

The Shelby County Board of Supervisors met in a regular session at 9:00 A.M. in the Supervisors Chamber in the Courthouse with the following members present: Steve Kenkel, Charles Parkhurst, Bryce Schaben, and Mark Maxwell, Clerk.

The Chairperson, Steve Kenkel, asked that any conflict of interest be stated concerning any item on the agenda. Schaben said there was a salary item on the agenda that would require him to abstain from discussion and voting. None others were stated.

It was moved by Parkhurst, seconded by Schaben, to approve the agenda. Motion carried unanimously.

It was moved by Schaben, seconded by Parkhurst to approve the minutes of January 30th, 2023. Motion carried unanimously.

It was moved by Parkhurst and seconded by Schaben to approve the claims of February 2nd, 2023. Motion passed.

Todd Valline informed the Supervisors of the upcoming awards banquet sponsored by the Chamber, to be held at the Harlan Golf and Country Club on February 17th. A few seats are still available, call the Chamber for purchasing tickets to the event. The next legislative coffee will be held Saturday February 18th and is being sponsored by the Shelby County Farm Bureau and it will be held at the Farm Bureau meeting room.

Mark Maxwell, Shelby County Auditor, presented the Board with a Resolution numbered 2023-10. This resolution will in short turn over fiscal responsibilities over to the Shelby County Chamber of Commerce and Industry. Shelby County has long practiced directing all proceeds from the Hotel and Motel taxes collected by Shelby County to tourism promotion. All the motives that initially caused Shelby County to assume those fiscal responsibilities have gone away. The Chamber has agreed to take over those duties as described in the following Resolution 2023-10.

RESOLUTION NO. 2023-10

AMENDMENT TO THE FISCAL AGENT IN RESOLUTION NO. 2003-22 AND 2013-6,
AUTHORIZING THE IMPOSITION OF A HOTEL AND MOTEL TAX FOR THE
UNINCORPORATED AREA OF SHELBY COUNTY AND THE CITY OF HARLAN, IOWA
DATED AUGUST 1, 2003 AND JANUARY 8, 2013

WHEREAS, a Special Hotel/Motel Tax Election was held on July 30, 2002, for the Unincorporated Area of Shelby County, resulting in the passage of the question.

WHEREAS, the City of Harlan has also passed the Hotel/Motel Tax, and the City and the County had decided to pool their funds to support tourism more effectively.

WHEREAS, Shelby County has authorized that 100% of the Hotel/Motel Tax collections shall be expended for the promotion and encouragement of tourism.

WHEREAS, the City of Harlan has authorized that 50% of the Hotel/Motel Tax collections shall be expended for the promotion and encouragement of tourism.

WHEREAS, the City and the County had delegated the Shelby County Chamber as Fiscal Agent in 2003 for these funds, and all Hotel/Motel Tax collected had been forwarded to the Shelby County Chamber to be allocated for qualified tourism expenses.

WHEREAS, since the implementation, the Shelby County Chamber had withheld 20% of the funds for acting as Fiscal Agent. THEREFORE, the Shelby County Board of Supervisors delegated the Shelby County Auditor as Fiscal Agent in 2013 for these funds, and all Hotel/Motel Tax collections were allocated for qualified tourism expenses as deemed by the Hotel/Motel Tax Committee.

WHEREAS, the Shelby County Auditor has now determined that the Hotel/Motel Tax Fiscal Agent responsibilities are too cumbersome to be maintained by the County.

IT IS HEREBY RESOLVED BY THE SHELBY COUNTY BOARD OF SUPERVISORS, AS
FOLLOWS:

1. 100% of the revenue derived from the Hotel/Motel Tax for the unincorporated areas of Shelby County and 50% of the revenue derived from the Hotel/Motel Tax for the City of Harlan, shall be expended for the promotion and encouragement of tourism. All requests for funding shall be submitted to a Hotel/Motel Tax Committee, which shall be comprised of the members listed below. Any request for funding shall be on forms approved by the Committee and shall be reviewed by the Committee to ensure the funding requests meet the requirements established as authorized by Chapter 423A of the Code of Iowa.

1 Harlan City Council Representative/City of Harlan Appointment	Term: 1 year
1 Shelby County Board of Supervisors Representative/Shelby County Appointment	Term: 1 year
1 Rural Business Owner/Shelby County Appointment	Term: 2 year
1 Harlan Business Owner/City of Harlan Appointment	Term: 2 year
1 Chamber Board Representative/Shelby County Chamber Appointment	Term: 1 year

Non-voting members:
Harlan City Administrator
Shelby County Auditor
Executive Director of Shelby County Chamber of Commerce

2. Fiscal Agent: The Shelby County Chamber of Commerce and Industry shall serve as the fiscal agent to administer the tax revenues collected by the State of Iowa for the Hotel/Motel tax without charge. The Shelby County Auditor shall issue a check to the Shelby County Chamber of Commerce and Industry when funds are received from the State. A separate, interest-bearing account shall be established at a bank located in Shelby County to be chosen by the fiscal agent. Any requests for funding approved by the Hotel/Motel Tax Committee shall be forwarded to the fiscal agent for payment. 50% of the tax revenues received by the City of Harlan pursuant to this chapter shall be immediately forwarded to the fiscal agent named herein for distribution after approval.

3. Existing Funds: Upon approval of this Resolution, all outstanding grants previously awarded will be fulfilled by the Shelby County Auditor as the prior Fiscal Agent. Shelby County will retain only the fund amount needed to fulfill these outstanding grants. When the grants expire, January 9, 2024, any remaining funds will be forwarded to the Shelby County Chamber of Commerce and Industry for deposit into their established Hotel/Motel account.

Parkhurst made a motion to approve the resolution Schaben seconded the motion. A voted was held with the following results: Schaben, Kenkel and Parkhurst AYES. No Nays were counted. The resolution was approved.

Jake Holloway, Shelby County Safety Coordinator, was present to ask the Supervisors for approval of a lightening safety policy to be added to Shelby County policies; this comes under the advisement of Shelby County insurers. Schaben made a motion to approve the policy and Parkhurst seconded the motion. A vote was held with all three Supervisors voting in favor of the motion. The motion passed.

Brandon Burmeister, Shelby County Engineer was present to give his report on his department and current and future projects. Burmeister presented the following Resolution 2023-11 for Supervisor consideration.

**RESOLUTION 2023-11 AWARDING CONTRACT FOR PROJECT NO. FM-C083(80)--55-83
IN SHELBY COUNTY, IOWA, AND AUTHORIZING SHELBY
COUNTY ENGINEER TO EXECUTE CONTRACT**

WHEREAS, the Shelby County construction project identified as Project No.FM-C083(80)--55-83 (hereinafter "Project") was let by Iowa DOT on January 18, 2023; and, **WHEREAS**, the Shelby County Board of Supervisors has determined that Western Engineering Co., Inc. of Harlan, Iowa is the responsible bidder submitting the lowest responsive bid (hereinafter "Low Bidder") for Projects; and, **WHEREAS**, the Shelby County Board of Supervisors desires to award the contract for Projects to the above stated Low Bidder; and, **WHEREAS**, construction contracts for projects let through the Iowa DOT must be signed digitally utilizing Doc Express; and,
WHEREAS, delegating the digital signature process to the Shelby County Engineer will facilitate Projects by reducing the overall turn-around time for execution of the construction contract. **NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY BOARD OF SUPERVISORS:** 1. The contract for Project No.

FM-C083(80)--55-83 is awarded to Western Engineering Co., Inc. the Low Bidder. 2. The Shelby County Engineer is authorized to digitally sign the contract documents for Project.

Parkhurst made a motion to approve the resolution, Schaben seconded the motion. A vote was tallied with Parkhurst, Kenkel and Schaben all voting in favor of the resolution, no nays were cast. The resolution was approved.

Secondary Roads Superintendent Burmeister then asked the Supervisors for approval of a second Resolution numbered 2023-12.

**RESOLUTION 2023-12 AWARDING CONTRACT FOR PROJECT NO. FM-C083(85)--55-83
IN SHELBY COUNTY, IOWA, AND AUTHORIZING
SHELBY COUNTY ENGINEER TO EXECUTE CONTRACT**

WHEREAS, the Shelby County construction project identified as Project NoFM-C083(85)--55-83 (hereinafter “Project”) was let by Iowa DOT on January 18, 2023; and, **WHEREAS**, the Shelby County Board of Supervisors has determined that Ten Point Construction of Denison, Iowa is the responsible bidder submitting the lowest responsive bid (hereinafter “Low Bidder”) for Projects; and, **WHEREAS**, the Shelby County Board of Supervisors desires to award the contract for Projects to the above stated Low Bidder; and,

WHEREAS, construction contracts for projects let through the Iowa DOT must be signed digitally utilizing Doc Express; and,
WHEREAS, delegating the digital signature process to the Shelby County Engineer will facilitate Projects by reducing the overall turn-around time for execution of the construction contract.

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

1. The contract for Project No. FM-C083(85)--55-83 is awarded to Ten Point Construction, the Low Bidder.
2. The Shelby County Engineer is authorized to digitally sign the contract documents for Project.

Schaben made a motion to approve the resolution, Parkhurst seconded the motion. A vote was tallied with Parkhurst, Kenkel and Schaben all voting in favor of the resolution, no nays were cast. The resolution was approved.

Other projects and department information was exchanged between the Supervisors and Burmeister about ongoing projects and secondary roads department affairs.

Bryce Schaben, Supervisor designee for the multi-county workforce development committee, recommended the approval of the following Resolution 2023-13.

**RESOLUTION 2023-13
A RESOLUTION TO WITHDRAW FROM THE ARTICLES OF AGREEMENT WHICH FORMED THE
WORKFORCE DEVELOPMENT CHIEF ELECTED OFFICIAL CONSORTIUM FOR THE WORKFORCE
INNOVATION AND OPPORTUNITY ACT OF 2014**

WHEREAS, Shelby County previously signed a resolution to approve the Articles of Agreement creating the Workforce Development Chief Elected Official Consortium (CEO) together with 17 other counties in western and southwestern Iowa, known as the “Western Iowa Workforce Development Area” or WILWDA; and,

WHEREAS, this 28E Agreement was filed with the Iowa Secretary of State on July 7, 2020 and assigned filing number M512796; and,

WHEREAS, Article 13 of the Agreement allows counties, at their sole option, to withdraw from the Agreement at least 90 days prior to the beginning of the fiscal year (April 1 or any year); and,

WHEREAS, at their meeting on January 20, 2023, the CEO Board discussed the 28E Agreement, weighing the roles and responsibilities of counties as a result of the Agreement and impacts to services offered to their citizens both under the agreement and in absence of the Agreement; and,

WHEREAS, the CEO Board voted 11-0 at this meeting, after this discussion, to dissolve the 28E Agreement.

NOW, THEREFORE BE IT RESOLVED by the Shelby County Board of Supervisors that:

1. It does hereby invoke Article 13 of the Articles of Agreement which formed the Workforce Development Chief Elected Official Consortium for the Workforce Innovation and Opportunity Act of 2014 and withdraws from the Agreement at the end of the day June 30, 2023.
2. It understands and is its intention withdrawal of the Agreement by all 18 counties will terminate the agreement.

Schaben made a motion to approve the resolution, Parkhurst seconded the motion. A vote was held with the following results: Ayes-Kenkel, Parkhurst and Schaben; Nays-None. The resolution passed.

Auditor Maxwell then presented the Supervisors with the 2022 Urban Renewal report in the format that the State of Iowa prescribes. It represents all spending and revenues through the Urban renewal funds throughout fiscal year 2022. Parkhurst made a motion to approve the report, Schaben seconded the motion, the motion passed unanimously.

The Shelby County Board of Adjustment had the following member added, Darin Haake and a motion was made by Parkhurst and a second by Schaben to approve the appointment. The Chairperson called for a vote with all Supervisors voting in favor of the nominee.

The Shelby County Compensation Board met in November and supplied the Supervisors with recommendations for Elected officials salaries for fiscal year 2024. The Recorder, Auditor, Treasurer and County Attorney salaries were considered first. Parkhurst made a motion to approve a 7.5% increase in fiscal year 2024. With the Recorder, Treasurer, and Auditor all having the longevity schedule for full time employees applied to their salaries, Kenkel seconded the motion. The motion passed. The Supervisors considered their own salaries for FY24. Schaben made a motion to approve a 5 % increase for that year, Parkhurst seconded the motion. The motion passed.

The Sheriff’s salary was then considered with Schaben abstaining from all conversation and voting with a conflict of interest. A 16% increase in salary, with the Sheriff receiving the longevity was proposed by Parkhurst and seconded by Kenkel, the motion was approved with Kenkel and Parkhurst voting in favor of the salary. No nays were cast. Schaben abstained.

Summit Carbon Solutions representatives were present to give the Supervisors updates on the pipeline project, two were with Turnkey Logistics and one was an employee of Summit Carbon Solutions. The Turnkey Logistics representative reviewed the document presented to the Supervisors, the supervisors were told that continuous training will be taking place and assist in creating an emergency response plan for every County. It was also said that two valve will be placed in Shelby County to shut the pipeline down in case of an emergency. It was also said that construction is planned to start in the summer of 2023 pending Iowa Utilities Board approval. Tile drainage line crossing procedures were questioned. The tile lines will be replaced at no expense to the property owner. Chairperson Kenkel inquired to the dangers of a rupture in the pipe line. The representative said that no data has been acquired or produced to respond to that question. Kenkel reminded everyone of some of the duties that the Supervisors are charged with. None of the representatives present have negotiated with any landowners in Shelby County. Shelby County, it was noted passed a pipeline ordinance in November of 2022 and has not garnered any permit applications as of this time. The County Zoning Commissioner summarized the possible ordinance violations and provisions that are available in the ordinance.

The meeting was then recessed to await budget discussions with a representative of Gronewald Bell and Kyhnn.

Upon arrival of Chris Nelson a review of the current fiscal budget and preview and projections provided by Nelson were collected. Many aspects have placed funds in restrictive balances, many expenditures have taken place that did not have the funding put in place by previous budgets. These budgets were completed by Shelby County Auditor Mark Maxwell, and presented to the Board of Supervisors for approval. Many options were explored and presented by Nelson, the supervisors advised Nelson to finalize the suggestion in the 2024 budget and meet with Auditor Maxwell to put together a budget to present to the Supervisor for inspection and possible approval.

Steve Kenkel, Chairperson

ATTEST:

Mark Maxwell
Clerk to the Board of Supervisors