

The Board of Supervisors of Shelby County, Iowa, met pursuant to the 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 May 22nd and May 31st, 2018 meetings. AYES: Unanimous NAYES: None

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

Steve Kenkel, voting representative for Shelby County on the Southwest Iowa Mental Health Regional Planning Committee, reported that at the latest meeting the insurance was put in place for the coming year and implementation of new legislation that begins in the coming years is an issue and plans are still being made to accommodate the new legislation.

It was reported by Auditor Maxwell that proper publication was not made to be able to hold the Amendment hearing as planned today. The Resolution 2018-10 was rescinded by the board after a motion by Schmitz and a second by Kenkel. Kenkel, Parkhurst and Schmitz all voted in favor of rescinding Resolution 2018-10 which called for an amendment hearing on this date June 5, 2018. No nays were cast.

A motion by Schmitz and a second by Kenkel was made to approve the following resolution:

RESOLUTION 2018-12
ENTRY RECORD OF THE FILING AND CONSIDERATION OF THE
COUNTY BUDGET AMENDMENT FOR FISCAL YEAR 2018

BE IT REMEMBERED on this 5th day June, 2018, the Board of Supervisors of Shelby County, Iowa, met in scheduled session for filing and considering the amendment of the County Budget for Fiscal Year 2018. There was present a quorum as required by law.

Entry record for filing of said budget amendment was established and approved for publication. The board, being fully advised, find that the date of the hearing on said amendment should be fixed, and it does fix, the 5th day of June, 2018, A.D., at the hour of 9:00 a.m. as the date and time of hearing to be held in the Supervisor's Chambers in the Courthouse in Shelby County, Iowa.

The above resolution was adopted by the Board of Supervisors of Shelby County, Iowa, on June 5th, 2018. The vote thereon being as follows: AYES: Schmitz, Parkhurst and Kenkel NAYES: None

Todd Valine was present to update the board on current Chamber activities which included: The Chamber has their election of board members coming up, Valline was pleased that it is an active board with 7 individuals running for the 4 seats available in the Shelby County Chamber of Commerce. Housing issues are being addressed, a committee is being formed, hopefully to involve every community in Shelby County.

Mark Maxwell County Auditor reminded the Board of the Canvass for today's Primary on June 12th at 9:00 a.m. June 19th will be a regular meeting and the Amendment Hearing and an intended closed session to receive guidance for a union request.

Brandon Burmeister, Shelby County Engineer asked the board for any discussion in regards to modifying the Shelby County Oiled Roads Policy. He presented the Board with the following policy:

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 January 1, 2019. **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:
 - 1100th 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.

With emphasis put on the comment in the new policy that all "private oil" will be grandfathered in if installed by January 1st, 2019. Schmitz made a motion to accept the new policy as presented and Kenkel then seconded the motion. A vote was tallied with Parkhurst, Kenkel and Schmitz voting in favor of the new policy adoption and no nays were cast.

There being no further business appearing, the Chairman declared the meeting adjourned at 9:38 am.

Charles Parkhurst, Chairman

ATTEST:

Mark L. Maxwell
Clerk to the Board of Supervisors

These minutes are subject to Board approval at the next regular meeting.