Book 2005 Page 722
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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Instrument Preparer: Sharon McCrabb, Courthouse, Manchester, Iowa - Phone 563 927 4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of the following ordinances: Ordinance #2 "Area Service "B" Road Ordinance"; Ordinance #3 "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"; Ordinance #17 "Area Service "C" Road Ordinance", by the Delaware County Board of Supervisors.

1. Copy of the Board of Supervisors Official Minutes, Book X, page 223, dated October 4, 2004, showing the first date considered for reading of the ordinances.
2. Proof of Publication of the Public Notice published October 12, 2004 in The Manchester Press and in the Delaware County Leader showing the date of the reading of all three ordinances set for October 25, 2004.
3. Copy of the Official Minutes of the Board of Supervisors, dated 10-25-04, Book X, page 228, showing the first consideration of the three ordinances and setting the date for the second reading of the ordinances.
4. Proof of Publication of the public notice published November 2, 2004, in The Manchester Press and in the Delaware County Leader, showing the second and final reading of the three ordinances to be held November 8, 2004.
5. Copy of the Official Minutes of the Board of Supervisors, dated November 8, 2004, Book X, pages 232 through 236 showing the second and final reading and adoption of the three ordinances.
6. Proof of Publication of the adopted ordinances published February 15, 2005 in The Manchester Press and February 23rd in the Delaware County Leader.

Dated this 3 day of March, 2005.

Sharon McCrabb

Subscribed and sworn to before me, and in my presence by Sharon McCrabb, Delaware County Auditor, this 3 day of March, 2005.

Carolyn A. Wilson, Notary Public in and for the State of Iowa

CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-27-07

DELAWARE COUNTY ORDINANCE #2
AREA SERVICE ''B'' ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

Be It Enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:
The purpose of this ordinance is to classify certain roads on the area service system in Delaware County to provide for a reduced level of maintenance, ***pursuant to Iowa Code Section 309.57.***

Section 2: Definitions:
For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. ''Area Service System'' includes those public roads outside of municipalities not otherwise classified.

   a) ''Area Service System ''A" roads shall be maintained in conformance with applicable state statutes.
   b) ''Area Service System ''B'' roads shall not require standards maintenance ***equal to farm to market*** or area service system A roads. Area Service System "B" roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

2. ''Board'' shall mean the Board of Supervisors of Delaware County, Iowa.

3. ''Engineer'' shall mean the County Engineer of Delaware County, Iowa.

4. ''County'' shall mean Delaware County, Iowa.

Section 3: Powers of the Board:
All jurisdiction and control over Area Service System B roads as provided by this ordinance shall rest with the Board of Supervisors of Delaware County.

Section 4: Authority to Establish:
The Board of Supervisors of Delaware County is empowered under authority of Iowa Code Section 309.57, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an Area Service System B Road in Delaware County after consultation with the County Engineer.

Section 5: Notice of Hearing and Publication:
The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termini of the Area Service System B Road as set out in the Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

Section 6: Hearing-Area Service Systems "B" Road Established By Resolution:
On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System B Road is practicable, it may establish it by proper resolution.

Section 7: Maintenance Policy:
Only the minimum effort, expense and attention will be provided to keep Area Service System B roads open to traffic. Bridges may not-be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service Level B
Roads will be as follows:

1) Blading: Blading or dragging will not be performed on a regular basis.
2) Snow Removal: Snow will not be removed.
3) Signing: Except for bridge load limit postings, signing will not continue or be provided. NOTE: All Area Service Level B roads will be identified with a sign at all points of access to warn the public of the lower maintenance level.
4) Weeds & Brush: Mowing or spraying weeds and cutting brush will not be performed.
5) Structures: Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6) Road Surfacing: There will be no surfacing materials applied to Area Service System B Roads on a regular basis.
7) Shoulders: Shoulders will not be maintained on a regular basis.
8) Crown: A crown will not be maintained on a regular basis.
9) Repairs: There will be no road repair on a regular basis.
10) Uniform Width: Uniform width for the traveled portion of the road will not be maintained.
11) Inspections: Regular inspections will not be conducted
12) Park Roads: Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the ordinance.

Section 8: Rocking, Upgrade and Reclassification:

Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

Section 9: Exemption from Liability:

As provided in said ***Iowa Code Section 309.57***, the County and Officers, Agents, and Employees of the County are not liable for injury to any person or for damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

Section 10: Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:
This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this 8 day of November, 2004.

Delaware County Board of Supervisors

Steven Koeneke
Steven Koeneke, Chair

William Skinner
William Skinner, Supervisor

Shirley E. Helmrichs
Shirley Helmrichs, Supervisor

ATTEST:

Sharon McCrabb
Sharon McCrabb, Delaware County Auditor

First Reading: 10-25-04

Second Reading: 11-8-04

Approved: 11-8-04

Published: _____

DELAWARE COUNTY

ORDINANCE NO. 3

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 OF DELAWARE COUNTY:

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, 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. The clearing of roads at any cost is not the County's policy.

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, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion, County personnel may be rendered unavailable due to the requirements of 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 the 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 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 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed 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 roads 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 snow plows and spreaders will not normally be in operation between dusk and daylight. 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 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 this section, 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 resanded, resalted, or have other abrasives replaced on them between snowstorms.

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 one-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 dusk and daylight. Gravel roads may not be plowed if the wind is causing continual drifting. 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 at 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.

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.

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 or by direct contact with a plow or wing blade. 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 County's 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 up on hills and intersections on the gravel system that slope down to another road so 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.

6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.

SECTION 5 -- EMERGENCY

Service or 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 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 an "Emergency" to an officer, official, or employee of Delaware County or who causes a false report to be so made shall, 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.

The provisions of this ordinance 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 8th day of November, 2004.

Delaware County Board of Supervisors

Steven Koeneke

Steven Koeneke, Chair

William Skinner

William Skinner, Supervisor

Shirley E. Helmrichs

Shirley Helmrichs, Supervisor

ATTEST:

Sharon McCrabb

Sharon McCrabb, Delaware County Auditor

First Reading: 10-25-04

Second Reading: 11-8-04

Approved: 11-8-04

Published: _____

DELAWARE COUNTY ORDINANCE #17
AREA SERVICE ''C'' ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service ''C'' Road Classification in Delaware County, Iowa.

Be It Enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:
The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57.

Section 2: Definitions:
For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. ***''Area Service System'' includes those public roads outside of municipalities not otherwise classified.***

   a) ''Area Service System ''A" roads shall be maintained in conformance with applicable state statutes.
   b) ''Area Service System ''C'' roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

2. ''Board'' shall mean the Board of Supervisors of Delaware County, Iowa.

3. ''County'' shall mean Delaware County, Iowa.

4. ''Engineer'' shall mean the County Engineer of Delaware County, Iowa.

Section 3: How Established:

A. RESOLUTION: ***Roads may only be classified as area service "C" by ordinance or resolution.***

The ***ordinance or*** resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The ***county*** shall only allow access to the road to the owner, lessee, or person in

lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or pubic employee whose duty it is to supervisor the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service ''C'' road, a notice of the proposed action, including the location of the Area Service ''C'' road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided ***by law.***

C. BOARD ACTION: At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county. After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4: Access:
Access to any Area Service ''C'' road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5: Signs:
Area Service ''C'' roads shall have signs conforming to the Iowa Signing Manual. The signs shall be installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6: Trespass:
Entering an Area Service ''C'' road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine and/or up to 30 days in jail.

Section 7: Reclassification
A road with an Area Service ''C'' classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8: Powers of the Board
All jurisdiction and control over Area Service ''C'' roads shall rest with the Board, pursuant to the Iowa Code Section 309.57

Section 9: Exemption from Liability
As provided in Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs approximately as a result of the maintenance of a road which is classified as Area Service ''C'', if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10: Repealer:
All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:
This ordinance shall be in effect after this final passage, approval, and publication as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County Board of Supervisors

Steven Koeneke
Steven Koeneke, Chair

William Skinner
William Skinner, Supervisor

Shirley E. Helmrichs
Shirley Helmrichs, Supervisor

ATTEST:

Sharon McCrabb
Sharon McCrabb, Delaware County Auditor

First Reading: 10-25-04

Second Reading: 11-08-04

Approved: 11-08-04

Supervisor's Minutes,

Oct 4 '04

ROCH BROTHERS, DES MOINES C-089-X H-0192-1

Sharon McCrabb, Delaware County Auditor - fees collected and paid to General Basic Fund	-	$530.65
John LeClere, Delaware County Sheriff - fees collected and paid to General Basic Fund	-	39,178.11
fees collected and paid to the Drug Fund	-	220.65
Deborah Peyton, Delaware County Recorder - fees collected and paid to General Basic Fund	-	34,321.97
fees collected for Recorder's Management Fund	-	1,263.00
fees collected for Electronic Transfer Fund	-	447.00

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following Manure Management Plan Updates be acknowledged as filed with Delaware County: Kevin Perrinjaquet - Klein Site in Coffins Grove Township; Bruce Nieman - Silver Creek Swine in Prairie Township; Ernie Wulfekuhle - Wulfekuhle Farms, Inc. in Bremen Township; Hilltop Pork, Inc. in Bremen Township; Craig Wilgenbusch - C W Pork in Middlefield Township in Buchanan County. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the date and times for the union and county initial exchanges are as follows: October 25th, 2004 at 1:45 p.m. for the Sheriff and Secondary Road initial proposal and 2:00 p.m. for management initial proposal. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following County Ordinances be considered and that October 25th be set as the date of the initial and only reading of the ordinances: Ordinance #2 entitled "An Ordinance Establishing the Area Service System B Road Classification in Delaware County, Iowa"; Ordinance #3 entitled "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"; Ordinance #17 entitled "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa". All ayes.

Mark Nahra, County Engineer, gave the Board an update on secondary road construction projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Steven L. Koeneke
Steven L. Koeneke, Chairperson

Sharon McCrabb
Sharon McCrabb, Auditor

****

October 11, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Steve Koeneke, Chairperson, called the meeting to order. Also present were Mark Nahra, Larry Woellert, Dave Gudenkauf and three members of the media.

Motion made by Skinner, seconded by Helmrichs and carried that the following county employees be allowed to attend their respective meetings: Shirley Helmrichs and Steve Koeneke to attend an Operation: New View meeting in Dubuque on October 14th; Shirley Helmrichs to attend a Juvenile Detention meeting in Waterloo on October 15th. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the following claims be approved for payment along with the monthly claims on pages 223a through 223c:

	General Basic Fund	
U. S. Cellular	phone service	$91.61
Hasler	postage meter rental	181.50
	Secondary Road Fund	
Cascade Custom Mfg.	utility trailer	825.00

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Monthly Report and Remittance of the Clerk of the District Court in the amount of $1,190.25 paid to the General Basic Fund for the month of September, 2004, be approved. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that $381,654.67 be transfered to the Secondary Road Fund from the Rural Services Fund. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that a public hearing be held on the final route selection for 260th Avenue on October 18th, 2004 at 1:15 p.m.. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the Manure Management Plan filed by JB Investments LLC in Oneida Township be acknowledged. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Payment Voucher of the Water and Sanitation Department for $9,275 reimbursement for water test and well and cistern closures for the period July 1, 2004 through September 30, 2004, be approved. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the Acquisition of Right of Way Contract with Graham Land Acquisition Association, Inc. of Nevada, Iowa, be approved for 11 appraisals at $1,250.00 for a total of $13,750.00 for the 260th Avenue project. All ayes.

KIND

egal Notice—Delaware County Engineer

Hearing to Review Changes in Level B Road, Snow Removal and Level C Road Ordinances

The Delaware County Board of Supervisors has scheduled a Public earing to be held at 1:15 p.m. on October 25, 2004 in the Board of ipervisors Office in the Delaware County Courthouse, Manchester, . for the readings of revisions to county ordinances numbered 2, 3 d 17. Proposed new language in the ordinances is as follows:

)

DELAWARE COUNTY ORDINANCE #2
AREA SERVICE "B" ROAD ORDINANCE

itle: An Ordinance Establishing the Area Service System "B" assification in Delaware County, Iowa.

o Section 1. Purpose: add the following language pursuant to Iowa ode Section 309.57.

o Section 2. Definitions: add the following language in the second ntence of item 1B: maintenance equal to farm to market.

o Section 2, Definitions: add the following definition:

. "County" shall mean Delaware County, Iowa

o Section 7: Maintenance Policy: add the following section:

2) Park Roads: Level B roads serving county parks may be ocked and bladed on a more frequent basis during spring, summer, nd fall park use seasons as determined by the county engineer and ounty Board of Supervisors. Snow removal will not be done and ark roads otherwise are maintained per the remaining terms of the rdinance.

The following section is to be added:

Section 8. Rocking, Upgrade and Reclassification:

Adjacent landowners on Level B roads may request the road be ocked to the driveway of their property at their expense as stated elow. Rock on Level B roads will only be hauled to properties ith building or home sites. Rock may not be hauled to field ntrances where no home or buildings are present. Rocking the oad will not change the road's level of service for snow removal, gning, maintenance blading, etc. The landowner must apply to e county engineer's office for surfacing the Level B road prior to y rock being placed. The county will haul the rock and bill the st of the haul and the rock to the landowner. Private haulers may t be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the unty labor schedule will allow. No schedule of time or time limit promised or guaranteed by the request to place rock on a Level B ad after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being uled to the road, will be the continuing responsibility of the

State of Iowa, Delaware County, ss

I, Mary Nelle being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning October 13 2004, and ending same 20__.

PRINTERS FEES: $ 73.19

Mary Nelle

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME BY Mary Nelle. ON THIS 27th DAY OF October, 2004

Brenda Kelchen
Notary Public

NOTARIAL SEAL IOWA
BRENDA K. KELCHEN
Commission Number 169097
My Commission Expires
04-13-05

vel B roads and will not accept these roads into the County A rock road system. The County will haul additional rock is paid for by the landowner in subsequent years under the of this policy.

lowners wishing to upgrade a road from Level B to Level A e must consult with the County Engineer. The Engineer shall it a public hearing upon receiving a petition from 50% of the nt landowners to upgrade a Level B road. The Board of visors, after hearing comments at the public hearing, will nine the feasibility, economic benefits, and cost sharing ated with upgrading the Level B road. The Board of

visors shall use the provisions of Iowa Code Chapter 311 to with special assessments, if necessary.

Section 9. Exemption from Liability: add the following ge to the first sentence of the section: . . . Iowa Code Section 7.

DELAWARE COUNTY ORDINANCE NO. 3
ORDINANCE TO ESTABLISH THE POLICY AND L OF SERVICE IN RESPECT TO CLEARANCE OF V OR ICE AND MAINTENANCE OF THIS COUNTY'S NDARY ROADS DURING THE WINTER MONTHS.

the following Subsection to Section 4 – Limitation of Service. Plowing, sanding, salting or placing of abrasives on any road hat is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and he entity having jurisdiction of the road.

DELAWARE COUNTY ORDINANCE #17
AREA SERVICE "C" ROAD ORDINANCE

An Ordinance Establishing the Area Service "C" Road fication in Delaware County, Iowa.

the following to Section 2. Definitions:

"Area Service System" includes those public roads outside of municipalities not otherwise classified.

"Area Service System" "A" roads shall be maintained in conformance with applicable state statutes.

"Area Service System" "C" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

write Section 3 as follows:

ction 3. How Established:

RESOLUTION. Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

urther information on all projects is available at the office of e Delaware County Engineer, 2139 Highway 38, Delaware, wa, phone no. 563-927-3505, fax no. 563-927-3102; e-mail: -engr@co.delaware.ia.us.

At said Public Hearing, any person present, and so wishing ll be given the opportunity to be heard, for or against, the oposed paving projects. Any person so wishing may file a cument with the Delaware County Auditor's Office prior to e time of the hearing, should the person wish the document to read for them at the time of the hearing.

laron McCrabb,
elaware County Auditor

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Engineer

in case of Legal Notice - Review Changes in Ordinances

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 12th day of October A.D. 2004, and the last on the 12th day of October A.D. 2004

Publication fee, $ 14.53

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 12th day of October A.D. 2004

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10/1/05

COPY

RECEIVED

NOV 8 2004

DELAWARE CO. ENGR.

LEGAL NOTICE

Hearing to review changes in Level B Road, Snow Removal and Level C Road Ordinances

The Delaware County Board of Supervisors has scheduled a Public Hearing to be held at 1:15 p.m. on October 25, 2004, in the board of Supervisors Office in the Delaware County Courthouse, Manchester, IA for the readings of revisions to county ordinances numbered 2, 3, and 17. proposed new language in the ordinances is as follows:

DELAWARE COUNTY ORDINANCE #2

AREA SERVICE "B" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

To Section 1, Purpose: Add the following language: pursuant to Iowa Code Section 309.57.

To Section 2, Definitions: Add the following language in the second sentence of item 1B: maintenance equal to farm to market.

To Section 2, Definitions: add the following definition:

4. "County" shall mean Delaware County, Iowa

To Seciton 7: Maintenance Policy: Add the following section:

12) Park Roads: level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are mainteined per the remaining terms of the ordinance.

The following section is to be added:

Section 8: Rocking Upgrade and Reclassification:

Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

To Section 9: Exemption from Liability: add the following language to the first sentence of the section: ...Iowa Code Section 309.57

DELAWARE COUNTY

ORDINANCE NO. 3

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

Add the following subsection to Section 4 - Limitation of Service

6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.

DELAWARE COUNTY ORDINANCE #17

AREA SERVICE "C" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Add the following to Section 2: Definitions:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.

a) "Area Service System "A" roads shall be maintained in conformance with applicable state statutes.

b) "Area Service System "C" roads shall not require standards maintenance equal to farm to market or area service System A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

Rewrite Section 3 as follows:

Section 3: How Established:

A. RESOLUTION: Roads may only be classified as area Service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

Further information on all projects is available at the office of the Delaware County Engineer, 2139 Highway 38, Delaware, Iowa, phone no. 563-927-3505, fax no. 563-927-3102, email: co-engr@co.delaware.ia.us.

At said Public Hearing, any person present, and so wishing will be given the opportunity to be heard, for or against, the proposed paving projects. Any person so wishing may file a document with the Delaware County Auditor's Office prior to the time of the hearing, should the person wish the document to be read for them at the time of the hearing.

Sharon McCrabb
Delaware County Auditor

P41

PASSED AND ADOTPED THIS 25th DAY OF OCTOBER, 2004.

/S/ Steven L. Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

The first public hearing on Ordinance 2, 3 and 17 (Area Service "B" Road Ordinance, 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 and Area Service "C" Road Ordinance, respectively) was held. The County Engineer explained the ordinances were to update the old ordinances and bring them in line with current Iowa Code.

There were no comments and the public hearing was closed.

Motion made by Skinner, seconded by Helmrichs and carried that the 2nd reading of the above three ordinances be set for November 8, 2004 at 1:15 p.m. All ayes.

Mark Nahra, County Engineer, gave the Board an update of the secondary road projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Steven L. Koeneke, Chairperson

Sharon McCrabb, Auditor

****

November 1, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Steve Koeneke, Chairperson, called the meeting to order. Also present were Henry Brunsman, Larry Woellert, Dave Gudenkauf, Donna Boss, Mark Nahra and three members of the media.

Motion made by Helmrichs, seconded by Skinner and carried that the following county officials be allowed to attend their respective meetings: Mark Nahra and Craig Davis to attend the Iowa County Engineer's Annual meeting in Ames on December 7th through 9th; Mark Nahra to attend a Three R Safety meeting in Ames on December 1, 2004; Steve Koeneke to attend a Department of Corrections Executive meeting in Waterloo on December 5, 2004. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following claims be allowed for payment along with the payroll of 10-29-04 of $112,830.64 through warrants #10034 - #10147:

	General Basic Fund	
Wal Mart	office supplies	$48.06
Mastercard	supplies	797.41

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the "Application for Approval of Underground Construction on Delaware County Right-of-Way" for IPL/Alliant Energy for rebuilding 6 spans, etc. .01 miles South from Delhi and for Iowa Telecom for a buried cable .10 miles West from 210th Avenue on 102nd Street be approved. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following Right of Way Contracts for the 180th Street bridge project be approved: Kenneth and Paula A. Pasker - $652.00; Victor H. Ross and Joyce K. Ross for a total of $1,577.50 (including trees and pasture). All ayes.

Donna Boss, Economic Development Director, presented a resolution for the enterprise zone commission in order for Henderson Manfacturing, Inc. to receive certain benefits from the State for their expansion project.

Motion made by Helmrichs, seconded by Skinner and carried that the following resolution be approved:

RESOLUTION NUMBER 1

RESOLUTION OF THE DELAWARE COUNTY ENTERPRISE ZONE COMMISSION (hereinafter referred to as the "Commission") APPROVING HENDERSON ENTERPRISES, INC. APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT (hereby referred to as the "Department") FOR THE PURPOSES OF RECEIVING BENEFITS UNDER THE ENTERPRISE ZONE PROGRAM as described in 2003 Iowa Code Sections 15E.191 through 15E.196 and all subsequent amendments (hereinafter referred to as the "EZ Program" or the "Act")

WHEREAS, Henderson Enterprises, Inc. proposes to expand a facility in Manchester, Iowa, Delaware County, Enterprise Zone Number 3 (hereafter referred to as the "EZ") to receive benefits authorized under the Enterprise Zone (EZ)Program; and

WHEREAS, Henderson Enterprises, Inc. has submitted an application to the Commission demonstrating that it meets the requirements of the EZ Program; and

WHEREAS, Henderson Enterprises, Inc. has provided the Commission with information meeting the requirements of the Act and applicable rules of Chapter 261 of the Iowa Administrative Code and

WHEREAS, The Commission has reviewed the Henderson Enterprises, Inc., application and all supporting documents.

NOW THEREFORE BE IT RESOLVED BY THE DELAWARE COUNTY ENTERPRISE ZONE COMMISSION, that

years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

To Section 9: Exemption from Liability: add the following language to the first sentence of the section: ...Iowa Code Section 309.57

2.)

DELAWARE COUNTY ORDINANCE NO. 3

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.

Add the following subsection to Section 4 Limitation of Service.

6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28 E Agreement between the county and the entity having jurisdiction of the road.

3.)

DELAWARE COUNTY ORDINANCE #17
AREA SERVICE "C" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Add the following to Section 2: Definitions:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
   a) "Area Service System "A" roads shall be maintained in conformance with applicable state statutes.
   b) "Area Service System "C" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

Rewrite Section 3 as follows:

A. RESOLUTION: Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervisor the use of perform maintenance of the road.

Further information on all projects is available at the office of the Delaware County Engineer, 2139 Highway 38, Delaware, Iowa, phone no. 563-927-3505, fax no. 563-927-3102, e-mail: co-engr@co.delaware.ia.us.

At said Public Hearing, any person present, and so wishing will be given the opportunity to be heard, for or against, the proposed ordinance language. Any person so wishing may file a document with the Delaware County Auditor's Office prior to the time of the hearing, should the person wish the document to be read for them at the time of the hearing.

Sharon McCrabb
Delaware County Auditor

LEGAL NOTICE

ıg to review changes in Level B Road, Snow emoval and Level C Road Ordinances

are County Board of Supervisors has scheduled a second and final the following ordinance changes to be held at 1:15 p.m. on ı, 2004 in the Board of Supervisors Office in the Delaware County Manchester, IA. The reading will be for revisions to county numbered 2, 3, and 17. Proposed new language in the is as follows:

DELAWARE COUNTY ORDINANCE #2
AREA SERVICE "B" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

To Section 1. Purpose: add the following language: pursuant to Iowa Code Section 309.57.

To Section 2. Definitions: add the following language in the second sentence of item 1B: maintenance equal to farm to market.

To Section 2. Definitions: add the following definition:
4. "County" shall mean Delaware County, Iowa.

To Section 7: Maintenance Policy: add the following section:
12) Park Roads: Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the ordinance.

The following section is to be added:
Section 8: Rocking, Upgrade and Reclassification:
Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B. roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The county will haul additional rock which is paid for by the landowner in subsequent

State of Iowa, Delaware County, ss
I, Mary Helle being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning November 3 2004, and ending same 20___.
PRINTERS FEES: $ 30.71

Mary Helle

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME BY Mary Helle
ON THIS 5th DAY OF November, 2004

Cathy S Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Engineer

in case of Legal Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 2nd day of November A.D. 20 04, and the last on the 2nd day of November A.D. 20 04 Publication fee, $ 15.35

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 2nd day of November A.D. 20 04

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

NOTARIAL SEAL IOWA
LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10/16/05

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

LEGAL NOTICE

Hearing to review changes in Level B Road, Snow Removal and Level C Road Ordinances

The Delaware County Board of Supervisors has scheduled a second and final reading of the following ordinance changes to be held at 1:15 P.M. on November 8, 2004 in the Board of Supervisors Office in the Delaware County Courthouse, Manchester, IA. The reading will be for revisions to county ordinances numbered 2, 3, and 17. Proposed new language in the ordinances is as follows:

1). **DELAWARE COUNTY ORDINANCE #2**
AREA SERVICE "B" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

To Section 1, Purpose: add the following language: pursuant to Iowa Code Section 309.57.

To Section 2, Definitions: add the following language in the second sentence of item 1B: maintenance equal to farm to market.

To section 2, Definitions: add the following definition:

4. "County" shall mean Delaware County, Iowa

To Section 7: Maintenance Policy: add the following section:

12) Park Roads: Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the ordinance.

The following section is to be added:

Section 8: Rocking, Upgrade and Reclassification:

Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

To Section 9: Exemption from Liability: add the following language to the first sentence of the section:

...Iowa Code Section 309.57

2.) **DELAWARE COUNTY**
ORDINANCE NO. 3

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.

Add the following subsection to Section 4 – Limitation of Service

6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.

3). **DELAWARE COUNTY ORDINANCE #17**
AREA SERVICE "C" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Add the following to Section 2: Definitions:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.

a) "Area Service System "A" roads shall be maintained in conformance with applicable state statutes.

b) "Area Service System "C" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

Rewrite Section 3 as follows:

Section 3: How Established:

A. RESOLUTION: Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

Further information on all projects is available at the office of the Delaware County Engineer, 2139 Highway 38, Delaware, Iowa, phone no. 563-927-3505, fax no.563-927-3102, email: co-engr@co.delaware.ia.us.

At said Public Hearing, any person present, and so wishing will be given the opportunity to be heard, for or against, the proposed ordinance language. Any person so wishing may file a document with the Delaware County Auditor's Office prior to the time of the hearing, should the person wish the document to be read for them at the time of the hearing.

Sharon McCrabb
Delaware County Auditor

P44

November 8, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date with all members present. The meeting was moved to the jail basement due to the number of people in attendance. Present were: Bill Redinger, Dave Fink, Vicki Fink, John Hess, Bob Galiher, James Willey, Ken Fry, Laura A. Fry, Dan Klingler, Lois Klingler, Pat Schmitz, Paul Foussell, Maggie Burger, Lou Christiansen, Sue Christiansen, Dave Gudenkauf, Janelle Tucker, Donald Dede, Paul Bauers, Doug Bauers, Larry Burger, Jamie Smith, Jenny Garvin, Wayne Garvin, Lola Galiher, Don Williams, Merle Havertape, Larry Woellert, Walt Croskey and Mark Nahra. Steven L. Koeneke, Chairperson, called the meeting to order at 1:15 p.m.

Motion made by Helmrichs, seconded by Skinner and carried that the following employees be allowed to attend their respective meetings: Monica Heiserman to attend a "Solutions" payroll schooling in Ames on 12-7-04; John Bernau retroactively to Dubuque on 11-1-04 for a juvenile hearing and to Independence on 11-9-04 for a probation hearing; Bill Skinner and Steve Koeneke to attend the ISAC schooling in Des Moines on November 14th through the 16th; Steve Koeneke to attend a corrections meeting in Dubuque on November 17th; Mark Nahra to attend a maintenance manual advisory meeting in Ames on November 9th. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following claims be allowed for payment along with the monthly claims as shown on page 232a through 232d:

	General Basic Fund	
Wessels Tuckpointing	labor	$285.00
Jean Baus	absentee board	6.00
Karen cole	absentee board	13.50
Phyllis Hillers	absentee board	6.00
Mary Ann Smith	absentee board	17.25
U. S. Cellular	phone service	46.39
	Secondary Road Fund	
Bard Concrete	material	5,887.67
Aquila	utility service	94.93

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following transfer be approved: $121,085.61 from the Rural Services Fund to the Secondary Road Fund. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the resignation of Sheriff's Deputy Jared Nikkel effective November 27, 2004 be accepted with regret. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Grant from the Iowa Department of Public Health to the Counties Well Program be increased from $13,130 to $19,942 for the Fiscal year 2004/2005. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the Monthly Report and Remittance of the Clerk of the District Court showing $942.87 received and paid into the General Basic Fund for the month of October, 2004, be approved. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the Application for Approval of Underground Construction on Delaware County Right-of-Way by Iowa Telecom for buried cable in Bremen Township be approved. All ayes.

This being the date set by publication for the second and final reading of County Ordinance #2, #3 and #17, County Engineer Mark Nahra explained the ordinances and they were adopted as follows:

DELAWARE COUNTY ORDINANCE #2
AREA SERVICE "B" ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

Be It Enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:
The purpose of this ordinance is to classify certain roads on the area service system in Delaware County to provide for a reduced level of maintenance, pursuant to Iowa Code Section 309.57.

Section 2: Definitions:
For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
   a. "Area Service System "A" roads shall be maintained in conformance with applicable state statutes.
   b. "Area Service System "B" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System "B" roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Delaware County, Iowa.
3. "Engineer" shall mean the County Engineer of Delaware County, Iowa.
4. "County" shall mean Delaware County, Iowa.

Section 3: Powers of the Board:
All jurisdiction and control over Area Service System B roads as provided by this ordinance shall rest with the Board of Supervisors of Delaware County.

Section 4: Authority to Establish:
The Board of Supervisors of Delaware County is empowered under authority of Iowa Code Section 309.57, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an Area Service System B Road in Delaware County after consultation with the County Engineer.

Section 5: Notice of Hearing and Publication:
The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termini of the Area Service System B Road as set out in the Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

KOCH BROTHERS, DES MOINES C-089-X H-0192-1

Section 6: Hearing-Area Service Systems "B" Road Established By Resolution:
On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System B Road is practicable, it may establish it by proper resolution.

Section 7: Maintenance Policy:
Only the minimum effort, expense and attention will be provided to keep Area Service System B Roads open to traffic. Bridges may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance Roads will be as follows:

1) Blading: Blading or dragging will not be performed on a regular basis.
2) Snow Removal: Snow will not be removed.
3) Signing: Except for bridge load limit postings, signing will not continue or be provided. NOTE: All Area Service Level B roads will be identified with a sign at all points of access to warn the public of the lower maintenance level.
4) Weeds & Brush: Mowing or spraying weeds and cutting brush will not be performed.
5) Structures: Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6) Road Surfacing: There will be no surfacing materials applied to Area Service System B Roads on a regular basis.
7) Shoulders: Shoulders will not be maintained on a regular basis.
8) Crown: A crown will not be maintained on a regular basis.
9) Repairs: There will be no road repair on a regular basis.
10) Uniform Width: Uniform width for the traveled portion of the road will not be maintained.
11) Inspections: Regular inspections will not be conducted.
12) Park Roads: Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the policy.

Section 8: Rocking, Upgrade and Reclassification:
Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private houlers may not be used to haul rock to level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B Road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

Section 9: Exemption from Liability:
As provided in said Iowa Code Section 309.57, the County and Officers, Agents, and Employees of the County are not liable for injury to any person or for damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

Section 10: Repealer
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:
This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County Board of Supervisors
/S/ Steven Koeneke, Chairperson
/S/ William Skinner, Supervisor
/S/ Shirley Helmrichs, Supervisor

ATTEST:
/S/ Sharon McCrabb, Delaware County Auditor

DELAWARE COUNTY ORDINANCE #3

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 OF DELAWARE COUNTY:

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, as provided in Section 668.10(2) (203), 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. The clearing of roads at any cost is not the County's policy.

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, and/or intersections. The County's existing snow removal equipment will be utilitized for this purpose. On occasion, County personnel may be rendered unawailable due to the requirements of 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 the 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 lease 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 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed 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 roads 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 snow plows and spreaders will not normally be in operation between dusk and daylight. 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 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 this section, 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 resanded, resalted, or have other abrasives replaced on them between snowstorms.

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 one-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 dusk and daylight. Gravel roads may not be plowed if the wind is causing continual drifting. 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 of his delegated representative.

4. Snow may not be removed from roads designated at 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.

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.

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 or by direct contact with a plow or wing blade. 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:

KOCH BROTHERS, DES MOINES C-089-X R-0192-1

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 County's 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 up on hills and int sections on the gravel system that slope down to another road so 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.

6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.

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 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 an "Emergency" to an officer, official or employee of Delaware County or who causes a false report to be so made shall, 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.

The provisions of this ordinance 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 passage and publication as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County Board of Supervisors
/S/ Steven Koeneke, Chairperson
/S/ William Skinner, Supervisor
/S/ Shirley Helmrichs, Supervisor

ATTEST:
/S/ Sharon McCrabb, Delaware County Auditor

DELAWARE COUNTY ORDINANCE #17
AREA SERVICE "C" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Be it enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:

The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to the Iowa Code Section 309.57.

Section 2: Definitions:

For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
   a) "Area service System A" roads shall be maintained in conformance with applicable state statutes.
   b) "Area Service System C" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

2. "Board" shall mean the Board of Supervisors of Delaware County, Iowa.

3. "County" shall mean Delaware County, Iowa.

4. "Engineer" shall mean the County Engineer of Delaware County, Iowa.

Section 3: How Established:

A. RESOLUTION: Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervisor the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided by law.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county. After all comments have been received and considered, the Board at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4: Access:
Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5: Signs:
Area Service "C" roads shall have signs conforming to the Iowa Signing Manual. The signs shall be installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6: Trespass:
Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine and/or up to 30 days in jail.

Section 7: Reclassification
A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8: Powers of the Board
All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.57.

Section 9: Exemption from Liability
As provided in Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs approximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10: Repealer:
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:
This ordinance shall be in effect after this final passage, approval, and publication as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County Board of Supervisors
/S/ Steven Koeneke, Chairperson
/S/ William Skinner, Supervisor
/S/ Shirley Helmrichs, Supervisor

ATTEST:
/S/ Sharon McCrabb, Delaware County Auditor

All ayes.

Larry Burger presented the Board with the following petition signed by the Trustees of the Lake District and signatures representing 78 lake residents:

PETITION TO THE BOARD OF SUPERVISORS OF DELAWARE COUNTY:

Pursuant to Section 357E.3 of the Code of Iowa, the undersigned Trustees and property owners of the Lake Delhi Benefited Recreational Lake District in Delaware County, Iowa hereby petition the Board of Supervisors of Delaware County to hold a public hearing concerning the establishment of a "combined recreational facility and water quality district" under Section 357E.2(3) of the Code of Iowa for the area of Delaware County now included within the existing Lake Delhi Benefited Recreational Lake District, and thereafter to approve the establishment of said combined district and further state as follows:

1. There is a need to undertake "water quality activities" (as defined in Section 357E.1(6) of the Code of Iowa) within the proposed combined district, particularly the dredging of Lake Delhi.

2. The proposed combined district to be served consists of all of the area included within the existing Lake Delhi Benefited Recreational Lake District.

3. There are approximately 950 families in the proposed combined district.

Motion made by Helmrichs, seconded by Skinner and carried that December 1st at 1:15 p.m. be set as the date and time to hold a public hearing on the petition presented. All ayes.

The Board of Supervisors ammounced to the group present that they have been pursuing answers to a number of questions on the establishment of a TIF district in the Lake District. Each supervisor visited with different authorities and their search for information concluded with the meeting on November 4th with William J. Noth, Attorney-at-Law with Ahlers & Cooney, P.C. from Des Moines, Iowa.

Mr. Noth left the Board with some extreme concerns: how a county TIF would impact the proposed lake city; the use of 33.1% of the requested amount to be used for low to moderate income housing; the comprehensive plan required has not been drawn up as yet.

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Auditor

in case of Ordinance #2

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 15th day of February A.D. 2005, and the last on the 15th day of February A.D. 2005

Publication fee, $ 71.76

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 15th day of February A.D. 2005

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10/7/2005

DELAWARE COUNTY ORDINANCE #2
AREA SERVICE "B" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

Be It Enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:

The purpose of this ordinance is to classify certain roads on the area service system in Delaware County to provide for a reduced level of maintenance, pursuant to Iowa Code Section 309.57.

Section 2: Definitions:

For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
   a) "Area Service System 'A'" roads shall be maintained in conformance with applicable state statutes.
   b) "Area Service System 'B'" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System "B" roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Delaware County, Iowa.
3. "Engineer" shall mean the County Engineer of Delaware County, Iowa.
4. "County" shall mean Delaware County,Iowa.

Section 3: Powers of the Board:

All jurisdiction and control over Area Service System B roads as provided by this ordinance shall rest with the Board of Supervisors of Delaware County.

Section 4: Authority to Establish:

The Board of Supervisors of Delaware County is empowered under authority of Iowa Code Section 309.57, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an Area Service System B Road in Delaware County after consultation with the County Engineer.

Section 5: Notice of Hearing and Publication:

The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termini of the Area Service System B Road as set out in the Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

Section 6: Hearing-Area Service Systems "B" Road Established By Resolution:

On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System B Road is practicable, it may establish it by proper resolution.

Section 7: Maintenance Policy:

Only the minimum effort, expense and attention will be provided to keep Area Service System B roads open to traffic. Bridges may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service Level B Roads will be as follows:

1) Blading: Blading or dragging will not be performed on a regular basis.
2) Snow Removal: Snow will not be removed.
3) Signing: Except for bridge load limit postings, signing will not continue or be provided. NOTE: All Area Service Level B roads will be identified with a sign at all points of access to warn the public of the lower maintenance level.
4) Weeds & Brush: Mowing or spraying weeds and cutting brush will not be performed.
5) Structures: Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6) Road Surfacing: There will be no surfacing materials applied to Area Service System B Roads on a regular basis.
7) Shoulders: Shoulders will not be maintained on a regular basis.
8) Crown: A crown will not be maintained on a regular basis.
9) Repairs: There will be no road repair on a regular basis.
10) Uniform Width: Uniform width for the traveled portion of the road will not be maintained.
11) Inspections: Regular inspections will not be conducted
12) Park Roads: Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall park use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the ordinance.

Section 8: Rocking, Upgrade and Reclassification:

Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not change the road's level of service for snow removal, signing, maintenance blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service must consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.

Section 9: Exemption from Liability:

As provided in said Iowa Code Section 309.57, the County and Officers, Agents, and Employees of the County are not liable for injury to any person or for damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

Section 10: Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:

This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this 8th day November, 2004.

Delaware County Board of Supervisors
/S/ Steven Koeneke, Chair
/S/ William Skinner, Supervisor
/S/ Shirley Helmrichs, Supervisor

ATTEST:
/S/ Sharon McCrabb, Delaware County Auditor
First Reading: 10-25-04
Second Reading: 11-8-04
Approved: 11-08-04
Published: 2-15-05

P7

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Auditor

in case of Ordinance #3

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 15th day of February A.D. 20 05, and the last on the 15th day of February A.D. 20 05 Publication fee, $ 93.60

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 15th day of February A.D. 20 05

Witness my hand and seal the date last above written.

Lori Schultetrenkamp Notary Public

LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 1-11-06

DELAWARE COUNTY
ORDINANCE NO. 3

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 OF DELAWARE COUNTY:

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, 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. The clearing of roads at any cost is not the County's policy.

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, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion, County personnel may be rendered unavailable due to the requirements of 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 the 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 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 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed 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 roads 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 snow plows and spreaders will not normally be in operation between dusk and daylight. 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 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 this section, 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 resanded, resalted, or have other abrasives replaced on them between snowstorms.

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 one-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 dusk and daylight. Gravel roads may not be plowed if the wind is causing continual drifting. 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 at 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.

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.

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 or by direct contact with a plow or wing blade. 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 County's 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 up on hills and intersections on the gravel system that slope down to another road so 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.
6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.

SECTION 5 -- EMERGENCY

Service or 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 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 an "Emergency" to an officer, official, or employee of Delaware County or who causes a false report to be so made shall, 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.

The provisions of this ordinance 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 8th day of November, 2004.

Delaware County Board of Supervisors
/S/ Steven Koeneke, Chair
/S/ William Skinner, Supervisor
/S/ Shirley Helmrichs, Supervisor

ATTEST:
Sharon McCrabb, Delaware County Auditor
First Reading: 10-25-04
Second Reading: 11-8-04
Approved: 11-8-04
Published: 2-15-05

P7

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Auditor

in case of Ordinance #17

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 15th day of February A.D. 2005, and the last on the 15th day of February A.D. 2005

Publication fee, $ 54.91

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 15th day of February A.D. 2005

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10/1/08

DELAWARE COUNTY ORDINANCE #17
AREA SERVICE "C" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.
Be it Enacted by the Board of Supervisors, Delaware County, Iowa

Section 1: Purpose:
The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57.

Section 2: Definitions:
For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
   a) "Area Service System 'A'" roads shall be maintained in conformance with applicable state statutes.
   b) "Area Service System 'C'" roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Delaware County, Iowa.
3. "County" shall mean Delaware County, Iowa.
4. "Engineer" shall mean the County Engineer of Delaware County, Iowa.

Section 3: How Established:
A. RESOLUTION: Roads may only be classified as area service "C" by ordinance or resolution.
The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.
B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided by law.
C. BOARD ACTION: At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county. After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4: Access:
Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5: Signs:
Area Service "C" roads shall have signs conforming to the Iowa Signing Manual. The signs shall be installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6: Trespass:
Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine and/or up to 30 days in jail.

Section 7: Reclassification
A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8: Powers of the Board
All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.57

Section 9: Exemption from Liability
As provided in Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs approximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10: Repealer
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:
This ordinance shall be in effect after this final passage, approval, and publication as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County Board of Supervisors
/S/ Steven Koeneke, Chair
/S/ William Skinner, Supervisor
/S/ Shirley Helmrichs, Supervisor

ATTEST:
/S/ Sharon McCrabb, Delaware County Auditor
First Reading: 10-25-04
Second Reading: 11-08-04
Approved: 11-08-04

Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning February 15, 2005, and ending same, 20___.

PRINTERS FEES: $ 88.24

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 23rd day of February, 2005

Cathy S Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

Legal Notices

Delaware County

DELAWARE COUNTY ORDINANCE #2
AREA SERVICE SYSTEM "B" ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service System "B" Classification in Delaware County, Iowa.

Be it Enacted by the Board of Supervisors, Delaware County, Iowa, as follows:

Section 1) Purpose: The purpose of this ordinance is to classify certain roads on the area service system in Delaware County to provide for a reduced level of maintenance, *pursuant to Iowa Code Section 309.57.*

Section 2: Definitions: For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1) "Area Service System" includes those public roads outside of incorporated areas which are not classified as Primary roads.

2) "Area Service System A" roads are maintained in conformance with applicable state statutes.

3) "Area Service System "B" roads are maintained to a reduced level of service standards *equal to farm to market B road. The Board of Supervisors shall use the provisions of Iowa Code Chapter 311 to assist with special assessments, if necessary.*

Section 3: Exemption from Liability: As provided in said *Iowa Code Section 309.57,* the County and Officers, Agents, and Employees of the County are not liable for injury to any person or for damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

Section 10: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective: This ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County Board of Supervisors
Steven Koeneke, Chair
William Skinner, Supervisor
Shirley E. Helmrichs, Supervisor

ATTEST:
Sharon McCrabb,
Delaware County Auditor
First Reading: 10-25-04
Second Reading: 11-8-04
Approved: 11-8-04

2) Snow Removal: Snow will not be removed.

3) Signing: Except for bridge load limit postings, signing will not continue, or be provided. NOTE: All Area Service Level B roads will be identified with a sign at all points of access to warn the public of the lower maintenance level.

4) Weeds & Brush: Mowing or spraying weeds and cutting brush will not be performed.

5) Structures: Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.

6) Road Surfacing: There will be no surfacing materials applied to Area Service System B Roads on a regular basis.

7) Shoulders: Shoulders will not be maintained on a regular basis.

8) Crown: A crown will not be maintained on a regular basis.

9) Repairs: There will be no road repairs on a regular basis.

10) Uniform Width: Uniform width for the traveled portion of the road will not be maintained.

11) Inspections: Regular inspections will not be conducted.

12. Park Roads: *Level B roads serving county parks may be rocked and bladed on a more frequent basis during spring, summer and fall use seasons as determined by the county engineer and county board of supervisors. Snow removal will not be done and park roads otherwise are maintained per the remaining terms of the ordinance.*

Section 8: Rocking, Upgrading and Reclassification: *Adjacent landowners on Level B roads may request the road be rocked to the driveway of their property at their expense as stated below. Rock on Level B roads will only be hauled to properties with building or home sites. Rock may not be hauled to field entrances where no home or buildings are present. Rocking the road will not*

Section 4: Authority to Establish: The Board of Supervisors of Delaware County is empowered under authority of Iowa Code Section 309.57 to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Boars shall, by resolution, declare its

Section 9: Definitions: For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1) "Engineer" shall mean the County Engineer of Delaware County, Iowa.

2) "Board" shall mean the Board of Supervisors of Delaware County, Iowa.

3) "County" shall mean Delaware County, Iowa.

Section 5: Powers of the Board: All jurisdiction and control over Area Service System B roads as provided by this ordinance shall rest with the Board of Supervisors of Delaware county.

er.

n 5: Notice of Hearing and

tion: [illegible]

oard shall fix a time and place earing and cause notice to be ed as provided by law. The shall set forth the termini of a Service System B Road as t in the Resolution of the and shall state that all interested may appear and d at such hearing.

n 6: Hearing-Area Service s "B" Road Established By ion:

e day fixed for the hearing or y to which the hearing has djourned, upon proof to its tion made by affidavit of due ion and posting of the notice ing, the Board shall consider l all relevant evidence, and if ard finds that the proposed ervice System B Road is ble, it may establish it by resolution.

n 7: Maintenance Policy:

he minimum effort, expense tention will be provided to rea Service System B roads traffic. Bridges may not be ed to carry legal loads, but posted as appropriate to of any load limitations. For ious maintenance activities, imum maintenance on Area Level B roads will be as

Blading: Blading or dragging will not be performed on a regular basis.

maintenance, blading, etc. The landowner must apply to the county engineer's office for surfacing the Level B road prior to any rock being placed. The county will haul the rock and bill the cost of the haul and the rock to the landowner. Private haulers may not be used to haul rock to Level B roads.

Rock will be hauled to Level B roads in as timely a manner as the county labor schedule will allow. No schedule of time or time limit is promised or guaranteed by the request to place rock on a Level B road after the request is made by the landowner.

Maintenance of the rock surface, that is additional rock being hauled to the road, will be the continuing responsibility of the landowner. The County will not undertake maintenance resurfacing on Level B roads and will not accept these roads into the County Level A rock road system. The County will haul additional rock which is paid for by the landowner in subsequent years under the terms of this policy.

Landowners wishing to upgrade a road from Level B to Level A service may consult with the County Engineer. The Engineer shall request a public hearing upon receiving a petition from 50% of the adjacent landowners to upgrade a Level B road. The Board of Supervisors, after hearing comments at the public hearing, will determine the feasibility, economic benefits, and cost sharing associated with upgrading the Level

Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for ~~one~~ consecutive weeks beginning February 15, 2005, and ending same, 20___.

PRINTERS FEES: $ 103.28

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 23rd day of February, 20 05

Cathy S Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

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 the 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.

4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel 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 this section, 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 resanded, resalted or have other abrasives replaced on them between snowstorms.

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 one-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 dusk and daylight. Gravel roads may not be plowed if the wind is causing continual 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 up on hills and intersections on the gravel system that slope down to another road so 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 8 – WHEN EFFECTIVE

This ordinance shall be in effect immediately after its final passage and publication as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County
Board of Supervisors
Steven L. Koeneke, Chair
William Skinner, Supervisor
Shirley Helmrichs, Supervisor

ATTEST:
Sharon McCrabb,
Delaware County Auditor
First Reading: 10-25-04
Second Reading: 11-8-04
Approved: 11-8-04

DELAWARE COUNTY
ORDINANCE NO. 3

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 OF DELAWARE COUNTY:

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, 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. The clearing of roads at any cost is not the County's policy.

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, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion, County personnel may be rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 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 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed 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 roads 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 snow plows and spreaders will not normally be in operation between dusk and daylight. 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. Snow may not be removed from roads designated at 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.

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.

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 or by direct contact with a plow or wing blade. 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 County's usual working hours.
3. Placing of additional warning or regulatory signs warning or impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the *or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.*

SECTION 5- EMERGENCY

Service or 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 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 an "Emergency" to an officer, official or employee of Delaware County or who causes a false report to be so made shall, 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.

The provisions of this ordinance 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.

Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning February 15, 20 05 and ending Same, 20 .

PRINTERS FEES: $ 67.72

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 23rd day of February, 20 05

Cathy S Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

DELAWARE COUNTY
ORDINANCE #17
AREA SERVICE "C"
ROAD ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Be It Enacted by the Board of Supervisors, Delaware County, Iowa:

Section 1: Purpose:

The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57.

Section 2: Definitions:

For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. *"Area Service System" includes those public roads outside of municipalities not otherwise classified.*

a) "Area Service System 'A' Roads shall be maintained in conformance with applicable state statutes.

b) "Area Service System 'C' Roads shall not require standards maintenance equal to farm to market or area service system A roads. Area Service System C roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.

2. "Board" shall mean the Board of Supervisors of Delaware County, Iowa.

3. "County" shall mean Delaware County, Iowa.

4. "Engineer" shall mean the County Engineer of Delaware County, Iowa.

Section 3: How Established:

A. RESOLUTION: *Roads may only be classified as area service "C" by ordinance or resolution.*

The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent

possession, to the agent or employee of the public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided *by law*.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county. After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4: Access:

Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5: Signs:

Area Service "C" roads shall have signs conforming to the Iowa Signing Manual. The signs shall be installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of a road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6: Trespass:

Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine and/or up to 30 days in jail.

Section 7: Reclassification:

A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification

The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8: Powers of the Board:

All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.57.

Section 9: Exemption from Liability:

As provided by Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs approximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10: Repealer:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: 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 12: When Effective:

This ordinance shall be in effect after this final passage, approval and publication as provided by law.

Passed and approved this 8th day of November, 2004.

Delaware County
Board of Supervisors
Steven Koeneke, Chair
William Skinner, Supervisor
Shirley E. Helmrichs, Supervisor

ATTEST:
Sharon McCrabb,