

November 19th, 2024

The Shelby County Board of Supervisors met in 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. None were stated.

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

A motion was then made by Parkhurst and seconded by Schaben to approve the minutes of the November 5th and November 12th meetings.

The most recent claims were presented and considered by the Supervisors, Parkhurst made a motion to approve the payment of the claims, Schaben seconded the motion, the motion passed unanimously.

Parkhurst then made a motion and Schaben seconded the motion to open a public hearing regarding the designation of an urban renewal area and on a proposed urban renewal plan amendment that had been published according to law and as directed by the Board.

This was the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. No written objections, statements, or evidence heretofore filed were reported to the Board, and no oral objections, statements, or other exhibits were presented.

Parkhurst made a motion to close the hearing, Schaben seconded the motion. The motion passed unanimously.

Shelby County Veterans Affairs Administrator, Carmen Fielding, presented Lori Reinig for consideration and approval by the Board of Supervisor, to sit on the Shelby County Veterans Affairs Board. Parkhurst made a motion to approve the appointment, Schaben seconded the motion, the motion passed.

Sheriff Neil Gross has presented a document deputizing a new Sheriffs Office employee, Ethan Bearly. Schaben made a motion to Deputize Officer Bearly, Parkhurst seconded the motion, the motion passed.

The calendar 2024 Shelby County wellness program for County Employees was then discussed. The employees that successfully completed the requirements set by the Supervisors will receive \$200.00 for their efforts. Those completed wellness procedures amount to a 5% discount in the upcoming health insurance costs for Shelby County. Last year the savings in premiums was over \$62,000. All but one employee completed the needed wellness program. There is also money left over from the Iowa Association of Counties contribution to Shelby County employee wellness. This money was agreed by all supervisors to be equally distributed to employees that completed all wellness categories. This followed a motion by Parkhurst and a second by Schaben.

Jordan Sanders, interim Shelby County EMS Coordinator, was ill, and Steve Kenkel presented his monthly report. Income and expenses seem to be in line with budgeted numbers currently.

Nick Preston was present to give the Supervisors a report on the Shelby County Conservation

Department. The building renovation project at Manteno Park is in its final stages, a second dump station is being installed at Manteno Park and ash tree removal at all parks is being done as time allows. Preston also gave camping receipt records for the last 24 years, usage and income has steadily increased over the years.

The Supervisor then had the opportunity to give reports about the current committees and boards that they serve on for Shelby County. Parkhurst noted upcoming committee meetings he is scheduled to attend and Kenkel advised the Supervisors that the oral arguments will be heard tomorrow regarding the pipeline litigation, with a decision by the 3-judge panel not expected before the new year.

Todd Valline, Executive Director of the Shelby County Chamber of Commerce and Industry, was present to give an update on the upcoming holiday activities that his organization is involved in such as the lighting ceremony November 30th on the square in Harlan, Santa Clause will be making his rounds to several communities in Shelby County as well as the Museum in Harlan, on scheduled evenings. The adopt a family program is in full swing with requests and donations both being accepted by calling 755-5602.

Chris Frederickson, Shelby County Engineer, presented the following resolution for Supervisor consideration;

Shelby County Board of Supervisors Resolution No. 2024-35

A Resolution Approving an Agreement between Shelby County Board of Supervisors and the Iowa Department of Transportation for a Living Roadway Trust Fund Grant

WHEREAS, Shelby County Roadside Management is responsible for the Integrated Roadside Vegetation Management program and for managing certain roadside properties, and

WHEREAS, the Iowa Department of Transportation provides funding assistance through the Living Roadway Trust Fund for some expenses related to these responsibilities, and

WHEREAS, Shelby County Roadside Management has applied for and been awarded a Living Roadway Trust Fund grant, and

WHEREAS, Shelby County Engineer Chris Fredericksen is duly authorized to execute the grant as Authorizing Official on behalf of the Shelby County Board of Supervisors,

THEREFORE, be it here resolved, that the Shelby County Board of Supervisors approves a Living Roadway Trust Fund grant agreement between Shelby County Roadside Management, Shelby County Board of Supervisors and the Iowa Department of Transportation in the amount of \$10,000.00 towards the purchase of a new roadside spray truck. The grant was previously approved by the Board, but the grant requires the Board to pass the approval by resolution also. Parkhurst made a motion to approve the resolution, Schaben seconded the motion, the motion passed. With ayes by Kenkel, Schaben and Parkhurst. No nays were cast.

The M16 paving project was awarded a grant in the amount of 1.8 million dollars pending Board approval. Parkhurst motioned; Schaben seconded; the motion passed.

The supervisors also pre-approved purchasing needed beams for construction at an online auction requiring a wire transfer, Schaben made a motion to approve the purchase, Parkhurst seconded, the motion passed.

The County currently rents office space to the Iowa Department of Corrections for probation officer duties. Auditor Maxwell noted that for at least the last eight years the rent has been \$150.00 a month. He suggested to the Supervisors raise it to \$300.00 per month. Parkhurst made a motion to Authorize the Auditor to propose and sign a new lease agreement with the State Department of Corrections for \$300.00 per month, Schaben seconded the motion. The motion passed unanimously.

Schaben made a motion to pass the following resolution, Parkhurst seconded the motion.

RESOLUTION NO.2024-36

A resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the Shelby County Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”), a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, the Board of Supervisors of Shelby County (the “County”) has previously created the Shelby County Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) lying within the legal description set out in Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) covers the addition of the Property to the Urban Renewal Area; and (2) updates the description of the Shelby County Road, Bridge and Culvert Improvement Project previously approved by the Board in the May, 2022 Amendment to the Plan; and

WHEREAS, notice of a public hearing by the Board of Supervisors of the County on the question of establishing the Property as an urban renewal area and on the proposed Amendment for the Shelby County Urban Renewal Area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing on November 19, 2024; and

WHEREAS, the Planning and Zoning Commission of the County has reviewed and commented on the proposed Amendment; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to the Harlan Community School District; the consultation meeting was held on October 23, 2024; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, the City of Harlan (the “City”) has executed and delivered a joint agreement (the “Joint Agreement”) consenting to the County’s proposed urban renewal activity on the Property; and

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Shelby County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the November, 2024 Addition to the Urban Renewal Area.

Section 3. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the County.

Section 4. It is hereby determined by this Board of Supervisors as follows:

A. The Amendment conforms to the general plan of the County as a whole;

B. The proposed economic development projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

C. It is not anticipated that relocation of families will be an issue in connection with the projects and programs to be undertaken on the Property. To the extent that relocation is necessary, a feasible method

exists for the location of families who may be displaced into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families.

Section 5. The Amendment is made a part hereof and is hereby in all respects approved.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

A vote was held with Parkhurst, Schaben and Kenkel all voting in favor of the resolution, no nays were cast.

Supervisor Kenkel introduced an ordinance entitled “Ordinance No. 2024-0100. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2024 Addition to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.”

It was moved by Supervisor Parkhurst and seconded by Supervisor Kenkel that the ordinance be adopted. The Chairperson put the question on the motion, the following named Supervisors voted: Ayes Kenkel, Parkhurst and Schaben. Nays: None. Whereupon the Chairperson declared the motion duly carried and declared that the ordinance had been given its initial consideration.

It was moved by Supervisor Parkhurst and seconded by Supervisor Schaben that the statutory rule requiring an ordinance to be considered and voted on for passage at two Board meetings prior to the meeting at which it is to be finally approved be suspended. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes-Kenkel, Schaben and Parkhurst. Nays none. Whereupon the Chairperson declared the motion duly carried.

It was moved by Supervisor Parkhurst and seconded by Supervisor Kenkel that the ordinance entitled “Ordinance No. 2024-0100, An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November 2024 Addition to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa,” now be put upon its final consideration and adoption. The Chairperson put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Supervisors voted: Ayes Kenkel, Scheben and Parkhurst. Nays None.

The Ordinance was duly adopted as follows:

ORDINANCE NO. 2024-0100

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2024 Addition to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

WHEREAS, the Board of Supervisors of Shelby County, Iowa (the “County”) previously enacted certain ordinances providing for the division of taxes levied on certain taxable property in the Shelby County Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, pursuant to such ordinances, certain taxable property within the Shelby County Urban Renewal Area in the County have been designated “tax increment districts”; and

WHEREAS the Board of Supervisors now desires to increase the size of the “tax increment district” by adding additional property;

BE IT ENACTED by the Board of Supervisors of Shelby County, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the November, 2024 Addition to the Shelby County Urban Renewal Area of the County, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the County to finance projects in such Area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Shelby County, Iowa.

“2024 Urban Renewal Area Addition” shall mean the November 2024 Addition to the Shelby County Urban Renewal Area of Shelby County, Iowa, the legal description of which is set out below, approved by the Board of Supervisors by resolution adopted on November 19, 2024:

Certain real property situated in Shelby County, State of Iowa, bearing Shelby County Property Tax Parcel Identification Number 831125403001, more particularly described as:

Parcel A of the Southwest Quarter of the Southeast Quarter of Section 25, Township 79, Range 39, Shelby County, Iowa “Urban Renewal Area” shall mean the entirety of the Shelby County Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the 2024 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2024 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the 2024 Urban Renewal Area Addition is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2024 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2024 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2024 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area , and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2024 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2024 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Chairperson Kenkel then made preparations for the budget proceedings for the next fiscal year, no budget proceedings are planned until the new County officers start their duties.

The meeting was then adjourned.

Steve Kenkel, Chairman

ATTEST:

Mark Maxwell Clerk to the Board of Supervisors