

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: Charles Parkhurst, Chairman; Roger Schmitz, Vice-Chairperson; Steve Kenkel and Mark Maxwell, Clerk.

The Chair asked that any conflict of interest be stated concerning any item on the agenda. No conflicts were stated.

A motion was made by Schmitz and seconded by Kenkel to approve the agenda with no additions. AYES: Unanimous NAYES: None

A motion was made by Kenkel with a second by Schmitz, to approve the minutes of the November 20<sup>th</sup> meeting. With changes in the wording of the meeting with State Legislatures Representatives and the addition of the comments from Compensation Board Chairman Frank Powers and the recommendation of the 4 ½ percent recommended elected official compensation increase for FY2020 AYES: Unanimous NAYES: None

It was moved by Schmitz, seconded by Kenkel, to approve the Claims of November 30<sup>th</sup>, 2018 as listed in the claims register. AYES: Unanimous NAYES: None

Wendy Mueller representing West Central Development was on the Agenda to thank the Board of Supervisors for their annual contribution of \$2900.00, she noted that is going to be the same amount asked for in fiscal year 2020. She also went on to thank the citizens for their labors and contributions to the functions that West Central provides. Mueller also had an overview of the last years statistics in the assistance provided to Shelby County.

Todd Valline representing the Shelby County Chamber of Commerce updated the board of upcoming activities as well as the successful Santa Clause is coming to town function that his organization sponsors. Santa visited all communities and visited with over 100 good boys and girls. The Chamber is also asking for donations of gently used toys for distribution to those in need this holiday season.

Carolyn Blum, Shelby County Treasurer asked the board to consider tax abatement, which included a property parcel number K12260TDR81702 and abated taxes were in the amount of \$ 55.00. This was a mobile home that has been moved. A motion by Schmitz and a second by Kenkel, to approve the abatements, proceeded a vote with the following results: Ayes: Schmitz, Parkhurst and Kenkel. Nays: None

HEARING ON 2018 AMENDMENT TO THE PLAN FOR SHELBY COUNTY URBAN RENEWAL  
AREA AND TIF ORDINANCE  
480882-2 Harlan, Iowa December 4, 2018

The Board of Supervisors of Shelby County, Iowa, met on December 4<sup>th</sup>, 2018, at 9:00 o'clock, a.m., at the Supervisors Board Room, for the purpose of conducting a public hearing on a proposed urban renewal plan amendment. The Chairperson presided and the roll being called the following Supervisors were present and absent, Present: Roger Schmitz, Steve Kenkel, Charles Parkhurst Absent: None

It was reported that notice of the intention of the Board to conduct a public hearing on the 2018 Amendment to the urban renewal plan for the Shelby County Urban Renewal Area had been published according to law and as directed by the Board, and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board.

The following named persons presented oral objections, statements, or evidence; filed written objections or statements; or presented other exhibits: No oral or written comments were heard prior or during this hearing. There being no further comments, the Chairperson closed the hearing.

APPROVE 2018 AMENDMENT TO THE PLAN FOR SHELBY COUNTY URBAN RENEWAL AREA  
AND TIF ORDINANCE  
480882-2 Harlan, Iowa December 4, 2018

The Board of Supervisors of Shelby County, Iowa, met on December 4, 2018, at 9:00 o'clock, a.m., at the Supervisors Board Room, for the purpose of taking action on a proposed urban renewal plan amendment. The Chairperson presided and the roll being called the following Supervisors were present and absent. Present: Roger Schmitz, Steve Kenkel, Charles Parkhurst Absent: None It was

reported that, on November 20, 2018, and today December 4<sup>th</sup>,2018 the Board had held a public hearings on the proposed 2018 Amendment to the urban renewal plan for the Shelby County Urban Renewal Area and that a resolution could now be adopted to approve that 2018 Amendment.

Supervisor Schmitz moved the adoption of a resolution entitled "A Resolution to Approve 2018 Urban Renewal Plan Amendment for the Shelby County Urban Renewal Area", seconded by Supervisor Kenkel. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Roger Schmitz, Steve Kenkel, Charles Parkhurst Nays: None Whereupon, the Chairperson declared the following resolution duly adopted and signed approval thereto.

RESOLUTION NO 2018-29 --- A resolution to approve 2018 Urban Renewal Plan Amendment for the Shelby County Urban Renewal Area

WHEREAS, the Board of Supervisors of Shelby County, Iowa (the "County") has created the Shelby County Urban Renewal Area (the "Urban Renewal Area") and has approved an urban renewal plan for the Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa requires that, before a county adds property or approves any new urban renewal project, a county must amend the existing urban renewal plan to include that property and that new project; and

WHEREAS, an amendment to the urban renewal plan for the Urban Renewal Area has been prepared which describes parcels of property that would be added to the Urban Renewal Area and describes projects that could be eligible to be financed with incremental property tax revenues; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the proposed urban renewal plan amendment for the Urban Renewal Area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing; and

WHEREAS, copies of the urban renewal plan amendment, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan amendment were sent to appropriate Community School Districts, and the consultation meeting was held; and

WHEREAS, the County Planning and Zoning Commission has reviewed the amendment;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Shelby County, Iowa, as follows:

Section 1. It is hereby determined by this Board of Supervisors as follows:

A. The 2018 Amendment to the Urban Renewal Plan for the Shelby County Urban Renewal Area conforms to the general plan of the County;

B. The proposed projects described in the 2018 Amendment to the Urban Renewal Plan for the Shelby County Urban Renewal Area are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 2. The 2018 Amendment to the Urban Renewal Plan for the Shelby County Urban Renewal Area, attached hereto and made a part hereof, is hereby in all respects approved.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict. Passed and approved December 4, 2018

**EXHIBIT A SHELBY COUNTY URBAN RENEWAL AREA**

**2018 AMENDMENT URBAN RENEWAL PLAN December, 2018**

The Urban Renewal Plan for the Shelby County Urban Renewal Area is being amended at this time in order to add new property to the Urban Renewal Area and to describe projects that will be financed with incremental property tax revenues.

The new property is described as follows:

The South Half of the Southwest Quarter of Section 12, Township 18 North, Range 40 of the 5<sup>th</sup> P.M., Shelby County, Iowa and has the following Shelby County Property Tax Identification Numbers: 8304112303000 and 8304112304000

The projects that are planned to be financed with incremental property tax revenues include the following:

<b>Bridge/Culvert</b>	<b>Location Description</b>
Cass 90-35-110	800 <sup>th</sup> Street: .25 miles West of intersection of 800 <sup>th</sup> Street and Fir Road
Fairview 89-05-110	700 <sup>th</sup> Street: .1 miles East of intersection of 700 <sup>th</sup> Street and Juniper
Greeley 18-29-210	Mulberry Road: .25 miles North of intersection of Mulberry Road and F-24

Greeley 18-33-110 F-24: .25 miles East of intersection of F-24 and Oak Road  
 Jefferson 17-03-520 2450<sup>th</sup> Street: .25 miles East of intersection of 2450<sup>th</sup> Street and M56  
 Lincoln 99-08-120 1200<sup>th</sup> Street: .1 miles East of intersection of 1200<sup>th</sup> Street and M-16  
 Lincoln 99-04-210 Hazel Road: .25 miles North of intersection of Hazel Road and 1200<sup>th</sup> Street  
 Monroe 88-04-210 Redwood Road: 1.5 miles North of intersection of Redwood Road and F-58  
 Monroe 88-26-210 Timber Road: .1 miles North of intersection of Timber Road and 250<sup>th</sup> Street  
 Monroe 88-35-110 200<sup>th</sup> Street: .2 miles East of intersection of 200<sup>th</sup> Street and Timber Road  
 Shelby 80-30-120 300<sup>th</sup> Street: .5 miles West of intersection of 300<sup>th</sup> Street and Elmwood Road  
 Shelby 80-20-110 400<sup>th</sup> Street: .25 miles East of intersection of 400<sup>th</sup> Street and Elmwood Road  
 Shelby 80-07-110 500<sup>th</sup> Street: .5 miles West of intersection of 500<sup>th</sup> Street and M-16  
 Union 19-30-110 2100<sup>th</sup> Street: .5 miles West of intersection of 2100<sup>th</sup> Street and M-16  
 Union 19-19-110 2200<sup>th</sup> Street: .9 miles West of intersection of 2200<sup>th</sup> Street and M-16  
 2300<sup>th</sup> Street: from intersection with County Road M-16 west 1.75 miles  
 Ferry Wooden Box F-32: .2 miles West of intersection of M-47 and F-32

The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Outstanding general obligation debt of the County	\$ 0
Constitutional debt limit of the County:	\$75,665,000
Proposed amount of tax increment revenue:	\$570,000

Supervisor Kenkel introduced an ordinance entitled "Ordinance No. 2018-2. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2018 Amendment to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

It was moved by Supervisor Kenkel and seconded by Supervisor Schmitz that the ordinance be given its first consideration and that it be adopted.

The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Charlie Parkhurst Steve Kenkel and Roger Schmitz Nays: None

Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its initial consideration. It was moved by Supervisor Kenkel and seconded by Supervisor Schmitz that the statutory rule requiring an ordinance to be considered and voted on for passage at two Board meetings prior to the meeting at which it is to be finally passed be suspended. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Charles Parkhurst, Steve Kenkel and Roger Schmitz Nays: None

Whereupon, the Chairperson declared the motion duly carried. It was moved by Supervisor Schmitz and seconded by Supervisor Kenkel that the ordinance entitled "Ordinance No. 2018-2 An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2018 Amendment to the Shelby County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa, "now be put upon its final consideration and adoption. The Chairperson put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Supervisors voted: Ayes: Charles Parkhurst, Steve Kenkel and Roger Schmitz Nays: None. Whereupon, the Chairperson declared the motion duly carried and the ordinance duly adopted, as follows:

ORDINANCE NO. 2018-2

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2018 AMENDMENT TO THE SHELBY COUNTY URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

BE IT ENACTED by the Board of Supervisors of Shelby County, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2018 Amendment to the Shelby County Urban Renewal Area, each year by and for the benefit of the state, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Shelby County to finance projects in the Shelby County Urban Renewal Area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings: "County" shall mean Shelby County, Iowa.

"Urban Renewal Area" shall mean the Shelby County Urban Renewal Area

"Urban Renewal Area Amendment" shall mean the taxable property included in the 2018 Amendment to the Shelby County Urban Renewal Area, the description of which taxable property is set out below, approved by the Board of Supervisors by resolution adopted on December 4, 2018:

The South Half of the Southwest Quarter of Section 12, Township 18 North, Range 40 of the 5<sup>th</sup> P.M., Shelby County, Iowa which has the following Shelby County Property Tax Identification Numbers: 8304112303000 and 8304112304000

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which there is certified to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized in Section 403.19(2) of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa, to the extent authorized in Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law. Passed by the Board of Supervisors of Shelby County, Iowa, the 4th day of December, 2018.

The Board was then notified that the evaluation deadline for the 1% increase in wages for non-elected officials has passed and that action would be needed by the board to enter the successful evaluations into the payroll system. It was moved by Supervisor Kenkel and seconded by Supervisor Schmitz that the increase in wages for non-elected Shelby County employees, that also had successful evaluations be rewarded with a 1 percent increase in pay beginning January 1<sup>st</sup>, 2019. A vote was held with ayes by Kenkel, Parkhurst and Schmitz. No nays were cast.

The board was then notified that the Shelby County employees achieved a 100 percent participation rate for Calendar year 2018 in the County wellness program. Board approval was sought to pay \$100.00

per employee covered by County insurance. This 100 percent participation guarantees Shelby County over \$50,000 in insurance costs (5% of total premium) as awarded by the Insurance carrier. A motion was made by Kenkel to make the payments to employees, a second by Schmitz was made. A vote was held with Parkhurst, Kenkel and Schmitz voting for the payments. No nays were cast.

The Board of Supervisors of Shelby County, Iowa, met on December 4th, 2018, at 9:00 o'clock, a.m., at the Supervisors Board Room, for the purpose of conducting a public hearing on "proposed snow removal ordinance changing the hours of operation". The Chairperson presided and the roll being called the following Supervisors were present and absent, Present: Roger Schmitz, Steve Kenkel, Charles Parkhurst Absent: None

It was reported that notice of the intention of the Board to conduct a public hearing on the 2018-1 "proposed snow removal ordinance changing the hours of operation" had been published according to law and as directed by the Board, and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board. No oral or written comments were heard prior or during this hearing. There being no further comments, the Chairperson closed the hearing.

It was moved by Supervisor Kenkel and seconded by Supervisor Schmitz that the ordinance entitled "Ordinance No2018-1. "An ordinance to establish the policy and level of service in respect to clearance of snow or ice and maintenance of this County's secondary roads during the winter months" now be put upon its final consideration and adoption. The Chairperson put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Supervisors voted: Ayes: Parkhurst, Kenkel and Schmitz Nays: None

Whereupon, the Chairperson declared the motion duly carried and the ordinance duly adopted, as follows: Supervisor Kenkel introduced an ordinance entitled "Ordinance No. 2018-1. An ordinance to establish the policy and level of service in respect to clearance of snow or ice and maintenance of this County's secondary roads during the winter months. It was moved by Supervisor Kenkel and seconded by Supervisor Schmitz that the ordinance be given its first consideration and that it be adopted.

The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted. Ayes: Parkhurst, Kenkel and Schmitz Nays: None Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its initial consideration.

It was moved by Supervisor Kenkel and seconded by Supervisor Schmitz that the statutory rule requiring an ordinance to be considered and voted on for passage at two Board meetings prior to the meeting at which it is to be finally passed be suspended. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Parkhurst, Kenkel and Schmitz Nays: None Whereupon, the Chairperson declared the motion duly carried.

#### SHELBY COUNTY ORDINANCE NO. 2018-1

#### SHELBY COUNTY WINTER ROAD MAINTENANCE (REPEALS ORDINANCE NO. 2016-1)

AN ORDINANCE TO ESTABLISH THE POLICY AND LEVEL OF SERVICE IN RESPECT TO CLEARANCE OF SNOW OR ICE AND MAINTENANCE OF THIS COUNTY'S SECONDARY ROADS DURING THE WINTER MONTHS. BE IT ORDAINED BY THE BOARD OF SUPERVISORS SHELBY COUNTY:

#### SECTION 1 - PURPOSE

The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, specifically defined as November through April, as provided in Section 668.10(2) (1997), Code of Iowa, and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, and as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors.

#### SECTION 2 - LEVEL OF SERVICE

Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the residents of this county. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal

equipment will be utilized for this purpose. On occasion County personnel may be rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing Act of 1991. Except for "emergencies" as determined by the County Engineer's professional judgment, or his/her designee acting in his/her absence, on a case by case basis, all clearance of snow or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service and as practicable. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right of way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The lines of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

### SECTION 3 - SEQUENCE OF SERVICE

In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this section of the ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved roads be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment, or his/her designee's, shall prevail, unless it is clearly erroneous.

#### PAVED ROADS

1. The initial effort will be to get all routes open to two-lane traffic as soon as possible and or practicable. During initial snow removal operations, paved roads may only have one lane plowed for a period of time.
2. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. The truck mounted snow plows and spreaders, and other snow removal equipment, will not normally be in operation between the hours of 5:00 P.M. - 5:00 A.M.  
The equipment may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his/her delegated representative.
4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel may be delayed.
5. It is not the policy of the county to provide a "dry" pavement condition.
6. After roads have been plowed, as provided in the section, intersections, hills, and curves may, but not necessarily, have placed on them, salt, sand, or other abrasives. These intersections, hills, and curves may not be re-sanded, re-salted, or have other abrasives replaced on them between snowstorms.  
There is no time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

#### UNPAVED ROADS

1. The initial effort will be to get all routes to occupied rural residences opened to one-lane traffic as soon as possible and/or practicable after a storm has passed.
2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.

3. Motor graders and/or truck plows will not normally be in operation between the hours of 5:00 P.M. - 5:00 A.M. The motor graders and/or truck plows may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his/her delegated representative.
4. Snow removal will be performed only in "Emergency" situations for roads designated Level B.

#### PUSHING SNOW INTO ROADWAY

It is unlawful for any individual to deposit snow or ice on a public roadway in quantities adequate to hinder utilization of the roadway by the travelling public.

#### PENALTY FOR VIOLATION

The penalty for violating the provisions of pushing snow into roadway is as follows:

- A. An individual pushing snow into roadway will be contacted and given a copy of the winter road maintenance policy and a verbal warning. This warning will be documented.
- B. Second Offense \$50.00
- C. Third Offense and Subsequent Offenses \$100.00

#### PRIVATE DRIVES

The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

#### MAILBOX REPLACEMENT

The County will assume no liability for mailboxes and fences damaged because of snow removal unless such action can be determined to be malicious. The County will not replace mailboxes damaged or knocked down by the force of snow thrown from the plow.

#### SECTION 4 - LIMITATION OF SERVICE

Notwithstanding anything else stated in this ordinance, the policy and level of service provided for in this ordinance shall not include the following, and the following services shall not be performed:

1. Sanding, salting, or placing other abrasives upon the roadways that are slick, slippery, and dangerous due to the formation of frost.
2. Sanding, salting or placing of other abrasives upon paved roadways due to freezing rain that occurs outside the County's usual working hours.
3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.
4. Sanding, salting, or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer, or his/her designee, an "emergency" exists and ice has built up on hills and intersections on the gravel and or oiled road system that slope down to another road so as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have tried and failed, such as scraping with motor graders.
5. Removing of sand, salt, or other abrasives.

#### SECTION 5 - EMERGENCY

Service or the level or sequence of service may be suspended during "Emergency" conditions. An "Emergency" condition shall be considered as one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the 911 dispatcher or Sheriff's Office. The County may respond to all "Emergency" conditions, either during or after a snowstorm. Any person who makes a false report of an "Emergency" to an officer, official, or employee of Shelby County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than \$100.00 or imprisonment of not more than 30 days in the County jail.

Service or the level or sequence of service shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairman of the Board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and

equipment shall be immediately subject to the direction of the Governor or the Chairman of the Board of Supervisors.

SECTION 6 – REPEALER All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7 -- SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 8 – WHEN EFFECTIVE

This ordinance shall be in effect immediately after its final passage and publication as provided by law. Shelby County Engineer Brandon Burmeister addressed the board concerning Discussion or possible approval of Upgrade of Level “B” Road and Aggregate Surfacing of Approximately 1,000 feet of 900<sup>th</sup> Street. Area to be upgraded described as: From County Highway M-47 East along 900<sup>th</sup> Street approximately 1,800 feet along current Level A roadway. Thence approximately 1,000 feet of current level B roadway that shall be upgraded to Level A per Shelby County Upgrade of Level “B” Road and Aggregate Surfacing Policy. A livestock confinement has units on a designated level “B” road. The unit owner will pay for the upgrades to the County to make the road accessible to the livestock units.

Brandon Burmeister County Engineer then asked for approval for the following items:

Review bids, approve contract, authorize chairman to sign all appropriate documents, and award FM-C083(71) – 55-83, Pavement Patching, M-16. A motion was made by Schmitz and seconded by Kenkel for consent for the Chairman to sign the documents. A unanimous vote in favor was counted by the Board of Supervisors. No nays were cast.

Review bids, approve contract, authorize chairman to sign all appropriate documents, and award BRS-C083(72) – 60-83, Irwin Bridge Replacement. A motion was made by Kenkel and seconded by Schmitz for consent for the Chairman to sign the documents. A unanimous vote in favor was counted by the Board of Supervisors. No nays were cast.

Review bids, approve contract, authorize chairman to sign all appropriate documents, and award FM-C083(73) – 55-83, Pavement Markings. A motion was made by Schmitz and seconded by Kenkel for consent for the Chairman to sign the documents. A unanimous vote in favor was counted by the Board of Supervisors. No nays were cast.

Review bids, approve contract, authorize chairman to sign all appropriate documents, and award FM-C083(74) – 55-83, Slurry Leveling. A motion was made by Kenkel and seconded by Schmitz for consent for the Chairman to sign the documents. A unanimous vote in favor was counted by the Board of Supervisors. No nays were cast.

Engineer Burmeister noted that the recent wet snows were difficult to judge and he estimated that removing the snow from the rock roads could have led to up to 100 tons of gravel per mile being pushed in the ditch, by waiting that loss was much less. Another retirement will mean an upcoming position filling and hiring in his department.

The board meeting was then recessed with no further business that would be deemed controversial, The board then entered a private meeting exempt from Iowa open meetings law. (Iowa Code section 20.17(3) Negotiating sessions, strategy meetings of public employers, mediation and deliberative processes of arbitrators shall be exempt from chapter 21.)

At 10:32 a.m. the Board came out of closed session and it being determined that there being no further business appearing, the Chairman declared the meeting adjourned.

ATTEST:

\_\_\_\_\_  
Mark Maxwell, Clerk to the board of Supervisors

\_\_\_\_\_  
Charles Parkhurst, Chairman

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.