

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. at the Therkildsen Center, with the following members present: Steve Kenkel, Chairperson; and Supervisor Charles Parkhurst, Supervisor Darin Haake and Mark Maxwell, Clerk.

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

A motion was made by Parkhurst and seconded by Haake to approve the agenda. AYES: Unanimous NAYES: None

The claims of September 30th, 2022 were then considered for approval; a motion by Haake and a second by Parkhurst was followed by unanimous approval.

The minutes of September 20th, 2022 were then considered to be entered into permanent record. A motion by Parkhurst and a second by Haake preceded a unanimous vote approving the minutes.

The Supervisors then set a date for the auction of the County Farm and Solid Waste ground rental of December 20th at the Regular Board of Supervisors meeting to be held at the Therkildsen Center. This location is tentative. A motion by Parkhurst and a second by Haake preceded a unanimous vote in favor of the date.

The Secondary Roads Head, Brandon Burmeister, presented a Utility Permit for Nishnabotna Valley Rural Electrical Cooperative. After receiving details of the permit Supervisor Haake made a motion to approve the permit. Parkhurst seconded the motion. The motion passed unanimously.

A report was then given on current activities in his department and relevant information was presented to the Supervisors.

Neil Gross, Shelby County Sheriff, was present to give a report to the Supervisors, noting that a K-9 that was injured is recovering. The School Resource officer has been very busy with his duties, Gross also reminded drivers in Shelby County to slow down as it is harvest season.

The Supervisors then considered a Resolution to become a Home Base Iowa Initiative County. This follows a presentation made at the last Supervisors meeting. Parkhurst made a motion to approve the following Resolution.

RESOLUTION NO. 2022-45

A SHELBY COUNTY IOWA RESOLUTION SUPPORTING THE HOME BASE IOWA INITIATIVE

WHEREAS, the Office of the Governor of the State of Iowa has launched a public-private partnership called Home Base Iowa initiative, which is an effort to match military veterans with jobs available across Iowa; and WHEREAS, the Home Base Iowa initiative consists of two programs, Home Base Iowa Businesses and Home Base Iowa Communities; and WHEREAS, Governor Reynolds is requesting Iowa businesses and communities to promote and support the Home Base Iowa initiative and one of the requirements for Shelby County to be a Home Base Iowa County is that the Board of Supervisors adopt a resolution of support; and WHEREAS, the Shelby County Board of Supervisors finds that it is in the best interests of the County of Shelby and veterans everywhere to support the Home Base Iowa initiative and adopt this resolution. NOW, THEREFORE, it is resolved by the County of Shelby, Iowa as follows: Section 1. The County of Shelby hereby proclaims its support for the Home Base Iowa initiative and encourages its residents to take whatever actions are necessary for Shelby County to become and continue to be a Home Base Iowa County. Section 2. The County of Shelby also encourages Shelby County businesses to take whatever actions are necessary to become and continue to be a Home Base Iowa Business.

Section 3. The Shelby County Board of Supervisors and the Shelby County Chamber of Commerce and Industries Executive Director are authorized to take such further action as may be necessary to carry out the intent and purpose of this resolution. Section 4. All resolutions, orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption and approval.

Haake seconded the motion. Kenkel, Haake and Parkhurst all voted in favor of the motion. No Nays were cast. The motion passed.

Darin Haake, Supervisor appointed to the Southwest Iowa Juvenile Detention Board presented a memorandum of understanding presented to District members. The memorandum made consistent the procedures for unruly detained individuals. Haake made a motion of acknowledgement of the memorandum of Understanding within the district. Parkhurst seconded the motion. The motion passed.

Tony Buman, the Shelby County Zoning Administrator, gave an overview of the Shelby County Zoning Commission's review of proposed amendment 2022-4 to the Shelby County Zoning Ordinance. After holding several work sessions, as well receiving input from local officials and the public via a public hearing and written commentary, the Commission submitted a report to the Shelby County Board of Supervisors. In the report, the Commission recommends to the Board of Supervisors the adoption of proposed amendment 2022-4.

After discussion Parkhurst made the motion to accept and file the Zoning Commission report with Shelby County. Haake seconded the motion. The motion passed with Kenkel, Haake and Parkhurst all voting in favor of the motion. No nays were cast. The motion passed.

After discussion Parkhurst made the motion to direct Shelby County legal counsel to work with Board Chair to develop changes to the zoning ordinance in accordance with the Planning and Zoning Commission recommendations to the extent feasible. Haake seconded the motion. The motion passed with ayes by Parkhurst, Haake and Kenkel. No nays were cast.

Board Member Charles Parkhurst introduced the following Resolution entitled

"RESOLUTION FIXING THE DATES FOR THREE PUBLIC HEARINGS ON THE PROPOSITION TO AMEND VARIOUS SECTIONS OF THE SHELBY COUNTY ZONING ORDINANCE NO. 2006-6 FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE AND PROVIDING FOR THE PUBLICATION OF NOTICE THEREOF. THE PROPOSED AMENDMENT TO THE ORDINANCE WOULD ESTABLISH A GENERAL REQUIREMENT TO OBTAIN A CONDITIONAL USE PERMIT FOR HAZARDOUS LIQUID PIPELINES THAT WOULD APPLY COUNTY-WIDE AND THAT WOULD AFFECT THE USE OF LAND FOR SUCH PURPOSES IN EACH ZONING AREA OR DISTRICT IN THE COUNTY.",

and moved that the same be adopted. Board Member Haake seconded the motion to adopt. The roll was called and the vote was; Ayes Steve Kenkel, Charles Parkhurst and Darin Haake. No Nays were cast

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION FIXING THE DATES FOR THREE PUBLIC HEARINGS ON THE PROPOSITION TO AMEND VARIOUS SECTIONS OF THE SHELBY COUNTY ZONING ORDINANCE NO. 2006-6 FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE AND PROVIDING FOR THE PUBLICATION OF NOTICE THEREOF. THE PROPOSED AMENDMENT TO THE ORDINANCE WOULD ESTABLISH A GENERAL REQUIREMENT TO OBTAIN A CONDITIONAL USE PERMIT FOR HAZARDOUS LIQUID PIPELINES THAT WOULD APPLY COUNTY-WIDE AND THAT WOULD AFFECT THE USE OF LAND FOR SUCH PURPOSES IN EACH ZONING AREA OR DISTRICT IN THE COUNTY.

WHEREAS, it is deemed prudent and advisable that Shelby County, State of Iowa, should establish a process under the Ordinance for permitting and approving the use of land in Shelby County for the transport of hazard liquid through a hazardous liquid pipeline that is not inconsistent with federal law, including the Hazardous Liquid Pipeline Safety Act, and not inconsistent with Iowa law; and

WHEREAS, on August 16, 2022 the Board of Supervisors of Shelby County, State of Iowa, referred to the Planning and Zoning Commission, as required by Iowa Code chapter 335, a proposed amendment to the

zoning ordinance for permitting and approving the use of land in Shelby County for the transport of hazard liquid through a hazardous liquid pipeline (“the proposed amendment”); and

WHEREAS, on September 23, 2022 the Planning and Zoning Commission met and held a public hearing on the proposed amendment; and

WHEREAS, on the Planning and Zoning Commission has reviewed and recommended approval of the proposed amendment with changes; and

WHEREAS, Iowa Code chapter 335 requires notice of the time and place of a public hearing on the proposed amendment to be published as provided in section 331.305; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY, STATE OF IOWA:

That this Board shall meet in the Therkildsen Center, 706 Victoria, Harlan, Iowa, at 10:00 A.M., on the dates of October 18 and October 25, also this Board shall meet at Veterans Memorial Auditorium, 1104 Morningview Drive, Harlan, Iowa at 10:00 A.M., on the date of November 1, 2022, for the purpose of hearing public comment on and for considering and voting on the passage of the proposed amendment.

That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meetings, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than four clear days nor more than twenty days before the date of the public meeting on the proposed amendment.

The notice of the proposed action shall be in substantially the following forms:
NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF SHELBY COUNTY, STATE OF IOWA, ON THE MATTER OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE SHELBY COUNTY ZONING ORDINANCE NO. 2006-6 FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE, AND THE HEARING ON THE ORDINANCE. THE PROPOSED AMENDMENT TO THE ORDINANCE WOULD ESTABLISH A GENERAL REQUIREMENT TO OBTAIN A CONDITIONAL USE PERMIT FOR HAZARDOUS LIQUID PIPELINES THAT WOULD APPLY COUNTY-WIDE AND THAT WOULD AFFECT THE USE OF LAND FOR SUCH PURPOSES IN EACH ZONING AREA OR DISTRICT IN THE COUNTY.

PUBLIC NOTICE is hereby given that the Board of Supervisors of Shelby County, State of Iowa, will meet in the Therkildsen Center, 706 Victoria, Harlan, Iowa, at 10:00A.M., on the dates of October 18, October 25, 2022, for the purpose of hearing public comment on and for considering and voting on the passage of a proposed ordinance amending the Shelby County Zoning Ordinance for the purpose of regulating and restricting the use of land for the transport of hazardous liquid through a hazardous liquid pipeline.

At the above meeting the Board shall receive oral or written comments or objections from any resident or property owner of the County to the above action. After all comments and objections have been received and considered, the Board will at the meeting or at any adjournment thereof, consider and vote on the passage of the proposed amendment.

This notice is given by order of the Board of Supervisors of Shelby County, State of Iowa, as provided by chapters 335 and 331 of the Code of Iowa.

As well as;

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF SHELBY COUNTY, STATE OF IOWA, ON THE MATTER OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE SHELBY COUNTY ZONING ORDINANCE NO. 2006-6 FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE, AND THE HEARING ON THE ORDINANCE. THE PROPOSED AMENDMENT TO THE ORDINANCE WOULD ESTABLISH A GENERAL REQUIREMENT TO OBTAIN A CONDITIONAL USE PERMIT FOR HAZARDOUS LIQUID PIPELINES THAT WOULD APPLY COUNTY-WIDE AND THAT WOULD AFFECT THE USE OF LAND FOR SUCH PURPOSES IN EACH ZONING AREA OR DISTRICT IN THE COUNTY.

PUBLIC NOTICE is hereby given that the Board of Supervisors of Shelby County, State of Iowa, will meet in the Veterans Memorial Building, 1104 Morningview Drive, Harlan, Iowa, at 10:00 A.M., on the date of November 1st, 2022, for the purpose of hearing public comment on and for considering and voting on the passage of a proposed ordinance amending the Shelby County Zoning Ordinance for the purpose of regulating and restricting the use of land for the transport of hazardous liquid through a hazardous liquid pipeline.

At the above meeting the Board shall receive oral or written comments or objections from any resident or property owner of the County to the above action. After all comments and objections have been received and considered, the Board will at the meeting or at any adjournment thereof, consider and vote on the passage of the proposed amendment.

This notice is given by order of the Board of Supervisors of Shelby County, State of Iowa, as provided by chapters 335 and 331 of the Code of Iowa.

A vote followed with Haake, Kenkel and Parkhurst all voting in favor of the resolution. No Nays were cast.

Representatives of Summit Carbon Solutions were present to update Shelby County with current happenings and information concerning the proposed pipeline project.

The meeting was then adjourned.

Steve Kenkel Chairperson

Attest: Mark Maxwell, Auditor