

November 4, 2014

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, November 4th, 2014 with Bob Beck, Jim Cary and Tom Broeker present.

Unless otherwise noted, all motions carried.

Change to tentative agenda: Item F. 1 was removed.

Meet with Department Heads: the County Auditor reported that her office has issued 7,294 ballots with approximately 1,100 still out. Copeland also announced that the Department of Revenue has released the roll-back percentages on classes of property for taxes payable FY16. County Engineer Brian Carter reported that crews are readying equipment for snow removal. Crews are also hauling rock and will be working on ditches until winter. There is still construction work on 140th St. Conservation Director Chris Lee announced that because his office is a polling place, there is no staff there today. The Conservation Board meeting will be on Thursday this week, instead of Wednesday. County Attorney Amy Beavers attended a meeting of the Mediapolis City Council with Carter, where a 28E agreement for a joint City/County project was discussed. City/County Safety Director Angie Vaughan announced that employees will be trained on CPR this month. Land Use Administrator Jeff Hanan reported that he is still looking for another member for the Zoning Commission. That person should be from an incorporated area and preferably a woman.

Accounts Payable Claims in the amount of \$275,971.88 were approved upon motion by Cary and second by Broeker.

Land Use Administrator Jeff Hanan presented the Resolution and Final Plat for Joyful Acres Subdivision. He stated that this property is located in Section 31 of Benton Township and is owned by Joel and Lori Johnson. They have built a new house on Lot 3. Their old house is situated on Lot 2 and connected to Lot 1. Lot 4 will be developed at a later time. During the review process, the County Engineer asked that the entrance to Lot 4 be located close to the lot line between Lots 3 and 4 and be approved by the Secondary Roads department. Motion to approve with that condition was made by Broeker and seconded by Cary.

RESOLUTION

WHEREAS Section 354.8 of the Code of Iowa states that a governing body shall certify by resolution the approval of a subdivision plat, and,

WHEREAS the Final Plat for **Joyful Acres Subdivision** has been reviewed for conformance to County standards by the Des Moines County Zoning Commission, and all required county departments, and has been duly recommended by said Commission for approval:

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves the Final Plat of **Joyful Acres Subdivision** with the following condition:

- That entrance to Lot 4 shall be located close to the lot line between Lots 3 & 4 and that final location must be approved by the Secondary Roads Department.

Approved and adopted this 4th day of November, 2014

DES MOINES COUNTY BOARD OF SUPERVISORS

Robert W. Beck, Chair

Jim Cary, Vice Chair

Tom L. Broeker, Member

ATTEST: Carol S. Copeland, County Auditor

A proposal for final design services for Des Moines County Bridge H-23/FHWA #023590 Project # STP-S-CO29(77)—5E-29 was presented by County Engineer Carter. Carter stated that this project will construct a wider deck on a bridge on DMC 99. This is part of a larger project, which will cost in excess of \$3 million in Farm to Market funds. Motion to approve was made by Broeker and seconded by Cary.

Carter presented a Resolution for a procedure for landowner-requested upgrading area Level B roads with minimal right-of-way, which he read and explained. Carter stated that the resolution clarifies the process for rural residents who ask for rock on dirt roads. Broeker moved to approve. Seconded by Cary.

RESOLUTION

PROCEDURE FOR LANDOWNER-REQUESTED UPGRADING AREA SERVICE SYSTEM “LEVEL B” ROADS WITH MINIMAL RIGHT –OF-WAY

WHEREAS, the Des Moines County Secondary Roads Department receives occasional requests for County roadway improvement and maintenance from residents and landowners living along roads classified as “Level B” area service systems consistent with Iowa code Section 309.57; and

WHEREAS, right-of-way along said “Level B” roads is typically 30-40-feet wide, which does not allow for construction of adequate drainage improvements and efficient snow removal operations; and

WHEREAS, Des Moines County (hereinafter “County”) deems it proper to provide consistency by formalizing an upgrade policy.

NOW, THEREFORE BE IT RESOLVED that the County, and specifically the Secondary Roads Department, may upgrade “Level B” minimal right-of way roadways when requested to do so by one or more residents or landowners as follows:

I. PETITION

1. A resident or property owner seeking to upgrade a Level B area service road, (hereinafter “Petitioner”) shall file a written petition with the Des Moines County Board of Supervisors (hereinafter “Board”) to upgrade the subject roadway. The Board or Des Moines County Auditor (hereinafter “Auditor”) shall notify the Des Moines County Engineer (hereinafter “Engineer”) of receipt of the petition and provide a copy thereto.
2. Upon receipt of an actionable petition, the Auditor shall set the petition for a public hearing before the Board and give notice, including a copy of the petition, to all adjoining and otherwise affected landowners.
3. If after public hearing the Board approves the petition, the County shall advise the Engineer to prepare an initial engineering estimate for the costs to upgrade the road, a copy of which shall be provided to the Petitioner(s), and proceed as follows.

II. COUNTY 5-YEAR PLAN

1. Upon approval of the petition, the Board will coordinate with the Engineer to determine scheduling for petitioned upgrade project in the County 5-Year Construction Program. Scheduling will not be finalized until approval of the Construction Program. County shall have right to modify project schedule to accommodate unforeseen program and funding issues. Small projects can be accomplished in shorter time frames at the Engineer’s discretion.

III. RIGHT OF WAY

1. The Engineer or designee shall create an estimate for right-of-way (ROW) acquisition and required environmental studies, including fence removal, relocation, and replacement costs.
2. Petitioner(s) shall deposit funds equivalent to 100% of such ROW estimate with the Des Moines County Treasurer. Action on the Petition shall be terminated if ROW deposit is not made within 120 calendar days of the date of the Engineer’s estimate.
3. Following receipt of the ROW deposit, the County will proceed with all necessary environmental

studies. County will subsequently acquire necessary ROW after obtaining regulatory permits. If ROW acquisition costs exceeded the estimate, the Petitioner(s) shall pay such excess costs prior to any further work commencing. The Engineer shall notify Petitioner(s) in the event costs exceed the estimate, and shall provide a statement of the costs.

4. The minimum dedicated ROW width shall be 66 feet. Unless approved by the Engineer during the preliminary design process, ROW will be acquired from both sides of existing roadway to minimize realignment and associated impacts.

IV. GEOMETRICS

1. The roadway shall be placed to a final grade and alignment as approved by the Secondary Roads Department. The Engineer's estimate concerning this phase shall be all inclusive of grading, drainage and surfacing costs and will itemize any cost sharing percentages between the County and Petitioner(s) for individual items or specific types of work.
2. Grading expense shall be split equally between the County and Petitioner(s). The grading phase may not commence until Petitioner(s) deposits Petitioner's share of such estimate. Deposit must be made at least 180 days prior to any estimated bid letting date.
 - a. In the event the Petitioner(s) desires to perform grading with Petitioner's personal/business earthmoving equipment, the Engineer shall review and determine whether to approve the proposed equipment fleet. The County shall not be responsible to cost share 50% as otherwise provided. If the project estimate exceeds limits referenced in Iowa Code Section 314.1B, the Petitioner(s) shall not be permitted to perform work with personal/business equipment.
 - b. If the Petitioner(s) is/are permitted to grade with personal/business equipment and in the best judgment of the Engineer that the Petitioner(s) grading activities need to be terminated for any reason, Petitioner(s) must deposit its share of the estimate for remaining grading work. The County shall then proceed to a bid process.
3. All drainage structures, including driveway culverts and tile lines, shall be upgraded and replaced as determined by Engineer. The costs shall be split equally between County and Petitioner(s) for all locations requiring culverts of 60-inch diameter or less. Larger drainage structures shall be the full financial responsibility of Petitioner(s). If roadway is dead-end, all drainage improvement expense will be responsibility of petitioners.
4. Surfacing costs shall be split equally between County and Petitioner(s). Minimum granular surfacing rate of new road will be 1800 ton per mile.
5. Petitioner(s) must secure permission for the County survey crew and any consultants to collect all necessary survey information on private property.

V. OTHER FINANCIAL ISSUES

1. At no point should a phase of the B-Level upgrading process proceed prior to required deposit being completed by Petitioner(s).
2. The Board may elect to upgrade an extension of the petitioned segment or a connecting roadway link to provide for the efficient movement of traffic over the existing surfaced (Level-A) network. No landowner financial participation shall be necessary in this situation. If land adjacent to additional extension is owned by Petitioner(s), then Petitioner(s) must sell ROW for this additional segment, without the need for condemnation, prior to commencement of final design for the petitioned segment.

VI. MICELLANEOUS

1. Nothing in this Resolution shall be deemed to limit the County's authority to upgrade any Level B area service system within Des Moines County at any time as determined by the County.

APPROVED this 4th day of November, 2014

DES MOINES COUNTY BOARD OF SUPERVISORS

Robert W. Beck, Chair

Tom Broeker, Member

Jim Cary, Member

ATTEST: Carol S. Copeland, Auditor

A personnel action for the Correctional Center was tabled upon request by the CWA union steward. Motion to table was made by Broeker and seconded by Cary.

The report for Des Moines County Veterans Affairs Commission for October, 2014 was received and filed.

Cary moved to approve minutes for the regular Board meeting held on October 28th, 2014. Seconded by Broeker.

Future agenda items: the next Board meeting will be on Monday, November 10th at 1:30 PM. This is due to the canvass of the General Election and in order to include any absentee ballots received up to noon on that day. Also, the Correctional Center personnel action will be back on the agenda.

During Public Input Session #2, Brian Carter informed the Board about a problem with a landowner close to a road that was recently reclassified to C level.

Meeting was adjourned at 10:03 AM.

This Board meeting is recorded and the tape is kept on file for two years. The minutes are also posted on the county's website www.dmcounty.com

Approved November 10, 2014
Bob Beck, Chairman
Attest: Carol Copeland, County Auditor