

March 18, 2008

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 following addition: Ground Water Hazard Resolution and meeting at Therkildsen Center with bank that financed dairy operation AND the following items contained in the Consent Agenda:

- A. Minutes of February 29 and March 4 & 11, 2008
- 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 March 18, 2008, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen NAYES: None

Amanda Brewer, WESCO, presented their 2008-09 rates. It was moved by Ferry, seconded by Christensen, to approve these rates as recommended by Lonnie Maguire, Community Services Director. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to transfer \$94,166.25 from the Bond Funds deposited in the Capital Fund to Secondary Road to reimburse for eligible expenses incurred for the Douglas Road Upgrade Project. AYES: Schmitz, Ferry, Christensen NAYES: None

Marcus Gross, County Attorney, reported to the Board that the Iowa Supreme Court had thrown out the District Court decision in the Butler vs Shelby County lawsuit and ruled that Shelby County was not liable for Deputy Sheriff Chad Butler's defense attorney fees for the criminal case that had been filed against him, even though he had been acquitted.

It was moved by Christensen, seconded by Ferry, to approve the contracts with Harlan Municipal Utilities and the City of Harlan for the County to furnish GIS Services for \$15,000 a year from each entity. AYES: Schmitz, Ferry, Christensen NAYES: None

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

GROUNDWATER HAZARD REPORTING
SYSTEM RESOLUTION
RESOLUTION NO. 2008-7

WHEREAS, Shelby County and the Iowa County Recorders Association (Association) have created a county land record information systems in order to provide public access to real estate documents; and

WHEREAS, all Iowa counties are required to process Groundwater Hazard Statements as provided in Iowa Code section 558.69; and

WHEREAS, Iowa Code section 558.69 requires the submission of the Groundwater Hazard Statements to the Iowa Department of Natural Resources (Department); and

WHEREAS, the Department has adopted Iowa Administrative Code chapter 561 IAC 9, which allows the electronic submission of the Groundwater Hazard Statements; and

WHEREAS, the County and the Department desire to utilize the county land record information system as a means to provide for more efficient and timely filing of the Groundwater Hazard Statements;

THEREFORE, BE IT RESOLVED that the County acknowledges that the County is responsible for the processing and filing of Groundwater Hazard Statements as provided in Section 558.69 of the Iowa

Code and the chapter 561 IAC 9 of the Iowa Administrative Code. The County requests that in lieu of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department of Natural Resources, a facsimile or image of the printed version of the Groundwater Hazard Statement shall be stored in the local county land record indexing and imaging system.

BE IT FURTHER RESOLVED that the County agrees to the following terms and conditions.

- a. A facsimile or image of a printed version of all forms required to be submitted to the Department pursuant to 561 IAC 9 shall be stored within the local county land record indexing and imaging system.
- b. The facsimile or image of the form shall be permanently stored in the local county land record indexing and imaging system.
- c. The image shall be legible and shall comply with the document formatting and imaging standards adopted by the Association.
- d. The county and county recorder shall be members of the Electronic Services System.
- e. The county and county recorder shall maintain compliance with the operating policies, procedures, and standards adopted by Electronic Services System including but not limited to policies concerning the timely uploading of information to the statewide county land record information system, a.k.a. Iowa Land Records.
- f. The county recorder shall index the associated document information and the parties (grantors and grantees) for each Groundwater Hazard Statement. The county recorder is not required to index property or legal description information for Groundwater Hazard Statements.
- g. The county and county recorder shall provide 180 days notice prior to reverting to the practice of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department.

An affirmative response on a Groundwater Hazard Statement means that the Groundwater Hazard Statement indicates a well, underground storage tank, disposal site, or hazardous waste site exists on the property. Pursuant to Iowa administrative rule 561 IAC 9.2(3), Groundwater Hazard Statements on which a private burial site is the sole matter disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the Department.

Passed and approved this 18th day of March, 2008.

AYES: Schmitz, Ferry, Christensen NAYES: None

David Yamada, Shelby County DevelopSource, updated the Board on the economic development projects for Shelby County.

Marsha Carter, County Auditor, updated the Board on the possibility of State funding to upgrade the voting equipment.

Dan Ahart, County Engineer, updated the Board on activities of the county road crews and the status of current maintenance and construction projects.

The Chairman recessed the regular meeting at 10:06 so the Schmitz and Christensen could attend a meeting at the Therkildsen Center where various interested parties would discuss the future plans for the dairy operation in Douglas Township.

There being no further business appearing, the Chairman declared the meeting adjourned at 12:30 p.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.