

The Shelby County Board of Supervisors met in a regular session at 9:00 A.M. in the Supervisors Chamber in the Courthouse with the following members present: Steve Kenkel, Charles Parkhurst, Bryce Schaben, and Mark Maxwell, Clerk.

The Chairperson Steve Kenkel asked that any conflict of interest be stated concerning any item on the agenda. None were stated.

It was moved by Parkhurst, seconded by Schaben, to approve the agenda. Motion carried unanimously.

It was moved by Schaben, seconded by Parkhurst to approve the minutes of January 10th, 2023. Motion carried unanimously.

It was moved by Schaben and seconded by Parkhurst to approve the claims of January 12th, 2023. Motion passed.

Carolyn Blum, Shelby County Treasurer, then presented her semi-annual report after an explanation. Parkhurst made a motion to accept the report, Kenkel seconded the motion to approve the report. Kenkel, Schaben and Parkhurst all voted in favor of accepting the report. Blum gave a quarterly report on her office statistics from the most current data collected.

Todd Valline told of events in his organization, the Shelby County Chamber of Commerce and Industry. Volunteer of the year and other awards will be presented at the awards banquet in February, nominations are still being accepted.

Brandon Burmeister, Shelby County Engineer was present to give his report on his department and current and future projects. Burmeister presented the following action items for Supervisor consideration.

The following Resolution 2023-7 was approved after a motion by Schaben and a second by Parkhurst.

BRIDGE EMBARGO

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.255 and 321.471 to 321.479 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: the County Engineer has completed (or has caused to be completed) the Structure Inventory and Appraisal of certain county bridges, in accordance with the National Bridge Inspection Standards and has determined (or it has been determined) that they are inadequate for two-lane legal loads at allowable operating stress.

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Board of Supervisors that vehicle and load limits be established and that signs be erected advising of the permissible maximum weights thereof on the bridges listed, as follows:

Structure Number	Feautre Crossed	Location	Load Limit (tons) All Vehicles
Cass 90-09-510	Mosquito Creek	Sec. 9,T. 79, R. 40	7,10,13 One Lane
Cass 90-13-110	Keg Creek	Sec. 13,T. 79, R. 40	21,32,37
Cass 90-25-210	Keg Creek	Sec. 25,T. 79, R. 40	27-45-40
Cass 90-29-110	Mosquito Creek	Sec. 29,T. 79, R. 40	10,15,24 One Lane
Cass 90-33-210	No Name Creek	Sec. 33,T. 79, R. 40	33-48-40
Cass 90-35-110	Keg Creek	Sec. 35,T. 79, R. 40	8 One Lane
Cass 90-36-210	No Name Creek	Sec. 36,T. 79, R. 40	27-45-40
Center 98-24-210	Elm Creek	Sec. 24, T. 79, R. 38	12,18,24 One Lane
Center 98-27-110	No Name Creek	Sec. 27, T. 79, R. 38	17,25,29
Clay 87-10-120	No Name Creek	Sec. 10, T. 78, R. 37	31-48-40
Clay 87-16-110	Elk Horn Creek	Sec 16, T 78, R 37	4 All Vehicles
Clay 87-29-210	Elk Horn Creek	Sec 29, T 78, R 37	19-28-38
Clay 87-35-110	Camp Creek	Sec 35, T 78, R 37	30-48-40
Douglas 08-10-110	West Nishnabotna River	Sec. 10,T. 80, R. 38	8 One Lane
Douglas 08-22-310	West Nishnabotna River	Sec. 22,T. 80, R. 38	9,14,13 One Lane
Fairview 89-05-110	No Name Creek	Sec 5, T 78, R 39	33-48-40
Fairview 89-09-710	No Name Creek	Sec 9, T 78, R 39	30-48-40
Fairview 89-12-520	No Name Creek	Sec 12, T 78, R 39	30-47-40
Greeley 18-19-610	Snake Creek	Sec 19, T 81, R 38	27-41-40
Greeley 18-13-110	No Name Creek	Sec 13, T 81, R 38	33-48-40
Greeley 18-14-210	No Name Creek	Sec 14, T 81, R 38	26-41-40
Greeley 18-17-210	Snake Creek	Sec 17, T 81, R 38	24-42-40
Grove 10-09-910	Mill Creek Tributary	Sec 9, T 81, R 40	27-45-40
Grove 10-36-110	No Name Creek	Sec 36, T 81, R 40	20,31,29 One Lane
Jackson 97-04-210	Elm Creek	Sec 4, T 79, R 37	25-44-40
Jackson 97-08-110	Elm Creek	Sec 8, T 79, R 37	25-43-40
Jackson 97-12-210	Buck Creek	Sec 12, T 79, R 37	35-48-40
Jackson 97-17-210	Elm Creek	Sec 17, T 79, R 37	26-43-40

Jackson 97-22-110	Bonnie Creek	Sec 22, T 79, R 37	28-40-40
Jackson 97-34-110	No Name Creek	Sec 34, T 79, R 37	17-24-29
Jackson 97-36-210	Indian Creek	Sec 36, T 79, R 37	35-48-40
Jefferson 17-03-510	No Name Creek	Sec 3, T 81, R 37	28-40-40
Jefferson 17-03-520	West Nishnabotna River	Sec 3, T 81, R 37	13-19-28
Jefferson 17-18-110	Elk Creek	Sec 18, T 79, R 37	25-37-37
Jefferson 17-24-110	Long Branch Creek	Sec 24, T 79, R 387	29-45-40
Jefferson 17-31-110	West Nishnabotna River	Sec 31, T 79, R 397	35-45-40
Jefferson 17-34-110	Long Branch	Sec 34, T 79, R 37	29-47-40
Lincoln 99-04-110	Keg Creek	Sec 4, T 79, R 39	28-40-40
Lincoln 99-08-110	No Name Creek	Sec 8, T 79, R 39	13, 18, 26 One Lane
Lincoln 99-18-110	Keg Creek	Sec 18, T 79, R 39	28-40-40
Lincoln 99-31-210	No Name Creek	Sec 31, T 79, R 39	28-40-40
Lincoln 99-31-220	No Name Creek	Sec 31, T 79, R 39	28-40-40
Lincoln 99-34-210	Silver Creek	Sec 34, T 79, R 39	26-40-40
Lincoln 99-18-120	Keg Creek	Sec 18, T 79, R 39	24-41-40
Monroe 88-04-210	No Name Creek	Sec 4, T 78, R 38	14-18-18
Monroe 88-17-210	Dutch Branch Creek	Sec 17, T 78, R 38	30-47-40
Polk 07-13-510	E. Branch W. Nishnabotna River	Sec 13, T 80, R 37	8 Tons All Vehicles, One Lane
Polk 07-16-110	Long Branch Creek	Sec 16, T 80, R 37	34-48-40
Shelby 80-06-210	Keg Creek	Sec 6, T 78, R 40	10-14-19
Shelby 80-11-110	Silver Creek	Sec 11, T 78, R 40	32-48-40
Shelby 80-20-210	East Branch Keg Creek	Sec 20, T 78, R 40	35-48-40
Shelby 80-34-110	Little Silver Creek	Sec 34, T 78, R 40	29-47-40
Union 19-10-110	Willow Creek	Sec 10, T 81, R 39	28-40-40
Union 19-12-910	W. Fork W. Nishnabotna River	Sec 12, T 81, R 39	12-18-24 One Lane
Union 19-16-120	Moser Creek	Sec 16, T 81, R 39	28-40-40
Union 19-21-110	Moser Creek	Sec 21, T 81, R 39	28-40-40
Union 19-23-610	No Name Creek	Sec 23, T 81, R 39	26-40-40
Washington 00-13-210	No Name Creek	Sec 13, T 80, R 40	29-47-40
Washington 00-16-610	Pigeon Creek	Sec 16, T 80, R 40	25-40-40
Washington 00-20-120	Pigeon Creek	Sec 20, T 80, R 40	26-40-40
Washington 00-23-320	No Name Creek	Sec 23, T 80, R 40	29-47-40
Washington 00-31-420	Pigeon Creek	Sec 31, T 80, R 40	24-35-40
Washington 00-35-320	Mosquito Creek	Sec 35, T 80, R 40	8-12-19 One Lane
Westphalia 09-05-510	Mosquito Creek	Sec 5, T 80, R 39	32-48-40
Westphalia 09-34-110	Silver Creek	Sec 34, T 80, R 39	29-48-40
Jackson 97-35-610	West Nishnabotna River	Sec 35, T 79, R 37	Bridge Closed
Grove 10-36-120	Moser Creek	Sec 36, T 81, R 40	Bridge Closed
Polk 07-03-110	Long Branch Creek	Sec 2, T 80, R 37	One Lane
Westphalia 09-30-210	No Name Creek	Sec 30, T 80, R 39	One Lane

The Resolution 2022-7 passed with ayes by Kenkel, Schaben and Parkhurst

Burmeister then asked and recommended approval of Resolution 2023-8

RESOLUTION 2023-8 Road Embargo Resolution

WHEREAS: The Board of Supervisors of Shelby County, Iowa, consisting of the following members: Steven Kenkel, Chairman; Charles Parkhurst, Vice-Chairman; and Bryce Schaben, 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: This authority is granted under Iowa Code Sections 321.236(8), 321.255, and 321.471 to 321.473 to prohibit the operations of vehicles upon Secondary Roads or impose restrictions as to weight of vehicles to be operated upon said secondary roads, except farm tractors as defined in Section 321.1, Subsection 7, for a total period not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow or other climactic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

And

WHEREAS: The Board states that all granular 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.

THEREFORE: The Shelby County Board of Supervisors resolves to hereby order the County Engineer to enact

load limits of ten (10) tons, at his discretion, on all granular surfaced roadways within Shelby County. These limits shall become effective upon agreement to enact embargos by Chairman of Board of Supervisors and County Engineer and shall remain in effect until this resolution is redacted by the Shelby County Engineer.

BE IT FURTHER RESOLVED that the Board of Supervisors, may, at their discretion, authorize permits of exemption for loads not already exempted by the previous paragraph of this resolution. Any such permit must be specific to the exempted vehicle and its load, and must bear an original signature, in red, of the board member authorizing the exemption. Neither the county engineer nor his staff is authorized to approve additional exemptions.

Schaben made a motion to approve Resolution 2023-8, Parkhurst seconded the motion. A vote was counted with Schaben, Kenkel and Parkhurst all voting to approve the motion. No nays were cast.

Brandon Burmeister, Shelby County Engineer presented the fuel bids for Agriland FS which received the approval of the Supervisors in the amount of \$ 681,751. Parkhurst made a motion to accept the bid, Schaben seconded the motion. The motion passed

Burmeister then asked for approval of a surface transportation Block Grant approval from the Supervisors. This is a grant for a specific project not scheduled to begin until 2027.

The yearly approval and acceptance of Shelby County adhering to the Master Matrix system set up by the state of Iowa to guide counties through the any new livestock confinements in the county.

Supervisor Schaben then made a motion to approve the following Resolution 2023-9

CONSTRUCTION EVALUATION RESOLUTION (MASTER MATRIX)

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and **WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and **WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and **WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2023 and January 31, 2023 and submit an adopted recommendation regarding that application to the DNR; and **WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix; **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SHELBY COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Parkhurst seconded Schaben’s motion. A vote was held with the following results. Nays-None Ayes-Kenkel, Parkhurst and Schaben. The resolution passed.

The 28E agreement between Shelby County, The City of Harlan, and Shelby County Myrtue Memorial Hospital, regarding the governing and the creation of the Shelby County Ambulance Commission of Harlan Iowa. Copies of the seven page agreement are available at the Shelby County Auditors office.

Parkhurst made a motion to allow the signing of the agreement by the Chairperson, Schaben seconded the motion. The motion was approved unanimously.

There being no further business appearing, the Chairman declared the meeting adjourned at 9:33 A.M.

Steve Kenkel, Chairperson

ATTEST:

Mark Maxwell
Clerk to the Board of Supervisors