

January 2, 2013

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, Steve Kenkel, Charles Parkhurst, and Marsha J. Carter, Clerk.

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:

Steve Kenkel, Shelby County Board of Supervisors
Charles Parkhurst, Shelby County Board of Supervisors
Marsha J. Carter, Shelby County Auditor
Mark Hervey, Shelby County Sheriff

It was moved by Parkhurst, seconded by Kenkel, to approve Roger Schmitz as Chairman of the Board of Supervisors for the 2013 calendar year. Motion carried unanimously.

It was moved by Parkhurst, seconded by Schmitz, to approve Steve Kenkel as Vice-Chairman of the Board of Supervisors for the 2013 calendar year. Motion carried unanimously.

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

It was moved by Kenkel, seconded by Parkhurst, to approve the agenda. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, to approve the minutes of December 18, 2012. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, to approve the Claims of December 31, 2012, as listed in the Claims Register. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, that the following resolution be adopted:

RESOLUTION NO. 2013-1
A RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS
FOR THE 2013 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
Neil Gross
Jason Wickizer, Unpaid Reserve Deputy

AYES: Schmitz, Kenkel, Parkhurst 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 Kenkel, seconded by Parkhurst, 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. All claims for mileage and expenses must be submitted within sixty days of the date incurred. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, 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 Kenkel, seconded by Parkhurst, to appoint Roger Schmitz as Weed Commissioner for 2013. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, 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 and to approve the appointment of Lynn Kropf, EMT PM-CCP, as County Medical Examiner Investigator. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, to approve the appointment of the following persons as members of the Compensation Board for the Condemnation of Private Property for Shelby County for 2013, as required by Chapter 472.4, Code of Iowa:

FARM OWNER - OPERATORS

Lonnie Benson
Irwin, Iowa

Jason Monson
Irwin, Iowa

Doug Robinson
Shelby, Iowa

CITY PROPERTY OWNERS

Kayla Jacobs
Harlan, Iowa

Donald Holdsworth
Harlan, Iowa

Paul Leinen
Harlan, Iowa

David Boettger
Harlan, Iowa

Michael Cain
Harlan, Iowa

Kenneth Schneider
Portsmouth, Iowa

Todd Langenfeld
Earling, Iowa

Dave Wahling
Shelby, Iowa

Richard Leinen
Portsmouth, Iowa

Charles Wooster, Jr.
Manilla, Iowa

Delbert Bruck
Harlan, Iowa

REAL ESTATE BROKERS

PERSONS HAVING KNOWLEDGE OF
PROPERTY VALUES IN SHELBY COUNTY

Kirk Petersen
Harlan, Iowa

Kevin Campbell
Harlan, IA

Terry Knapp
Harlan, Iowa

Norman Mathiasen
Harlan, Iowa

Rowland Burton
Irwin, Iowa

Martin Nelson
Elk Horn, Iowa

Randy Ouren
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 Parkhurst, seconded by Kenkel, to approve the Harlan Tribune or the Harlan News Advertiser and the Danish Villages Voice as official newspapers for 2013, as defined in Chapter 618.3 and Chapter 349, Code of Iowa. Motion carried unanimously.

It was moved by Kenkel, seconded by Parkhurst, that the following resolution be adopted:

RESOLUTION NO. 2013-2
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, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, that the following days shall constitute paid holidays for all eligible employees as stated herein for the 2013 year. Motion carried unanimously.

New Year's Day - Tuesday, January 1
Presidents' Day - Monday, February 18
Memorial Day - Monday, May 27
Independence Day - Thursday, July 4
Labor Day - Monday, September 2
Veterans' Day - Monday, November 11
Thanksgiving Day - Thursday, November 28
Friday after Thanksgiving - Friday, November 29
Christmas Eve Afternoon (1/2 day) - Tuesday, December 24
Christmas - Wednesday, 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 Kenkel, seconded by Parkhurst, that The Agency, Harlan, IA, be the broker for bonding for Shelby County for 2013. Motion carried unanimously.

It was moved by Parkhurst, seconded by Kenkel, 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
Building & Grounds Oversight

PARKHURST

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
Loess Hills Development & Conservation Authority
Conservation Board
Safety/Wellness Committee

KENKEL

Citizens Advisory Board for Cherokee MHI
County's Official Voting Delegate-Southwest Iowa Regional Committee for MH/DD Redesign (12-4-2012)
Shelby-Harrison-Monona Planning Council & 28E Mental Health Coordinator Board
West Central Development Board
Emergency Management Agency Commission
E911 Joint Service Board - Non-Voting Member

OTHER COMMITTEE MEMBERSHIP

Board of Health - To correct staggered terms - Dr. Phillip Markham - Term ending 2013; Dr. Michelle Eckermann & Dr. Scott Markham - Term ending 2015
Local Government Committee - Historic Preservation - Kathleen Cue & Ron Chamberlain - Terms ending 2015
E911 Joint Service Board - Bob Seivert, Voting Member
Planning & Zoning Commission - Marsha Carter & Karen Goans - Terms ending 2016
Rural District Zoning Board of Adjustment - Milton Barry - Term ending 2017
Hotel/Motel Tax Committee-Fiscal Agent - Shelby County Auditor
Shelby County Roads Task Force - Representative appointed by each Township

It was moved by Kenkel, seconded by Parkhurst, 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 Kenkel, seconded by Parkhurst, to approve the following resolution:

RESOLUTION NO. 2013-3
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, Kenkel, Parkhurst NAYES: None

It was moved by Kenkel, seconded by Parkhurst, to approve the following resolution:

RESOLUTION NO. 2013-4
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,

2013 and January 31, 2014 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, Kenkel, Parkhurst NAYES: None

It was moved by Parkhurst, seconded by Kenkel, to approve the following resolution:

RESOLUTION #2013-5
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 2013.

Adopted this 2nd day of January, 2013.

AYES: Schmitz, Kenkel, Parkhurst NAYES: None

Chairman Schmitz reported that he had received an email from Chris Nelson, Gronewold & Co, the audit firm that is working on the County's FY2012 Annual Audit. The email was in reference to Nelson's report at the December 18, 2012 meeting that the County Treasurer had been unable to reconcile property taxes for FY2011 and FY2012. Nelson reported that the issue had been resolved. The County Treasurer presented balanced reports from her office for FY2012. Schmitz stated that it was too bad that these reports had not been presented a year ago. He was referring to the meeting with Nelson when he first reported that the Treasurer's Office was unable to reconcile property taxes for FY2011.

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

There being no further business appearing, the Chairman declared the meeting adjourned at 10:34 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.