

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: Steve Kenkel, Chairman; Charles Parkhurst, Vice-Chairperson; Supervisor Darin Haake 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 Parkhurst and seconded by Haake to approve the agenda with no additions. AYES: Unanimous NAYES: None

A motion was made by Haake with a second by Parkhurst, to approve the minutes of the February 19th, 2019 meeting, as well as the minutes from February 26th. AYES: Unanimous NAYES: None

It was moved by Parkhurst, seconded by Haake, to approve the Claims of February 28th, 2019 as listed in the claims register. AYES: Unanimous NAYES: None

Steve Kenkel asked Supervisor Haake and County Attorney Marcus Gross about the mitigation project in the Earling area and what the Conservation board has heard about the project. Haake let it be known that the company contracted will start as soon as possible and the County can start earning upstream credits as soon as the work is finished. It was noted that the Board of Supervisors, Conservation Board, Secondary Roads and the City of Earling will all have to work closely on this project protecting downstream waterways.

Todd Valline of the Shelby County Chamber of Commerce then addressed the board noting he is still in progress of talking to city councils around Shelby County about grants being made available to cities for rehabilitation of buildings. Valline then discussed with the Board and the Auditor of the possibility of the Community Kitchen renting some open space from the county in the annex building. The board was open to the plan but suggested that it would not be a long term solution for their storage solution, nor will it be a long term commitment by either party. The Chairperson and Auditor both expressed concerns about competing with private building owners and their available spaces for rent. It was also expressed that public comment would be welcome at the Auditors office or at the next Supervisors meeting on Tuesday, March 19th at 9 AM. The Community Kitchen will prepare an initial proposal for the County to review or negotiate at or prior to the March 19th meeting. No decision will be made until that meeting.

Tony Buman, Shelby County Assessor, asked the board to consider tax abatements which included two properties. The Parcel numbers and abated taxes were Parcel number 833112049101 for \$338; Parcel number 833241000090 for \$2,794. One being for a mis taxed property and the other for a disabled veterans widow that qualified for an abatement. Parkhurst made a motion to approve the abatements and Haake seconded the motion. The motion to approve the abatements passed with a unanimous vote in favor of the two abatements.

Mark Maxwell, Shelby County Budget Director, then advised that publication issues have postponed the legal budget consideration date from today and rescheduled for March 19th. Maxwell asked if anyone in attendance had comments for him or the Board of Supervisors concerning the fiscal year 2020 budget. None have been heard.

Supervisor Parkhurst then made a motion to accept the following resolution 2019-12; setting the hearing date for the 2020 budget on March 19th at 9:00 A.M. Supervisor Haake then seconded the following proposed resolution.

RESOLUTION NO. 2019-12 ENTRY RECORD OF THE FILING AND CONSIDERATION OF THE
COUNTY BUDGET ESTIMATE FOR FISCAL YEAR 2020

BE IT RESOLVED on this 5th day of March 2019, the Board of Supervisors of Shelby County, Iowa, met in scheduled session for filing and considering the estimate of the County Budget for FY2020. There was present a quorum as required by law.

Entry record for filing of said budget estimate was established and approved for publication. The Board, being fully advised, find that the date of the hearing on said estimate should be fixed, and it

does fix, the 19th day of March 2019, at the hour of 9:00 A.M. as the date and time of hearing to be held at the Supervisor’s Chambers in the Courthouse in Shelby County, Iowa.

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on March 5th, 2019, the vote thereon being as follows: Ayes: Darin Haake, Steve Kenkel and Charlie Parkhurst Nays: None

It was moved by Haake, seconded by Parkhurst, to approve the publication of the following calendar year 2018 Payroll and to authorize the Clerk to include the gross wages and benefits as provided by Shelby County payroll software, the actual copy and method of calculation is available upon request at the Auditors office as well as individual of the employees of the Landfill, EMA, and Assessor.
AYES: Kenkel, Parkhurst, Schmitz NAYES: None

| | | | | | |
|---------------------------|------------|--------------------|-----------|--------------------|-----------|
| Ahart, Daniel | 8,167.50 | Goetzinger, Julie | 34,987.47 | Monahan, Philip | 43,227.10 |
| Allen, Russell | 46,864.29 | Greer, Geralyn | 55,080.00 | Murray, Gary | 28,810.91 |
| Anderson, Penny | 40,150.14 | Greve, Bryan | 45.00 | Musfeldt, Richard | 49,050.46 |
| Anzalone, Josephine | 39,017.51 | Gross, Jerome | 187.50 | Nelsen, Ryne | 44,266.32 |
| Argotsinger, Todd | 41,571.48 | Gross, Marcus | 61,283.52 | Oman, Arlyn | 15,888.00 |
| Arkfeld, Richard | 854.92 | Gross, Marvin | 3,907.50 | Oman, Sharon | 1,155.00 |
| Arnold, Vivian | 18,868.49 | Gross, Neil | 76,663.56 | Ozbun, Steve | 1,098.75 |
| Assman, Mark | 9,788.25 | Gross, Steven | 26,660.00 | Parkhurst, Charles | 29,805.00 |
| Baughman, James | 52,527.60 | Haake, Tamara | 26,425.50 | Peters, Kenneth | 45.00 |
| Bierl, Andrew | 39,858.21 | Hammitt, Larry | 1,730.00 | Petersen, Andrew | 19,629.25 |
| Bierl, Marissa | 28,649.48 | Hansen, Amanda | 40,879.11 | Petersen, Roxanne | 47,394.88 |
| Birks, Glenn | 58,168.74 | Hansen, Cody | 39,276.32 | Pigsley, Nancy | 41,655.93 |
| Blackwell, Kenneth | 49,136.44 | Hastert, Richard | 50,076.25 | Pigsley, Nathan | 59,788.39 |
| Blum, Carolyn | 56,016.00 | Heflin, Robert | 46,375.98 | Plagman, John | 41,451.27 |
| Blum, Jacob | 8,499.77 | Henry, Chad | 45,854.24 | Poore, Angela | 24,898.40 |
| Blum, Mikayla | 13,402.50 | Henscheid, Jared | 47,940.52 | Preston, Nicholas | 51,205.92 |
| Brownlee, Christian | 16,257.57 | Holloway, Jacob | 46,276.83 | Quist, Braden | 58,848.31 |
| Buman, Tony | 69,355.44 | Hoss, Jacob | 3,890.00 | Ranney, Keri | 28,252.24 |
| Burmeister, Brandon | 101,755.43 | Ickes, Bonnie | 13,966.21 | Rasmussen, Brent | 46,533.66 |
| Butler, Chad | 60,850.00 | Jacobsen, Todd | 48,441.66 | Renze, Nicole | 360.00 |
| Cable, Josephine | 41,985.17 | Jauron, Vincent | 17,544.00 | Rhodes, Shelly | 23,012.00 |
| Campbell, John | 45,585.70 | Jensen, Megan | 38,319.98 | Riley, David | 53,747.34 |
| Carter, Marsha | 900.00 | Jensen, Michael | 56,875.20 | Roelofs, Christina | 43,141.44 |
| Cavanaugh, Durwood | 19,365.12 | Jurgensen, Michael | 35,714.19 | Roelofs, Vance | 31,149.77 |
| Christensen, Joann | 739.75 | Kaster, Kaleb | 3,815.00 | Schaben, Bryce | 62,426.69 |
| Clayton, John | 45.00 | Kenkel, Steven | 29,304.96 | Schlensig, Kandi | 56,414.05 |
| Cooper, Patrick | 5,925.00 | Kienast, Michael | 74,100.52 | Schmitz, Edward | 48,894.86 |
| Cortes, Ciera | 3,230.01 | Klein, Kevin | 52,015.87 | Schmitz, Roger | 29,304.96 |
| Croghan, Janet | 33,720.43 | Knapp, Taryn | 31,433.45 | Schwery, Sandra | 22,490.88 |
| Curtis, Janet | 3,193.04 | Kohl, David | 3,120.00 | Seaman, Curtis | 41,993.47 |
| Daringer, Douglas | 59,231.98 | Kramer, Karla | 40,761.76 | Seivert, Robert | 75,674.11 |
| Daringer, Terri | 56,710.92 | Lefeber, Kelly | 57,592.59 | Sick, Franklin | 50,199.70 |
| Dontje, Donavon | 56,445.01 | Lindberg, Kyle | 46,738.68 | Sonderman, Curtis | 48,972.93 |
| Eckles, Cody | 55,460.52 | Londo, Alexander | 45,644.01 | Waddell, Bruce | 59,050.91 |
| Ferguson, Neil | 658.75 | Maassen, Kimarie | 39,162.98 | Weaver, Colin | 11,080.00 |
| Finken, Thomas | 46,408.52 | Madson, Larry | 45.00 | Welter, Shelley | 48,570.40 |
| Fredericksen, Christopher | 48,518.40 | Maguire, Ylonda | 77,006.64 | Whyte, Lee | 36,760.03 |
| Garrison, Robert | 540.00 | Maiwald, Marion | 8,651.25 | Wickizer, Jason | 56,666.40 |
| Gau, David | 74,169.91 | Maxwell, Mark | 60,329.52 | Wolken, Ann | 58,842.80 |
| Giasson, Susan | 49,580.17 | Mcdaniel, William | 2,060.00 | Wolken, Charles | 41,639.65 |
| Goeser, Julie | 45,038.84 | Mclaughlin, Debra | 36,732.07 | Yamada, Derrick | 3,200.00 |

Parkhurst then made a motion and it was seconded by Haake to not approve the salary increase as recommended by the Compensation Board, but instead to reduce the recommendation by 1.5 % for Shelby County Elected officials. Longevity pay will be awarded for experience as are hourly full time employees, this is noted in the following resolution.

RESOLUTION NO. 2019-9 COMPENSATION BOARD RECOMMENDATION

WHEREAS, the Shelby County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907, and

WHEREAS, the Shelby County Compensation Board met on November 15, 2018, and made the following salary recommendations for the following elected officials for the fiscal year beginning July 1st, 2019:

| <u>Elected Official</u> | <u>Current Salary</u> | <u>Proposed Increase</u> | <u>Recommended Salary</u> |
|-------------------------|-----------------------|--------------------------|---------------------------|
| Auditor | \$55,894 | 4.5% | \$58,409 |
| County Attorney | \$62,189 | 4.5% | \$64,987 |
| Recorder | \$55,894 | 4.5% | \$58,409 |
| Sheriff | \$74,308 | 4.5% | \$79,890 |
| Supervisors | \$29,738 | 4.5% | \$31,074 |
| Supervisor-Chair | \$30,238 | 4.5% | \$31,574 |
| Treasurer | \$55,894 | 4.5% | \$58,409 |

The compensation board also recommended longevity pay equal to hourly employees, which prescribes the following:

| | |
|----------------|--------------------|
| After 5 years | + .35 x 2080 hours |
| After 10 years | + .45 x 2080 hours |
| After 15 years | + .55 x 2080 hours |
| After 20 years | + .65 x 2080 hours |

THEREFORE, BE IT RESOLVED that the Shelby County Board of Supervisors approves the following salary adjustments for the following elected officials for the fiscal year beginning July 1, 2019:

| <u>Elected Official</u> | <u>Proposed Salary</u> | <u>Approved Increase</u> | <u>Approved Salary</u> |
|-------------------------|------------------------|--------------------------|------------------------|
| Auditor | \$58,409 | 3% | \$57,571.00 |
| County Attorney | \$64,987 | 3% | \$64,055.00 |
| Recorder | \$58,409 | 3% | \$57,571.00 |
| Sheriff | \$79,890 | 3% | \$77,473.00 |
| Supervisors | \$31,704 | 3% | \$30,630.00 |
| Supervisor-Chair | \$32,204 | 3% | \$31,130.00 |
| Treasurer | \$58,409 | 3% | \$58,299.00 |

The Board of Supervisors also approved the longevity schedule for all elected officials except the Board of Supervisors and the County Attorney. Approved this 5th day of March 2019, with the following results. AYES: Haake, Kenkel, Parkhurst NAYES: None

Shelby County Engineer, Brandon Burmeister, addressed the board asking for approval of his annual five year plan. Burmeister presented a brief description of the matrix he uses to prioritize large projects in the county. Copies of this 5 year project plan are available at the County Engineers office. A motion by Parkhurst and a second by Haake was made to approve this plan. A vote was held with Kenkel, Haake and Parkhurst all voting in favor of the plan. Burmeister then voiced his concerns over the possibility of more weight limits for certain vehicles being raised by the current legislature and the burden it puts on rural counties such as Shelby County.

The board then was read the following Fraud Reporting Policy Resolution; its passage necessitated by the new Hazard Mitigation Plan being developed and participated in by FEMA. A motion was made by Haake and a second by Parkhurst to approve the following resolution.

RESOLUTION 2019-11 SHELBY COUNTY FRAUD REPORTING POLICY

PURPOSE

The purpose of this Reporting Policy is to ensure that Shelby County complies with the Code of Federal Regulations, 2 CPR, Section 200.113 that requires reporting of violations of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant.

POLICY

Shelby County departments and/or employees are required to disclose, in writing and in a timely manner, all violations of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal award. *This* requirement applies to violations involving Shelby County, its employees, and any sub-recipients of a federal grant.

If a Shelby County department or employee learns of a violation of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant, the department or employee must report the violation to the Shelby County Auditor (designated Shelby County contact). Reportable violations include not only those violations concerning Shelby County or its employees, but also

include violations relating to sub-recipients of award monies. The Shelby County Auditor is responsible for reporting the violation to the relevant federal agency in writing and in a timely manner. Passed and adopted this 5th day of March, 2019, with the following results; Ayes: Parkhurst, Kenkel and Haake. Nays: none

The Auditor then informed the board of a newly created fund to segregate Jail room and Board income from the Capital fund for cleaner recordkeeping. A motion was made by Haake and seconded by Kenkel to approve the transfer of funds by the following resolution.

RESOLUTION NO. 2019-13 AUTHORIZE AUDITOR TO TRANSFER FUNDS

WHEREAS, it is desired to transfer monies from the Capital Fund and to the Jail R&B Fund, and WHEREAS, said operating transfers are in accordance with Sections 331.432, Code of Iowa, NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Shelby County, Iowa, as follows: The Auditor is hereby authorized to transfer funds from the Capital Fund to the Jail Room and Board fund. A vote was held to consider approval of the resolution 2019-13 the vote was counted with ayes by Parkhurst, Kenkel and Haake. No nays were cast

The board then was read the following Procurement Policy its passage is necessitated by the new Hazard Mitigation Plan being developed and participated in by EMA and other departments that receive federal and state grants. A motion was made by Haake and a second by Parkhurst to approve the following policy.

Shelby County PROCUREMENT POLICY 2019-1

PURPOSE

The purpose of this procurement policy is to ensure that sound business judgement is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable federal and state law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition. These procedures will ensure that all solicitations incorporate clear and accurate descriptions of the technical requirements for the goods or services being procured. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply.

APPLICATION

This policy applies to the procurement of all supplies, equipment, and construction and services of and for Shelby County that include any federal program funding. In regard to any such federal programs, all procurement will be done in accordance with 2 CFR; Part 200. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also

apply. When federal requirements conflict with local or state requirements, the federal requirement, or most restrictive requirement will be followed.

POLICY METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

A. Micro-Purchase Procedures 200.320(a)

- i. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold - \$10,000 (200.67)
- ii. To the extent practicable, must distribute micro-purchases equitably among qualified suppliers
- iii. May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable

B. Small Purchase Procedures 200.320(b)

- i. Are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the simplified acquisition threshold - \$250,000 (200.88)
- ii. Price or rate quotations are to be obtained from an "adequate number" of qualified sources

C. Sealed Bidding (formal advertising) 200.320(c)

- i. Lowest priced, responsive, responsible, bidder WINS

- ii. The preferred method for construction when sealed bidding is “feasible”, which is when certain conditions are present
- iii. Bids must be solicited from an “adequate number of known suppliers”, providing them sufficient response time before date for the opening of bids
- iv. Bids will be opened at the time and place prescribed in the invitation for bids
- v. Must publicly advertise the invitation for bids
- vi. Bids must be opened publicly
- vii. Other procedural requirements at 200.320(c)(2)

D. Competitive Proposals 200.320(d)

- i. Used when conditions are not appropriate for the use of sealed bids
- ii. The appropriate method when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract is awarded
- iii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with *price* and other factors considered
- iv. Requests for proposals *must be publicized* and identify all evaluation factors and their relative importance
- v. Proposals must be solicited from an adequate number of qualified sources
- vi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract

E. Noncompetitive Proposals 200.320(f)

- i. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - a. **One Source:** the item is available only from a single source
 - b. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation
 - c. **Awarding Agency Approval:** the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity
 - d. **Inadequate Competition:** after the solicitation of a number of sources, competition is determined inadequate

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN’S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS (200.321)

- A. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- B. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING (200.323)

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Shelby County shall perform some form of cost/price analysis for every procurement action, including contract modifications, amendments, or change orders. Shelby County shall make an independent estimate prior to receiving a bid or proposal.
- C. Shelby County shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. In determining a fair and reasonable profit, Shelby County must consider the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance and the industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

Shelby County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (200.324)

(a) Shelby County must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.

(b) Shelby County must make available upon request, for the Federal awarding agency or pass-through entity preprocurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) Shelby County's procurement procedures or operation fails to comply with the procurement standards in this Part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) Shelby County is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.

(1) Shelby County may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;

(2) Shelby County may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from Shelby County that it is complying with these standards. Shelby County must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

AWARDED CONTRACTS

- A. Shelby County will not award a contract to a party listed as debarred, suspended, or otherwise excluded in the System for Award Management (SAM). www.sam.gov (200.213)
- B. Contracts awarded shall contain the applicable contract provisions described in 2 CFR 200.326 and Appendix II to Part 200.
- C. Shelby County will maintain written standards of conduct covering conflicts of interest and must provide for disciplinary action to be applied for violations of such standards as defined in 2 CFR 200.318 (c) (1).

No officer, employee, or agent of Shelby County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

The employee, officer, or agent: Any member of his/her immediate family;

His/her partner; or an organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award.

Shelby County officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

To the extent permitted by federal, state, or local law or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against Shelby County's officers, employees, or agents.

A vote was held with Kenkel, Haake and Parkhurst, all voting in favor of adopting this policy, no nay votes were cast.

Auditor Maxwell then notified the Board of the work recently performed by Cost Advisory Services this company provides Shelby county with complex reimbursements for indirect costs the county incurs for the local DHS office. This amount is estimated to be \$55,411 for fiscal year 2020 and an estimated \$18,286 will be reimbursed to Shelby County in fiscal year 2020. The cost of this service and calculations to Shelby County will be \$4,125.00. Signatures are required by both the Auditor and Chairperson of the Board of Supervisors.

Legal Counsel for Shelby County Human Resources and Union negotiations are provided by Ahlers & Cooney PC. A letter was received from this firm along with a schedule of fees/charges from the last three fiscal years. The flat fee charged to Shelby County has saved the County \$22,585.00 over the last three fiscal years versus paying per hour. The question being put to the board today is whether to accept the new higher flat fees that would raise the County cost of \$700.00 per month. Haake made a motion to approve the payment costs of the new agreement, a second was made by Parkhurst with a unanimous vote in favor of entering into the new agreement.

There being no further business appearing, the Chairman declared the meeting adjourned.

Steve Kenkel, Chairman

ATTEST:

Mark L. Maxwell
Clerk to the Board of Supervisors