

January 4, 2010

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: Delbert Hull, Roger Schmitz, James Burmeister, and Marsha J. Carter, Clerk.

It was moved by Schmitz, seconded by Burmeister, to approve Delbert Hull as Chairman of the Board of Supervisors for the 2010 calendar year. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to approve Roger Schmitz as Vice-Chairman of the Board of Supervisors for the 2010 calendar year. Motion carried unanimously.

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

It was moved by Schmitz, seconded by Burmeister, to approve the minutes of December 15, 2009. Motion carried unanimously.

It was moved by Schmitz, seconded by Burmeister, to approve the Claims of December 29, 2009, as listed in the Claims Register. Motion carried unanimously.

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

RESOLUTION NO. 2010-1  
A RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS  
FOR THE 2010 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  
Judson Frisk  
Jennifer Mumm

Mark Hervey  
County Sheriff

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

AYES: Hull, Schmitz, Burmeister    NAYES: None

It was moved by Schmitz, seconded by Burmeister, to appoint Bryce Schaben as Weed Commissioner for 2010. Motion carried unanimously.

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.

It was moved by Schmitz, seconded by Burmeister, 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 Burmeister, seconded by Schmitz, to approve the appointment of the following persons as members of the Compensation Board for the Condemnation of Private Property for Shelby County for 2010, as required by Chapter 472.4, Code of Iowa:

FARM OWNER - OPERATORS

Walter Staiert  
Elk Horn, Iowa

Don Schomers  
Earling, Iowa

Doug Robinson  
Shelby, Iowa

David Boettger  
Harlan, Iowa

Ken Schneider  
Portsmouth, Iowa

Dave Wahling  
Shelby, Iowa

Charles Wooster, Jr.  
Manilla, 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

Ben Plumb  
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

Mark Langenfeld  
Earling, Iowa (deceased)

Norman Mathiasen  
Harlan, Iowa

Martin Nelson  
Elk Horn, Iowa

Jerry Lapke  
Harlan, Iowa

Tim Meyers  
Harlan, Iowa

John Wells  
Defiance, Iowa

Terry Bails  
Harlan, Iowa

It was moved by Schmitz, seconded by Burmeister, to approve the Harlan Tribune or the Harlan News Advertiser and the Danish Villages Voice as official newspapers for 2010, as defined in Chapter 618.3 and Chapter 349, Code of Iowa. Motion carried unanimously.

It was moved by Burmeister, seconded by Schmitz, 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.

All claims filed by Wednesday before the third Tuesday of each month in the Auditor's office will be approved for payment by the Board of Supervisors on the third Tuesday of each month.

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

RESOLUTION NO. 2010-2  
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: Hull, Schmitz, Burmeister      NAYES: None

It was moved by Burmeister, seconded by Schmitz, that the following days shall constitute paid holidays for all eligible employees as stated herein for the 2010 year. Motion carried unanimously.

New Year's Day - January 1  
Presidents' Day - February 15  
Memorial Day - May 31  
Independence Day - July 5 (July 4 is on Sunday)  
Labor Day - September 6  
Veterans' Day - November 11  
Thanksgiving Day - November 25  
Friday after Thanksgiving - November 26  
Christmas Eve/Christmas - December 24 (Christmas is on Saturday)

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 Schmitz, seconded by Burmeister, that The Agency, Harlan, IA, be the broker for bonding for Shelby County for 2010. Motion carried unanimously.

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

Harrison/Monona/Shelby Empowerment Area – Burmeister  
Shelby-Harrison-Monona Planning Council &  
28E Mental Health Coordinator Board - Hull  
Fourth Judicial District Department of  
Correctional Services Board of Directors – Schmitz  
Juvenile Emergency Service Committee - Schmitz  
Emergency Management Agency Commission – Burmeister  
E911 Joint Service Board – Burmeister  
Southwest Iowa Planning Council to the Midlands &  
Southwest Iowa Transit Authority Commission – Burmeister  
Planning & Zoning Commission – Duane Errett (2013), Marvin Kenkel (2013), Carolyn  
Blum (2010), Rhonda Brown (2012)  
Rural District Zoning Board of Adjustment – Carolyn Blum (2014)  
Solid Waste Agency Board - Schmitz  
West Central Development Board – Hull  
Shelby County DevelopSource – Schmitz  
Enterprise Zone Commission - Schmitz  
WESCO - Burmeister  
Board of Health – Hull  
Rural Conservation & Development Board – Barry Deuel  
Hungry Canyons Alliance -Burmeister  
Workforce Development – Region 13 - Schmitz  
Metropolitan Area Planning Association - Burmeister  
Loess Hills Development & Conservation Authority – John Wendt & Jerry Henscheid  
Conservation Board - Hull  
Hotel/Motel Tax – Tourism Committee – Marsha Carter  
Building & Grounds Oversight - Hull  
Shelby County Roads Task Force – Representative appointed by each Township

It was moved by Burmeister, seconded by Schmitz, to authorize the Chairman or the Vice-Chairman 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 Schmitz, seconded by Burmeister, to approve the following resolution:

RESOLUTION NO. 2010-3  
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: Hull, Schmitz, Burmeister NAYES: None

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

RESOLUTION NO. 2010-4  
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, 2010 and January 31, 2011 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: Hull, Schmitz, Burmeister    NAYES: None

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

RESOLUTION #2010-5  
RESOLUTION AUTHORIZING A PARTNERSHIP WITH  
SOUTHWEST IOWA HOUSING TRUST FUND, INC.

WHEREAS; The Shelby County Board of Supervisors has found a need for homeownership assistance and housing repairs for lower income individuals and families; and,

WHEREAS; Southwest Iowa Housing Trust Fund, Inc. proposes to provide funding to assist income eligible individuals and families purchase their first-home and repair owner-occupied homes.

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

SECTION 1: The Shelby County Board of Supervisors is interested in participating in the Southwest Iowa Housing Trust Fund, Inc. housing programs.

SECTION 2: The Shelby County Board of Supervisors will contribute \$1,000.00 per unit assisted in Shelby County lying outside the city limits of Harlan, not to exceed \$10,000.00, in calendar year 2010.

Adopted this 4<sup>th</sup> day of January, 2010.

AYES: Hull, Schmitz, Burmeister    NAYES: None

It was moved by Burmeister, seconded by Schmitz, to approve the following Disaster Declaration as presented by Bob Seivert, EMA Coordinator:

#### SHELBY COUNTY DISASTER DECLARATION

“Shelby County has suffered from a winter storm that began December 22 and continuing. This caused severe damage to public and private property, disruption of utility service and endangerment of the health and safety of the citizens of Shelby County within the disaster area.

Therefore the Shelby County Board of Supervisors has declared a state of emergency authorized under Iowa State Statute and will execute the expenditure of emergency funds from all available sources, invoking of mutual aid agreements, and applying to the State of Iowa for assistance, and to request further assistance from FEMA.

Specific resources requested are in the form of snow removal equipment, two large snow blowers and operators. The basis for this request is the fact that our rural citizens are finding themselves in dangerous situations. While county road crews are attempting to clear the rural roads, the wind is blowing them full as fast as they are plowed. At this point concerns include access for emergency services, food, and heating and fuel supplies, access to medical supplies and medication. In Addition, the ability to care for livestock is being impeded.

Our request is for two large snow blowers and any other snow removal equipment available to help with clearing secondary roads. This will allow for more efficient removal of the deep drifts in the cuts on our rural roads.”

AYES: Hull, Schmitz, Burmeister    NAYES: None

Carter informed the Board the ISAC had set the rates for the County’s health insurance plan. The single and family premium will increase 4.0% and 3.83 % respectively.

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

#### RESOLUTION #2010-6 IOWA COMMUNITIES ASSURANCE POOL PROXY DESIGNATION

Be it known that the Shelby County Board of Supervisors hereby nominates and appoints Marsha J. Carter, Auditor, as the Primary Contact and Daniel M. Ahart, Engineer, as the Alternate Contact to represent Shelby County with the Iowa Communities Assurance Pool (ICAP). Carter and Ahart shall act as liaison between Shelby County and ICAP for the purposes of relating risk reduction and loss control information and any other loss information or instructions concerning the obligations of Shelby County imposed by signing the Iowa Risk Management Agreement and the rules and regulations established thereunder, to the same extent that the Shelby County Board of Supervisors could do if personally present. The Shelby County Board of Supervisors does here by ratify and confirm and adopt all action done or taken by Carter and/or Ahart.

Approved this 4<sup>th</sup> day of January, 2010.

AYES: Hull, Schmitz, Burmeister    NAYES: None

David Yamada, Shelby County DevelopSource, was not available to update the Board on the economic development projects for Shelby County.

Dan Ahart, the County Engineer, was not available to update the Board on activities of the county road crews and the status of current maintenance and construction projects.

Mike Kienast, Shelby County Roads Foreman, did update the Board on the progress of the snow removal following the Blizzard of December 8 & 9 and the Blizzard of December 24 & 25. Following a request for a Disaster Declaration for Shelby County, the State did send out a snow blower for the County to use to help clear out the remaining blocked roads.

It was moved by Schmitz, seconded by Burmeister, to set the date for the 2010 Fuel Letting as January 19, 2010, at 9:30 a.m. Motion carried.

As recommended by the State Auditor's Office, the Board proceeded to do a surprise cash count in the Treasurer's Office, the results being as follows:

Treasurer	Cash on hand	\$	1,000.00
	Checks		.00
	Checking Accounts		3,749,422.17
	Time Certificates		3,360,000.00
	Total		\$7,110,422.17

There being no further business appearing, the Chairman declared the meeting adjourned at 10:20 a.m.

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Delbert Hull, Chairman

ATTEST:

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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.