

January 4, 2016

The Shelby County Board of Supervisors met in an organizational session at 9:00 A.M. in the Supervisors Chamber in the Courthouse with the following members present: Roger Schmitz, Steve Kenkel, Charles Parkhurst, and Marsha J. Carter, Clerk.

It was moved by Kenkel, seconded by Parkhurst, to approve Roger Schmitz as Chairman of the Board of Supervisors for the 2016 calendar year. Motion carried unanimously.

It was moved by Parkhurst, seconded by Schmitz, to approve Steve Kenkel as Vice-Chairman of the Board of Supervisors for the 2016 calendar year. Motion carried unanimously.

The Chair asked that any Conflict of Interest be stated concerning any item on the agenda. None were stated.

It was moved by Parkhurst, seconded by Kenkel, to approve the agenda. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, to approve the minutes of December 15, 2015. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, to approve the Claims of December 31, 2015, as listed in the Claims Register. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, that the following resolution be adopted:

RESOLUTION NO. 2016-1
A RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS
FOR THE 2016 CALENDAR YEAR

BE IT RESOLVED, that the following persons shall be appointed deputies for the following offices as recommended by the elected officials according to Chapter 331.903, Code of Iowa:

Marcus Gross, Jr.
County Attorney

Assistants: Todd Argotsinger
Fran Andersen
Jennifer Mumm
Ashley West

Mark Hervey

Deputies: Neil Gross, Chief Deputy County Sheriff
Kelly Lefeber
Chad Butler
Donavon Dontje
Glenn Birks
Nathan Pigsley
Michael Jurgensen
Jason Wickizer, Unpaid Reserve Deputy

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

The Board of Supervisors shall meet as required by Chapter 331.213, Code of Iowa, and shall hold their first meeting of each year on the first day in January, which is not a Saturday, Sunday or holiday and shall hold all subsequent meetings of the year as scheduled by the Board. All meetings of the Board shall be scheduled and

conducted in compliance with Chapter 21. Regular meetings shall be held on the first and third Tuesdays of each month.

It was moved by Kenkel, seconded by Parkhurst, that all claims filed in the Auditor's office by the Wednesday before the third Tuesday of each month shall be presented to the Board of Supervisors for approval for payment at that meeting. All claims for mileage and expenses must be submitted within sixty days of the date incurred. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, that the County Auditor be authorized without prior approval of the Board to pay the wages of all County employees and to pay any other claims properly authorized by the Department Heads. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, to appoint Roger Schmitz as Weed Commissioner for 2016. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, to approve the appointment of Scott Markham as County Medical Examiner and to accept the proposal of the physicians of Shelby County that the doctor on call will act in the Medical Examiner's absence. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, to approve the appointment of the following persons as members of the Compensation Board for the Condemnation of Private Property for Shelby County for 2016, as required by Chapter 472.4, Code of Iowa:

FARM OWNER - OPERATORS

Lonnie Benson
Irwin, Iowa

Jason Monson
Irwin, Iowa

Doug Robinson
Shelby, Iowa

David Boettger
Harlan, Iowa

Kenneth Schneider
Portsmouth, Iowa

Dave Wahling
Shelby, Iowa

Charles Wooster, Jr.
Manilla, Iowa

CITY PROPERTY OWNERS

Kayla Jacobs
Harlan, Iowa

Donald Holdsworth
Harlan, Iowa

Paul Leinen
Harlan, Iowa

Michael Cain
Harlan, Iowa

Todd Langenfeld
Earling, Iowa

Richard Leinen
Portsmouth, Iowa

Delbert Bruck
Harlan, Iowa

REAL ESTATE BROKERS

PERSONS HAVING KNOWLEDGE OF
PROPERTY VALUES IN SHELBY COUNTY

Kirk Petersen
Harlan, Iowa

Kevin Campbell
Harlan, IA

Terry Knapp
Harlan, Iowa

Norman Mathiasen
Harlan, Iowa

Rowland Burton
Irwin, Iowa

Randy Ouren
Harlan, Iowa

Tim Meyers
Harlan, Iowa

Jan Arkfeld
Defiance, Iowa

Dave Robinson
Shelby, Iowa

Terry Bails
Harlan, Iowa

It was moved by Kenkel, seconded by Parkhurst, to approve the Harlan Tribune and the Harlan News Advertiser as official newspapers for 2016, as defined in Chapter 618.3 and Chapter 349, Code of Iowa. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, that the following resolution be adopted:

RESOLUTION NO. 2016-2
RESOLUTION CONCERNING NON-DISCRIMINATION

BE IT RESOLVED, by the Board of Supervisors of Shelby County, Iowa, that no person shall be excluded from the receipt of services or benefits, and Shelby County shall not refuse to hire, accept, register, classify, or refer for employment, or discharge any employee, or otherwise discriminate in employment against any applicant for employment, because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, that the following days shall constitute paid holidays for all eligible employees as stated herein for the 2016 year. Motion carried unanimously.

New Year's Day - Friday, January 1
Presidents' Day - Monday, February 15
Memorial Day - Monday, May 30
Independence Day - Monday, July 4
Labor Day - Monday, September 5
Veterans' Day - Friday, November 11
Thanksgiving Day - Thursday, November 24
Friday after Thanksgiving - Friday, November 25
Christmas - Sunday, December 25 (off Monday, December 26)

The Board also established the following policy: If a holiday falls on Saturday, the preceding Friday will be a paid holiday; when a holiday falls on Sunday, the following Monday will be a paid holiday. This policy is in effect for all holidays mentioned except Christmas Eve afternoon.

It was moved by Kenkel, seconded by Parkhurst, that The Agency, Harlan, IA, be the broker for bonding for Shelby County for 2016. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, that the following appointments be approved. Motion carried unanimously:

SCHMITZ

Fourth Judicial District Department of Correctional Services Board of Directors
Juvenile Emergency Service Committee
Solid Waste Agency Board
Shelby County Chamber of Commerce and Industry
~~Enterprise Zone Commission~~ (Dissolved by HF2448 - 2015)
Workforce Development - Region 13
Hotel/Motel Tax Committee
Building & Grounds and I.T. Oversight

PARKHURST

Harrison/Monona/Shelby Empowerment Area
Southwest Iowa Planning Council to the Midlands &
Southwest Iowa Transit Authority Commission
~~WESCO~~ (No longer part of our region)
West Central Development Board
Hungry Canyons Alliance
Metropolitan Area Planning Association
Loess Hills Development & Conservation Authority
Conservation Board
Safety/Wellness Committee

KENKEL

Citizens Advisory Board for Cherokee MHI
County's Official Voting Delegate-Southwest Iowa Regional Committee for MH/DD
Redesign
Shelby-Harrison-Monona Planning Council & 28E Mental Health Coordinator Board
Board of Health
Emergency Management Agency Commission
E911 Joint Service Board - Non-Voting Member

OTHER COMMITTEE MEMBERSHIP

E911 Joint Service Board - Bob Seivert, Voting Member
Hotel/Motel Tax Committee-Fiscal Agent - Shelby County Auditor
Commission of Veterans Affairs - Mickey Williams, term ending 6-30-2018
County Board of Local Health - Dr. Michelle Eckermann and Dr. Brian Andersen, terms ending 12-31-2018
Shelby County Civil Service Commission - Matt Hudson, term ending 12-31-2021
Historic Preservation Committee - Kathleen Cue and Ron Chamberlain, terms ending 12-31-2018
Solid Waste Agency Board - Kenneth Blackwell, Barry Deuel, and Terry Cox, terms ending 03-01-2018
Planning and Zoning Board - Terry Cox, term ending 12-31-2019
Board of Adjustment - Charles Trailer, term ending 12-31-2020
Conservation Board - Michelle Eckermann, term ending 12-31-2020

2017 – SWIPCO – appoint Mike Kolbe as County Representative and Terry Arentson as At Large Representative

It was moved by Kenkel, seconded by Parkhurst, to authorize any member of the Board to sign any documents related to farms belonging to the County and documents relating to any farm programs the County will be eligible for in the future. Motion carried unanimously.

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

RESOLUTION NO. 2016-3
ECONOMIC DEVELOPMENT
PUBLIC PURPOSE STATEMENT

BE IT RESOLVED by the Shelby County Board of Supervisors that the funding of Shelby County Chamber of Commerce and Industry and any other economic development project deemed appropriate by the Board is an economic development project as defined in Iowa Code Section 15A.1 and that this expenditure would further a public purpose, that public purpose to be an expansion or retention of jobs in Shelby County. Any business receiving economic development funding from Shelby County will be required to abide by the policies set by Shelby County, including but not limited to, Resolution 2007-32, A Resolution Concerning the Use of the E-Verify Website.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

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

RESOLUTION NO. 2016-4
MASTER MATRIX
CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2016 and January 31, 2017 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

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

RESOLUTION 2016-5
RESOLUTION AUTHORIZING A PARTNERSHIP WITH
SOUTHWEST IOWA HOUSING TRUST FUND, INC.

WHEREAS; The Shelby County Board of Supervisors has found a need for homeownership assistance and housing repairs for lower income individuals and families; and,

WHEREAS; Southwest Iowa Housing Trust Fund, Inc. proposes to provide funding to assist income eligible individuals and families purchase their first-home and repair owner-occupied homes.

NOW THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY BOARD OF SUPERVISORS, as follows:

SECTION 1: The Shelby County Board of Supervisors is interested in participating in the Southwest Iowa Housing Trust Fund, Inc. housing programs.

SECTION 2: The Shelby County Board of Supervisors will contribute \$1,000.00 per unit assisted in Shelby County lying outside the city limits of Harlan, not to exceed \$10,000.00, in calendar year 2016.

Adopted this 4th day of January, 2016.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Carter updated the Board on the status of the FY2017 Budget. She hopes to have options for the Board within the next two weeks.

The Board had received the FY2017 Health Insurance rates from the Iowa State Association of Counties, which include an approximate 10% increase in premiums for the current plan. Due to this increase, the Board asked the Auditor to gather more information on the other plan options.

It was moved by Kenkel, seconded by Parkhurst, to once again offer a \$100 incentive payment to the employees on the County's health insurance plan if 100% of them get a minimum of three points out the possible five points during the 2016 Wellness Programs. Motion carried. In 2015, one employee failed to participate in any of the programs, but the Board still decided to reward the remaining employees with \$50. In 2016, there will be no exceptions.

It was moved by Parkhurst, seconded by Kenkel, to set the date for the 2016 Fuel Letting as Friday, January 8, 2016 at 9:00 a.m. Motion carried.

Now being the time set for the public hearing on the Second Reading of the Amendment to Shelby County Ordinance No. 1997-6 Shelby County Winter Road Maintenance, the Chair did open the hearing. The County Engineer reported that during the previous snow event, there were as many as 80 violations by property owners leaving snow that had been pushed out of the driveway onto the road right-of-

way. This amendment would allow the County to penalize those who are creating these dangerous situations. The Board requested that Ahart ask the County Attorney if these piles of snow could be considered a road "obstruction", as defined in Iowa Code, and if the landowner could be assessed for the costs to the County to plow these snow piles off the roads/shoulders, in addition to the penalties set out in this Ordinance. The County Engineer and the County Auditor reported they had received no written or oral comments. No interested parties were present to comment. It was moved by Parkhurst, seconded by Kenkel, to close the hearing, suspend any future readings of the Ordinance, and to approve Shelby County Ordinance No. 2016-1, Shelby County Winter Road Maintenance, as set out below:

SHELBY COUNTY ORDINANCE NO. 2016-1
SHELBY COUNTY WINTER ROAD MAINTENANCE
(REPEALS ORDINANCE NO. 1984-1)
(REPEALS ORDINANCE NO. 1997-6)

AN ORDINANCE TO ESTABLISH THE POLICY AND LEVEL OF SERVICE IN RESPECT TO CLEARANCE OF SNOW OR ICE AND MAINTENANCE OF THIS COUNTY'S SECONDARY ROADS DURING THE WINTER MONTHS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS SHELBY COUNTY:

SECTION 1 - PURPOSE

The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, specifically defined as November through April, as provided in Section 668.10(2)(1997), Code of Iowa, and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, and as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors.

SECTION 2 - LEVEL OF SERVICE

Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of this county. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion County personnel may be rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing Act of 1991. Except for "emergencies" as determined by the County Engineer's professional judgement, or his/her designee acting in his/her absence, on a case by case basis, all clearance of snow or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service and as practicable. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right of way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The lines of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others. Motorists shall drive their vehicles during these

conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 3 – SEQUENCE OF SERVICE

In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this section of the ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved roads be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment, or his/her designee's, shall prevail, unless it is clearly erroneous.

PAVED ROADS

1. The initial effort will be to get all routes open to two-lane traffic as soon as possible and or practicable. During initial snow removal operations, paved roads may only have one lane plowed for a period of time.
2. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. The truck mounted snow plows and spreaders, and other snow removal equipment, will not normally be in operation between the hours of 6:00 P.M. – 6:00 A.M. The equipment may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his/her delegated representative.
4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel may be delayed.
5. It is not the policy of the county to provide a "dry" pavement condition.
6. After roads have been plowed, as provided in the section, intersections, hills, and curves may, but not necessarily, have placed on them, salt, sand, or other abrasives. These intersections, hills, and curves may not be re-sanded, re-salted, or have other abrasives replaced on them between snowstorms. There is no time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

UNPAVED ROADS

1. The initial effort will be to get all routes to occupied rural residences opened to one-lane traffic as soon as possible and/or practicable after a storm has passed.
2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.

3. Motor graders and/or truck plows will not normally be in operation between the hours of 6:00 P.M. – 6:00 A.M. The motor graders and/or truck plows may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his/her delegated representative.
4. Snow removal will be performed only in “Emergency” situations for roads designated Level B.

PUSHING SNOW INTO ROADWAY

It is unlawful for any individual to deposit snow or ice on a public roadway in quantities adequate to hinder utilization of the roadway by the travelling public.

PENALTY FOR VIOLATION

The penalty for violating the provisions of pushing snow into roadway is as follows:

- A. An individual pushing snow into roadway will be contacted and given a copy of the winter road maintenance policy and a verbal warning. This warning will be documented.
- B. Second Offense \$50.00
- C. Third Offense and Subsequent Offenses \$100.00

PRIVATE DRIVES

The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

MAILBOX REPLACEMENT

The County will assume no liability for mailboxes and fences damaged because of snow removal unless such action can be determined to be malicious. The County will not replace mailboxes damaged or knocked down by the force of snow thrown from the plow.

SECTION 4 – LIMITATION OF SERVICE

Notwithstanding anything else stated in this ordinance, the policy and level of service provided for in this ordinance shall not include the following, and the following services shall not be performed:

1. Sanding, salting, or placing other abrasives upon the roadways that are slick, slippery, and dangerous due to the formation of frost.
2. Sanding, salting or placing of other abrasives upon paved roadways due to freezing rain that occurs outside the County’s usual working hours.
3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.
4. Sanding, salting, or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer, or his/her designee, an “emergency” exists and ice has built up on hills and intersections on the gravel and or oiled road system that slope down to another road so as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, take a higher priority than placing of abrasive material on the paved road system

and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have tried and failed, such as scraping with motor graders.

5. Removing of sand, salt, or other abrasives.

SECTION 5 – EMERGENCY

Service or the level or sequence of service may be suspended during “Emergency” conditions. An “Emergency” condition shall be considered as one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the 911 dispatcher or Sheriff’s Office. The County may respond to all “Emergency” conditions, either during or after a snowstorm. Any person who makes a false report of an “Emergency” to an officer, official, or employee of Shelby County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than \$100.00 or imprisonment of not more than 30 days in the County jail.

Service or the level or sequence of service shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairman of the Board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairman of the Board of Supervisors.

SECTION 6 -- REPEALER

All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7 -- SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 8 – WHEN EFFECTIVE

This ordinance shall be in effect immediately after its final passage and publication as provided by law.

Passed and adopted by the Shelby County Board of Supervisors this 4th day of January, 2016.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

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 9:49 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.