

February 19, 2013

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; Steve Kenkel, Vice-Chairman; Charles Parkhurst; and Marsha J. Carter, Clerk.

The Chair asked that any Conflict of Interest be stated concerning any item on the agenda. Kenkel stated that he had a conflict with Item #15B – Liquor License for Shelby County Golf Course. Schmitz and Parkhurst had none.

It was moved by Kenkel, seconded by Parkhurst, to approve the agenda with the addition of Enterprise Zone Resolution and Liquor License for Shelby County Golf Course. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the minutes of February 5 and 12, 2013, as presented. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the Claims of February 19, 2013, and place the listing on file in the Auditor's Office. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the following resolution:

RESOLUTION NO. 2013-8  
ENTRY RECORD OF THE HEARING AND DETERMINATION  
OF THE COUNTY BUDGET FOR FISCAL YEAR 2014

BE IT REMEMBERED, on the 19<sup>th</sup> day of February, 2013, A.D., at the hour of 9:00 A.M. of said day, the Board of Supervisors of Shelby County, Iowa, met for the purpose of the hearing upon the county budget as filed with the Board. There was present a quorum as required by law.

WHEREAS, the Board investigated and found that the notice of time and place of hearing had, according to law, and as directed by the Board, been published in the official county newspapers published in Shelby County and that affidavits of publication, therefore, are on file with the County Auditor.

THEREFORE, on said day, the budget was taken up and considered. Present were representatives from Harlan Newspapers, KNOD, other interested parties, and various department heads. There were no other written or oral comments. After discussion, the Chairman declared the hearing closed and the County Budget for Fiscal Year 2014 adopted, along with the Shelby County Compensation Board recommendation.

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

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Amanda Baker, WellMark, appeared before the Board to give the annual update on the County's health insurance plan. She also presented information on the Affordable Care Act and how it will affect counties.

Once again, ISAC is offering a 5% premium discount on our health insurance if 80% of the covered employees participated in the required Wellness Program. Parkhurst reported that we should reach the required 80%.

It was moved by Kenkel, seconded by Parkhurst, to appoint the following members to the Hotel/Motel Tax Committee: Roger Schmitz, Westphalia - Supervisor representative; Doug Robinson, Shelby - Rural Business Owner; Delbert Hull, Irwin -

Rural Resident. AYES: Schmitz, Kenkel, Parkhurst NAYES: None. Other members on the committee include: Dave Miller – Harlan City Council representative; Teresa Coenen – Harlan Business Owner; Lisa Meyer – Harlan Resident; Jerry Henscheid – Shelby County Chamber representative. This committee will be responsible for issuing grants from the Hotel/Motel Tax collected to qualified tourism projects submitted from anyone across the county.

Chairman Schmitz reported at the last meeting that we were still waiting for the Shelby County Chamber to turn over the balance of the Hotel/Motel Tax funds that had been deposited with the Chamber by the City of Harlan and Shelby County to be used for tourism projects. Marsha Carter, Shelby County Auditor and newly appointed Fiscal Agent for the Hotel/Motel Tax Funds, reported that Scott Peterson, Chamber President, had presented a cashier's check for \$56,477.89 to her on February 14. On February 15, she received an invoice from the Chamber for \$3,271.29 for Administrative Fees for the 3<sup>rd</sup> Quarter 2012 Hotel/Motel Taxes. Dawn Cundiff, Chamber Executive Director, was in attendance. Schmitz explained to her again that according to City Attorney Joe Lauterbach, the Chamber could not legally charge an Administrative Fee, and this invoice would not be paid. Cundiff commented that the Chamber would then take it to their attorney.

Last fall, the City of Harlan and Shelby County had contracted with Williams and Company, LeMars, Iowa, to perform a Fiscal Analysis of the Hotel/Motel Tax Accounts held by the Shelby County Chamber from the implementation in 2002 through September 30, 2012. Carter, acting as Hotel/Motel Fiscal Agent, requested that this Analysis be expanded to include the time frame from October 1, 2012 through February 14, 2013, which was the date the funds were turned over to her. Cundiff voiced her objections. It was moved by Parkhurst, seconded by Kenkel, to approve expansion of the Fiscal Analysis by Williams and Company, provided that the City of Harlan is also in agreement. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to approve the Liquor License for Shelby County Golf Course. AYES: Schmitz, Parkhurst NAYES: None ABSTAIN: Kenkel

It was moved by Parkhurst, seconded by Kenkel, to approve the following resolution:

#### RESOLUTION NO. 2013-9

A RESOLUTION OF THE SHELBY COUNTY BOARD OF SUPERVISORS PETITIONING THE IOWA ECONOMIC DEVELOPMENT AUTHORITY FOR EXTENSION OF SHELBY COUNTY ENTERPRISE ZONE IDENTIFICATION NUMBERS 361, 362, 363, 424, 502, 500 and 501

WHEREAS, Shelby County, Iowa, is an eligible "Enterprise Zone" county pursuant to 2007 Iowa Code Sections 15E.191 – 15E.196, and;

WHEREAS, Shelby County has successfully implemented tenets of the Iowa Enterprise Zone program, and;

WHEREAS, the Iowa Enterprise Zone program has proven of great benefit to businesses, individuals and citizens of Shelby County, Iowa, and;

WHEREAS, there has arisen a legitimate developmental need to extend the expiration deadline for specific Enterprise Zones in Shelby County, as certified by the Iowa Economic Development Authority;

WHEREAS, Iowa statutes confer responsibility for Enterprise Zone administration upon the Iowa Economic Development Authority;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Shelby County, Iowa, request the following actions of the Iowa Economic Development Authority:

1. That the expiration date of the following Enterprise Zones be extended correlative with the letter and intent 2007 Iowa Code Section 15E.192 subsection 2.

EZID	County	EZ Name	EZ Number	Size in Acres	Date Certified	Expiration Date
361	Shelby	Harlan	EZ-6	15.10	2/20/2003	2/20/2013
362	Shelby	Harlan	EZ-7	157.38	2/20/2003	2/20/2013
363	Shelby	Harlan	EZ-8	149.28	2/20/2013	2/20/2013
424	Shelby	Harlan	EZ-9	26.90	6/19/2003	6/19/2013
502	Shelby	Elk Horn	EZ-1	2.65	11/20/2003	11/20/2013
500	Shelby	Portsmouth	EZ-1	5.55	11/20/2003	11/20/2013
501	Shelby	Portsmouth	EZ-2	16.25	11/20/2003	11/20/2013

2. That the Board of Directors of the Iowa Economic Development Authority considers this petition at its next regularly scheduled meeting.

Passed and approved this 19<sup>th</sup> day of February, 2013.

AYES: Schmitz, Kenkel, Parkhurst    NAYES: None

Dan Ahart, the 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 10:50 a.m.

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Roger Schmitz, Chairman

ATTEST:

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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.