

October 3, 2005

The Mahaska County Board of Supervisors met on the above date at 9:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman – Henry W. VanWeelden; Vice chairman – Greg Gordy and Member – Lawrence Rouw. Also present were the following: Terry Holub, New Sharon Sun; Sue Salisbury, Oskaloosa Herald; Donna Leech, Real Estate Depot, Fred Burdock; Dale Brand, Co-Line Welding; Lloyd Stangland, Co-Line Welding; Don Russell, Mahaska County Sanitarian; Brandt Smith, Secondary Road Department; Jerome Nusbaum, Mahaska County Engineer; Deb Beaty, RN,BSN and Kim Stek Mahaska Health Partnership; Kay Swanson, Mahaska County Auditor.

Chairman VanWeelden opened the meeting with a moment of silence.

It was moved by Gordy seconded by Rouw to approve the agenda as presented. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to approve the minutes of September 19th. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to approve the bills for September in the amount of \$1,635,199.21 and payroll in the amount of \$573,545.17 and \$200.00 denied from August 26th. All present voted aye. Motion carried.

It was moved by Rouw seconded by Gordy to approve the first quarter fiscal year 2005-2006 quarterly reports of the Auditor and Sheriff. All present voted aye. Motion carried.

Dale Brand and Lloyd Stangland from Co-Line Welding discussed a subdivision plat with the board. It was moved by Rouw seconded by Gordy to approve the plat of Brand Subdivision lying in the NE NW quarter and SE NW quarter of Section 4 Township 77 Range 17. All present voted aye. Motion carried.

Donna Leech from Real Estate Depot and Fred Burdock discussed a subdivision plat of Mr. Burdock's property located in NW NW of Section 7 Township 74 Range 15 with the board. No decisions were made today.

It was moved by Gordy seconded by Rouw to open the public hearing on the Notification and Surveillance of Reportable Communicable and Infectious Diseases, Poisonings and Conditions. All present voted aye. Motion carried. There were no written or oral comments.

It was moved by Rouw seconded by Gordy to close the public hearing on the Notification and Surveillance of Reportable Communicable and Infectious Diseases, Poisonings and Conditions. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to adopt the 641 Iowa Administrative Code 1.12, "Quarantine and Isolation". All present voted aye. Motion carried.

It was moved by Rouw seconded by Gordy to open the public hearing for the third reading of the Rural Residential Building Ordinance. All present voted aye. Motion carried. There were no written or oral comments.

It was moved by Rouw seconded by Gordy to close the public hearing for the third reading of the Rural Residential Building Ordinance. All present voted aye. Motion carried.

It was moved by Rouw seconded by Gordy to change in Section 16 of the ordinance the effective date to read after its final passage and approval. All present voted aye. Motion carried.

It was moved by Rouw seconded by Gordy to approve the Rural Residential Building Ordinance #127. Roll call vote: Rouw – aye; Gordy – aye; VanWeelden – aye. Motion carried.

**RURAL RESIDENTIAL BUILDING ORDINANCE
OF MAHASKA COUNTY, IOWA**

Ordinance #127

An Ordinance providing rules and regulations for the approval of residential building plans and plats of subdivisions in the unincorporated areas of Mahaska County, Iowa, and prescribing minimum standards for the design, layout, and development thereof; providing for the preliminary and final approval or disapproval thereof providing for the enforcement and penalties for the violation thereof all for the purpose of promoting the adequacy, safety, and efficiency of the street and road system; for the purpose of improving the health, safety, and general welfare of the citizens of Mahaska County; and repealing all other ordinances or resolutions in conflict herewith.

BE IT ORDAINED by the Board of Supervisors of Mahaska County, State of Iowa:

SECTION 1

TITLE

This ordinance shall be known as the Rural Residential Building Ordinance of Mahaska County, Iowa.

SECTION 2

ADOPTION

This ordinance adopts the provisions of Chapter 354 and Chapter 355 of the Code of Iowa, 2003, or as hereafter amended.

SECTION 3

DEFINITIONS

For the purpose of this ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory; the word may is permissive.

1. **Block**

An area of land within a subdivision that is entirely bounded by streets, highways, ways, alleys, railroads, boundaries of the subdivision, boundaries of other properties or combination thereof.

2. **Cul-de-sac**

A short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

3. **Driveway**

An area on private property, located outside any required road right-of-way, where automobiles or other vehicles are operated or allowed to stand.

4. **Easement**

A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures, but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees that interfere with the use of such easements.

5. **Engineer**

A licensed engineer who engages in the practice of civil engineering pursuant to Chapter 542B of the Code of Iowa.

6. **Surveyor**

A licensed surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

7. **Lot**

A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of residential construction.

8. **Plat**

A map, drawing, or chart on which the sub-divider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

9. Subdivision

The division of a lot, tract, or parcel of land into three or more lots, plot sites, or other divisions of land for the purpose of residential construction, whether immediate or future. It also includes a re-subdivision of land or lots.

The division of land for agricultural purposes into parcels not involving any new road, street, easement, or other dedication is not considered a subdivision and shall be exempt from the requirements of this ordinance.

10. Re-subdivision

Re-subdivision shall mean the change in a map of an approved subdivision if such change affects any street layout shown on such map, affects any area reserved for public use or is labeled as an out-lot or diminishes or enlarges the size of any lot shown thereon and creates an additional building lot.

11. Confinement

Any structure used for raising livestock which includes on-site manure storage.

12. Feed Lot

Any enclosed or fenced area used to feed animals for profit.

SECTION 4

JURISDICTION

In cases where a residential building, a sub-division, or a plat of survey lies within two (2) miles of a city or town that has enacted an ordinance allowing said city or town to exercise supervision over land within two (2) miles of its boundaries, the Planning and Zoning Commission of such city or town and the Mahaska County Board of Supervisors shall both review and approve or disapprove the residential building plans and/or plat.

SECTION 5

REQUIREMENT

No person shall begin construction of a residence nor sell or offer for sale any building lot or lots for the purposes of residential construction within the unincorporated area of Mahaska County until the owner thereof has complied with all requirements of this ordinance.

APPLICATION

Every owner of a parcel of land who desires to construct a residence in the unincorporated area of Mahaska County shall, prior to commencing construction, apply for and receive, at the office of the Mahaska County Auditor, Courthouse Oskaloosa, Iowa, a building permit.

Every owner of any tract or parcel of land who has subdivided at the time of filing a single building permit, the owner shall prepare one single copy for a preliminary plat and other information to the County Auditor for review. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide said tract or parcel into three (3) or more parts for the purpose of immediate or future residential construction shall cause a survey of the land and shall cause a plat thereof to be made in accordance with the requirements of this ordinance and Chapters 354 and 355 of the Code of Iowa.

SECTION 6

RESIDENTIAL PERMIT PROCEDURE

Whenever the owner of any tract or parcel of land within the unincorporated area of Mahaska County wishes to construct a residence on said parcel of land, he shall make an application for a building permit at the office of the Mahaska County Auditor and shall cause to be prepared a drawing showing the proposed location of the residence, the proposed location of any driveway entering upon a public roadway, and a showing of water and sewer plans for said residence. The Auditor shall charge a fee as shown in Section 10 for the issuance of a building permit, all of which shall be paid at the time of the filing of the application for the building permit. Upon receipt of the application and drawing, the Auditor shall provide a copy of said documents to the County Engineer, County Sanitarian, and the Board of Supervisors. The County Engineer shall examine the parcel where the residence is to be constructed and determine if the plans comply with the rules of Mahaska County regarding the construction of driveways, set back from the roadways, sight requirements, and the general safety of the public. In the event the County Engineer determines that the application and plan is in compliance with the provisions of this ordinance, he shall approve the application. In the event the County Engineer determines that the application is not in compliance with the provisions of this ordinance, he shall disapprove the application and shall, in writing, state his reasons for disapproval. The County Sanitarian shall inspect the property and determine, based on the physical location and the unique characteristics of each property, whether the plans for sewage disposal and water supply comply with the rules of the Mahaska County Board of Health. He shall also determine if there are any livestock or poultry confinement operations or feedlots in the vicinity and shall not approve any application if the residence is within one thousand eight hundred seventy-five (1,875) feet of said confinement facility or feedlot. In the event the County Sanitarian finds that the application and plan are in compliance with the rules of the County Board of Public Health, state law, and this ordinance, he shall then approve the said application. In event the County Sanitarian determines that the application and plan is not in compliance with the rules of the County Board of Public Health, he shall disapprove the application and state the specific reasons therefor in writing. In the event of a disapproval by either the County Engineer or the County Sanitarian, any aggrieved party may appeal the decision in the manner provided in Section 354.10 of the Code of Iowa.

SECTION 7

SUBDIVISION PROCEDURE

Whenever the owner of any tract or parcel of land within the unincorporated area of Mahaska County subdivides or plans to subdivide said tract or parcel, he shall cause to be prepared a preliminary plat of said subdivision and shall submit one (1) copy of said preliminary plat and other information to the Mahaska County Auditor. The scale of the plat shall be one inch equals fifty feet in a subdivision of three or fewer lots and one inch equals one hundred feet in a subdivision of more than three lots. The said owner shall pay a fee as shown in Section 10 at the time of the filing of said preliminary plat. The preliminary plat is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the proper authorities to determine whether the proposed division of the land in question is in compliance with state law, this ordinance, and the best interests of the public. Copies of the preliminary plat shall be given to the County Engineer, County Sanitarian, County Assessor, and the Mahaska County Board of Supervisors, and the final copy shall be retained by the Auditor. The County Engineer shall review the plat in relation to the proposed location, entry points from established roadways, roadways created within the subdivision, utilities in place and planned for the future, setback, and other public safety requirements. He shall then make a written recommendation to the Mahaska County Auditor and if he recommends disapproval, he shall state the reasons therefor. The County Sanitarian shall review the plat in relation to the proposed water and sanitary sewage systems and determine if it is in compliance with the rules of the Mahaska County Board of Health, state law, and this ordinance. He shall also review the location of any livestock or poultry confinement operations or feedlots in the vicinity of the proposed subdivision. He shall then make a written recommendation to the Mahaska County Auditor and if he recommends disapproval, he shall state the reasons therefor. The County Assessor shall review the plat and determine if it is in compliance with the requirements of state law and this ordinance as it applies to the operations of his office. He shall then make a written recommendation to the Mahaska County Auditor and if he recommends disapproval, he shall state the reasons therefor. The County Auditor shall review the recommendations of the County Engineer, the County Sanitarian, the County Assessor, state law, and this ordinance. In the event that the Auditor shall find that all required reviewers have approved said plat and that the said plat is in compliance with state law and this ordinance, he shall approve the said preliminary plat. In the event the plat is disapproved by the Auditor, he shall state the reasons therefor in writing and notify the applicant of his action. The recommendations of all parties shall then be submitted to the Mahaska County Board of Supervisors for its review in accordance with Section 354.8 of the Code of Iowa and this ordinance. The said Board of Supervisors shall decide whether additional actions are required of the owner in accordance with state law, this ordinance, in conformance with the Comprehensive Plan of the County, or in the interests of the public. The actions of the Board of Supervisors shall be included in the Minutes of the meeting. Any aggrieved party may appeal the preliminary decision in the manner provided in Section 354.10 of the Code of Iowa.

After the owner has complied with the requirements for approval of the preliminary plat, the owner must install any improvements required by this ordinance and otherwise comply with the requirements of this ordinance which may include performance guarantees to insure the installation of required improvements within one (1) year after the final approval of the plat, if appropriate. The owner shall provide information to and obtain a statement from the County Engineer that he has received a map showing all utilities and their exact location and elevation and shall submit this information to the Auditor. The owner must also comply with the requirements of Sections 354.6, 354.11 and 355.8 of the Code of Iowa and this ordinance.

SECTION 8

FINAL PLAT

In the event the preliminary plat is approved and the additional requirements are complied with, the owner shall then submit one (1) copy of the final plat for review by the same parties who reviewed the preliminary plat. The final plat shall be prepared at the same scale as the preliminary plat and shall include all the information and documents required by Sections 354.6, 354.11 and 355.8 of the Code of Iowa. At the time of the filing of the final plat, the owner shall pay a fee as shown in Section 10. In addition the following shall be submitted:

1. A plan and profile of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show the location, size, and grade of all conduits, sewers, pipelines, etc. placed or to be placed under the streets and alleys.
2. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
3. A deed or easement to the County, properly executed, for all streets intended as public streets, and for any other property intended for public use. Any deed shall be held in escrow by the County until such time as the improvements are satisfactorily completed and accepted by the Board of Supervisors. The deed shall then be filed with the County Recorder as a permanent record.

No street, alley, park, open area, public improvement, or utility, or other portions of a subdivision shall be dedicated to public use or accepted by the County unless or until a specific request is made by the owner and the Board of Supervisors has specifically accepted said street, alley, park, open area, public improvement, or utility, or other portion of the subdivision after a public hearing thereon. The recording of a plat shall not be considered a dedication by the owner nor an acceptance by the County.

The Board of Supervisors shall consider the recommendations of the County Engineer, the County Sanitarian, the County Auditor, and the County Assessor for the approval or disapproval of the final plat. The final action shall be in the form of a resolution

approving or disapproving the plat. In the event the County accepts any such portion of the subdivision, the resolution of the County accepting said portion shall be filed with the County Recorder at the time of filing of the final plat. In the event of a disapproval, the reasons therefor shall be stated in the resolution. Any aggrieved party may appeal the decision in accordance with the provisions of Section 354.10 of the Code of Iowa.

Upon final approval in accordance with the Code of Iowa and this ordinance, the final plat shall be filed with the County Recorder with all the attachments required by Section 354.11 of the Code of Iowa and this ordinance.

SECTION 9

SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the sub-divider should use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood, and shall conform to the design standards established by the County Engineer as approved by the Board of Supervisors.

A. Streets

1. Comprehensive Plan

All proposed plats and subdivisions shall conform to the Comprehensive Plan of the County.

2. Continuation of Existing Streets

Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than Sixty-six (66) feet in width except as indicated by paragraph 15 below, and in similar alignment unless variations are recommended by the County Engineer.

3. Circulation

The Street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or un-subdivided land. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required by the County Engineer.

4. Street Intersections

Street intersections shall be as nearly at right angles as possible. Any private roadway approved by the County shall provide permanent un-obstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

5. Cul-de-sac

Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred and thirty-two (132) feet in the case of residential subdivisions. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than thirty (30) feet.

6. Street Names

All newly platted streets shall be named in a manner consistent with the present street name system. The owner shall contact the Director of the Mahaska E-9 11 Center and obtain street names and house numbers as may be appropriate.

7. Physical and Cultural Features

In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features in which would provide for attractive development.

8. Half Streets

Dedication of half streets will not be accepted unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided. In that event the other half shall be platted if deemed necessary by the County Engineer.

9. Alleys

Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts, means of turning around shall be provided in dead-end alleys.

10. Easements

Easements for utilities, if needed, shall generally be provided along rear or side lot lines or along alleys. Whenever any stream or important surface water course is located in an area that is being subdivided, the sub-divider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface-water. *The sub-divider shall also provide an easement to the County along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than thirty (30) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.* The portion in italics was deleted by action of the Board of Supervisors prior to passage of the ordinance.)

11. Neighborhood Plan

If any overall plan has been made for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

12. Un-subdivided Portion of Plat

Where the plat to be submitted includes only part of the tract owned by the sub-divider, the County Engineer may require topography and a sketch of a tentative future street system of the un-subdivided portion.

13. Major Thoroughfares

Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited access way, freeway or parkway, the street layout shall provide motor access to such frontage by one of the following means:

- (a) A parallel street supplying frontage for lots backing on to the traffic way.
- (b) A series of cul-de-sacs or short loops entered at approximate right angles from a parallel street with their terminal lots backing on to the highway.
- (c) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
- (d) A service drive or alley at the rear of the lots. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the traffic way.

14. Railroads

If a railroad is involved, the subdivision plan should:

- (a) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- (b) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back on to the railroad; or form a buffer strip for park, commercial, or industrial use.
- (c) Provide cul-de-sacs at approximate right angles from the street so as to permit access to the lots.

15. Street Width

The width of residential streets shall not be less than sixty-six (66) feet unless the street is paved with curb and gutter, in which case the minimum right-of-way width shall be fifty (50) feet.

16. Street Grades

Streets and alleys shall be constructed to grades which have been officially approved by the County Engineer. All Streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grade expressed in feet per hundred, but in no case less than three hundred (300) feet in length; for secondary minor streets, fifteen (15) times, but in no case less than two hundred (200) feet. A greater minimum length of vertical curve may be required by the County Engineer if deemed

necessary. The grade alignment and resultant visibility shall be worked out in detail to meet the approval of the County Engineer.

B. BLOCKS

1. No block shall be longer than one thousand three hundred twenty (1,320) feet.
2. At street intersections, block corners shall be rounded with a radius of not less than thirty (30) feet. Where, at any one intersection, a curve radius has been previously established, such radius shall be used as standard.

C. LOTS

1. The area of all lots with on-site individual sewage systems shall be not less than two (2) acres. Lots along existing public roads shall have a minimum setback of one hundred (100) feet from the centerline or thirty (30) feet from right-of-way whichever is greater. Lots along streets within the subdivision shall have a minimum of 30' setback from lot line. Setback applies to both street sides of the lot in order to permit adequate building setbacks on both front and side streets.
2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway.
3. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when dictated by topography, lot lines shall be straight.

D. IMPROVEMENTS

For subdivisions being developed within the unincorporated area of the County, the following road standards shall apply as the minimum acceptable standards:

A. Stopping sight distance	550 feet
B. Maximum curvature	8 degrees
C. Maximum gradient	7 percent
D. Surface width (granular or hard-surfaced)	22 feet
E. Shoulder width (granular or earth)	6 feet
F. Roadway top	34 feet
G. Bridge width	30 feet
H. Clear zone	10 feet
I. Fore slope	3:1
J. Back slope	2: 1
K. Ditch cut	3 feet
L. Ditch bottom	4 feet
M. Culverts new riveted corrugated metal pipe at least 18 inches in diameter	
N. Sub-base (as defined by section 2111 IDOT standards)	7 inches

- O. Granular surface course - 3/4 inch road stone (limestone) 4 inches
- P. Construction inspection and “as completed” road design documentation

1. If access to the subdivision is not a hard surfaced road, the subdivision roads may have a gravel-driving surface. If access to the subdivision is hard surfaced or planned for hard surfacing, or if the size of development creates a significant traffic impact, the subdivision roads shall be hard surfaced. Gravel roads shall have an initial three (3) inch lift of gravel spread over the driving surface. This lift shall be allowed to settle over one winter season. A second three (3) inch lift of gravel shall be spread over the driving surface within one year of the first lift. All streets to be paved shall be paved with seven (7) inches of concrete or five (5) inch rock base with seven (7) inches of HMA (hot mix asphalt).
2. All work is to conform with current Iowa Department of Transportation specifications for material and construction. The width of said roads with curb and gutter shall not be less than thirty-one (31) feet and additional width may be required where justified by traffic needs.
3. No plat of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit assuring completion of all required improvements.
4. County Engineer shall specify minimum standards for other streets.
5. Water mains shall have a minimum diameter of four (4) inches with larger sizes for feeder mains. Water mains shall be at least two (2) feet outside of the curb or traveled roadway on the high side of the street; with a minimum cover of forty-two (42) inches.
6. Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.
7. Underground cables shall be laid either just outside of the property line or within the area of the perpetual utility easement. Overhead line shall be placed at the back lot lines within the area of perpetual utility easement.
8. Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving of the street. Sanitary sewers shall have a minimum diameter of eight (8) inches.
9. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be in accordance with the State Board of Health.

10. Storm sewers shall have a minimum diameter of eighteen (18) inches and larger as the increase in drainage area demands. Storm sewers are to be located on the low side of the street well outside the curb or traveled roadway line.

11. Storm drainage facilities shall be provided, such as storm sewers, intakes, retention basins, and suitable permanent culverts or bridges of a size and design approved by the County Engineer.

12. Street signs shall be required at all intersections and shall be of a type subject to the specifications adopted by the County Engineer.

SECTION 10

FEES

The owner of a single lot shall pay to the Auditor a fee in the amount of \$200.00 at the time of the filing of the application for a building permit. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$100.00, Mahaska County Secondary Roads - \$50.00, and Mahaska County Auditor - \$50.00.

The owner of the land being subdivided shall pay to the Auditor a fee in the amount of \$300.00 at time of filing preliminary plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$100.00, Mahaska County Secondary Roads - \$100.00, Mahaska County Auditor - \$50.00, and Mahaska County Assessor - \$50.00. If individual sewage treatment or on site systems are required, a \$100.00 environmental inspection fee shall be paid to the Mahaska County Sanitarian at the time of construction.

In the event the owner of land is constructing a residence to replace an existing residence of said land owner, the only fee required will be the \$100.00 environmental inspection fee which shall be paid to the Mahaska County Sanitarian at the time of construction.

The owner of the land being subdivided shall pay to the Auditor a fee in the amount of \$200.00 at the time of the filing of the final plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$50.00, Mahaska County Secondary Roads - \$50.00, and Mahaska County Auditor - \$100.00.

SECTION 11

IMPROVEMENTS

1. The sub-divider shall be responsible for the installation and or construction of all improvements required by this ordinance and shall warrant the design, material, and workmanship of such improvements, installation and or construction for a period of four

(4) years from and after completion by purchase of a maintenance bond made in favor of the County. A copy of such bond shall be filed with the County Engineer before any construction will be permitted.

2. In any subdivision for which the sub-divider elects to complete the required improvements in portions of the platted area after the approval of the final plat, no building permit shall be issued until sanitary sewer mains, water mains, and their appurtenances and street paving with curb and gutter are constructed, where applicable.

3. The sub-divider shall make and install the improvements described in Section 9, in accordance with current Iowa Department of Transportation specifications for material and construction. All improvements shall be inspected by the County or its consultant, the cost of which shall be reimbursable to the County by the developer. An adequate deposit to cover such expense shall be made with the County by the Developer prior to the beginning of construction. The Board of Supervisors may accept completed streets for County Maintenance before improvements on all streets in the plat have been completed.

4. The Board of Supervisors may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of re-subdivisions where only the size, shape, or arrangement of the lots is being changed: provided however, such waivers shall be limited to existing improvements in good repair as determined by the County Engineer. Improvements not existing or in poor repair shall be regular to meet the standards of this ordinance.

SECTION 12

ENFORCEMENT

A. No plat or any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.

B. The Board of Supervisors shall not permit any public improvements over which it has control to be made from the Secondary Road Fund, or any County money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been dedicated after the date of the adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of the County. Streets of a subdivision not accepted by the Board as public highways shall remain private roads.

C. Substandard work shall be removed at owner's expense. Failure to remove substandard work within 120 days shall cause Mahaska County to have the substandard work removed and costs for such added to tax rolls.

SECTION 13

VIOLATIONS

Any person violating the terms of this ordinance shall be guilty of a municipal infraction punishable by a fine of \$500.00 per occurrence or any other injunctive remedies that the Court may impose.

SECTION 14

CHANGES AND AMENDMENTS

Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments should not become effective until after a Public Hearing has been held, public notice of which should have been given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

SECTION 15

VALIDITY

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION 16

This ordinance shall be effective from and after its final passage, approval, *and publication as required by law.* (The portion in italics was deleted by action of the Board of Supervisors prior to passage of the ordinance.)

SECTION 17

The fees set in Section 10 of this Ordinance are not intended to be permanent. The Board of Supervisors is authorized to adjust any fee it deems appropriate by resolution at any meeting of the Board of Supervisors. The change of fees must be on the agenda for the meeting with notice and the Board shall state its reasons for any changes.

First Meeting Date August 15, 2005 Ayes – VanWeelden; Nay – Rouw; Nay Gordy

Second Meeting Date September 19, 2005 Ayes – VanWeelden; Aye – Rouw; Aye – Gordy

Third Meeting Date October 3, 2005 Aye – VanWeelden; Aye – Rouw; Aye – Gordy.

Dated this 3rd day of October, 2005.

s/ Henry W. VanWeelden, Chairman
Mahaska County Board of Supervisors

ATTEST: s/ Kay Swanson
Mahaska County Auditor

Bids for work vehicles for Secondary Road Department were opened. Only one bid was received.

Oskaloosa Motors:

2005 Chevrolet – Silverado - 2WD – 2005 Model CC25903 - \$16,150.00

2006 Chevrolet – Silverado - 2WD – 2006 Model CC25903 - \$17,305.00

2005 Chevrolet – Silverado - 4WD – 2005 Model CK25903 - \$18,746.00

2006 Chevrolet – Silverado - 4WD – 2006 Model CK25903 - \$19,700.00

It was moved by Rouw seconded by Gordy to purchase two two wheel drive and one four wheel drive 2005 model trucks from Oskaloosa Motors. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the following resolution to place “No parking signs” on 238th Street. All present voted aye. Motion carried.

RESOLUTION

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.239, 321.255, 321.256 and 321.254 of the Code of Iowa to regulate the standing or parking of vehicles on streets and highways under their jurisdiction and to place and maintain traffic control devices.

WHEREAS: Local residents have requested that parking restrictions be established on both sides of the E & W road (238th St.) to insure passage of fire and emergency vehicles and for the safety of pedestrians and the traveling public.

WHEREAS: The County Engineer recommends the prohibition of parking within the right-of-way on the above described road.

NOW THEREFORE BE IT RESOLVED by the Mahaska County Board of Supervisors the following described parking restrictions be established and that “NO

PARKING” signs be erected giving notice thereof:

On both sides of the E & W road (238th St.) beginning near the NE Corner of the SW 1/4 Section 11, T 75N, R16W or the intersection of 238th St and Kirby thence easterly to near the NE cor. of the SE 1/4 Section 11, T75N, R16W or the intersection of 238th St and Laveen Ave.

Passed and approved this 3rd day of October 2005.

S/Henry W. VanWeelden
Chairman, Board of Supervisors

Attest: s/Kay Swanson
County Auditor

It was moved by Rouw seconded by Gordy to remove Glenn Copeland, Jr. from the secondary road payroll effective September 28, 2005. All present voted aye. Motion carried.

It was moved by Rouw seconded by Gordy to place Bryan Weber on the secondary road payroll effective October 17, 2005 at \$14.64 per hour as a motor grader operator. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to purchase Diebold voting equipment from Matt Parrott and Company. All present voted aye. Motion carried.

It was moved by Gordy seconded by Rouw to adjourn. All present voted aye. Motion carried.

Henry W. VanWeelden, Chairman
Mahaska County Board of Supervisors

ATTEST: _____
Kay Swanson, Mahaska County Auditor