

March 15, 2005

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: Roger Schmitz, Chairman; Richard Ferry, Vice-Chairman; LaVon Christensen; and Marsha J. Carter, Clerk.

It was moved by Christensen, seconded by Ferry, to approve the agenda with the following additions: (1) Set Public Hearing for Ordinance No. 2005-2 – Local Option Sales Tax and (2) 28E Agreement Between Shelby County and the City of Westphalia – Onsite Waste Water Management District AND the following items contained in the Consent Agenda:

- A. Minutes of March 1, 2005
- B. Office Reports – IT
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the Claims of February 28 and March 15, 2005, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Christensen, seconded by Ferry, to adopt the following resolution:

RESOLUTION NO. 2005-11
TRI-COUNTY SPECIAL OPERATIONS UNIT

Whereby, the Tri-County Special Operations Unit is a joint undertaking of the Counties of Crawford, Harrison, and Shelby, the Cities within, and those other contiguous Counties which may, in the future, with the agreement of all participating Counties, enjoin and participate in the provision of specialized rescue services, hazardous materials response and response to acts of terrorism and weapons of mass destruction.

The Shelby County Board of Supervisors further agree to allow emergency response agencies, their employees and equipment to be used in training and responding to calls for assistance within and contiguous to the Crawford, Harrison and Shelby County areas.

The Shelby County Board of Supervisors further agree to participate in the Iowa Mutual Aid Compact and abide by the guidelines established in Iowa Code 29C and any future guidance promulgated and approved by the Legislatures of the State of Iowa.

The Shelby County Board of Supervisors further agree that training and response operations of the Tri-County Special Operations Unit shall be under the guidelines and By-Laws of the Tri-County Special Operations Unit, in accord with the Incident Command System (ICS) as identified in the National Response Plan (NRP), National Incident Management System (NIMS), and the Shelby County Multi-Hazard Plan.

The Shelby County Board of Supervisors further agree to hold each participant and employee harmless by every other participant of the Tri-County Special Operations Unit from any liability resulting from their participation in, and action as a participant of this endeavor.

Therefore, be it resolved by the Shelby County Board of Supervisors that it is in the best interest of the Citizens of Shelby County to support the establishment and operation of the Tri-County Special Operation Unit.

Passed and approved this 15th day of March, 2005.

AYES: Schmitz, Ferry, Christensen

NAYES: None

Bob Seivert, EMA Coordinator, appeared before the Board to inform them that, due to the dry conditions, a burning ban will be put into effect immediately.

Marianne Willenborg appeared before the Board to present a the HRSA Grant Application, reporting that the grant will be used for Mobile Data Terminals in Emergency Vehicles and for medical equipment for the hospital. The requested funds equal \$80,000. It was moved by Ferry, seconded by Christensen, to approve the application for the HRSA BioTerrorism Grant, as recommended by EMA; to appoint

Marsha Carter, Auditor, as the Executive Director of the Grant; and to authorize Shelby County EMA to handle the finances for the Grant, if approved. AYES: Schmitz, Ferry, Christensen NAYES: None

Willenborg also reported that two defibrillators had been awarded to Shelby County from a grant from Harrah's Casino. It was moved by Ferry, seconded by Christensen, to place one of the defibrillators on the main floor of the Courthouse and Willenborg arrange the training with Marsha Carter, Auditor. AYES: Schmitz, Ferry, Christensen NAYES: None

Carter informed the Board that the application for the Housing Assistance Grant had been denied.

It was moved by Ferry, seconded by Christensen, to approve the Liquor License of Barry Deuel, dba The Flower Barn, Harlan, IA. AYES: Schmitz, Ferry, Christensen NAYES: None

It was moved by Ferry, seconded by Christensen, to authorize the Chairman to sign the 28E Agreement Between Shelby County Board of Supervisors and the City of Westphalia - Onsite Waste Water Management District and to authorize the Board of Health to manage the district for a period of ten years. AYES: Schmitz, Ferry, Christensen NAYES: None

This being the time and date advertised for a public hearing on the following proposed road vacation: A highway, the centerline of which is described as follows: A section of Road #111, originally established February 17, 1873, commencing at the S1/4 Corner of Section 25-81-39, thence terminating at a point 1662 feet Northerly along the center section line, the Chairman opened said hearing at 9:30 AM and read opening remarks. The County Engineer gave a presentation on the proposed vacation. The Auditor reported having received written comments and read same. The floor was opened to receive comments. Speaking in favor of the vacation was Gary Steinkuhler, stating the he was the one who requested this action. Speaking in opposition was Ron Arkfeld, representing Arkfeld Farms and Bob Kohorst, representing the Harrington Trust. Both stated concerns of access, drainage and maintenance. There being no other comments, the Board reviewed the comments made. It was moved by Ferry, seconded by Christensen, to take no further action in this matter and, therefore, the road as described above shall remain part of the Shelby County Road system and not vacated and abandoned. AYES: Schmitz, Ferry, Christensen NAYES: None

Ferry left the meeting at 10:08.

This also being the time and date advertised for a public hearing on the following proposed road vacation: A section of Road #217 as originally established May 19, 1876, commencing at a point on the North Section Line of Section 11-80-39 1334.4 feet east of the NW corner of said Section 11, thence continuing Easterly along the north section line and terminating at a point on section line 117.74 west of the NE corner of said section 11, being also a point on the centerline of Highway 59. The County Engineer gave a presentation on the proposed vacation. The Auditor reported having received written comments and read same from Kevin Bruck. The floor was opened to receive comments. Speaking in favor of the vacation was George Sonderman, Joe Rau, and James Kohles and Gerald Kohles. No one appeared to speak in opposition. A lengthy discussion followed as to fence lines, tree clearing, scheduling of these operations and related items. It was agreed that the County shall remove fences, but will not replace fences and shall remove trees along the existing right of way, shall re-establish the section line for fencing purposes as well as marking the 1/4 mile points, shall salvage all drainage structures and shall place drainage structures at field entrances as needed at the west end of the vacated roadway. There being no other comments, the Board reviewed the comments made and it was moved by Christensen, seconded by Schmitz to authorize the County Engineer to make the necessary arrangements to remove the old roadway and to complete all survey work involved in the above described. Final action on the vacation will take place upon the report by the Engineer that all above has been completed. AYES: Schmitz, Christensen NAYES: None

The Chairman closed the public hearing.

The County Engineer gave a secondary road project update.

This being the day set by law for the Board to canvass the Local Option Sales Tax Election vote of March 8, 2005, the board did canvass with the following results:

Public Measure A: "Shall a local sales and services tax be imposed in the Unincorporated Area of the County of Shelby, State of Iowa, at the rate of one percent (1%) to be effective July 1, 2005, without a sunset clause?"

There were three hundred fifty four (354) ballots cast of which two hundred thirty seven (237) votes were for the proposition, and one hundred seventeen (117) were against the proposition.

The Board declared this proposition as passed.

Public Measure B: “Shall a local sales and services tax be imposed in the City of Panama, County of Shelby, State of Iowa, at the rate of one percent (1%) to be effective July 1, 2005, without a sunset clause?”

There were forty six (46) ballots cast of which twenty eight (28) votes were for the proposition, and eighteen (18) were against the proposition.

The Board declared this proposition as passed.

Public Measure C: “Shall a local sales and services tax be imposed in the City of Harlan, County of Shelby, State of Iowa, at the rate of one percent (1%) to be effective July 1, 2005, without a sunset clause?”

There were four hundred thirty one (431) ballots cast of which two hundred forty two (242) votes were for the proposition, and one hundred eighty nine (189) were against the proposition.

The Board declared this proposition as passed.

The Board re-visited the FY2006 Budget. As promised, any revenue received from the Local Option Sales Tax will be used as spelled out on the ballot: 33% for General Property Tax Relief, 33% for Rural Property Tax Relief, and 34% for Secondary Road Infrastructure. It was moved by Christensen, seconded by Schmitz, to lower the tax asking for FY2006 by the estimated revenue provided by the Iowa Department of Revenue: General Tax Asking from \$2,867,439 to \$2,786,374, or \$81,065; Rural Tax Asking from \$1,182,826 to \$1,020,696, or \$162,130, which includes \$81,065 Rural dollars and \$81,065 Secondary Road dollars. This lowers the Countywide Tax Rate from \$8.88057 to \$8.69151 and the Rural Tax Rate from \$3.95000 to \$3.40857. AYES: Schmitz, Christensen NAYES: None

Marsha Carter, Auditor, reported that Matt Parrott & Sons of Waterloo had allowed her to use the Diebold Paper Ballot Precinct Count Election System free of charge for the Local Option Sales Tax Election. There were a lot of good comments from the Public and from the Poll Workers. Diebold is one of the companies from which the Board will choose when purchasing voting equipment prior to January 1, 2006, as required by the Federal Help America Vote Act (HAVA).

It was moved by Schmitz, seconded by Christensen, to set the date as April 5, 2005, at 9 a.m. for a Public Hearing on SHELBY COUNTY ORDINANCE NO. 2005-2, LOCAL OPTION SALES AND SERVICES TAX (ORIGINAL ORDINANCE NO. 1997-7) (AMENDED BY ORDINANCE NO. 1998-2—ADDS KIRKMAN) (AMENDED BY ORDINANCE NO. 1999-1—DELETES PANAMA) (AMENDED BY ORDINANCE NO. 2005-2—ADDS HARLAN, PANAMA, AND UNINCORPORATED AREA, EFFECTIVE JULY 1, 2005). AYES: Schmitz, Christensen NAYES: None

It was moved by Christensen, seconded by Schmitz, to authorize the Chairman to sign the Technology Service Agreement with Heartland Technology Solutions, Harlan for IT services for Shelby County. AYES: Schmitz, Ferry, Christensen NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 10:55 a.m.

Roger Schmitz, Chairman

ATTEST:

Marsha J. Carter
Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.