

**December 15, 2003**

The Mahaska County Board of Supervisors met on the above date at 9:00 a.m. with the following board members present: Henry W. VanWeelden, Lawrence Rouw and Greg Gordy. Also present were the following: Michelle Moore, Mahaska County Rural and Agricultural Committee, Joleen Arnold, Mahaska County CPC; Miranda Pearson, Oskaloosa Herald; Jerry Nusbaum, County Engineer; Mickey Edwards, COC Regional Director; Jerry Thompson of Thompson & Associates; Kay Swanson, County Auditor.

It was moved by VanWeelden seconded by Rouw to approve the agenda with the addition of discussion of janitor's compensation time. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the minutes of December 1<sup>st</sup> and December 8<sup>th</sup>. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the November payroll in the amount of \$408,478.49. All present voted aye. Motion carried.

Michelle Moore of the Mahaska County Agricultural and Rural Development Committee gave the board her monthly report. She also presented the board with an amended Resolution Endorsing Submittal of an Application to the Iowa Department of Transportation for R.I.S.E. Funding.

It was moved by Rouw seconded by VanWeelden to approve the following amended rise grant. All present voted aye. Motion carried.

Mahaska County Board of Supervisors  
Resolution No. \_\_\_\_\_

(Amended) Resolution Endorsing Submittal of an Application to the Iowa Department of Transportation for R.I.S.E. Funding

WHEREAS, the Mahaska County Board of Supervisors endorses the creation and expansion of industries in Mahaska County and welcomes, specifically, the proposed expansion of The Pro-Line Co. and the related growth, development and additional employment opportunities such a project will provide, and

WHEREAS, there exists an immediate, nonspeculative opportunity for the permanent creation of approximately 27 quality jobs within the first two years of this project, and

WHEREAS, Mahaska County is currently negotiating with The Pro-Line Co. ("the developers") to locate and construct a new manufacturing facility and office structure on a site located south of New Sharon, and

WHEREAS, R.I.S.E. funding is vital and essential to the creation of the aforementioned jobs as the County requires the funds to construct a road that would provide adequate access to the proposed site and the decision by the developers to locate in Mahaska County is contingent upon the road being built, therefore, should the commitment of RISE funds not be immediately available and the proposed road not be built, the developers will abandon the project in Mahaska County and,

WHEREAS, the preliminary cost estimate for the proposed road is \$142,455 of which the developer assures they will provide \$21,083, and

WHEREAS, Mahaska County is seeking a R.I.S.E. contribution of \$113,964 which is 80% of the proposed road cost, which they will match with \$7,408, which, with the developer's contribution, brings the total non-R.I.S.E. financial participation to \$28,491, or 20% the total project cost, and

WHEREAS, the proposed roadway will be dedicated to public use, and

WHEREAS, the proposed jurisdictional responsibility for the new roadway will rest with Mahaska County, which will adequately maintain the roadway,

NOW, THEREFORE, BE IT RESOLVED, by the Mahaska County Board of Supervisors that the County Engineer is hereby authorized and directed to submit an application for R.I.S.E. funds on behalf of Mahaska County to the Iowa Department of Transportation for \$113,964.

Passed and approved this 15th day of December, 2003.

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Greg Gordy, Chairperson Board of Supervisors

ATTEST: \_\_\_\_\_  
Kay Swanson, County Auditor

It was moved by VanWeelden seconded by Rouw to approve the appointment of Barry VerSteegh to the Mahaska County Conservation Board effective January 1, 2004. This is a five year term. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the renewal liquor license for Platime Supper Club. All present voted aye. Motion carried.

The matter of courthouse space was discussed with Joleen Arnold, Mahaska County CPC. She will input some figures for a possible rental space to see what the federal reimbursement amount would be.

It was moved by Rouw seconded by VanWeelden to approve COC dropping out of the Southeast Iowa Consortium. All present voted aye. Motion carried.

10:00 a.m. It was moved by VanWeelden seconded by Rouw to open the Public Hearing for Snow Ordinance #109B. Roll call vote: Rouw – aye; VanWeelden – aye; Gordy – aye. Motion carried. No one from the public was present for this hearing.

It was moved by VanWeelden seconded by Rouw to close the hearing. Roll call vote: Rouw – aye; VanWeelden – aye; Gordy – aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the following Ordinance #109B and to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of this ordinance. All present voted aye. Motion carried.

Mahaska County  
ORDINANCE # 109B

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, MAHASKA COUNTY, IOWA

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) (2003), 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 local 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, shaded areas, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion County personnel may be unavailable due to 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 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 twenty-five (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 ten (10) miles per hour. During these conditions, no additional 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 routes 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 ROUTES

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 snowplows and spreaders will not normally be in operation between the hours of 6:00 p.m.- 4:00a.m. The trucks 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 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 roads 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 these sections, 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 opened to one-lane traffic as soon as possible and/or practicable after a storm has passed.
2. After on-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 6:00 p.m.-4:00 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 delegated representative.
4. Snow may not be removed from roads designated as Level B.

#### 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 counties 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 upon hills and intersections on the gravel system that slope down to another road 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 been tried and failed, such as scraping with motor graders.
5. Removing of sand, salt, or other abrasives.

#### SECTION 5-EMERGENCY

Service of 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 any “Emergency” to an officer, official, or employee of Mahaska County or who causes a false report to be so made, will 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.

Passed and approved this 15th day of December, 2003

Mahaska County Board of Supervisors

\_\_\_\_\_  
Greg Gordy, Chairman

\_\_\_\_\_  
Lawrence Rouw

\_\_\_\_\_  
Henry W. VanWeelden

Attest: \_\_\_\_\_  
Kay Swanson, County Auditor

First Reading: December 15, 2003

Second Reading: Waived

Third Reading: Waived

Approved: December 15, 2003

Published:

It was moved by VanWeelden seconded by Gordy to approve the Jr. Subdivision Plat a subdivision of SE ¼ SW ¼ of Section 30 Township 75 Range 15. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to have the Engineer to sign the Agreement with Snyder and Associates for estimates of repairs needed on the Des Moines River Bridge near Eveland Access. All present voted aye. Motion carried.

Comp time for the janitors was discussed.

Meeting recessed until 2:30 p.m.

2:30 p.m. Meeting reconvened.

Now present were the following: Henry W. VanWeelden; Lawrence Rouw, Greg Gordy, Jerry Nusbaum, Jerry Thompson and Kay Swanson, County Auditor.

The board discussed union negotiations with Jerry Thompson and Jerry Nusbaum.

Meeting adjourned.

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Greg Gordy, Chairman  
Mahaska County Board of Supervisors

ATTEST: \_\_\_\_\_  
Kay Swanson, Mahaska County Auditor