

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

A motion was made by Schmitz with a second by Kenkel, to approve the minutes of the August 21 and August 23rd special meetings. AYES: Unanimous NAYES: None

It was moved by Kenkel, seconded by Schmitz, to approve the Claims of August 31st, 2018 as listed in the Claims Register. AYES: Unanimous NAYES: None

Steve Kenkel reported on the Southwest Iowa Mental Health Region Planning Board.

The last meeting Supervisor Kenkel described as a strategy workshop, that was full of great information and well attended. The topics included new legislative requirements put in place and corrections to the code put in place by the legislature.

Chairman Parkhurst then recessed the regular meeting to call to order the scheduled hearing for the proposed livestock confinement facility in Union Township. A letter from a concerned neighbor was read by Chairman Parkhurst. After that comments were heard from concerned neighbors and citizens who stated a variety of objections to the construction of the facility. Some of the objections included water usage, road usage, odors and restrictions that the facility places on adjacent properties using their land for any livestock expansion. Input was received from Zoning Commissioner Tony Buman and Shelby County Engineer Brandon Burmeister. Auditor Maxwell then asked for any written comments to be sent to his office and will be sent with the Board recommendation to the DNR for consideration. It was mentioned several times during the hearing that the DNR has final say in the Master Matrix and construction permit. The hearing was adjourned and the regular board meeting was resumed.

Supervisor Kenkel made a motion to **disapprove** the Master Matrix and Construction Permit. Supervisor Schmitz then seconded the motion. A vote was taken Ayes in favor of **disapproving** the application were recorded from Parkhurst, Kenkel and Schmitz. No votes were recorded in favor of approving the application

Todd Valline updated the board about current Shelby County Projects that included many upcoming events and projects.

Shelby County IT director Mark Maxwell had Thinkspace IT present to the Board current progress on the server project. Jason Erickson told the board that election security requirements have been an issue of discussion with IT Director/Election Commissioner Mark Maxwell. Replacing desktops and bringing the county to at least 50% of the desktop computers to non-expired licenses is a very important goal to reach. The server project will commence October 1<sup>st</sup>. There is an ongoing issue with the State of Iowa having an outdated program that is non-compliant with new Microsoft products, it was noted that the problem is statewide. Keeping computers updated was stressed by Erickson as important for security, maintenance and dependability.

Shelby County Sheriff, Neil Gross, presented the Board with details of the Sheriff's department plans to purchase body cameras from unspent capital funds reserve from previous years. Gross said that it will probably be a requirement in the future and sees many advantages especially in court cases. Marcus Gross, County Attorney agreed with the Sheriff's opinion. Sheriff Gross then asked the Board to approve the spending of an additional \$2,100.00 in capital reserves on the resurfacing of the shooting range pavement that the City of Harlan lets his department practice and certify on. A motion was made by Kenkel and a second by Schmitz to approve both expenditures. Parkhurst, Schmitz and Kenkel all voted in favor of allowing the spending.

Bob Seivert spoke in place of Alexis Fleener of the Southwest Iowa Planning Council, she was unable to attend and will attend the next board meeting.

A motion was made by Schmitz, and a second by Kenkel, to renew, and set the beaver bounty this trapping season at \$25.00 with a total payout limit of \$5,000.00. The program paid out \$2,875.00 of the \$5,000.00 budgeted in fiscal year 18, 115 animals. In fiscal year 17 all budgeted funds were used, 200 animals. In fiscal year 16, 170 animals turned in for bounty. A unanimous vote was received in favor of continuing this bounty, and recorded herein by Auditor Maxwell, in favor of renewing this bounty.

Supervisor Roger Schmitz presented the board with a proposal briefly discussed at a previous meeting, the proposal is in regards to naming certain bridges for fallen members of the military that were killed in action. A motion by Kenkel and a second by Schmitz to approve the following policy to be administered by the Shelby County Veteran Affairs Board.

### **DEDICATION OF BRIDGES TO FALLEN SERVICE-MEMBERS**

The intent of this policy, as a gesture of respect, is to provide guidelines to recognize fallen in action service- members that have courageously and unselfishly given their lives in the line of duty. This policy allows for the dedication of bridges on pavement roadways within Shelby County in memory of service-members that have been killed during their service.

#### **GUIDELINES**

Bridge dedication signs are to be installed at highway bridges/structures in all directions of travel. Dedication signs will be in addition to any existing signs identifying the geographical feature being crossed (i.e. - name of river) or the intersecting street at an interchange. The dedication signs are not intended to replace the existing system of bridge identification. This policy applies to dedications for fallen service-members, regardless of which war the service-member was killed during. This policy does not replace other methods Shelby County may have to name/identify bridges.

#### **PROCESS AND QUALIFICATION CRITERIA**

This policy allows the Commission of Veteran's Affairs to approve dedications of bridges in the name of fallen service members. The Commission of Veteran's Affairs will coordinate and provide the following information:

- Consent from any surviving immediate family members of the deceased service member for whom the bridge is being dedicated. If any immediate family member objects to the dedication, the sign will not be installed.
- Confirmation from the immediate family members of the deceased service member of the proper name to appear on the sign.
- Consent of family members to include abbreviated rank of the fallen service member on the sign.
- Coordination with County Engineer's Office that selected bridge is acceptable for dedication.

The Commission of Veteran's Affairs will review all requests for dedication of bridges. Shelby County Engineer's Office will prepare the final sign design and confirm the final design with the Commission of Veteran's Affairs. Engineer's Office staff will coordinate order and installation of the sign.

#### **PROCESS AND QUALIFICATION CRITERIA**

Signs shall conform to the following design: Signs must conform to the MUTCD standard design. Signs shall include the name of the service member being identified in the dedication and may, upon request, display their abbreviated rank. A bridge dedication under this policy shall have signs installed at the bridge in all directions of travel, in addition to any other signs identifying the geographic feature crossed (i.e. river, intersecting street, etc.). Donations to the Commission of Veteran's Affairs shall be responsible for all costs associated with purchasing and maintenance of the signs.

Supervisor Schmitz then made a motion to approve the policy, Kenkel then seconded the motion. Parkhurst, Kenkel and Schmitz were all then recorded as voting in favor of the policy. No nays were cast.

Brandon Burmeister then informed the board of current projects and asking for board approval of the revisions to Shelby County Policy Relating to Bituminous Roads (Oil/Seal Coat). Kenkel then made a motion to approve the new policy update as follows:

**POLICY RELATING TO BITUMINOUS ROADS  
(OIL/SEALCOAT)**

**INTENT**

The intent of this policy is to assure uniform treatment of all County residents in permitting road oil dust palliative or seal coat surface to be applied on the County road.

**BACKGROUND**

The Shelby County Road Department is responsible for the care, maintenance and replacement of approximately 1000 miles of road (paved, oiled, gravel and dirt) and some 195 bridge structures. In addition, there are literally thousands of culvert drainage structures. Because of the substantial costs of maintaining this road system and the limited, if not diminishing funds available, some services previously provided are no longer economically feasible to continue. The continuation of the oil road and seal coat system cannot be sustained at its current level and in fact will be reduced substantially to a limited number of miles at specific locations. As this system is downsized, the existing surface will be scarified and surfaced with aggregate. Individual property owners will have the opportunity to have sections remain intact and maintained by said individuals. Specifically, this is bituminous surfacing for private residents throughout Shelby County. These locations are scattered at various rural locations and are not connected to and are not part of the bituminous road system of the County.

REALIZING that Shelby County has dozens of said sites that exist in isolated locations and; REALIZING that funds to maintain the overall county road system are limited and;

REALIZING that there is a substantial initial and annual cost associated with these sites of "private oil" and;

REALIZING that Shelby County is responsible for safety and potential liability with respect to maintenance of bituminous surfaced roads; therefore; BE IT RESOLVED by the Shelby County Board of Supervisors has adopted the following policy:

1. No new locations of "private oil" bituminous surfacing for dust palliative may be applied on the road system after July 1, 2019. Landowner shall have a signed agreement with company providing road oil prior to January 1, 2019. List of all landowners whom have signed agreement with company providing road oil shall be supplied to County Engineer by road oil company prior to January 1, 2019. If list of landowners is not provided to County Engineer prior to January 1, 2019, landowner shall not be allowed to apply new location of oiled roadway. **Existing sections of "private oil" will be "grandfathered in".**
2. It will be the responsibility of the applicant to maintain the bituminous surface. This includes any and all road sections left intact after scarification and surfacing with aggregate. These sections were left intact at the request of private residents. The Shelby County Road Department will not perform this maintenance. The applicant or a contracted agent may perform said maintenance. All maintenance costs will be borne by applicant.
3. All necessary and proper barricades, flares, etc., as per the Manual on Uniform Traffic Control Devices, shall be furnished by and maintained by the applicant. Maximum safety precautions shall be maintained at all times to protect workers, property owners and the traveling public from accidents due to the operations of the applicant.
4. Shelby County shall be indemnified and saved harmless of any damages resulting from the applicant's/contractor's operation.
5. If the private bituminous roadway section is not maintained such that it provides a safe road surface, as determined by the County Engineer or his representative

the applicant will be contacted. Applicants will be given fourteen (14) days to bring the road surface to a safe condition, or to provide a written plan of action for said roadway section to the County Engineer's Office. County Engineer or his representative shall determine if plan of action is acceptable or not upon receipt. Failure to maintain the road oil surface may result in scarification of the entire road oil area. These actions will be commenced 14 days after the expiration of a second notice to maintain the road oiled surface.

6. The County Engineer or his representative shall determine when notifications to maintain "private oil" bituminous surfaced roadways. Determination shall be based on, but not limited to:
  - Any citizen complaints for a stretch of 'private oil' bituminous surfacing shall be investigated by the County Engineer or his representative to determine validity of the complaint;
  - If more than 5% of the bituminous surface becomes non-contiguous to the 'private oil' bituminous surfaced section of roadway as determined by the County Engineer or his representative;
  - If the surface contains any potholes or other areas that are deemed unsafe by the County Engineer or his representative;
  - If the County Engineer or his representative determines that the 'private oil' bituminous surfaced roadway section does not provide a safe road surface to the traveling public.
7. Scarification of existing road oil sections and surfacing with aggregate will be done at the counties expense. No future private bituminous surfacing of scarified section is permissible.
8. A limited number of miles of bituminous surfaced roadway shall remain and be maintained by Shelby County. The roadways that shall remain bituminous surfaced include:
  - 1100<sup>th</sup> Street from Highway 59 West to Ridge Lane. Said section is approximately 0.88 miles, more or less.
  - Within the city limits of Jacksonville. From Highway 44, thence East to County Road M-56; thence North to the limits of Jacksonville. Said section is approximately 0.45 miles more or less.
  - Within the city limits of Corley. All roadways currently within Corley limits, and are South of County Road F-58. Said sections are approximately 0.37 miles more or less.
  - Within the subdivision located on Oak Road East of Harlan known as Cresthaven. Said section is approximately 0.54 miles more or less.

A unanimous vote in favor of approval of the updated policy was recorded, all aye votes were cast and no nay votes heard.

The board was also updated on current projects and issues that are currently taking place.

There being no further business appearing, the Chairman declared the meeting adjourned.

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Charles Parkhurst, Chairman

ATTEST:

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Mark L. Maxwell  
Clerk to the Board of Supervisors