

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.

Chairperson, Steve Kenkel, asked that any conflict of interest be stated concerning any item on the agenda. None were stated.

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

The farm ground rent bids for the crop year 2024 were then opened by the Supervisors. The Shelby County solid Waste farm high bidder was Brandon Weis in the amount of \$430.00 per acre. The Shelby County owned farm had the high bid of \$440.00 per acre submitted by Brandon Weis. The bid for the Solid Waste Farm was accepted unanimously after a motion by Parkhurst and a second by Schaben. The bid for the County owned Farm was accepted unanimously after a motion by Parkhurst and a second by Schaben.

Schaben moved, seconded by Parkhurst, to approve the minutes of November 14th. Motion carried unanimously.

The latest claims were then approved unanimously after a motion by Schaben and a second by Parkhurst.

The second-tier canvass for the 2023 City/School Election was then presented to the Supervisors for the final acceptance of the results and signing of election documents and winner certificates. Parkhurst made a motion to accept the results, Schaben seconded the motion, the motion passed.

The winners in the City/School Election that involved several Counties were:

IKM-Manning at Large-Zachery Meiners
IKM-Manning District 1A- TJ Sterk
IKM-Manning District 2A-Emmalie Rasmussen
IKM-Manning at large to fill a vacancy-Jeremy Puck
Public Measure TE-failed the 60% needed
City of Shelby Mayor – Ron Kroll
City of Shelby City Council At-Large – Karen Schlueter, Traci True, Todd Frank
Harlan School District 5-Jennifer Anderson
Harlan School District 6-Jennifer Arkfeld
Harlan School District 7-Roger Kenkel

Todd Valline reported on the Shelby County Chamber of Commerce and Industry to the Supervisors. The report included small business Saturday this Saturday November 25th. Santa will be at the Shelby County Museum on December 7th and Santa will be making his rounds to every town in Shelby County on December 9th to talk to all the good little children in Shelby County. Valline noted that if anyone has the old style green gift certificates from the Chamber to please exchange them for the new style ones at the Chamber office.

The Shelby County Trails Committee has requested for Supervisors permission for Shelby County to be fiscal sponsor for the upcoming RPA18 and Transportation Alternatives Grant applications. Robert Mortensen was present for the trails committee to answer questions about the grant processes. The following resolution of support was passed after a motion by Parkhurst and a second by Schaben. Ayes-Kenkel, Parkhurst and Schaben. Nays None.

RESOLUTION 2023-45 A RESOLUTION AUTHORIZING SHELBY COUNTY SUBMITTAL OF AN APPLICATION FOR FUNDING FROM THE STATE TRANSPORTATION ALTERNATIVES FUNDING AND ANY REGIONAL PLANNING AFFILIATES CONCERNING RECREATIONAL TRAILS FOR THE FUNDING OF THE SHELBY COUNTY TRAIL DEVELOPMENT

Whereas the Shelby County Supervisors a valid and functioning Board of Shelby County. Whereas the State Transportation alternatives program provides funding at the state level to local jurisdictions for the development of eligible projects; and Whereas, the RPA-18 regional planning affiliation programs and funding is administered by MAPA which prioritizes and ranks all project applications submitted to MAPA; and NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY SUPERVISORS THAT: 1. Shelby County Supervisors supports and approves the application made for TA-Set-Aside and RPA-18 funding. 2. Shelby County Supervisors hereby commits to the Iowa Department of Transportation and MAPA fiscal sponsorship for grants applications submitted by Shelby County Trails. 3. The Shelby County Trails are hereby authorized to approve and execute the application and award agreement on behalf of Shelby County.

Brandon Burmeister gave his Secondary Roads report and progress being made on projects throughout Shelby County. Before his presentation he asked for approval of utility permit 2023-11-16 for a waterline to cross a roadway. The permit was approved unanimously after a motion by Parkhurst and a second by Schaben. Projects included; wooden box culverts over 60 years old being replaced and that the F-24 project has been officially scheduled to start in the spring of 2024.

Chairperson Kenkel then issued the following prepared statement.

“The County is proud of the overwhelming support voters placed in making EMS an essential service in Shelby County. The goal of the county-wide EMS system is to maintain and eventually increase the level of support to the volunteer units and provide the same critical care transport service currently provided by a private company, Medivac Ambulance Corp. On July 1, 2021, the Shelby County Ambulance Commission signed a 5-year contract with Medivac to provide Ambulance Services to Shelby County. In the past couple years, Medivac has made several requests to increase funding due to the inability to sustain operations financially. The Ambulance Commission has continuously shown support of the financial challenges that have presented since 2021, and responded accordingly with significant increases in funding.

On November 10th, 2023, Medivac provided notice that without additional increases in funding, they will need to cease operations on December 1, 2023. Considering the already significant increase in funding to Medivac, and the successful vote of the county-wide EMS system, the best approach moving forward is to expedite the county run service.

The Ambulance Commission is working diligently with all stakeholders to ensure a smooth transition to the County by December 1, 2023. The County is in negotiations with Medivac over the building and equipment. The two main ambulances currently used by Medivac are owned by the Commission and will be transferred to the County. Medivac staff will be offered positions with the newly formed County run ambulance service. The County’s EMA Assistant Director will be the EMS Director in an interim position until a permanent director can be hired.

We know this is a priority, and with everyone’s cooperation, we will make this work,” said Steve Kenkel, Chairman of the Shelby County Board of Supervisors. “We thank the voters for believing in the importance of EMS.”

Upon Reading the statement Kenkel thanked Alex Londo, Neil Gross, Jordon Sanders, Kristy Hansen, Barry Jacobsen, Gene Gettys and the Advisory Council in taking on this task with a short notice.

Resolution 2023-47 was introduced by Kenkel. The resolution was then read to those in attendance as follows.

A RESOLUTION DECLARING INTENT TO PURSUE EMERGENCY MEDICAL SERVICES (EMS) AN ESSENTIAL SERVICE IN SHELBY COUNTY, IOWA

WHEREAS the Shelby County Board of Supervisors has the authority under Iowa Code Section 331.301(1) to “...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.” WHEREAS the Shelby County Board of Supervisors has recognized the need for a unified Emergency Medical Services system in Shelby County and has appointed a Shelby County EMS System Advisory Council to provide guidance, research, and direction of EMS in Shelby County for the Board of Supervisors. WHEREAS the Shelby County voters passed a referendum on November 7, 2023, pursuant to Iowa Code to fund EMS as an essential service. WHEREAS Iowa Code Section 422D.1(2)(b) states that the county “shall coordinate efforts with local emergency medical services agencies to establish a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding the implementation of services in the county within the council structure.” Pursuant to this provision, the County has established and EMS advisory council. WHEREAS the Shelby County Ambulance Commission contracts currently with Medivac to provide twenty-four hour ambulance coverage in Shelby County and Medivac is the only provider of EMS services in Shelby County. WHEREAS Shelby County is a member of the Ambulance Commission. WHEREAS Medivac has provided notice to the Shelby County Board of Supervisors that it has become financially insolvent and can no longer provide ambulance services in Shelby County. WHEREAS Medivac has notified the Shelby County Board of Supervisors that it will no longer provide EMS in Shelby County as of December 1, 2023. WHEREAS Shelby County has determined that the closure of Medivac creates an emergency situation for the citizens of Shelby County because they will be without EMS as of December 1, 2023. NOW, THEREFORE, BE IT RESOLVED by the Shelby County Board of Supervisors that:

- 1) The Board of Supervisors intends to provide EMS service to the residents of Shelby County beginning December, 1 2023.
- 2) The Board of Supervisors will pursue and attempt to purchase assets owned by Medivac to provide EMS.
- 3) Because of the immediate necessity to continue EMS, the Board of Supervisors shall make offers of employment to certain Medivac staff to provide EMS and to prevent the disruption of EMS to the citizens of Shelby County. All Medivac employees that are offered and accept employment shall become Shelby County employees and enjoy all terms and conditions of employment provided to other similarly situated Shelby County employees.
- 4) EMS will be managed by a person recommended by the advisory council and hired by the Board of Supervisors.

A motion was made by Parkhurst and seconded by Schaben to approve the resolution 2023-47. A vote was tallied with Schaben, Parkhurst and Kenkel all voting in favor of the resolution, no nays were cast.

Kenkel notified those in attendance that there would be a special EMS meeting hosted by the Supervisors next Wednesday November 29th at 9:00 A.M to discuss further the EMS implementation.

An ordinance is needed per Iowa Code to place the 1% income tax in place to fund the EMS department as approved by Shelby County voters on November 7th. Parkhurst made a motion to set the date for a public hearing for the ordinance at 9:00 A.M. on December 19th 2023. Schaben seconded the motion, the motion passed.

SHELBY COUNTY ORDINANCE NO. 2023-2 AN ORDINANCE ESTABLISHING A LOCAL OPTION INCOME TAX APPLICABLE TO ALL TAXPAYERS WITHIN THE INCORPORATED AREAS OF SHELBY COUNTY AND IN THE UNINCORPORATED AREA OF SHELBY COUNTY, IOWA.

Pursuant to the authority granted by Chapter 422D of the Iowa Code, Be It Enacted by the Board of Supervisors of Shelby County, Iowa: **Section 1. Local Option Income Tax.** There is imposed a Local Option Income Tax applicable to transactions within the incorporated areas within Shelby County and in the Unincorporated Area of Shelby County. The rate of the tax shall be one percent (1%) upon the income taxed under Chapter 422D – OPTIONAL TAXES FOR EMERGENCY MEDICAL SERVICES of the Iowa Code in the Unincorporated Area of Shelby County and the incorporated areas within Shelby County. The tax was authorized by an election on November 7th, 2023 in the incorporated and unincorporated areas of Shelby County. It will be imposed upon the state individual taxpayer who is a resident of Shelby County on December 31st for each calendar year commencing with the Calendar year 2024. The tax was authorized by an election on November 7, 2023 by Shelby County voters in the County wide public measure placed on all ballots in Shelby County. The Iowa Department of Revenue is authorized and required to collect income tax to which the local option income tax may be applicable. All applicable provisions of the appropriate sections of Chapter 422d of the Iowa Code are adopted by reference. **Section 2. Authorized Uses.** Shelby County and the incorporated cities within have specified authorized use for the local option income taxes. The authorized use of local option income taxes are hereby incorporated by reference and made a part hereof. **Section 3. Effective Date.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

The Supervisors then reported on some respective committees that they belong to, in service to Shelby County. Bryce Schaben reported that over \$15,000 was returned to Shelby County from the Southwest Iowa Juvenile detention center from their capital account that had excess funds. Shelby County is a member of that organization and funds it yearly. Schaben also announced that flood mitigation credits have been sold from the project at Schimerowski Park and the City of Earling. Steve Kenkel updated the board with happening in the IUB processes with the Carbon capture pipeline.

One organization notified the Supervisors that they will not be using the ARPA fund awarded to them. The funds will be declared as lost revenue and placed in the County General fund using this resolution.

RESOLUTION NO. 2023-46; A RESOLUTION ALLOCATING AMERICAN RESCUE PLAN ACT FUNDS WHEREAS, in March 2021, the federal government established the American Rescue Plan Act of 2021 (ARPA) which included the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local and Tribal governments with the resources needed to respond to the pandemic and its economic effects; and WHEREAS, the U.S. Department of the Treasury issued an Interim Final Rule implementing the SLFRF program on May 10, 2021, which included replacing lost revenue to County governments, and WHEREAS, on January 6, 2022, the Treasury issued final rules for the SLFRF program, including authorization for counties to allocate up to \$10,000,000 of their total SLFRF allocation as lost revenue to spend on government services. NOW, THEREFORE, BE IT RESOLVED, that the Shelby County Board of Supervisors approves allocating its total SLFRF allocation in the expected amount of \$ 100,000 as lost revenue to spend on government services to residents. HEREBY RESOLVED by the Shelby County Board of Supervisors this 21st day of November, 2023. A vote was held with Kenkel, Parkhurst and Schaben all voting in favor of the Resolution. No Nays were cast.

The calendar year 2025 Shelby County Employee program was then approved after a motion by Schaben and a second by Parkhurst. The conditions state: The Board of Supervisors expects all employees on county health insurance to complete physical and assessment once a year. If employees complete 90% to 100% of physicals and 60% of assessments, they will receive \$200. If employees complete 80% but below 90% of physicals and 60% of assessments, they will receive \$150. If employees complete below 80% of physicals and 60% of assessments, they will receive \$100. Shelby County must receive the 5% discount from ISAC for employees to receive the bonus and for the Wellness coordinator to receive a stipend of \$500. Employees who do not complete the physical and assessment will not receive a bonus.

Having no further business the meeting was adjourned.

Steve Kenkel, Chairperson

ATTEST:

Mark Maxwell
Clerk to the Board of Supervisors