

September 23, 2014

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: Steve Kenkel, Chairman; Charles Parkhurst, Vice Chairman; Roger Schmitz; and Karen Goans, Acting-Clerk.

The Chair asked that any Conflict of Interest be stated concerning any item on the agenda. None were stated.

It was moved by Schmitz, seconded by Parkhurst, to approve the agenda. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to approve the Minutes of September 2, 2014, as presented. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

Kenkel reported that he had been appointed to a State Task Force to review food inspection fees and also to another Task Force to review Road Use funding options.

Parkhurst, who is the Shelby County representative on the WESCO Board, questioned why Shelby County is involved in WESCO when he was told that the County is not in their region. Since there has been a Shelby County Supervisor on their Board for many years, Kenkel and Schmitz asked Parkhurst to research this and report back to them.

Schmitz reported that in FY2014 the County funded the Southwest Iowa Juvenile Detention Center in the amount of \$27,108.40. Annually, the Detention Center Board evaluates the cash reserve and, if possible, issues a Capital Liquidation check to each of the participating counties. For FY2014, Shelby County received a refund check in the amount of \$11,650.96, which makes our net cost \$15,457.44.

It was moved by Schmitz, seconded by Parkhurst, to approve the Claims of September 23, 2014, as listed in the Claims Register. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to set the date and time for cash rent of the County Farm and the Landfill properties as November 18, 2014 at 9:00 a.m. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

Now being the time for the First Reading of Shelby County Ordinance No. 2014-2 - Ordinance Requiring A License for Peddlers, Solicitors, and Transient Merchants, the Chairman did recess the regular meeting and open the public hearing. It was moved by Schmitz, seconded by Parkhurst, to introduce Shelby County Ordinance No. 2014-2. AYES: Kenkel, Parkhurst, Schmitz NAYES: None. There were no written or oral comments. It was moved by Schmitz, seconded by Parkhurst, to close the public hearing, to suspend the future readings, and to adopt the following Ordinance. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

SHELBY COUNTY ORDINANCE 2014-2

SHELBY COUNTY ORDINANCE REQUIRING A LICENSE FOR PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

LICENSED REQUIRED. Any person engaging in peddling, soliciting, or in the business of a transient merchant in Shelby County, outside the corporate limits of the City of Harlan, without first obtaining a license as herein provided shall be in violation of this chapter.

DEFINITIONS. For the use within this chapter the following terms are defined:

- A. "Peddler" is any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
- B. "Solicitor" is any person who solicits or attempts to solicit from house to house or upon the public street an order for goods or merchandise to be delivered at a future date.
- C. "Transient Merchant" is any person, firm, or corporation who engages in a temporary or intermittent merchandising business and in the course of such business hires, leases, or occupies any building, structure, truck or trailer, whatsoever. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with as a part of or in the name of any local merchant, dealer, trader, or auctioneer shall not exempt any person, firm, or corporation from being considered a transient merchant.

EXEMPTIONS. The following shall be exempt from the provisions of this chapter:

- A. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
- B. Club Members. Members of a local civic and service clubs, Boy Scouts, Girl Scouts, 4-H Clubs, Future Farmer of America and similar organizations while actually participating in fund raising or other canvassing activist for their respective organizations only.
- C. Local Residents and Farmers. Local residents and farmers who offer for sale their own products or produce, or who only occasionally sell household products or toilet goods in small quantities on a commission basis only.
- D. Students. Students representing the local school districts while conducting projects sponsored by organizations recognized by the school.
- E. Route Sales. Route delivery persons who only incidentally solicit additional business or makes special sales.
- F. Resale or Institutional Use. Persons customarily called on business or institutions for the purpose of selling products for resale or institutional use.
- G. Religious and Charitable Organizations. Authorized representatives of religious charitable organizations desiring to solicit money or to distribute literature shall be exempt.

PEDDLER, SOLICITOR AND TRANSIENT MERCHANT'S LICENSE - APPLICATION. An application in writing shall be filed with the Sheriff's Office for a peddler, solicitor, and transient merchant's license. The application may be submitted Monday through Friday from 8:00 a.m. to 4:00 p.m. Such application shall set forth:

- A. The applicant's name, permanent and local address, business address, if any, and a copy of the applicant's photo identification.
- B. The application also shall set forth the applicant's employer, the employer's address, the nature of the applicant's business, and the last three places such business was conducted, if any.
- C. The length of time sought to be covered by the license.
- D. Tax identification number.
- E. A true invoice or detailed statement of the amount of goods, wares, merchandise or stock it is proposed to offer for sale within the county, a specific statement of their location, if applicable.
- F. The name and address of the grower, manufacturer or distributor from which such goods, wares, merchandise or stock was purchased or is to be purchased, if applicable.

G. The name of the true and lawful agent with full power and authority to accept service of notice or process for and on behalf of the applicant in respect to any matters connected with or rising out of any license.

INVESTIGATION OF APPLICATION. The Sheriff's Office may make an investigation of the facts contained in the application for a license required by this article.

LICENSE - ISSUANCE. If the Sheriff's Office finds the application is completed in conformance above section and the facts stated therein are correct, the Sheriff's office shall issue a license, and charge the application fee.

LICENSE - DISPLAY. Each peddler, solicitor and transient merchant shall at all times with all requirements of this chapter while doing business in this county keep in his/her possession the license provided and shall, upon the request of prospective customers or a peace officer, exhibit the license as evidence of compliance of this resolution.

FEES. No peddler, solicitor and transient merchants' license shall be issued until payment is made in full to the Sheriff's Office for the term of the license. The license fee is \$10.00. The fee proceeds shall be placed in the county general fund.

TRANSFERABILITY. Licenses required by this article shall not be transferable.

DURATION, RENEWAL. The license may be renewed upon payment. All approved licenses expire 10 days after approval.

REVOCAION. The Sheriff's Office may revoke the license of any person engaging as a peddler, solicitor, or transient merchant who has been convicted of violating any of the provisions of this resolution or any person who persists in the violation of any of its terms, and should such license be revoked the licensee shall not be granted a new license or permit within a period of two (2) years from the date of revocation. If a license is denied or revoked, the applicant may appeal in writing to the Board of Supervisors. The Board of Supervisors will issue a final determination within 30 days of receipt of the appeal.

PENALTY. Any person convicted in violation of this ordinance shall be guilty of a simple misdemeanor and is subject to a penalty with a minimum fine of sixty-five dollars (\$65.00) and a maximum fine of six hundred twenty-five dollars (\$625.00) and/or imprisonment in jail for a period not to exceed thirty (30) days. Any fine collected shall be placed in the general fund.

PASSED AND ADOPTED this 23rd day of September, 2014, by the Shelby County Board of Supervisors.

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

It was moved by Schmitz, seconded by Parkhurst, to approve the upgrade of the Level "B" road - Center 24/25, 900th Street. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to authorize, by resolution, County Engineer Dan Ahart to sign the agreement with the IDOT for a Living Roadway Trust Fund Grant in the amount of \$3,040, with the remaining \$760 for the project to be paid out of the Secondary Road Fund. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

Ahart updated the Board on the repairs due to the recent storms. The County will be eligible for FEMA funds for any damage after June 26, 2014. He estimated approximately \$300,000 in storm damages.

There being no further business appearing, the Chairman declared the meeting adjourned at 9:32 a.m.

Steve Kenkel, Chairman

ATTEST:

Karen Goans
Acting-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.