

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; and 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 March 19th regular meeting. AYES: Unanimous NAYES: None

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

All Supervisors indicated they did not have any committee reports at this time. Steve Kenkel said his next Southwest Iowa Mental Health Board will meet June 3rd.

Shelby County Engineer Brandon Burmeister stated to the board that the deep frost in areas is trapping moisture on top of the ground and making the roads like driving on a mattress. Burmeister noted that rainfall would speed up the hardening process of the roadways. Secondary roads has from 15 to 20 extra haulers moving material at this time. There is expected to be great competition this summer for material for road surfacing due to flooding. It is estimated that 8700 tons of material was lost from Shelby County Roadways. There is consideration being put into reinstating the embargo from last month. Parkhurst made a motion to allow Engineer Burmeister to confer with Supervisor Kenkel to enact the embargo if they see situations deteriorating because of heavy travel. Haake seconded the motion and Haake, Kenkel and Parkhurst all voted in favor of Parkhurst's motion.

Lori Hoch Shelby County Public Health asked the board to consider approving a policy to control the vaping or electronic cigarette and or smoking devices in Shelby County. The health problems from vaping parallel those of smoking and include up to 30 times the levels of the highly addictive chemical nicotine. Parkhurst made a motion to approve any policy of agreement with the statements made by Ms. Hoch. Haake seconded and all three supervisors voted in favor of the motion.

Alex Londo, Shelby County EMA Coordinator, stated to the board that they are still collecting home damage assessment from flooding in Shelby County. Once all assessments are collected the amount of assistance will be determined by FEMA. The preliminary total for Shelby County was 1.15 million dollars in damage to public property, with roads being the greatest portion of that figure. Grant dollars have been received for the purchase of a drone for Shelby County. Londo said the county rented a drone and it was indispensable in investigating damage of flooding to inaccessible areas. His department is also looking into new software as the current software is outdated. There is a new software that the State of Iowa is pushing to standardize 911 call centers across the state.

Neil Gross Shelby County Sheriff also gave his report letting the board know that the County now has two K-9 units in use. The departments callouts are increasing as the weather warms and the expected use of the K9s is expected to increase. The ever increasing problem with opioids is creeping closer and closer to Shelby County and his department is receiving advanced training to keep officers safe from components of the illegal trade.

Kyle Lindberg, Shelby County Jail Administrator said the census at his facility has dropped and the drop has eased some of the strain put on his department from the past few years of being near capacity at all times. Also it was mentioned by Lindberg to consider a camera maintenance contract, with over 30 cameras in his facility, it might be less cost to have a maintenance agreement versus a pay for everything as you go as they are currently doing. This line item would be added to his budget in the coming years if in the future it is recommended and then approved by the Supervisors. IT Director Mark Maxwell said the knowledge and spending needs to stay in the jail department as it is a very specific need and only utilized by one department.

Lonnie Maguire Community Services Director let the board know that recent conferences have dominated her schedule, discussing new legislative mandates and processes and access centers, and that these are all unfunded at this time.

Shelby County Recorder, GERALYN GREER, stated that a new system for licenses and registrations issued in her office has been installed. There is now a hard card system in place, and that a hard card may be purchased through her department and all licenses issued will be available by scanning or reading the card. The option of carrying paper copies is still available.

Tony Buman, Shelby County Assessor said assessment notices were sent out April 1st and that property owners should be receiving them soon. The biggest highlight noted was the approximately 25% decrease in agland value in Shelby County. This is the 100% assessed value, the state will determine what percentage will be taxable for agland owners.

Todd Valline of the Shelby County Chamber of Commerce and Industry, addressed the board advising that a new Shelby County labor report is in the works and the results will be out this fall.

The New Chamber of Commerce Members have had half of the cost of their first year memberships paid by Shelby County since 2013. 50 members have signed up and 36 of the 41 members since that time, have been with the Chamber for over one year, and are still members. The County has a line item for this budget and has spent \$3,495.20 subsidizing the first year of membership since the inception of this program in 2013. A motion was made by Haake and a second was made by Parkhurst to extend this program until 2024, 5 more years. A vote was held with Kenkel, Haake and Parkhurst all voting in favor of extending the program extensions as follows.

Proposal to Help Promote Economic Development within Shelby County
New Member Cost Share Program

1. Starting in 2019/2020 fiscal year, the county is offering a cost share program to new first time Chamber members for reimbursement on their first year membership dues, up to 50% or \$125.00 maximum (whichever is less), up to a maximum of 20 new memberships per year. (20 memberships X \$125.00 = \$2,500.00)
2. New first time Chamber members would submit a copy of their membership dues receipt to the County for rebate.
3. This program would continue the following year, if at least 50% of the previous year's first time memberships were renewed with the Shelby County Chamber.
4. The Shelby County Chamber must provide the Shelby County Board of Supervisors a list that represents at least a 50% renewal rate on their second year members before the cost sharing rebate program can be enacted the following year.
5. This program would be offered for 5 years, unless the 50% renewal rate is not met.

AYES: Haake, Kenkel, Parkhurst NAYES: None

Valline notified the Supervisors that the County proposal has been accepted by the Community Kitchen for their rental of a room in the County annex building for \$250.00 per month for storage only. The contract has any increased electricity usage versus prior years or months will be charged back to and added to the monthly rental price. A motion was made by Haake and a second was made by Parkhurst to sign the agreement with the Community Kitchen. All three Supervisors voted in favor of permit the Auditor, Mark Maxwell, to signing the agreement.

The Board considered approving the liquor license of The Harlan Inn and Suites liquor license, the Motel north of Harlan. A motion was made by Parkhurst and a second by Haake to approve the license. AYES: Parkhurst & Kenkel & Haake NAYS: None

Bryce Schaben, Shelby County Safety Coordinator, said training sessions should be held for department heads to direct them how to handle injured workers and returning to work. This could possibly lead to lowering County workman's compensation rates. Schaben, who is also Shelby County Weed Commissioner, discussed with the board the new wording on the yearly Weed Notice that is published locally to assist in eradicating and controlling invasive and noxious weeds. A motion was made by Parkhurst and seconded by Haake to approve the following resolution.

RESOLUTION NO. 2021-16
WEED DESTRUCTION PROGRAM

BE IT RESOLVED, that pursuant to the provisions of Chapter 317, Code of Iowa, it is ordered: That each owner and each person in possession or control of any lands in Shelby County, shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in the chapter, at such time in each year and in such manner as shall prevent such weeds from blooming or coming to maturity, and shall keep said lands free from such growth as shall render the streets or highways adjoining said lands unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed as published in the official newspapers of Shelby County. That owners or persons in control of real estate within said county shall **eradicate** all Class A noxious weeds and **control** all Class B noxious weeds. All Class A noxious weeds to be eradicated and all Class B noxious weeds to be controlled from Chapter 58 of the Iowa Department of Agriculture and Land Stewardship Administrative Code, 21-58.4(317) are listed in the publication. Measures of control shall take place at such time, in each year, and in such a manner as shall prevent such weeds from blooming or coming to maturity throughout the growing season. Weather conditions may cause weeds to mature several weeks ahead of normal and consequently require control measures prior the listed dates. Any landowner with property under CPR contract with the USDA is encouraged to consult with their local office and must abide by contract requirements. THEREUPON, the Board instructed the County Auditor to place said notice in the official newspapers of Shelby County. The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on April 2, 2019, the vote thereon being as follows: AYES: Haake, Kenkel, Parkhurst NAYES: None

Jason Erickson of Thinkspace IT delivered a report to the supervisors containing information on intrusions and protection provided by their services. Erickson also told the board of intrusion protection that they are installing at the request of IT director Maxwell. The equipment is adding another level of protection and reporting to Shelby Counties IT system. The cost of the system being about \$40,000 and is paid for at the state level not by Shelby County taxpayers.

Shelby County IT Director Mark Maxwell then presented the Supervisors with the IT disaster recovery plan agreement that is to be added to the Master Shelby County Disaster Plan. Next Tuesday will be the Election Canvass for todays City election in Shelby. The fallout shelter sign from the Courthouse was removed by Maxwell and he notified the sign was donated to the Shelby County Museum for their cold war exhibit. Maxwell also noted that the Board tour of buildings is scheduled for April 16th immediately following board room proceedings.

Jane Smith was then considered by the board to be appointed to the Shelby County Magistrate Appointment Board. A motion was made by Haake and a second by Parkhurst to appoint Ms. Smith. Haake, Parkhurst and Kenkel all voted in favor of the appointment.

The Shelby County Board of Supervisors then considered a new policy to standardize Board appointments. This will establish recruitment, appointment, and application for appointment and reappointment to Shelby County Boards or Commissions. Copies of the complete policy and applications for board seats are available at the Auditors office. A motion was made by Parkhurst and seconded by Haake to approve the following policy.

POLICY 2019-5
BOARD APPOINTMENTS TO STATUTORY BODIES

POLICY

State law requires or allows boards of supervisors to appoint the members of various statutory bodies. It is the policy of the Shelby County Board of Supervisors to make such appointments in a consistent manner.

SCOPE

The scope of this policy includes but is not limited to appointments of the Board of Supervisors to the following bodies:

County Zoning Board of Adjustment (§335.10, §335.11, *Code of Iowa*)

County Board of Health (§137.3, §137.4, *Code of Iowa*)

County Planning and Zoning Commission (§335.8, *Code of Iowa*)

County Conservation Board (§350.2, *Code of Iowa*)

Civil Service Commission (§341A.2, *Code of Iowa*)

Veteran Affairs Commission (§35B.3, §35B.4, *Code of Iowa*)

Magistrate Appointing Commission (Chapter 602 Article 6 Part 5. *Code of Iowa*)

Additional requirements for Veteran Affairs Commission appointments are found in a separate section.

ADMINISTRATIVE PROCEDURES

1. RECRUITMENT

- a. The applicant must be a resident of Shelby County.
- b. Any member of the Board of Supervisors may contact potential applicants.
- c. A notice shall be published in the official newspapers of Shelby County, at a minimum, informing the public of the pending appointment. It may also be posted on the County webpage and courthouse bulletin board.
- d. The published notice shall indicate the effective period of the vacancy and the deadline for applications.
- e. Any interested party may contact the County Auditor, or a County Supervisor, to get an application for Boards/ Commissions.

2. APPOINTMENT

- a. Appointments shall be made in accordance with Iowa law or other applicable statute or rule. (Provisions regarding appointment and qualification criteria specific to individual boards and commissions are indicated in the list above.)
- b. Applicants shall complete an application explaining their interest in the position applied for, demonstrating their ability to commit the necessary time, and giving specific information regarding experience or special knowledge about activities of the board or commission in question. Applications should be returned to the Auditor's office at 612 Court Street, Harlan, IA 51537.

3. REAPPOINTMENT

- a. Appointees may be appointed to consecutive terms.
- b. Appointees will not be appointed to consecutive terms in the case of any of the following:
 - (1) The appointee does not desire to serve.
 - (2) The appointee has frequent unexcused absences.
 - (3) The Board of Supervisors chooses not to reappoint the appointee.
- c. Board/commission members not wishing to be reappointed must state to his board the reasons why and notify the Supervisors or the Auditors office. A former appointee will be given the same consideration for appointment as other applicants.

VETERAN AFFAIRS COMMISSION

- a. The applicant must be an honorably discharged member of the armed forces of the United States and must provide Form DD214 as evidence thereof.
- b. In response to or in anticipation of a vacancy on the Commission of Veteran Affairs, the Board of Supervisors shall notify veterans' groups from a list maintained by the Commission of Veteran Affairs.
- c. The notice provided to veterans' groups shall indicate the effective period of the vacancy and the deadline for applications.
- d. The notice to the veterans' groups shall request the groups to recommend two qualified individuals for each available vacancy.
- e. The notice to the veterans' groups shall include blank application forms and a copy of §35B.3 of the *Code of Iowa*.

Haake, Parkhurst and Kenkel all voted in favor of approving the policy. No Nays were cast.

The board then set the hearing date of May 7th at the hour of 9:00 AM for the first reading of an anti-vaping/ electronic cigarette ordinance for Shelby County. This was done after a motion by Haake and a second by Parkhurst and a unanimous vote in favor of setting the date.

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