

March 7, 2006

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in regular session at 9:30 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: Roger Schmitz, Chairman; Richard Ferry, Vice-Chairman; LaVon Christensen; and Marsha J. Carter, Clerk.

It was moved by Christensen, seconded by Ferry, to approve the agenda with the addition of AFLAC – Flex Program Amendment AND the following items contained in the Consent Agenda:

- A. Minutes of February 21, 2006
- B. Office Reports – None
- C. Committee Reports

AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the Claims of February 28, 2006, as listed in the Claims Register. AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the AFLAC - Addendum to the Reimbursement Services Agreement and Acknowledgement of Grace Period Services, which changes the grace period for Medical Care Reimbursement Plans to two months and fifteen days. AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the payment from the General Basic Fund for the costs associated with publishing the claims listing of the Landfill claims, Emergency Management/911 claims, and Assessor claims, even though this is not required by law to better inform the public of all county government business. AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Christensen, seconded by Ferry, to approve the Liquor License of the Flower Barn, Harlan. AYES: Schmitz, Ferry, Christensen

NAYES: None

Carter informed the Board that Shelby County had received word from the Iowa Department of Economic Development that our application to the 2006 Housing Fund Program had been denied.

Now being the time for the opening of the bids for Project No. RC-CO83(50)—9A-83 – Turning Lane, the County Engineer did open the one bid that was received. Western Engineering, Harlan, submitted a bid for \$299,100.23. Since the bid was over the estimate, the Engineer will review it and make a recommendation to the Board at a later date.

It was moved by Ferry, seconded by Christensen, to direct the County Engineer to post No Trespassing signs in areas discussed where ATV traffic has occurred in the county right of way. AYES: Schmitz, Ferry, Christensen

NAYES: None

It was moved by Ferry, seconded by Christensen, to approve the following resolution:

RESOLUTION NO. 2006-24  
ROAD EMBARGO  
RESOLUTION OF NECESSITY

WHEREAS: The Board of Supervisors of Shelby County, Iowa, consisting of the following members: Roger Schmitz, Chairman; and Lavon Christensen, member and Richard Ferry, member, met to consider placing load limits on selected “Load Sensitive” road surfaces in the Shelby County Secondary Road System, to prevent frost break up, excessive load break up, etc., and

WHEREAS: The Board states that all designated surfaced roads be embargoed and allowing only trucks and other vehicles with a gross weight of less than ten (10) tons to travel these roads. School busses are exempt from this embargo.

THEREFORE: The Shelby County Board of Supervisors resolves to hereby order the County Engineer to post the same for load limits of ten (10) tons as soon as he deems necessary. These limits shall become effective when the signs are erected and shall remain in effect until the signs are removed.

BE IT FURTHER RESOLVED that the Board of Supervisors may grant permits of exemption upon showing a need to move to market, farm produce subject to rapid spoilage or loss of value or to move any animal feed to the farm or fuel for home heating purposes.

Passed and approved this 7<sup>th</sup> day of March, 2006.

AYES: Schmitz, Ferry, Christensen                      NAYES: None

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

SECTION 1 SHELBY TOWNSHIP (600 Block of Hazel Road)

A section of a highway, part of road #151 as established December 14, 1874, the centerline of which is described as follows: Beginning at a point on the west section line of Section 1 T-78, R-40 being 300 feet north of the SW Corner of said Section 1, T-78N, R-40W and continuing north along the section line and terminating at the SW Corner of Government Lot 18 of said Section 1.

SECTION 1 MONROE TOWNSHIP (2100 Block of 700<sup>TH</sup> St.)

A section of a highway, part of road #281 as established April 1, 1878, the centerline of which is described as follows: Beginning at a point on the south section line of Section 33 T-79, R-37 being 1890 feet west of the SE Corner of said Section 33, T-79N, R-37W and continuing west and south, terminating at a point 33 feet east of the intersection of 700<sup>th</sup> Street and Umbrella Road.

The section of Hazel Road was addressed first. The County Engineer gave a presentation on the proposed vacation and abandonment. The Auditor reported having received written no comments. The floor was opened to receive comments. Mr. Ken Escher stated that the closing made no difference to him, but would support his neighbor’s recommendations. Mr. Tim Barrett spoke in favor of the vacation. No one appeared speaking in opposition. There was discussion as to tile lines, rural water lines and drainage structures. Any tile lines impacted will be repaired and adequate outlets furnished, rural water lines will be moved or lowered at County’s expense, drainage structures will be removed and waterways created in their place.

There being no other discussion, it was moved by Ferry, seconded by Christensen, to vacate the following section of Shelby County Secondary Road system, abandon and vacate all crossing and abandon and vacate existing right of way easements, to direct the County Engineer to clear roadway, remove crossings and establish section lines with final action taking place upon report by the County Engineer on these items:

SECTION 1 SHELBY TOWNSHIP (600 Block of Hazel Road)

A section of a highway, part of road #151 as established December 14, 1874, the centerline of which is described as follows: Beginning at a point on the west section line of Section 1 T-78, R-40 being 300 feet north of the SW Corner of said Section 1, T-78N, R-40W and continuing north along the section line and terminating at the SW Corner of Government Lot 18 of said Section 1.

AYES: Schmitz, Ferry, Christensen                      NAYES: None

The section of 700<sup>th</sup> Street was next addressed. The County Engineer gave a presentation on the proposed vacation and abandonment. The Auditor reported having received several written comments which are made a part of this record. The floor was open to comments in favor. No one was present to speak in favor of the vacating. Bryon Christensen of REC spoke that they have no lines in the proposed area so have no opinion. The floor was then open to comments in opposition to the proposed vacation. Larry Manz, Ken Escher, Lonnie Boysen, Paul Wullschleger, Kelly Doonan, Charlie Obrecht all spoke in opposition, stating longer travel distances, dead end roads, no requests for additional services and more trips required to farm as reasons for opposing the vacation. Paul Stewart spoke that he would go along with the neighbors decision as well. There being no other discussion, it was moved by Ferry, second by Christensen to drop the proposed vacation of the following described road and no further action will be taken.

SECTION 1 MONROE TOWNSHIP (2100 Block of 700<sup>TH</sup> St.)

A section of a highway, part of road #281 as established April 1, 1878, the centerline of which is described as follows: Beginning at a point on the south section line of Section 33 T-79, R-37 being 1890 feet west of the SE Corner of said Section 33, T-79N, R-37W and continuing west and south, terminating at a point 33 feet east of the intersection of 700<sup>th</sup> Street and Umbrella Road.

AYES: Schmitz, Ferry, Christensen

NAYES: None

There being no other comments, the public hearing was closed by the Chairman.

The County Engineer gave the secondary road project update.

There being no further business appearing, the Chairman declared the meeting adjourned at 10:05 a.m.

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Roger Schmitz, Chairman

ATTEST:

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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.