

June 17, 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 Marsha J. Carter, Clerk.

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

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

It was moved by Schmitz, seconded by Parkhurst, to approve the Minutes of June 10, 2014, as presented. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to approve the Claims of June 17, 2014, as listed in the Claims Register. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Schmitz, seconded by Parkhurst, to approve the three-year contract with Gronewold & Company to complete the County's annual audit for FY2014, FY2015, and FY2016. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to approve for submission of the Paul Coverdell Forensic Science Improvement Act Grant Application for reimbursement for training and expenses of a Death Investigator. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to approve the following Non-Union Wage/Benefit Package and include in the Employee Handbook. AYES: Kenkel, Parkhurst, Schmitz NAYES: None

Wages:	July 1, 2014	2.25% COLA
	January 1, 2014	1.00% Performance Increase
	July 1, 2015	2.50% COLA
	January 1, 2015	1.00% Performance Increase

Insurance - Family Contributions for Dependent Coverage:		
	July 1, 2014	Increase from 10% to 15%
	July 1, 2014	Increase from 15% to 20%

NEW Longevity Schedule effective July 1, 2014:		
	After 5 years	\$.35
	After 10 years	\$.45
	After 15 years	\$.55
	After 20 years	\$.65

Statement from the Board: The Board would like to add some clarification as to why the Non-Union employees are receiving Performance Increases and Unions are not. A goal of this Board is to increase accountability throughout county government by implementing annual employee performance evaluations. This Board was willing to provide financial incentives to our employees for strong performance as evidenced by our initial proposal to all three Unions. Unfortunately, the final contract does not include a Pay-for-Performance provision. As a Board, we will continue to work to this goal and will implement a similar plan for our non-union employees. The bottom line is: The three Union contracts were given the opportunity for Performance Based Pay, and they chose not to participate.

It was moved by Schmitz, seconded by Parkhurst, to adopt the following resolution:

RESOLUTION NO. 2014-16
APPROPRIATE FUNDS TO OPERATE COUNTY OFFICES AND DEPARTMENTS
FOR FISCAL YEAR 2015

WHEREAS, in accordance with Section 331.434(6) of the Code of Iowa which requires the Board of Supervisors of Shelby County, Iowa, to appropriate funds to operate all offices and departments of said county for Fiscal Year 2015.

THEREFORE BE IT RESOLVED, that the Board of Supervisors do hereby authorize the appropriations for Fiscal Year 2015 as follows:

SECTION 1: The amounts itemized by department on the following Schedule A are hereby appropriated from the resources of each fund so itemized.

SECTION 2: Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized fund, effective July 1, 2014.

SECTION 3: In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amount appropriated pursuant to this resolution.

SECTION 4: If at any time during the budget year the Auditor shall ascertain that the available resources of a fund for that year will be less than said funds total appropriations she shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5: The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate on a report the status of such accounts to the applicable department monthly during the budget year.

SECTION 6: All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2015.

SCHEDULE A

POLICY AND ADMINISTRATION	1,867,804	
IT/GIS	382,739	
AUDITOR	214,350	
RECORDER	201,008	
TREASURER		286,818
ATTORNEY		175,047
COURT RELATED COSTS		86,762
SHERIFF/JAIL	1,381,282	
CONSERVATION/LAND USE	275,815	
PUBLIC HEALTH	384,741	
SOCIAL SERVICES	68,900	
VETERANS	48,392	
MH/MR/DD	723,814	
SECONDARY ROAD	4,985,300	
TOTAL	\$ 11,082,772	

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on June 17, 2014, the vote thereon being as follows:

AYES: Kenkel, Parkhurst, Schmitz NAYES: None

It was moved by Parkhurst, seconded by Schmitz, to adopt the following resolution:

RESOLUTION NO. 2014-17
AUTHORIZE AUDITOR TO TRANSFER FUNDS

WHEREAS, it is desired to transfer monies from the General Funds and from the Rural Basic Fund, and

WHEREAS, said operating transfers are in accordance with Sections 331.432, Code of Iowa,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Shelby County, Iowa, as follows:

SECTION 1. The Auditor is hereby authorized to transfer funds from the General Basic and Supplemental Funds and from the Rural Basic Funds to the Capital Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

SECTION 2. The Auditor is hereby authorized to transfer funds from the General Basic Fund to the General Supplemental Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

SECTION 3. The Auditor is hereby authorized to transfer funds from the Rural Basic Fund to the Rural Supplemental Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

SECTION 4. The Auditor is hereby authorized to transfer funds from the Rural Basic Fund to the Flood & Erosion Control Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

SECTION 5. The Auditor is hereby authorized to transfer funds from the General Basic and Rural Basic Funds to the Secondary Road Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

SECTION 6. The Auditor is hereby authorized to transfer funds from the General Basic Fund to the Conservation Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

SECTION 7. The Auditor is hereby authorized to transfer funds from the General Basic Fund to the Environmental Health Fund to cover expenditures as set out in the County Budget for Fiscal Year 2015.

The above and foregoing resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on June 17, 2014, the vote thereon being as follows:

AYES: Kenkel, Parkhurst, Schmitz NAYES: None

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.

Ahart reported that Shelby County has a plan in place as of June 10 to meet the Federally required Visual Inspection Procedure For Sign Retro-Reflectivity.

The meeting was recessed until 2:30 p.m.

Now being the time for the hearing on the Application for Individual Drainage Right filed by Ag Unlimited, Inc., the Chairman reconvened the meeting. In addition to the three Board members and the Auditor, those also present included James Hudson, Attorney for the Board of Supervisors acting as trustees for the Drainage Hearing, as required by Iowa Code Section 468.601; Dan Ahart, Shelby County Engineer; Brandon Burmeister, Assistant County Engineer; Chris and Joni Larsen, dba Ag Unlimited, Petitioner; Daniel Dekoteer, Attorney for Ag Unlimited; Joe Rueschenberg, Sundquist Engineering, Engineer hired by Ag Unlimited; Tom and Kay Schechinger, adjacent land owners, Petitionee; Matt Heffron, Attorney for Schechingers; Don Schomers, Schechinger's Tennant; Dave and Pam Borkowski, landowners adjacent to Schechinger; Bob Bjoin, Harlan Newspapers, and Joel McCall, KNOD Radio.

The Chairman turned the meeting over to James Hudson to moderate.

Hudson explained that the Supervisors have been given the authority by the Code of Iowa to rule on this hearing by Iowa Code 468.601. He reviewed the petition in which Ag Unlimited requests permission to install a tile line westerly across the Schechinger property in Section 18, Jackson Township. He also stated that the required notices had been sent to the parties involved in the petition. No claims for damages were presented at this time. Hudson did state that his fees for representing the County in this proceedings would be assessed to Ag Unlimited and/or Schechinger, based on the Board's ruling.

Comments were heard from all the affected parties.

Ag Unlimited had been working with Schechinger to install the tile line, but was unable to come to an agreement. Larsen felt he had no alternative but to file the application.

Schechinger stated that he did not think the drainage plan proposed by Ag Unlimited was feasible and had been told by his attorney not to enter into any agreements.

Borkowski, whose land is affected by the runoff from Schechinger's land, was allowed input, but Hudson informed him that, by law, the only issue for the Board to decide today was between Ag Unlimited and Schechinger.

The Board stated that this was not a County issue, and no matter what the outcome, no taxpayer's money will be expended due to this application.

After much discussion, it was moved by Kenkel, seconded by Schmitz, to approve the Application for Individual Drainage Right filed by Ag Unlimited with the following stipulations:

1. The tile line to be paid for by Ag Unlimited will go in a westerly direction from the property, according the Engineer's plan presented, and empty into the road ditch on the east side of M47.
2. A largest retention area possible will be built at the top of the hill to help hold back as much of the water as possible during heavy rains so it will drain properly through the tile.
3. A 6 inch perforated, corrugated plastic pipe will be used. If Schechinger want that changed to non-perforated, they will have to pay one half of the difference in the cost to upgrade. The 6 inch pipe vs an 8 inch pipe should slow down the water flow, which should benefit Borkowski.
4. The pipe will be trenched in, not knifed in, a minimum of 36" deep, but as close to 48" as possible. Any existing tile severed during the trenching will be repaired and paid for by Ag Unlimited.
5. Timing of installation will be based on NRCS requirements, and Ag Unlimited will be responsible for any crop damage if NRCS does not want them to wait until the crops are out this fall.

6. Ag Unlimited will be responsible for the normal maintenance and repairs of the tile and for any damages that might occur from a "blow out".
7. James Hudson, attorney, will work with the Auditor and draw up the final order.
8. Ag Unlimited and Schechinger will each be responsible for 50% of the County's attorney fees for this procedure.

AYES: Kenkel, Parkhurst, Schmitz NAYES: None

There being no further business appearing, the Chairman declared the meeting adjourned at 5:26 p.m.

Steve Kenkel, 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.