

December 19, 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 the County Treasurer – Special Audit Request AND the following items contained in the Consent Agenda:

- A. Minutes of December 5 & 12, 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 December 19, 2006, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen NAYES: None

This being the day set for opening the bids for the cash renting of the crop land for the 2007 season at the Shelby County Farm, the Chairman proceeded to open the bids. The notice of time and place of hearing had been published as required by law. There were six bids received: James Burmeister, \$165.53/acre; Dave Plagmann, \$145.00/acre; Charles Cave, \$194.00/acre; Arkfeld Farms, \$175.26/acre; Ken Bruck, \$171.25/acre; Eric Sieh, \$217.50/acre. After the bids were received, it was moved by Christensen, seconded by Ferry, to accept the high bid of Eric Sieh for farming 145 acres, more or less, and the grain bin rental at the Shelby County Farm in the amount of \$217.50 per acre for a total of \$31,537.50. AYES: Schmitz, Ferry, Christensen NAYES: None

Discussion was held on the possible sale of the building and grounds currently housing the Care Facility. Representatives of the Country Care Center Board were in attendance. The Board of Supervisors had requested that Becci McQueen, an employee of Country Care, be on the agenda to address her Letter to the Editor published in the Harlan Newspapers on December 15, criticizing the Board for even considering selling the facility. The Board assured the public that their intent was not to sell the facility at this time. They had only been addressing taxpayer concerns about the County's liability of owning the facility, which was leased to a private corporation.

Now being the time for the First Reading of Shelby County Ordinance No. 2006-7, School Infrastructure Local Option Tax Ordinance, the chairman did open the public hearing. It was moved by Christensen, seconded by Ferry, to introduce Shelby County Ordinance No. 2006-7, School Infrastructure Local Option Tax Ordinance. AYES: Schmitz, Ferry, Christensen NAYES: None. The Auditor reported there were no written or oral comments. It was moved by Ferry, seconded by Christensen, to suspend future readings of this ordinance. AYES: Schmitz, Ferry, Christensen NAYES: None. It was moved by Ferry, seconded by Christensen, to close the hearing and to approve the following ordinance:

**SHELBY COUNTY ORDINANCE NO. 2006-7  
SCHOOL INFRASTRUCTURE LOCAL OPTION TAX**

AN ORDINANCE REPEALING SHELBY COUNTY ORDINANCE NO. 1998-3 AS OF DECEMBER 31, 2008 AND RENEWING THE SCHOOL INFRASTRUCTURE LOCAL OPTION (SILO) TAX APPLICABLE TO TRANSACTIONS WITHIN THE COUNTY OF SHELBY, STATE OF IOWA, TO BE EFFECTIVE JANUARY 1, 2009, AND TO BE REPEALED DECEMBER 31, 2018.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY, IOWA:

**Section 1. School Infrastructure Local Option Tax.** There is imposed a School Infrastructure Local Option Tax applicable to transactions within Shelby County.

The rate of the tax shall be one (1) percent upon the gross receipts taxed under Chapter 423, Division IV, of the Iowa Code.

The School Infrastructure Local Option Tax is imposed on transactions occurring on or after January 1, 2009. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 324 of the Iowa Code, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 423A of the Iowa Code during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 995 of the Iowa Code, and on the sale or rental of tangible personal property described in Section 423.45, Subsections 26 and 27 of the Iowa Code.

All applicable provisions of the appropriate sections of Chapter 423, Division IV, of the Iowa Code are adopted by reference.

**Section 2. Effective Date.** This ordinance shall be in effect after its final passage, approval and publication as provided by law and is repealed on December 31, 2018.

Passed and adopted by the Board of Supervisors on this 19<sup>th</sup> day of December, 2006.

AYES: Schmitz, Ferry, Christensen                      NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the EMS Disaster Preparedness Grant application for \$6,042, as recommended by Jason Wickizer, EMS Coordinator. AYES: Schmitz, Ferry, Christensen                      NAYES: None

Frank Hermsen, New Hope Village, appeared before the Board to give an annual update.

It was moved by Ferry, seconded by Christensen, to approve the FY2008 funding request for \$2,000 for West Central Development, same as FY2007. AYES: Schmitz, Ferry, Christensen                      NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the FY2008 funding request from the Emergency Management Agency in the amount of \$504,619. AYES: Schmitz, Ferry, Christensen                      NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the FY2008 funding request for the Solid Waste Agency in the amount of \$61,725, same as FY2007. AYES: Schmitz, Ferry, Christensen                      NAYES: None

Representatives of the Library Association appeared before the Board to request \$42,000 for FY2008. The FY2007 funding had been \$35,000. It was moved by Christensen, seconded by Schmitz, to approve \$36,000 for the Library Association for FY2008. AYES: Schmitz, Ferry, Christensen                      NAYES: None

David Yamada, Shelby County DevelopSource, appeared before the Board to discuss dues for FY2008. The three-year contract for \$25,000 per year had been approved at a previous meeting.

Mark Lytle, representing the Fairgrounds, appeared before the Board to discuss the FY2008 funding request. It was moved by Christensen, seconded by Ferry, to approve the funding request of \$20,000 for the Fairgrounds, which is the same as FY2007. AYES: Schmitz, Ferry, Christensen                      NAYES: None

It was moved by Ferry, seconded by Christensen, to approve funding in the amount of \$1,000 towards the down payment to guarantee that the Viet Nam Veterans Memorial Traveling Tribute Wall will visit Harlan from August 8 to August 13, 2006. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to accept the recommendation of the County Compensation Board for a salary increase of 3.2% for the elected officials for FY2008. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to authorize the Chairman to sign the ICAP Agreements and renewal. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the corrective transfer of \$7,225.00 from EMA to 911 Fund. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Schmitz, to approve the transfer of \$10,000 from Conservation to Secondary Road for reimbursement for costs associated with the Manteno Dredging Project. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the transfer of \$150,000 from the General Basic Fund to Conservation for FY2007 operations. AYES: Schmitz, Ferry, Christensen NAYES: None

Dan Robinson, a representative on the Secondary Roads Task Force, appeared before the Board to re-submit their recommendations. The County Engineer reminded Robinson that the Task Force has still not solved the problem of what revenue was going to pay for their plan to hard surface certain county roads without downgrading maintenance to other county roads and all county bridges. Robinson's suggestion was to take the necessary money from the rock budget, but had no answer to how the county was going to maintain the remaining rock roads. The Secondary Roads Task Force is on file in the Auditor's Office and in the Engineer's Office.

It was moved by Christensen, seconded by Ferry, to authorize \$7500 for the testing required by the IDOT for M47 Irwin Road Project to be drawn from Farm to Market Funds. AYES: Schmitz, Ferry, Christensen NAYES: None

The County Engineer gave the secondary road project update.

The Board recessed at noon for lunch and reconvened at 1:00 p.m.

It was moved by Christensen, seconded by Ferry, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for the Veterans Affairs Commission. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for the Sheriff. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for the Jail. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for General Assistance. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for MH/MR/DD and Substance Abuse. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to authorize the Chairman to sign the contract with Jennie Edmundson Hospital for Mental Health Services, as recommended by the Community Services Director. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to authorize the Chairman to sign the three-year Employment Contract with Jerry Lawson, GIS Coordinator, ending June 30, 2010, and place on file in the Auditor's Office. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for GIS Services. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for Conservation, with funding for FY2008 set at \$150,000. AYES: Schmitz, Ferry, Christensen NAYES: None

The Board recessed at 3:18 p.m. and reconvened on Friday at 8:30 a.m.

It was moved by Christensen, seconded by Ferry, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for the Board of Supervisors, Recorder, County Attorney, Building & Grounds, Flood & Erosion, and Environmental. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for Planning & Zoning. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for the Auditor and Election Commissioner. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to forward to the Budget Director the approved version of the FY2008 Proposed Budget for the Miscellaneous Court Expenses. AYES: Schmitz, Ferry, Christensen NAYES: None

The following FY2008 contributions were set by the Board at last year's amounts: Crimestoppers - \$800; Public Health - \$45,000; Minibus - \$6,000; Historical Society - \$4,000. All of these remain the same as FY2007.

The Board asked to review the FY2008 Proposed Budget for the County Treasurer's Office. Out-going Treasurer Kathy Stinn had been informed that if she did not prepare the budget, she would have to designate someone in her office to complete it. As of today, no budget for the office had been presented. In an effort not to penalize the in-coming County Treasurer, the Board ordered Marsha Carter, Budget Director, to prepare the budget and present at the next Board meeting.

No action was taken on the budgets for IT or Secondary Roads until further information is presented.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:27 a.m. on Friday, December 22, 2006.

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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.