

## September 16, 2013

The Mahaska County Board of Supervisors met in regular session 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 ó Greg Gordy; Vice chairman ó Mike Vander Molen and Member - Mark Doland. Also present were Ken Allsup, Oskey News; Duane Nollen, Oskaloosa Herald; Aaron Riggs, Eduardo Zamarripa, Saif Grafke, CRI News; Dan Gleason, MCCARD; Dave Krutzfeldt, Oskaloosa City Mayor; Charles Stream, Mahaska County Attorney; Jerry Nusbaum, Mahaska County Engineer; Alven Meppelink; Amy Holub; Frank Holub; Ed Hoyt and Susan Brown, Mahaska County Auditor.

This meeting was filmed by Communications Research Institute of William Penn University.

Chairman Gordy opened the meeting with a moment of silence.

It was moved by Vander Molen seconded by Doland to approve the agenda for today's meeting. All present voted aye. Motion carried.

Charles Stream, Mahaska County Attorney, discussed two legal matters with the board. 1). Referring to Iowa Code section 446.19 regarding tax sale of abandoned property and vacant lots and 2). Referring to differences in court appointed attorney's fees between the county and state approval. The board consensus was to have him draft ordinances pertaining to these issues.

It was moved by Vander Molen seconded by Doland to approve the minutes of the September 3<sup>rd</sup> meeting. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Gordy to approve the minutes of the September 9<sup>th</sup> meeting. Vander Molen ó aye Gordy ó aye. Motion carried.

Dan Gleason reported on behalf of MCCARD in Deann DeGroot's absence.

Dave Sedivec, Mahaska County Conservation Director, presented his report to the board and it was placed on file.

It was moved by Vander Molen seconded by Doland to approve reimbursement to Trevor Wells from the Mahaska County Health Plan for 13 days of April 2013 in the amount of \$593.19. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to remove Don Hubbard from payroll effective September 6, 2013. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to remove Brandon Slobe from payroll effective June 28, 2013. All present voted aye. Motion carried.

Resolution creating Capital Improvement Fund and transfer was tabled.

It was moved by Vander Molen seconded by Doland to open public hearing regarding reclassifying Level of Service from  $\text{B}\ddot{\text{ö}}$  to  $\text{C}\ddot{\text{ö}}$  on 340<sup>th</sup> St of which the N  $\frac{1}{2}$  of the road is in West Des Moines Twp, Mahaska County. Total length 1.28 mi. This change was initiated by Monroe County. All present voted aye. Motion carried.

There were no oral or written comments presented.

It was moved by Doland seconded by Vander Molen to close public hearing. All present voted aye. Motion carried.

It was moved by Doland seconded by Vander Molen to approve the following resolution. All present voted aye. Motion carried.

RESOLUTION #2013-09-01  
Reclassification Road  $\text{B}\ddot{\text{ö}}$  to  $\text{C}\ddot{\text{ö}}$

WHEREAS, Monroe County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier; and

WHEREAS, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service  $\text{C}\ddot{\text{ö}}$  roads pursuant to Iowa Code Section 309.57; and

AS, the County has received a request, by landowner(s) adjoining the road requesting that the following road be classified as an Area Service  $\text{C}\ddot{\text{ö}}$  road;

Legal Description: All of Road 340<sup>th</sup> Street commencing at the East ROW of 717<sup>th</sup> Avenue (Monroe County)/Irvin Avenue (Mahaska County), near the N  $\frac{1}{4}$  Corner of the NE  $\frac{1}{4}$ , Section 3, T73N, R16W; thence easterly, terminating at the West ROW line of 734<sup>th</sup> Avenue (Monroe County)/James Trail (Mahaska County) approximately 200 feet East of the NW Corner of Section 1, T73N, R16W. The S  $\frac{1}{2}$  of Road being in Pleasant Township, Monroe County, Iowa and the N  $\frac{1}{2}$  of the road being in West Des Moines Township, Mahaska County. A total length of 1.28 miles.

WHEREAS, on the 1<sup>st</sup> day of April, 2013 notice of said hearing was sent by certified mail to the affected property owners; and

WHEREAS, a public hearing was held on the 16<sup>th</sup> day of April 2013; and

WHEREAS, the County does hereby establish the road described above as an Area Service  $\text{C}\ddot{\text{ö}}$  road, with restricted access and a minimal level of maintenance as follows:

1. Blading. Blading or dragging will not be performed on a regular basis. Blading will be performed when informed of the need by one or more of the adjacent landowners.
2. Snow and Ice Removal. Snow and ice removal will not be performed on a regular basis. Sanding and salting will not be performed on a regular basis.

3. Bridges. Bridges on Area Service " roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained on a regular road.
5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure will be for traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service " roads by the county.
7. Shoulders. Shoulders will not be maintained.
8. Crown. A crown will not be maintained.
9. Repairs. There will be no road repairs on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspections will not be conducted.
12. Gate. The gate, corner post, brace and brace post shall be purchased and installed by the County, and maintained by the adjoining landowners. Any fence between the gate and ROW fence shall be the adjacent landowners' responsibility. If not maintained, the County may remove the gate; and

WHEREAS, the only persons who will have access rights to the road shall be:

- (1) The owner, lessee or person in lawful possession of adjoining land,
- (2) The agent or employee of the owner, lessee or person in lawful possession of any adjoining land,
- (3) An peace officer
- (4) Any magistrate
- (5) Any public employee whose duty it is to supervise the use or perform maintenance of the road,
- (6) Any agent or employee of any utility located upon the road.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONROE COUNTY that this County does hereby establish the road described as an Area Service " road, with restricted access and a minimal level of maintenance.

Enacted this 16<sup>th</sup> day of April, 2013.

s/Dennis J. Ryan, Chairperson, Monroe County Board of Supervisors

Attest:s/Jeannie Bettis, Monroe County Auditor, by Rhonda J. Kness, Deputy

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF

MAHASKA COUNTY that this County does hereby establish the road described as an Area Service " road, with restricted access and a minimal level of maintenance.

Enacted this 16<sup>th</sup> day of September, 2013

s/Greg Gordy, Chairperson, Mahaska County Board of Supervisors

Attest:s/Susan L. Brown, Mahaska County Auditor

The board set time and place for public hearing regarding Vaction of Level B road, Section 8, Union Twp for October 7<sup>th</sup> at 9:30 a.m. third floor conference room Mahaska County Courthouse. The auditor will publish notice.

Ed Hoyt presented a petition to the board from residents living along 285<sup>th</sup> St. requesting solutions to dust control.

Committee reports: Vander Molen reported on Chamber meeting attended. Jon Sullivan has resigned and a search for replacement is currently underway.

There were no public comments.

It was moved by Vander Molen seconded by Doland to adjourn. All present voted aye. Motion carried.

Attest: \_\_\_\_\_  
Susan L. Brown  
Mahaska County Auditor

\_\_\_\_\_  
Greg Gordy  
Mahaska County Board of Supervisors