

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; Darin Haake, Supervisor 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 April 16TH, 2019^h, 2019 Meeting. AYES: Unanimous NAYES: None

It was moved by Parkhurst, seconded by Haake, to approve the claims of April 29th, 2019 as listed in the claims register. AYES: Unanimous NAYES: None

The Supervisors then made time to give any committee reports. Charles Parkhurst announced that his Nishnabotna Watershed meeting had much information on recent flooding.

Tom Hardy of FEMA and Cory William SBA- Representative in Shelby County introduced themselves to the Board of Supervisors. Disaster assistance is still available and can be applied for before July 1st, 2019

Mark Maxwell, Shelby County Auditor let the Board know that the beaver bounty limit was exceeded by one animal, bring the total turned in at 201 beavers. The board must now approve payment of the final \$25.00 for payment. Haake made a motion to approve the payment and Parkhurst seconded the motion, a unanimous vote in favor of the payment was counted.

Lori Hoch of Shelby County Public Health, was in attendance and she noted that no opposition to the proposed ordinance concerning electronic smoking devices has been received. None of the Supervisors had heard any comment and the Auditor had one comment in favor of the ordinance received in his office.

Now being the time for the public hearing on the First Reading of Shelby County Ordinance No. 2019-1, An Ordinance No. 2019-1, For the purpose of prohibiting the use of electronic smoking devices in public places; and establishing an effective date, the Chairman did open the hearing. The Chairman inquired as to any public comment before or after these proceedings. There were no written or oral comments. It was moved by Haake, seconded by Parkhurst, to close the hearing, to suspend future readings, and to adopt the following Ordinance:

ORDINANCE NUMBER 2019-1

AN ORDINANCE FOR THE PURPOSE OF PROHIBITING THE USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC PLACES; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE. BE IT ENACTED, by the Shelby County Board of Supervisors for Shelby County Iowa for:

56.01 PURPOSE: The purpose of this chapter is to prohibit the use of electronic smoking devices in public places.

1.02 APPLICABILITY. The provisions contained herein apply to the unincorporated areas of Shelby County.

1.03 AUTHORITY. Pursuant to the Code of Iowa, Chapter 137 Local Boards of Health, the Shelby County Board of Health adopts the rules contained in this chapter necessary for the protection and improvement of public health.

1.04 USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC PLACES PROHIBITED.

1. The use of an electronic smoking device is prohibited and a person shall not use such device in any of the following places:

- a. Public places
- b. All enclosed areas within places of employment including, but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways, and stairwells, and vehicles owned, leased, or provided by the employer.

2. In addition to the prohibitions specified in subsection 1, the use of an electronic smoking device is prohibited and a person shall not use such device in or on any of the following outdoor areas:

- a. The seating areas of outdoor sports arenas or stadiums, amphitheaters, and other entertainment venues where members of the general public assemble to witness entertainment events.
- b. Outdoor seating or serving areas of restaurants.
- c. Public transit stations, platforms, and shelters under the authority of the city.
- d. School grounds, including parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a public or private-educational facility, including inside any vehicle located on such school grounds.
- e. The grounds of any public buildings owned, leased, or operated under the control of the county.

1.05 AREAS WHERE ELECTRONIC SMOKING DEVICES ARE NOT REGULATED. Notwithstanding any provisions of this chapter to the contrary, the following areas are exempt from the prohibitions of section 56.04;

1. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty percent of the rooms of a hotel or motel rented to guests are designated as smoking rooms.
2. Retail tobacco stores.
3. Retail electronic smoking devices stores that sell electronic smoking devices as their primary merchandise line.
4. An enclosed area within a place of employment or a public place that provides a smoking cessation program or a medical or scientific research or therapy program, if smoking is an integral part of the program.

1.06: DEFINITIONS.

1. Electronic smoking device means any product containing or delivering nicotine (e.g. Electronic Nicotine Delivery System, ENDS) or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen or under any other product name or descriptor.
2. Public place means an enclosed area to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following:
 - a. Financial institutions
 - b. Restaurants
 - c. Bars
 - d. Public and private educational facilities
 - e. Health care provider locations
 - f. Hotel and motels
 - g. Laundromats
 - h. Public transportation facilities and conveyances under the authority of the city, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities.
 - i. Galleries, libraries, and museums
 - j. Retail food production and marketing establishments
 - k. Retail service establishments
 - l. Retail stores
 - m. Entertainment venues including, but not limited to, theaters, concert halls, auditoriums, and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances, bingo facilities; and indoor arenas including sports arenas.
 - n. Polling places
 - o. Convention facilities and meeting rooms.
 - p. Public buildings and vehicles owned, leased, or operated by or under the control of the county.
 - q. Service lines.
 - r. Private clubs only when being used for a function to which the general public is invited.
 - s. Private residences only when used as a child care facility, a child care home, or health-care provider location.
 - t. Child care facilities
 - u. Any other place defined under public places in Chapter 142D of the Code of Iowa.

1.07 VIOLATION OF THIS CHAPTER. Violation of this chapter shall be a civil infraction punishable by a penalty of \$100 for a person's first violation thereof and \$200 for each repeat violation. Alternatively, violation of this chapter can be charged by a peace officer of the county or city as a simple misdemeanor.

1.08 CONFLICTS WITH THIS CHAPTER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, if any.

1.09 EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law. A voted was held with Haake, Kenkel and Parkhurst all voting in favor of the motion. No nays were cast.

Shelby County Engineer, Brandon Burmeister asked the supervisors to upgrade 600 feet of level B road to Level A. The adjacent landowner will reimburse the County for the cost of improvement, per County policy. Parkhurst made a motion to approve the upgrade and Haake made a second. A vote was taken with all three Supervisors voting in favor of allowing the upgrade.

Burmeister asked for approval of the purchase of a Caterpillar brand road grader a cost of \$320,294. The grader it is replacing will be kept as a spare, this past winter they were one short when one broke down and no equipment was available in that area of the County. Parkhurst made a motion in favor of the purchase with a motion by Haake also in approval. A vote was taken and counted unanimously in favor of the purchase.

Shelby County Engineer Burmeister proposed to the Supervisors the following resolution;
Resolution to Revise Shelby County 2019 Five Year Road Program Resolution 2019-17
Unforeseen circumstances have arisen since adoption of the approved Secondary Road Construction Program, and previous revisions, requiring changes to the sequence, funding and timing of the proposed work plan. The Board of Supervisors of Shelby County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2019), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050. The following approved priority year projects shall be ADVANCED to the programs accomplishment year:

Project Number Local ID TPMS#	Project Location Description of work	AADT Length NBIS#	Type Work Fund basis	Prior FY	Accomplishment Year \$1000's of dollars.	
					New	Net
					amount	change
L-304320--73-83 Seed Com Roy Bridge Replacement TPMS ID: 37138	On 450th Street; Over Dutch Branch, from Peach Road West 0.1 Miles	304320	Bridges LOCAL	2020	\$60	\$60
Totals					\$60	\$60

The following PRE-EXISTING Accomplishment year projects shall be modified as follows:

Project Number Local ID TPMS#	Project Location Description of work	AADT Length NBIS#	Type Work Fund basis	Modification(s) applied	Accomplishment Year (\$1000's of dollars)		
					Previous Amount	New amount	Net change
L-303900--73-83 Bud Mitchell Comer Bridge TPMS ID: 37131	On Woodland Rd, F-58 S 0.4 Mi, Over Tributary to Indian Creek	35 0.1 MI 303900	Bridges LOCAL	Changed Local funding amount by -17,000 dollars	\$80	\$63	\$-17
Totals					\$80	\$63	\$-17

Fund ID	Accomplishment year (\$1000's of dollars)		
	Previous Amount	New Amount	Net Change
Local Funds	\$300	\$343	\$43
Farm to Market Funds	\$1,440	\$1,440	\$0
Special Funds	\$0	\$0	\$0
Federal Aid Funds	\$3,710	\$3,710	\$0
SWAP Funds	\$0	\$0	\$0
Total construction cost (All funds)	\$5,450	\$5,493	\$43
Local 020 Construction cost totals (Local Funds +BROS-8J FA funds)	\$300	\$343	\$43

Parkhurst made a motion to approve the resolution and Haake seconded in favor. A vote was held and Kenkel, Parkhurst and Haake all voted in favor of the resolution. No Nays were cast.

Mike Galloway, Ahlers Law Firm, appeared before the Board to present the Tentative Agreements with AFSCME 1014-4 Iowa Council 61 concerning the Shelby County Emergency Management and Shelby County Sheriff’s office employees as well as AFSME Iowa Council 61 Local 1014-2, Secondary Road employee organization. It was moved by Parkhurst , seconded by Haake , to approve the Tentative Agreements for three-year contracts, effective July 1, 2019, with these two Unions and to authorize the Chairman to sign the final contracts, pending signatures from the Union representatives. AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Mark Maxwell, Shelby County IT director asked the board for formal approval of having Thinkspace IT for the coming fiscal year at the same monthly cost as the current fiscal year. As recommended by the IT committee. A motion was made by Haake and a second by Parkhurst to approve the recommendation for fiscal year 2020 IT support. All three Supervisors voted in favor of extending the contract.

IT Director Mark Maxwell then asked for adding in the current county handbook, under Use of Workplace Technology placing the sentence that directs security training: Mike Galloway, Shelby County Human Resources Attorney suggested the handbook be worded in such a way to reference Shelby County IT policy. Policy being more flexible in amending when dealing with the ever-changing IT climate. County employees would have to be made aware of any policy changes when this happens. No action was taken.

Fiscal year 2020 non-union hourly wages were set with a motion by Haake and a second by Parkhurst that Non Union employees will receive a 2% increase in wages on July 1st, 2019. After a successful and timely submission of a positive evaluation and recommendation by their department head or superior, employees will receive a 1% increase in wages on January 1st, 2020,. A vote was held with Kenkel, Haake and Parkhurst unanimously voting in favor of the motion.

Fiscal years 2020, health insurance premiums for the four plans offered by Shelby County, were set at the current 2019 employee cost plus 30% of any premium increase in FY2020. Also employees qualified to participate in county health insurance, but decline the benefit will receive a benefit equal to 25% of the total premium cost to Shelby County, as governed by the Shelby County Employee Handbook. With a motion by Parkhurst and a second by Haake the premiums were approved by the Supervisors with a unanimous vote in favor of fixing premiums at those amounts. In favor: Haake, Kenkel and Parkhurst. Against: None

County Auditor, Mark Maxwell reminded the board that special board meeting notice has been published in the local papers advising of a special meeting next Wednesday May 15th at 9:00 AM. This meeting will be for discussion of the recent Master Matrix application received by the Department of Natural Resources. Any public comment may be made at this meeting or prior to the meeting by contacting the Shelby County Auditor’s office.

A motion was made by Parkhurst and seconded by Haake to approve the following:

RESOLUTION 2019-13 ENTRY RECORD OF THE FILING AND CONSIDERATION OF THE COUNTY BUDGET AMENDMENT FOR FISCAL YEAR 2019

BE IT REMEMBERED on this 7th day of May, 2019, 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 2019. 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 4th day of June, 2019, 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 7, 2019. The vote thereon being as follows: AYES: Parkhurst, Haake, Kenkel NAYES: None

The 5 year contract with Tyler Technologies was presented to the Supervisors, the Recorder, Assessor, Treasurer and Auditor have all recommended extending the contract, the contract covers the yearly software support and maintenance of the Appraisal interface, GIS interface, Tax Sales, Apportioning, ACH, Transfer Book, Cash Collection System. The original yearly fee was \$39,289.00 they have offered a contract for 5 more years at \$41,254.00 a year. A motion was made by Haake and seconded by Parkhurst to renew the contract. Haake, Parkhurst and Kenkel all voted in favor of renewing the agreement.

The meeting was adjourned at 10:00 A.M.

Steve Kenkel Chairman

Mark Maxwell, Clerk to the Board of Supervisors