

August 5, 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 addition of the West Law Contract AND the following items contained in the Consent Agenda:

- A. Minutes of July 15, 2008
- B. Office Reports – Sheriff Quarterly Report
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the Claims of July 31, 2008, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the Treasurer's Semi-Annual Report. AYES: Schmitz, Ferry, Christensen NAYES: None

Tom McMullen, Interim Veterans Affairs Director, appeared before the Board to update them on the status of the office. A new director has not been hired as of this date.

It was moved by Ferry, seconded by Christensen, to authorize Marcus Gross, County Attorney, to sign a three-year agreement with West Law for on-line services at a savings of over \$4,000. AYES: Schmitz, Ferry, Christensen NAYES: None

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

RESOLUTION NO. 2008-14

A RESOLUTION CONCERNING AN ANNEXATION PETITION OF THE CITY OF HARLAN

WHEREAS, the Board of Supervisors for Shelby County, Iowa have received and reviewed an Annexation Petition filed by the City of Harlan which proposes to annex the following described real estate which is adjacent and abuts the north edge of the Harlan City Limits:

A PORTION OF THE SW1/4 OF THE NW1/4, AND A PORTION OF THE SE1/4 OF THE NW1/4 ALL IN SECTION 7, T79N, R38W OF THE 5TH P.M., SHELBY COUNTY, IOWA,

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE W1/4 CORNER OF SAID SECTION 7; THENCE S 89°20'56" E, 397.53 FT. ON THE NORTH LINE OF SAID SW1/4 TO THE POINT OF BEGINNING SAID POINT BEING ON THE EAST LINE OF A TRACT OF LAND SURVEYED BY L.D. WILSON, P.L.S. #6711, DATED 12/14/2006; THENCE

N 08°39'16" W, 8.60 FT. ON SAID EAST LINE TO A POINT OF THE SOUTH LINE OF A TRACT OF LAND SURVEYED BY L.D. WILSON, P.L.S. #6711, DATED 11/27/2004; THENCE S 88°02'41" E, 149.08 FT. ON THE SOUTH LINE OF SAID TRACT; THENCE N 00°58'18" E, 477.87 FT. ON THE EAST LINE OF SAID TRACT; THENCE S 88°03'43" E, 278.23 FT. ON AN EXISTING FENCE LINE AND ITS EASTERLY EXTENSION THEREOF TO THE CENTERLINE OF PLUM CREEK;

THENCE SOUTHEASTERLY FOR THE NEXT 21 COURSES ON THE CENTERLINE OF SAID CREEK; 1) S 38°25'42" E, 10.58 FT.; 2) S 49°50'14" E, 36.37 FT.; 3) S 63°13'48" E, 29.08 FT.; 4) S 74°21'41" E, 27.36 FT.; 5) S 81°32'35" E, 39.00 FT.; 6) S 75°35'32" E, 32.01 FT.; 7) S 60°32'54" E, 55.06 FT.; 8) N 78°44'43" E, 28.24 FT.; 9) N 89°07'26" E, 28.09 FT.; 10) S 75°34'59" E, 26.47 FT.; 11) S 53°01'05" E, 9.61 FT.; 12) S 43°12'01" E, 13.67 FT.; 13) S 34°45'07" E, 35.71 FT.; 14) S 45°14'21" E, 21.08 FT.; 15) S 84°54'18" E, 18.09 FT.; 16) N 89°41'33" E, 17.21 FT.; 17) N 73°23'30" E, 32.78 FT.; 18) N 85°39'24" E 20.47; 19) N 88°34'20" E, 62.88 FT.; 20) S 75°20'28" E, 24.81 FT.; 21) S 38°58'32" E, 0.93 FT. TO THE EAST LINE OF SAID SW1/4 NW1/4; THENCE CONTINUING

SOUTHERLY FOR THE NEXT 13 COURSES ON THE CENTERLINE OF SAID CREEK; 1) S 38°58'32" E, 16.61 FT.; 2) S 26°26'52" E, 22.34 FT.; 3) S 03°27'47" W, 18.28 FT.; 4) S 10°54'17" W, 24.06 FT.; 5) S 09°54'01" E, 43.48 FT.; 6) S 22°05'21" E, 66.05 FT.; 7) S 29°16'36" E, 22.00 FT.; 8) S 12°16'55" E, 59.28 FT.; 9) S 27°21'51" E, 18.26 FT.; 10) S 53°32'20" E, 23.06 FT.; 11) S 27°33'08" E, 29.87 FT.; 12) S 07°28'01" E, 17.29 FT.; 13) S 11°07'13" W, 4.85 FT. TO THE SOUTH LINE OF SAID SE1/4 NW1/4; THENCE S 89°20'56" E, 1058.94 FT ALONG THE SOUTH LINE OF SAID NW1/4 TO THE POINT OF BEGINNING, CONTAINING 8.00 ACRES MORE OR LESS.

And, WHEREAS, Shelby County has participated in an annexation consultation meeting pursuant to 368.7 of the Code of Iowa, as amended, and,

WHEREAS, Shelby County desires to state by this Resolution that it supports the Application for Annexation.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Shelby County, Iowa, that Shelby County does hereby support the Annexation Application filed by and with the City of Harlan on or about July 11, 2008.

Passed and approved this 5th day of August, 2008.

AYES: Schmitz, Ferry, Christensen NAYES: None:

It was moved by Christensen, seconded by Ferry, to approve the following transfers: General Basic-Zoning to Capital - \$3,350.00; General Basic-Jail to Capital - \$15,585.00 as required by Iowa Code 356.7 (5b); and Capital-Douglas Road Upgrade Bond to Secondary Road - \$750,000.00. AYES: Schmitz, Ferry, Christensen NAYES: None:

It was moved by Christensen, seconded by Ferry, to approve the following Designation of Smoking Areas for grounds owned, operated, or leased by the County. AYES: Schmitz, Ferry, Christensen NAYES: None:

Country Care Center Corp. - The current smoking room with proper exhaust and an area outside near the garage, which is not an area used in connection with the building.

Shelby County Fair Corp. - The area behind the far west set of open bleachers, between the bleachers and the 4-H Exhibit building.

There was a discussion on the costs of converting the Courthouse heating/cooling system to geothermal. More information will be presented at the next meeting.

Marsha Carter, Budget Director, presented the completed FY2008 County Annual Report of Finances.

Carter reported that the new voting equipment, 10 Automarks, had been delivered.

In order to better serve the Public, Carter informed the Board that she would be extending her office hours by two hours a day. Effective immediately, the Auditor's Office will be open to the public from 7:00 a.m. to 5:30 p.m., Monday-Friday. Carter also stated that these extended hours will require no additional staff.

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

There being no further business appearing, the Chairman declared the meeting adjourned at 10:14 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.