

May 8th, 2018

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: Charles Parkhurst, Chairman, Roger Schmitz Vice-Chairperson; Steve Kenkel and Mark Maxwell, Clerk.

The Chair asked that any conflict of interest be stated concerning any item on the agenda. No conflicts were stated.

A motion was made by Kenkel and seconded by, Schmitz to approve the agenda with no additions. AYES: Unanimous NAYES: None

A motion was made by Schmitz with a second by, Kenkel to approve the minutes of the April 3rd 2018 meeting. AYES: Unanimous NAYES: None

It was moved by Kenkel, seconded by Schmitz, to approve the claims of April 17th, 2018 as listed in the claims register. AYES: Unanimous NAYES: None

Todd Valine was present to update the board on current Chamber activities which included: the uptown facades are on schedule to be finished by the end of May and July 17th will be the date of the all member Shelby County Chamber of Commerce meeting this year.

Dave Riley Union Representative was on the agenda and delivered copies and read the following text to the board:

As you are aware, Chapter 20 Public Employee Collective Bargaining law was radically changed in 2017 by the Iowa legislature and Governor. There is the potential for this to dramatically change the tenor of local collective bargaining. It would be very disappointing if that became the case in Shelby County. Our relationship for years has been one of honest, thoughtful, good faith bargaining. It is my hope and that of every member of our union that this continues. However, for that to happen both sides need to see the importance of all areas of an employee's work experience and environment be open for discussion. Even the legislature recognized this when they established two classes of employees: Public Safety Employees and Non-Public Safety Employees. For Public Safety Employees, of the 32 topics of bargaining, all but 7 were "Mandatory". Of the remaining 7, 2 were "Permissive", 4 were "Excluded" and one was N/A. Thus, the legislature recognized the importance and relevance of these topics for negotiations. However, when it came to Non-Safety Employees, the legislature arbitrarily found only 4 "Mandatory" topics (compared with 25 for Public Safety Employees); and 12 "Excluded" for us (compared with 4 for Public Safety Employees). There was even a greater percentage disparity in "Permissive" with 16 for us and only 2 for Public Safety Employees.

Three questions the Iowa legislature and Governor refused to address for Non-Public Safety Employees are: 1. How will this impact retention? 2. How will this impact recruitment of new employees? 3. Why the disparity? And it isn't because more Public Safety Employees are injured or die of job related incidents.

Isn't it obvious the Legislature and Governor did consider the first 2 questions when addressing the collective bargaining rights of Public Safety Employees? Only time and the courts will determine if this new law will stand the Constitutional challenge it now faces. It is our belief that at a very minimum all 15 "Permissive" topics be mutually agreed for negotiation.

Below are listed the permissive topics

Bargaining Topics Under New Collective Bargaining Law		
Topics of Bargaining	Public Safety Employee Unit (PSE) (30% Rule)	Non-Public Safety Employee Unit
Base Wage	n/a	MANDATORY
Call-back Time	MANDATORY	PERMISSIVE
Dues Checkoffs	EXCLUDED	EXCLUDED
Evaluation Procedures	MANDATORY	EXCLUDED
Grievance Procedures	MANDATORY	PERMISSIVE
Health and Safety Matters	MANDATORY	PERMISSIVE
Holidays and Holiday Premium Pay	MANDATORY	PERMISSIVE
Hours	MANDATORY	PERMISSIVE
In-Service Training	MANDATORY	PERMISSIVE
Insurance (All)	MANDATORY	EXCLUDED
Job Classifications	MANDATORY	MANDATORY
Labor/Management	MANDATORY	PERMISSIVE
Leaves of Absence (non-political)	MANDATORY	PERMISSIVE
Leaves of Absence (political activity)	EXCLUDED	EXCLUDED
Longevity	MANDATORY	PERMISSIVE
Meal and Rest Periods	MANDATORY	PERMISSIVE
Overtime Compensation	MANDATORY	PERMISSIVE
PAC (PEOPLE) Dues	EXCLUDED	EXCLUDED
Pay Date	MANDATORY	MANDATORY
Pay Grades	MANDATORY	MANDATORY
Procedures for Staff Reduction	MANDATORY	EXCLUDED
Retirement Systems	EXCLUDED	EXCLUDED
Seniority	MANDATORY	PERMISSIVE
Shift Differentials	MANDATORY	PERMISSIVE
Sick Leave	MANDATORY	PERMISSIVE
Subcontracting Public Services	PERMISSIVE	EXCLUDED
Supplemental Pay	MANDATORY	EXCLUDED
Tools and Equipment	MANDATORY	PERMISSIVE
Transfer Procedures	MANDATORY	EXCLUDED
Uniforms	PERMISSIVE	EXCLUDED
Vacations	MANDATORY	PERMISSIVE
Wages (Including Steps)	MANDATORY	EXCLUDED
MANDATORY= Can be submitted to an Arbitrator for a final and binding ruling if the parties do not come to an agreement.		
PERMISSIVE= Can only be discussed if mutual agreement between the parties exists. If one of the parties does not wish to discuss a PERMISSIVE subject, it can not be negotiated or taken to an Arbitrator for a final and binding ruling.		
EXCLUDED= Can not be discussed by either party during the course of negotiations.		

Dave Riley the asked that the board consider the his provided resolution:

RESOLUTION OF SUPPORT FOR SHELBY COUNTY EMPLOYEES AND COLLECTIVE BARGAINING UNITS

WHEREAS, the Shelby County Board of Supervisors goes on record as supporting our employees and collective bargaining units which represent our employees; and

WHEREAS, the Shelby County Board of Supervisors recognizes that the recently enacted legislation makes dramatic changes to collective bargaining for public service employees in the State of Iowa; and

WHEREAS, the Shelby County Board of Supervisors recognizes that these changes may hurt employee morale, cause division among our employees and lead to the loss of dedicated and conscientious public employees; and

WHEREAS, the Shelby County Board of Supervisors believes that all of its employees deserve to retire with dignity and financial security; and

WHEREAS, the Shelby County Board of Supervisors values our employees and strongly believes that we all benefit when employees have a voice in the workplace. Despite the enactment of this legislation, we are dedicated to the following:

NOW, THEREFORE, BE IT RESOLVED BY THE Shelby County Board of Supervisors that Shelby County will insure employees have a seat at the table when discussing health, retirement and other benefits and work place conditions; that we will employ fair and just compensation practices; and that we will develop a mutually agreeable internal procedure for the handling of grievances.

BE IT FURTHER RESOLVED that the Shelby County Board of Supervisors hereby directs Shelby County's authorized bargaining representative to engage in good faith negotiation with exclusive representative public employee organizations concerning all matters concerning wages, hours and working conditions excluding such matters and subjects excluded from the scope of negotiations by law and to memorialize any agreements into a written collective bargaining agreement; and

BE IT FURTHER **RESOLVED** that this resolution be shared with all employees and county bargaining units.

BE IT FURTHER RESOLVED that a copy of this resolution be immediately sent to members of the Iowa Press, the Office of the Governor and every member of the Iowa State Legislature.

In closing, we hope that collective bargaining in Shelby County will still result in fair and equitable negotiations.

No motions were made the board accepted paper copies of his delivery to the board for review in the future.

Shelby County Sheriff, Neil Gross then spoke to the board about raising the fees charged to some cities in Shelby County for patrol services and law enforcement. The current fee is \$25.00 per capita using the 2010 census count for each city using the service. The proposed fee not to take effect until July of 2019 was discussed by the board. No action was taken but consideration will be given as feedback from the cities involved is received. It was noted that it gives at least 9 months for this consideration to be approved or denied by the Supervisors.

Mark Maxwell County Auditor set the Canvass for the Primary on June 12th at 9:00 a.m. A motion by Schmitz and a second by Kenkel was made to set the date. A unanimous vote was received to approve the motion.

A motion was made by Steve Kenkel and a second was made by Roger Schmitz to approve the following Resolution:

RESOLUTION 2018-10
ENTRY RECORD OF THE FILING AND CONSIDERATION OF THE
COUNTY BUDGET AMENDMENT
FOR FISCAL YEAR 2018

BE IT REMEMBERED on this 8th day of May, 2018, the Board of Supervisors of Shelby County, Iowa, met in scheduled session for filing and considering the amendment of the County Budget for Fiscal Year 2018. There was present a quorum as required by law.

Entry record for filing of said budget amendment was established and approved for publication. The board, being fully advised, find that the date of the hearing on said amendment should be fixed, and it does fix, the 5th day of June, 2018, A.D., at the hour of 9:00 a.m. as the date and time of hearing to be held in the Supervisor's Chambers in the Courthouse in Shelby County, Iowa.

The above resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on May 8nd, 2018. The vote thereon being as follows:

AYES: Schmitz, Parkhurst and Kenkel NAYES: None

Maxwell then asked the Board for approval of use of the Courthouse grounds on June 24th. It will be use for the reading of the Bible by the 99 Counties organization. Schmitz then made a motion to approve this use of County grounds, a second was made by Kenkel. The board then recorded a unanimous vote in favor of the use of the grounds.

Brandon Burmeister, Shelby County Engineer, updated the board with the current activities in his department. The Board then approved the following Resolution with a motion by Kenkel and a second

by Schmitz. A vote was taken with Parkhurst, Schmitz, and Kenkel all voting in favor of the resolution as follows:

RESOLUTION 2018-11

BRIDGE EMBARGO

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.255 and 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: the County Engineer has completed (or has caused to be completed) the Structure Inventory and Appraisal of certain county bridges, in accordance with the National Bridge Inspection Standards and has determined (or it has been determined) that they are inadequate for two-lane legal loads at allowable operating stress.

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Board of Supervisors that vehicle and load limits be established and that signs be erected advising of the permissible maximum weights thereof on the bridges listed, as follows:

Structure Number	Feature crossed	Location	Load Limit (tons) All Vehicles
Cass 90-03-510	No Name Creek	Sec. 3,T. 79, R. 40	21,33,39 One Lane
Cass 90-09-510	Mosquito Creek	Sec. 9,T. 79, R. 40	7,10,13 One Lane
Cass 90-13-110	Keg Creek	Sec. 13,T. 79, R. 40	21,32,37
Cass 90-29-110	Mosquito Creek	Sec. 29,T. 79, R. 40	10,15,24 One Lane
Cass 90-35-110	Keg Creek	Sec. 35,T. 79, R. 40	8 One Lane
Center 98-24-210	Elm Creek	Sec. 24,T. 79, R. 38	12,18,24 One Lane
Center 98-27-110	No Name Creek	Sec. 27,T. 79, R. 38	17,25,29
Clay 87-08-220	No Name Creek	Sec. 8,T. 78, R. 37	9,13,24
Clay 87-16-110	Elk Horn Creek	Sec. 16,T. 78, R. 37	4
Clay 87-29-210	No Name Creek	Sec. 29,T. 78, R. 37	19,28,38
Douglas 08-10-110	West Nishnabotna River	Sec. 10,T. 80, R. 38	8 One Lane
Douglas 08-22-310	West Nishnabotna River	Sec. 22,T. 80, R. 38	9,14,13 One Lane
Greeley 18-29-210	Kidds Creek	Sec. 29,T. 81, R. 38	3,9,9
Greeley 18-30-110	Snake Creek	Sec. 30,T. 81, R. 38	6 One Lane
Grove 10-36-110	No Name Creek	Sec. 36,T. 81, R. 40	20,31,29 One Lane
Grove 10-36-120	Moser Creek	Sec. 36,T. 81, R. 40	21,30,31 One Lane
Jackson 97-22-120	Buck Creek	Sec. 22,T. 79, R. 37	7,11,17
Jackson 97-34-110	No Name Creek	Sec. 34,T. 79, R. 37	17,24,29
Jackson 97-35-610	West Nishnabotna River	Sec. 35,T. 79, R. 37	6 One Lane

Jefferson 17-03-520	West Nishnabotna River	Sec. 3,T. 81, R. 37	13,19,28
Jefferson 17-18-110	Elk Creek	Sec. 18,T. 81, R. 37	25,37,37
Lincoln 99-04-210	Keg Creek	Sec. 4,T. 79, R. 39	13,19,30
Lincoln 99-08-110	No Name Creek	Sec. 8,T. 79, R. 39	14,21,24 One Lane
Monroe 88-04-210	No Name Creek	Sec. 4,T. 78, R. 38	14,18,18
Monroe 88-18-410	Dutch Branch Creek	Sec. 18,T. 78, R. 38	25,37,38
Monroe 88-25-110	No Name Creek	Sec. 25,T. 78, R. 38	20,30,35
Monroe 88-26-210	Walnut Creek	Sec. 26,T. 78, R. 38	23,24,28
Monroe 88-35-110	Walnut Creek	Sec. 35,T. 78, R. 38	13,19,29
Polk 07-13-510	E. Branch W. Nishnabotna River	Sec. 13,T. 80, R. 37	9,13,19 One Lane

Polk 07-31-510	No Name Creek	Sec. 31,T. 80, R. 37	25,40,40 One Lane
Shelby 80-06-210	Keg Creek	Sec. 6,T. 78, R. 40	10,14,19
Shelby 80-20-110	E. Branch W. Nishnabotna River	Sec. 20,T. 78, R. 40	17,27,31
Shelby 80-26-110	Silver Creek	Sec. 26,T. 78, R. 40	23,30,30 One Lane
Shelby 80-30-120	E. Branch Keg Creek	Sec. 30,T. 78, R. 40	23,37,40 One Lane
Union 19-03-110	Willow Creek	Sec. 3,T. 81, R. 39	14,20,21 One Lane
Union 19-12-910	W. Fork W. Nishnabotna River	Sec. 12,T. 81, R. 39	12,18,24 One Lane
Union 19-23-610	No Name Creek	Sec. 23,T. 81, R. 39	26,40,40
Union 19-30-110	No Name Creek	Sec. 30,T. 81, R. 39	20,31,40
Washington 00-16-610	Pigeon Creek	Sec. 16,T. 80, R. 40	25,40,40
Washington 00-31-420	Pigeon Creek	Sec. 31,T. 80, R. 40	24,35,40
Washington 00-35-320	Mosquito Creek	Sec. 35,T. 80, R. 40	8,12,19 One Lane
Westphalia 09-10-110	Lyons Creek	Sec. 10,T. 80, R. 39	15,23,33 One Lane
Fairview 89-05-110	No Name Creek	Sec. 5,T. 78, R. 39	One Lane
Greely 18-05-220	W. Fork W. Nishnabotna River	Sec. 5,T. 81, R. 38	One Lane
Greely 18-14-210	No Name Creek	Sec. 14,T. 81, R. 38	One Lane
Jefferson 17-03-510	No Name Creek	Sec. 3,T. 81, R. 37	One Lane
Lincoln 99-18-110	Keg Creek	Sec. 18,T. 79, R. 39	One Lane
Lincoln 99-31-210	No Name Creek	Sec. 31,T. 79, R. 39	One Lane
Lincoln 99-31-220	No Name Creek	Sec. 31,T. 79, R. 39	One Lane
Polk 07-03-110	Long Branch Creek	Sec. 3,T. 80, R. 37	One Lane
Polk 07-16-110	Long Branch Creek	Sec. 16,T. 80, R. 37	One Lane
Union 19-16-120	Moser Creek	Sec. 16,T. 81, R. 39	One Lane
Westphalia 09-30-210	No Name Creek	Sec. 30,T. 80, R. 39	One Lane

Burmeister then asked the Board to approve the purchase of a new motor grader with the cost to his department of \$227,871.00. A motion for the purchase was made by Kenkel and seconded by Schmitz, a unanimous vote in favor of the motion followed.

Roger Schmitz then made a motion to approve the amendment Burmeister has made to the 5 year plan submitted to the state, Steve Kenkel seconded the motion. Charlie Parkhurst, Kenkel and Schmitz all voted in favor of the amendment.

It was moved by Schmitz , seconded by Kenkel, to approve the Amendment to the FY2019 Iowa Department of Transportation Five Year Program by Resolution No. 0.1, which is on file in the County Engineer’s Office. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 9:52 am.

Charles Parkhurst, Chairman

ATTEST:

Mark L. Maxwell
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.