

January 2, 2009

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, Delbert Hull, James Burmeister, and Marsha J. Carter, Clerk.

It was moved by Hull, seconded by Burmeister, to approve Roger Schmitz as Chairman of the Board of Supervisors for the 2009 calendar year. Motion carried unanimously.

It was moved by Burmeister, seconded by Schmitz, to approve Delbert Hull as Vice-Chairman of the Board of Supervisors for the 2009 calendar year. Motion carried unanimously.

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

It was moved by Burmeister, seconded by Hull, to approve the minutes of December 16, 2008. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, to approve the Claims of December 31, 2008, as listed in the Claims Register. Motion carried unanimously.

The following elected officials of Shelby County qualified for their respective offices by taking the oath and by giving bond according to Chapter 63.1, Code of Iowa:

James Burmeister, Shelby County Board of Supervisors  
Delbert Hull, Shelby County Board of Supervisors  
Marsha J. Carter, Shelby County Auditor  
Mark Hervey, Shelby County Sheriff

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

RESOLUTION NO. 2009-1  
A RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS  
FOR THE 2009 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: Schmitz, Hull, Burmeister    NAYES: None

It was moved by Hull, seconded by Burmeister, to appoint Bryce Schaben as Weed Commissioner for 2009. 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 Hull, 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 Hull, to approve the appointment of the following persons as members of the Compensation Board for the Condemnation of Private Property for Shelby County for 2009, 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  
Irwin, Iowa

REAL ESTATE BROKERS

Kirk Petersen  
Harlan, Iowa

Terry Knapp  
Harlan, Iowa

Ben Plumb  
Harlan, Iowa

Rowland Burton  
Irwin, Iowa

Randy Ouren  
Harlan, Iowa

PERSONS HAVING KNOWLEDGE OF  
PROPERTY VALUES IN SHELBY COUNTY

Mark Langenfeld  
Earling, Iowa

Norman Mathiasen  
Harlan, Iowa

Lamont Christensen (replaced by  
Martin Nelson 1-20-2009)  
Elk Horn, Iowa

Jerry Lapke  
Harlan, Iowa

Tim Meyers  
Harlan, Iowa

Jan Arkfeld  
Defiance, Iowa

John Wells  
Defiance, Iowa

Dave Robinson  
Shelby, 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 2009, as defined in Chapter 618.3 and Chapter 349, Code of Iowa. 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.

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

RESOLUTION NO. 2009-2  
RESOLUTION CONCERNING NON-DISCRIMINATION IN EMPLOYMENT

WHEREAS, Shelby County has in the past tried to conform to all federal rules and regulations pertaining to equal employment opportunities, and

WHEREAS, the Shelby County wishes to continue to comply with all federal rules and regulations for equal employment opportunities,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Shelby County, Iowa, that Shelby County will make every effort possible to comply with all federal laws and regulations in existence and future laws which may come about pertaining to equal employment opportunities.

AYES: Schmitz, Hull, Burmeister      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 2009 year. Motion carried unanimously.

New Year's Day - January 1  
Presidents' Day - February 16  
Memorial Day - May 25  
Independence Day - July 3 (July 4 is on Saturday)  
Labor Day - September 7  
Veterans' Day - November 11  
Thanksgiving Day - November 26  
Friday after Thanksgiving - November 27

Christmas Eve Afternoon (1/2 day) - December 24  
Christmas Day - 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 2009. Motion carried unanimously.

It was moved by Burmeister, seconded by Hull, 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 - Marsha Carter, Tony Buman  
Rural District Zoning Board of Adjustment - Marsha Carter  
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 - Schmitz  
Shelby County Roads Task Force - Representative appointed by each Township

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

RESOLUTION NO. 2009-3  
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: Schmitz, Hull, Burmeister NAYES: None

According to Iowa Code Section 356.7(5b), 60% of any Jail Room and Board revenue is to be used for jail infrastructure improvements. It was moved by Hull, seconded by Burmeister, to increase the amount from 60% to 100% and to deposit this revenue in the Capital Fund to be used for future jail infrastructure improvements. AYES: Schmitz, Hull, Burmeister NAYES: None

It was moved by Burmeister, seconded by Hull, to discontinue using the services of Grennan & Associates as our insurance consultants. AYES: Schmitz, Hull, 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 only 2.54% and 2.71% respectively after no increase last year.

The Technology Services Agreement with Heartland Technology will be reviewed and placed on the next agenda.

David Yamada, Shelby County DevelopSource, updated the Board on the economic development projects for Shelby County.

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

Ahart discussed the survey received from ISAC and the Governor, requesting a listing of any planned infrastructure projects for the Federal Economic Stimulus Plan.

A discussion was also held on the County Engineer's contract.

There being no further business appearing, the Chairman declared the meeting adjourned at 11:08 a.m.

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Roger Schmitz, 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.