

January 3, 2012

The Shelby County Board of Supervisors met in an organizational session at 9:00 A.M. in the Supervisors Chambers in the Courthouse with the following members present: Roger Schmitz, James Burmeister, Delbert Hull, and Marsha J. Carter, Clerk.

It was moved by Burmeister, seconded by Hull, to approve Roger Schmitz as Chairman of the Board of Supervisors for the 2012 calendar year. Motion carried unanimously.

It was moved by Hull, seconded by Schmitz, to approve James Burmeister as Vice-Chairman of the Board of Supervisors for the 2012 calendar year. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to approve the agenda. Motion carried unanimously.

The Chair asked the other members to state any Conflict of Interest concerning any items on the approved agenda. None were stated.

It was moved by Hull, seconded by Burmeister, to approve the minutes of December 20, 2011. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to approve the Claims of December 30, 2011, as listed in the Claims Register. Motion carried unanimously.

Now being the time for the public hearing on the First Reading of Shelby County Ordinance No. 2011-5, An Amendment to Shelby County Ordinance No. 1996-4, Shelby County Alarm Ordinance, the Chair did open the hearing. There were no written or oral comments. It was moved by Hull, seconded by Burmeister, to close the hearing, to suspend future readings of the Ordinance, and to approve the following Ordinance:

**SHELBY COUNTY ORDINANCE NO. 2011-5
SHELBY COUNTY ALARM ORDINANCE**

(REPLACES ORDINANCE NO. 1996-4)

THIS ORDINANCE SHALL ESTABLISH FEES FOR THE MONITORING OF ALARMS, ESTABLISH THE DEFINITION OF ALARMS, ESTABLISH POLICIES AND PROCEDURES REGARDING THE CONNECTION, MONITORING, OR DISCONNECTION OF ALARMS RECEIVED BY THE SHELBY COUNTY EMERGENCY MANAGEMENT AGENCY, AND ESTABLISH FINES AND PENALTIES FOR UNAUTHORIZED CONNECTION OF ALARMS TO 911 LINES OR OTHER TELEPHONE LINES TERMINATING AT THE COMMUNICATIONS FACILITY. THIS ORDINANCE SHALL FURTHER SET FEES FOR FALSE ALARMS AND ESTABLISH DEFINITIONS AND PENALTIES FOR ABUSE OF THE 911 SYSTEM.

ENFORCEMENT OF THIS ORDINANCE SHALL BE THE RESPONSIBILITY OF THE SHELBY COUNTY ATTORNEY.

FINES, PENALTIES, OR REVENUE GENERATED AS A RESULT OF THIS ORDINANCE WILL BE DEPOSITED IN THE SHELBY COUNTY EMERGENCY MANAGEMENT AGENCY ACCOUNT AND WILL BE USED TO PAY FOR THE COST OF MAINTAINING AN EFFECTIVE PUBLIC SAFETY COMMUNICATIONS PROGRAM.

DEFINITIONS

AS USED IN THIS ORDINANCE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, UNLESS THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING.

SHELBY COUNTY EMERGENCY MANAGEMENT AGENCY: *(SCEMA) established under Iowa Code Chapter 29C. Agency responsible for the receiving and dispatching of emergency 911 calls and calls for assistance from the public to all law enforcement, fire, EMS and other public safety agencies within Shelby County.*

SHELBY COUNTY EMERGENCY MANAGEMENT COORDINATOR: *(EMC) person responsible for overall operation of the SCEMA.*

SHELBY COUNTY EMERGENCY MANAGEMENT EXECUTIVE COMMITTEE: *(EXECUTIVE COMMITTEE) Seven person board consisting of the Sheriff, a member of the board of supervisors, the Harlan Police Chief, a representative of the Shelby County Emergency Services Association, and three at large electees from the Emergency Management Commission, who are responsible for approval of permanent policy and oversight of the SCEMA.*

SHELBY COUNTY BOARD OF SUPERVISORS: *The elected Board of Supervisors for Shelby County, Iowa.*

DISPATCHER: *Employee of the SCEMA, who receives alarms and takes actions based on the alarm type. These include alarms generated by telephone, radio, teletypes, scanners, or other devices located temporarily or permanently at the SCEMA.*

EMERGENCY ALARM SYSTEM: *Any device which signals automatically or manually an event or activity which is illegal or otherwise a threat to public safety. This includes burglar, intrusion, holdup, fire, drawer, motion, OR proximity alarm, silent or audible.*

NONEMERGENCY ALARM SYSTEM: *Any device which signals automatically or manually a condition or situation for which the alarm owner desires a response or notification. This includes environmental, power off, call forwarding, answering services, or other status alarms.*

TEMPORARY ALARM: *Any device which signals automatically or manually an event or activity which is illegal or otherwise a threat to public safety or being used in criminal investigation. These alarms are placed by a criminal justice agency for a specified period of time.*

ALARM BUSINESS: *A privately owned company or business which receives emergency and/or nonemergency alarms and notifies designated responders of their activation. This includes security companies.*

ALARM OWNER: *Any public or private person, agency, organization, corporation, or business which owns or operates an alarm on property owned, leased or otherwise controlled .*

ALARM VENDOR: *Any company selling, installing, servicing, leasing, or contracting with an alarm owner.*

FALSE ALARMS: *Any alarm received which necessitates response by a public safety agency where an emergency situation does not exist.*

Section 1: SCEMA will provide alarm monitoring services to those citizens in Shelby County, who so request, according to those guidelines established herein. SCEMA will not advertise or otherwise solicit directly for alarm owners to send their alarms to the SCEMA.

Section 2: Alarm owners will comply with all provisions of this ordinance. Each alarm owner will have a completed ALARM MONITORING AGREEMENT signed and dated prior to any alarm being sent to the SCEMA.

Section 3: The EMC will determine the method by which each alarm is sent and received by the alarm owner. This includes designation of specific telephone lines, data transmission methods, alarm numbers, or other identifying characteristics. Inquiries regarding installation by potential alarm owners will be referred to the EMC.

Section 4: All alarms will be billed at a fee determined by the Executive Committee. Alarm billings will be sent annually, unless otherwise designated by the Executive Committee. Alarm revenue will be deposited in the Emergency Management Agency account.

Section 5: SCEMA assumes no liability for equipment installed by or for the alarm owner. The user owned equipment is the sole responsibility of the alarm owner.

SCEMA will make an effort to properly monitor all alarms. However, SCEMA is not liable for any loss sustained through the result of human error or monitoring malfunction.

SCEMA assumes no liability for delays in installation of equipment or for interruption of service due to strikes, riots, floods, fire, or acts of God or any causes beyond the control of the SCEMA. SCEMA will not be required to supply service to the user while interruption of service due to any such cause shall continue.

Section 6: Alarms can be tested only on prior notice having been given to the SCEMA. The request for alarm testing will be granted at the discretion of the dispatcher on duty at the time of the request. Testing may necessarily be delayed or deferred due to more emergent business of the SCEMA.

Section 7: False alarms will be reported to the dispatcher by the responding agency, who will notify the EMC. Alarm owners will be allowed no more than three false alarms in any one calendar year. Upon the fourth and every subsequent false alarm the alarm owner will be billed a fee of \$25.00 per false alarm. These funds shall be deposited in the SCEMA account.

Faulty alarms will be disconnected by the alarm owner until remedial maintenance can be performed. Alarms determined to be faulty or otherwise not compatible with the operation of the SCEMA communications operations will be disconnected on demand, by the owner, at the request of the EMC.

No alarms will be allowed on 911 trunks. Alarm owners found to be installing alarms on 911 trunks will be instructed to remove them immediately. Further alarm activation on 911 trunks will result in a penalty and citation of \$100.00 per alarm.

Unauthorized alarms are those which are discovered upon activation and received at the SCEMA communications center on any non-designated telephone line, 911 trunk, or off premise extension of any agency providing lines within the SCEMA. Alarm owners found to be installing alarms on these lines will be instructed to immediately remove those alarms and make arrangements with the EMC for an application. Subsequent activation of those alarms will result in a \$100.00 fine.

SCEMA is not obligated to respond to, or follow the directions of, unauthorized alarms.

False alarms generated with the intent to disrupt or otherwise adversely effect the provision of vital public services will be referred to the Sheriff and County Attorney for criminal prosecution.

Section 8: Alarm businesses who contact the SCEMA with notice of an alarm on any line will be promptly dispatched according to the priorities and services requested. SCEMA is not obligated to, nor will SCEMA attempt to, verify alarms received in this method prior to dispatching the requested service. Local services responding will be informed of the fact that this call is being generated by an alarm and is coming from an alarm business. False alarms generated as a result of these calls shall be subject to the same penalty as indicated in Section 7.

Section 9: SCEMA provides call forwarding and answering services at the discretion of the Executive Committee. Request for nonemergency alarm response will be considered on a case by case basis by the Executive Committee. Request for these services must be related to the public good. The number of nonemergency alarms shall not exceed a reasonable number, nor interfere with the priority operations of the dispatcher.

Section 10: Temporary alarms installed by law enforcement agencies will not be billed. The on duty dispatcher will be notified by the installing agency of the alarm. Pertinent alarm information as contained in the ALARM MONITORING AGREEMENT will be completed by the on-duty dispatcher and installing officer and filed in a location not visible to the public or casual observer in the dispatch area. The on-duty operator will advise each succeeding operator of the alarm. The EMC will be informed of all such alarms on his next regular work period.

Section 11: Copies of this Ordinance as adopted herein shall be on file and available for public inspection in the office of the Shelby County Auditor.

Section 12: This Ordinance shall be effective after its final passage, approval and publication as provided by law.

Adopted and passed by the Shelby County Board of Supervisors on this 3rd day of January, 2012.

AYES: Schmitz, Burmeister, Hull, NAYES: None

Joel Dirks, West Central Development, appeared before the Board to update them on ongoing projects and to request funding for FY2013. It was moved by Hull, seconded by Burmeister, to approve West Central Development's request of \$2,000 for FY2013. AYES: Schmitz, Burmeister, Hull, NAYES: None

It was moved by Hull, seconded by Burmeister, to authorize the Chair to sign the Contracts for Law Enforcement with the Cities of Irwin, Defiance, Westphalia, Panama, Earling, Kirkman, Portsmouth, Tennant, and Elk Horn at the new rate of \$20 per capita based on the 2010 census and to confirm that this rate will remain the same for FY2013, FY2014 and FY2015. AYES: Schmitz, Burmeister, Hull, NAYES: None

It was moved by Burmeister, seconded by Hull, that the following resolution be adopted:

RESOLUTION NO. 2012-1
A RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS
FOR THE 2012 CALENDAR YEAR

BE IT RESOLVED, that the following persons shall be appointed deputies for the following offices as recommended by the elected officials according to Chapter 331.903, Code of Iowa:

Marcus Gross, Jr.
County Attorney

Assistants: Todd Argotsinger
Fran Andersen
Jennifer Mumm
Judson Frisk
Ashley West

Mark Hervey
County Sheriff

Deputies: Rodney McMurphy, Chief Deputy
Kelly Lefeber
Chad Butler
Jeff Garrison
Donavon Dontje
Jeffrey Trailer
Glenn Birks

AYES: Schmitz, Burmeister, Hull, NAYES: None

The Board of Supervisors shall meet as required by Chapter 331.213, Code of Iowa, and shall hold their first meeting of each year on the first day in January, which is not a Saturday, Sunday or holiday and shall hold all subsequent meetings of the year as scheduled by the Board. All meetings of the Board shall be scheduled and conducted in compliance with Chapter 21. Regular meetings shall be held on the first and third Tuesdays of each month.

It was moved by Hull, seconded by Burmeister, that all claims filed in the Auditor's office by the Wednesday before the third Tuesday of each month shall be presented to the Board of Supervisors for approval for payment at that meeting. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, that the County Auditor be authorized without prior approval of the Board to draw warrants for salaries of county officers, their deputies and clerks; courthouse custodians; and all secondary road employees. The auditor is also authorized to pay the telephone, utilities, freight, deferred compensation, expenses of transporting person(s) to state institutions, health insurance, and authorized expenses incurred by employees while attending training. The Board authorized the County Auditor to issue warrants for County Conservation Commission, County Assessor, Shelby County Solid Waste Agency, Shelby County Veteran Affairs Commission, Shelby County Board of Health, Shelby County Community Services, and Shelby County Emergency Management Agency. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to appoint Roger Schmitz as Weed Commissioner for 2012. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to approve the appointment of Scott Markham as County Medical Examiner and to accept the proposal of the physicians of Shelby County that the doctor on call will act in the Medical Examiner's absence. Motion carried unanimously.

It was moved by Hull, seconded by Burmeister, to approve the appointment of the following persons as members of the Compensation Board for the Condemnation of Private Property for Shelby County for 2012, as required by Chapter 472.4, Code of Iowa:

FARM OWNER - OPERATORS

Lonnie Benson
Irwin, Iowa

Jason Monson
Irwin, Iowa

Doug Robinson
Shelby, Iowa

David Boettger
Harlan, Iowa

Kenneth Schneider
Portsmouth, Iowa

Dave Wahling
Shelby, Iowa

Charles Wooster, Jr.
Manilla, Iowa

Delbert Bruck
Harlan, Iowa

CITY PROPERTY OWNERS

Kayla Jacobs
Harlan, Iowa

Maurice Knudsen
Elk Horn, Iowa

Paul Leinen
Harlan, Iowa

Michael Cain
Harlan, Iowa

Todd Langenfeld
Earling, Iowa

Richard Leinen
Portsmouth, Iowa

Donald Holdsworth
Harlan, Iowa

REAL ESTATE BROKERS

Kirk Petersen
Harlan, Iowa

Terry Knapp
Harlan, Iowa

Rowland Burton
Irwin, Iowa

Randy Ouren
Harlan, Iowa

Jan Arkfeld
Defiance, Iowa

Dave Robinson
Shelby, Iowa

PERSONS HAVING KNOWLEDGE OF
PROPERTY VALUES IN SHELBY COUNTY

Kevin Campbell
Harlan, IA

Norman Mathiasen
Harlan, Iowa

Martin Nelson
Elk Horn, Iowa

Tim Meyers
Harlan, Iowa

John Wells
Defiance, Iowa

Terry Bails
Harlan, Iowa

It was moved by Burmeister, seconded by Hull, to approve the Harlan Tribune or the Harlan News Advertiser and the Danish Villages Voice as official newspapers for 2012,

as defined in Chapter 618.3 and Chapter 349, Code of Iowa. Motion carried unanimously.

It was moved by Hull, seconded by Burmeister, that the following resolution be adopted:

RESOLUTION NO. 2012-2
RESOLUTION CONCERNING NON-DISCRIMINATION

BE IT RESOLVED, by the Board of Supervisors of Shelby County, Iowa, that no person shall be excluded from the receipt of services or benefits, and Shelby County shall not refuse to hire, accept, register, classify, or refer for employment, or discharge any employee, or otherwise discriminate in employment against any applicant for employment, because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation.

AYES: Schmitz, Burmeister, Hull NAYES: None

It was moved by Burmeister, seconded by Hull, that the following days shall constitute paid holidays for all eligible employees as stated herein for the 2012 year. Motion carried unanimously.

New Year's Day - Monday, January 2 (January 1 falls on Sunday)
Presidents' Day - Monday, February 20
Memorial Day - Monday, May 28
Independence Day - Wednesday, July 4
Labor Day - Monday, September 3
Veterans' Day - Monday, November 12 (Veteran's Day falls on Sunday)
Thanksgiving Day - Thursday, November 22
Friday after Thanksgiving - Friday, November 23
Christmas Eve Afternoon (1/2 day) - Monday, December 24
Christmas - Tuesday, December 25

The Board also established the following policy: If a holiday falls on Saturday, the preceding Friday will be a paid holiday; when a holiday falls on Sunday, the following Monday will be a paid holiday. This policy is in effect for all holidays mentioned except Christmas Eve afternoon.

It was moved by Hull, seconded by Burmeister, that The Agency, Harlan, IA, be the broker for bonding for Shelby County for 2012. Motion carried unanimously.

It was moved by Hull, seconded by Burmeister, that the following appointments be approved. Motion carried unanimously:

SCHMITZ

Fourth Judicial District Department of Correctional Services Board of Directors
Juvenile Emergency Service Committee
Solid Waste Agency Board
Shelby County DevelopSource
Enterprise Zone Commission
Workforce Development - Region 13

BURMEISTER

Harrison/Monona/Shelby Empowerment Area
Southwest Iowa Planning Council to the Midlands &

Southwest Iowa Transit Authority Commission
WESCO
Board of Health
Hungry Canyons Alliance
Metropolitan Area Planning Association

HULL

Citizens Advisory Board for Cherokee MHI
Shelby-Harrison-Monona Planning Council & 28E Mental Health Coordinator Board
West Central Development Board
Conservation Board
Emergency Management Agency Commission
E911 Joint Service Board - Non-Voting Member
Building & Grounds Oversight

OTHER COMMITTEE MEMBERSHIP

Civil Service Commission - Dean Langenfeld (2017)
Local Government Committee - Historic Preservation -
Margaret Anderson, Rex Adams, Vicki Schmitz (2014)
E911 Joint Service Board - Bob Seivert, Voting Member
Planning & Zoning Commission - Rhonda Brown (2015)
Rural District Zoning Board of Adjustment - Bill Ahrenholtz (2016)
Rural Conservation & Development Board - Barry Deuel
Conservation Board - Raymond Petersen (2016)
Loess Hills Development & Conservation Authority - John Wendt & Jerry Henscheid
Hotel/Motel Tax - Tourism Committee - Marsha Carter
Shelby County Roads Task Force - Representative appointed by each Township

It was moved by Burmeister, seconded by Hull, to authorize any member of the Board to sign any documents related to farms belonging to the County and documents relating to any farm programs the County will be eligible for in the future. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to approve the following resolution:

RESOLUTION NO. 2012-3
ECONOMIC DEVELOPMENT
PUBLIC PURPOSE STATEMENT

BE IT RESOLVED by the Shelby County Board of Supervisors that the funding of Shelby County DevelopSource and Shelby County Area Wide Chamber and any other economic development project deemed appropriate by the Board is an economic development project as defined in Iowa Code Section 15A.1 and that this expenditure would further a public purpose, that public purpose to be an expansion or retention of jobs in Shelby County. Any business receiving economic development funding from Shelby County will be required to abide by the policies set by Shelby County, including but not limited to, Resolution 2007-32, A Resolution Concerning the Use of the E-Verify Website.

AYES: Burmeister, Hull, Schmitz, NAYES: None

It was moved by Hull, seconded by Burmeister, to approve the following resolution:

RESOLUTION NO. 2012-4
MASTER MATRIX

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2012 and January 31, 2013 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

AYES: Schmitz, Burmeister Hull NAYES: None

Dan Ahart, the County Engineer, updated the Board on activities of the county road crews and the status of current maintenance and construction projects.

It was moved by Burmeister, seconded by Hull, to set the date for the letting for the 2012 fuel supply as January 17, 2012 at 10:00 a.m. AYES: Schmitz, Burmeister Hull NAYES: None

It was moved by Burmeister, seconded by Hull, to approve the following resolution:

RESOLUTION NO. 2012-5
RESOLUTION TO ADD LOCALLY AND FM FUNDED PROJECT(S) TO
THE ACCOMPLISHMENT YEAR OF THE 2012 FIVE YEAR ROAD PROGRAM
SHELBY COUNTY

BE IT RESOLVED: That the Board of Supervisors of Shelby County, Iowa, initiates and recommends that the addition of the following project(s) to the Accomplishment year (FY 2012) be approved by the Iowa Department of Transportation (Iowa DOT) for improvement with local and/or FM funds for the period covering the current secondary road construction program.

L---73-83 Delbert Bruck Bridge TPMS ID: 21222

1200th Street: NW ¼ Section 10

E 0.25 mi

Replace existing 20' x 32' wood bridge with a 72" Dia CMP

S10:T79:R39

AADT Length FHWA # 20 305490

Type Work - 331 - Pipe Culverts
Fund Basis - County: Area Service

Net Change - +\$20,000

LFM-21117 – 7X-83 2200th Street Improvement FSC Project TPMS ID: 21117

2200th: US 59 West to 650 ft of 2200th Street
Stabilization of subgrade with c-stone flyash-650 ft
S23:T81N:R39W

AADT Length FHWA # 120
Type Work - 365 - Stabilized Base
Fund Basis - County: Farm-to-Market

Net Change - +\$19,000

Passed January 3, 2012.

AYES: Schmitz, Burmeister, Hull NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 10:13 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.