

July 18, 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 AND the following items contained in the Consent Agenda:

- A. Minutes of July 5, 2006
- B. Office Reports – Sheriff & Recorder
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the Claims of July 18, 2006, 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. 2006-3 – An Ordinance to Recodify the Existing Shelby County Ordinances, the Chairman did open the hearing. It was moved by Christensen, seconded by Ferry, to introduce Shelby County Ordinance No. 2006-3 AYES: Schmitz, Ferry, Christensen NAYES: None. Carter reported that the proper notices had been published in the official newspapers. No written or oral comments had been received. It was moved by Christensen, seconded by Ferry, to suspend the future readings of Shelby County Ordinance No. 2006.3. AYES: Schmitz, Ferry, Christensen NAYES: None. It was moved by Ferry, seconded by Christensen, to close the hearing and approve the following Ordinance:

**SHELBY COUNTY ORDINANCE NO. 2006-3
CODE OF ORDINANCES IN EFFECT
FOR SHELBY COUNTY, IOWA**

REPEALED – 2001-4
REPEALED – 1996-3
REPEALED – 1991-4
REPEALED – 1986-1

An ordinance readopting the existing county code and amending certain portions therein.

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

SECTION 1. Purpose. Code of Iowa Section 331.302 (9) requires that once every five years a County shall compile its code of ordinances. This ordinance readopts ordinances now in effect and any amendments thereto.

SECTION 2. Readoption and Amendment of Current Code. The Shelby County Code of Ordinances does contain the following ordinances stated by title and subject matter:

TITLE I
ORGANIZATION & STRUCTURE

1994-2 2006-3	Ordinance Adoption Procedure amending Ordinance No. 1980-1 Code of Ordinances in Effect for Shelby County replacing Ordinance No. 2001-4, 1996-3, 1991-4, and 1986-1
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TITLE II
PUBLIC SERVICES

1991-6 1996-4 2001-5 2004-1 2005-4	Ordinance for Shelby County Rural Addressing System Shelby County Alarm Ordinance Fire Services Uniform Billing Ordinance Drug Paraphernalia Ordinance Ordinance to Re-Precinct Shelby County & Adjust Voting Precinct Boundaries replacing Ordinance No. 2001-3, 1991-5
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2006-2 Keg Registration Ordinance

TITLE III
BUSINESS & OCCUPATIONS

1998-3 School Local Option Sales and Services Tax
1999-2 Property Tax Exemption for Speculative Shell Buildings
2005-1 An Ordinance to Amend Ordinance No. 1995-3 Providing for the Division of Taxes
 Levied on Taxable Property in the Business Park Urban Renewal Area of Shelby County
2005-2 Regular Local Option Sales and Services Tax amending Ordinance No. 1997-7, 1998-2,
 & 1999-1

TITLE IV
STREETS, ROADS, PUBLIC WAYS & TRANSPORTATION

1997-4 Class “A” and “B” Roads
1997-6 Shelby County Winter Road Maintenance repealing Ordinance No. 1984-1
1999-7 Use of Road Right-Of-Way
2005-5 Class “C” Roads

TITLE V
PUBLIC ORDER, SAFETY & HEALTH

1987-1 Flood Plain Management Ordinance
1990-1 Ordinance Adopting the Requirements for Inspection and Enforcement of Swimming
 Pools and Spas
1991-1 Ordinance Regarding the Disposal of Yard Waste in the Unincorporated Areas of Shelby
 County
1994-1 Environmental Assessment Ordinance amending Ordinance No. 1991-2
1999-3 Ordinance Adopting the Private Water Well Construction Permit Rules amending
 Ordinance No. 1989-1
1999-4 Ordinance Adopting the Nonpublic Water Well Rules amending Ordinance No. 1989-2
1999-5 Ordinance Adopting the Requirements for Properly Plugging
 Abandoned Wells amending Ordinance No. 1989-3
1999-6 Ordinance Adopting the Onsite Wastewater Treatment and Disposal System Permit Rules
 amending Ordinance No. 1989-4
2004-3 Radon Control Methods
2005-3 County Lead Ordinance replacing Ordinance No. 1998-1
2006-1 Septic Contractors License with Reference to Shelby County Ordinance No. 1999-6 On-
 Site Wastewater Treatment & Disposal Systems

TITLE VI
PROPERTY & LAND USE

1983-1 Ordinance to Limit Height of Objects Around an Airport
2001-2 Shelby County Zoning Regulations amending/repealing Original Ordinance No. 1973-1,
 1991-3, 1992-1, 1995-1, & 1997-2
2001-7 Amendment to Shelby County Zoning Ordinance maps for Ordinance No. 2001-2
2002-1 Amendment to Shelby County Zoning Ordinance maps for Ordinance No. 2001-2
2004-2 Ordinance Regulating the Subdivision of Land amending/repealing Ordinance
 1973-1, 1991-3, 1992-2, 1995- 2, 1997-1, & 2001-1

TITLE VII
SOCIAL & HUMAN SERVICES

2001-6 Ordinance Prescribing the General Relief Program in Shelby County amending/repealing
 Ordinance No. 1981-1 & 1997-3

SECTION 3. Code of Ordinances. Copies of the code as adopted herein shall be on file and available for public inspection in the office of the Shelby County Auditor.

SECTION 4. When Effective. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Passed and adopted this 18th day of July, 2006.

AYES: Schmitz, Ferry, Christensen NAYES: None

Nick Preston, Conservation Director, appeared before the Board to present information regarding his application for a \$96,000 grant for camping sites. He also informed the Board that Mike Howard has resigned from the Conservation Board. It was moved by Ferry, seconded by Christensen, to appoint Bob Thoms to fill the unexpired term of Mike Howard until December 31, 2007. AYES: Schmitz, Ferry, Christensen NAYES: None

A discussion was held on the payment of recording fees for documents required by the Housing Repair Grant Program. The County had agreed to waive any recording fees as part of the grant application. Linda Fahn, Recorder, stated that she could not record these documents without payment. Last fiscal year, the Auditor had voluntarily paid the Recorder out of her budget, just to meet the grant requirements. Since the grant is still ongoing into this fiscal year, the fees will be taken out of the Miscellaneous Account.

The Board had received word from the Iowa Department of Economic Development that the request for an extension for Shelby County Cookers had been approved until June 30, 2007.

Dave Yamada, Shelby County DevelopSource, was available to update the Board on on-going projects. He also presented an update on the Enterprise Zone Agreement for the Marne-Elk Horn Telephone Co. dba Housing Development.

Marcus Gross, County Attorney, presented information on the Chad Butler vs Shelby County court case. In this case, Butler was suing the County for attorney fees in connection with his trial. The County had denied the claim for attorney fees, because the County’s insurance carrier, Iowa Communities Assurance Pool, (ICAP), had denied their claim because criminal charges had been brought against Butler. Tom Ouren from The Agency was available to explain ICAP’s stand on the denial. The judge ruled that Shelby County was obligated to pay these fees totaling \$63,013.50. Gross explained that the County had two options—pay or appeal. It was moved by Christensen, seconded by Ferry, to authorize Tom Ouren, The Agency, to appeal to ICAP to reconsider their denial in light of the judge’s ruling and to authorize Marcus Gross, County Attorney, to file the necessary documents to begin the process to appeal the court’s decision with the authority to hire outside counsel should he deem necessary.. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the Fireworks Permit application from John Fromm, Defiance, display to be held the weekend of July 22. AYES: Schmitz, Ferry, Christensen NAYES: None

The Board proceeded to the offices to count the cash on hand.

As recommended by the State Auditor’s Office, the Board proceeded to do a surprise cash count in the various offices, the results being as follows:

Treasurer	Cash	\$	2,299.90
	Checking & Savings		2,633,740.08
	CD’s		2,680,000.00
Total		\$	5,316,039.98

The County Engineer gave the secondary road project update.

Dan Ahart, County Engineer, reported that he made met with members of the Roads Task Force, furnishing them additional information on funding. The Task Force will be meeting with the Board in the near future.

There being no further business appearing, the Chairman declared the meeting adjourned at 11:50 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.