was moved by Schmitz, seconded by Ferry, to fund the College Plaza Project in the amount of \$100,000 or \$25,000 a year for four years beginning with FY2007, with the expectation that this Center will give the future college students in Shelby County some savings on their college tuition. AYES: Schmitz, Ferry, Christensen NAYES: None

The Board had received a letter from Washington County asking for their participation in the payment of legal fees related to a lawsuit against the railroad demanding their participation in the repair of railroad overpasses in their county. The Iowa County Engineer's Association is in support of all 99 counties sharing in the legal fees, because of possible future problems in the other counties having railroad overpasses. It was moved by Ferry, seconded by Christensen, to authorize the Auditor to issue a warrant

for \$2,000 towards Washington County’s legal fees. AYES: Schmitz, Ferry, Christensen
NAYES: None

Carter presented the FY2007 IMWCA premium.

A discussion was held on the Road F66 going west out of Shelby. The Board was in receipt of a letter from Dorothy Volkens, Shelby, requesting road oil for the road which runs past her house. Dan Robinson appeared before the Board asking for road oil for the same road. No action was taken.

The County Engineer gave the secondary road project update.

There being no further business appearing, the Chairman declared the meeting adjourned at 11:45 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.