

October 7, 2003

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: Gayle Petersen, Chairman; Roger Schmitz, Vice-Chairman; and Richard Ferry; and Rhonda Brown, Acting-Clerk.

It was moved by Schmitz, seconded by Ferry, to approve the agenda AND the following items contained in the Consent Agenda:

- A. Minutes of September 16, 2003
- B. Office Reports – None
- C. Committee Reports

AYES: Petersen, Schmitz, Ferry

NAYES: None

It was moved by Schmitz, seconded by Ferry, to approve the claims of September 30, 2003.  
AYES: Petersen, Schmitz, Ferry                      NAYES: None

A discussion was held on the lease for the County Care Facility, currently being leased by Country Care Corporation. Discussion was held on the length of the lease and who would be responsible for major repairs. After much discussion, it was moved by Ferry, seconded by Schmitz, to authorize the County Attorney to draw up a five-year lease, with an addendum concerning major repair costs. The lease will be reviewed at a future meeting. AYES: Petersen, Schmitz, Ferry                      NAYES: None

A discussion was held on how any funds received the Housing Fund Grant would be used—Down Payment Assistance or Rehabilitation of existing structures. No action was taken.

It was moved by Schmitz, seconded by Ferry, to approve the tax suspension on Lots 9 and 10, Block 14, in the Town of Irwin, as recommended by the County Treasurer. AYES: Petersen, Schmitz, Ferry                      NAYES: None

It was moved by Ferry, seconded by Schmitz, to authorize the Chairman to sign the Subordination Agreement with Argent Mortgage Company for Down Payment Assistance Project No. 00-HM-104-017. AYES: Petersen, Schmitz, Ferry                      NAYES: None

It was moved by Schmitz, seconded by Petersen, to approve the Emergency Management Agency Grant as recommended by the EMA Coordinator. AYES: Petersen, Schmitz, Ferry  
NAYES: None

The County Engineer updated the Board on ongoing Secondary Road projects.

This being the time and date advertised for a public hearing on the proposed road vacation on the following sites:

#### ITEM NO. 1 GROVE

A highway, the centerline of which is described as follows: A section of road #75 as established December 9, 1871 the centerline of which is described as follows:

Commencing at a point 1309.7 feet east along the section line east of the NE Corner Section 32-81-40 (Grove Township, Shelby County, Iowa) and running easterly along the section line and terminating at a point 169.9 feet west of the NE Corner 33-81-40.

#### ITEM NO. 2 GROVE

A highway, the centerline of which is described as follows: A section of road #752 as established November 9, 1903 the centerline of which is described as follows: Commencing at a point 1383.2 feet east of the NE Corner 33-81-40 (Grove Township, Shelby County, Iowa) thence running south distance of 2136.12 to the point of termination.

#### ITEM NO. 3 GROVE

A highway, the centerline of which is described as follows: A section of road #824 as established March 4, 1925 the centerline of which is described as follows: Commencing at a point 1873.77 feet west and 185.94 north of the E1/4 Corner 33-81-40 (Grove Township, Shelby County, Iowa) thence running north easterly a distance of 627.5 feet to the point of termination.

#### ITEM NO. 4 DOUGLAS

A highway, the centerline of which is described as follows: A section of road #179 as established July 19, 1875 the centerline of which is described as follows: Commencing at a point on the section line, 1322.5 feet south of the NE1/4 Corner 23-80-38 (Douglas Township, Shelby County, Iowa) thence running south along the section line terminating at the SE Corner 23-80-38.

The Chair opened said hearing at 9:45 a.m. and read opening remarks.

Items 1, 2 and 3 were addressed first. The County Engineer gave a presentation on the proposed vacation and abandonment. The Clerk reported having received written no comments. However, the Engineer reported being in receipt of a fax from Mr. Dennis Culver dated October 3, 2003 and read same. The floor was opened to receive comments. Speaking in favor of the vacation was Mr. Mark Assman. No one appeared speaking in opposition.

Item 4 was next addressed. The County Engineer gave a presentation on the proposed vacation and abandonment. The Clerk reported having received written no comments. No one was present to speak in favor or opposition to the vacating.

There being no other comments, the public hearing was closed by the Chairman at 10:05 a.m.

Regarding Items 1, 2 and 3 above, the Board reviewed the comments made. It was moved by Ferry, second by Schmitz, to authorize the County Engineer to make the necessary arrangements to remove the old roadway and to complete all survey and legal work involved in the land transactions above described. Final action on the vacation will take place upon the report by the Engineer that all above has been completed. AYES: Petersen, Schmitz, Ferry NAYES: None

Regarding Item 4 above, the Board reviewed the comments made and heard a report by the County Engineer that all necessary work has been completed to remove the old roadway and to complete all survey and legal work involved in the land transactions above described. It was moved by Schmitz, second by Ferry to vacate the described road as follows:

#### ROAD VACATION RESOLUTION NO. 2003-27

The Board took final action on the hearing and Engineer's report of October 7, 2003, related to the vacating and abandoning of right of way for sections of the Shelby County Secondary Road system as described below.

The Board heard a report from the County Engineer that all crossings, fences and banks were removed and section lines established.

IT IS THEREFORE ordered that the following sections of the Shelby County Secondary Road system be vacated, the crossings abandoned and all right of way abandoned.

A highway, the centerline of which is described as follows: A section of road #179 as established July 19, 1875 the centerline of which is described as follows: Commencing at a point on the section line, 1322.5 feet south of the NE1/4 Corner 23-80-38 (Douglas Township, Shelby County, Iowa) thence running south along the section line terminating at the SE Corner 23-80-38.

Passed and approved this 7<sup>th</sup> day of October, 2003

AYES: Christensen, Ferry, Schmitz NAYES: None

The Board reviewed the ROW Appraisals for BROS-CO83(34)—8J-83. No action was taken.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:18 a.m.

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Gayle Petersen, Chairman

ATTEST:

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Rhonda Brown  
Acting-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.