

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 05/23/2019 Weekly Agenda Date: 05/28/2019

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Set time 4:40 PM: Public hearing for request to reclassify a portion of a level C road

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

A landowner with property bordering a Level C Road has requested reclassification of a portion of the road to allow upgrade of that portion to allow him to build on adjacent property.

BACKGROUND:

Level C Roads are minimum maintenance roads that are also access restricted. An adjacent landowner has petitioned the Board in compliance with section 8 of Ordinance #18, Area Service C Road Maintenance Ordinance to reclassify a portion of a level C road. The applicant wants to build a home on his property and does not have access off of Buchanan Avenue.

FINANCIAL IMPACT:

The county is responsible for the cost of publication of the hearing notice. The county will also have expense in surveying the road for access and improving the road for use as a residential access. Some of this cost will be billed to the landowner under Secondary Road PPM#3 which covers road improvements.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Our department will comply with the decision of the board. I do not support this request as it creates a dead end route for snow removal and road maintenance. The 400 foot move is an estimate of how far west we will have to move to find suitable access to the property. I request some flexibility in that distance based on sight distance needs.

ACTION REQUIRED / PROPOSED MOTION:

1) Motion to approve the request to change the beginning of the Level C portion of 130th Street as deemed necessary by the county engineer to provide access for a new driveway.

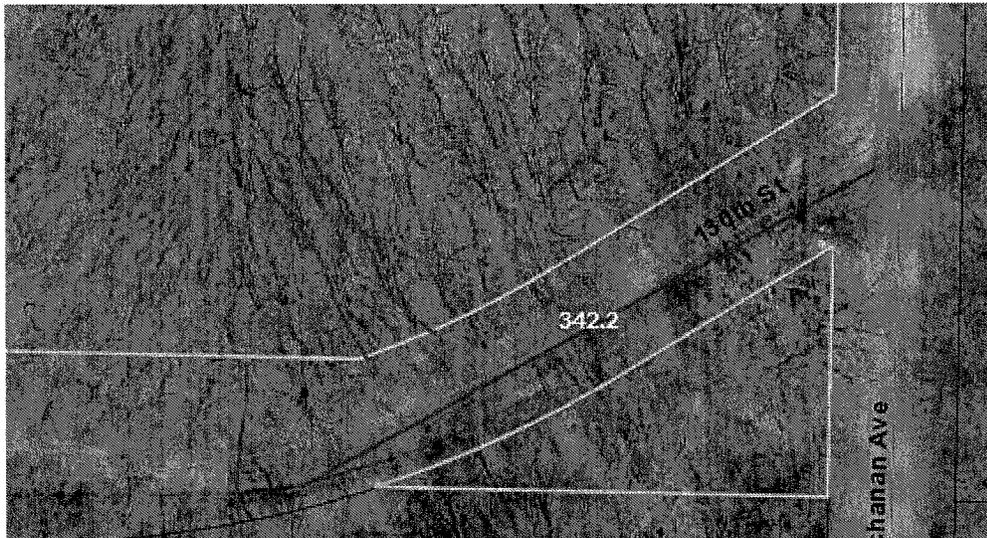
or:

2) Motion to deny the request to change the Level C road designation on 130th Street.

Attn: Keith Radig Chairman Board of Supervisors
Board of Supervisors
620 Douglas St
Sioux City, IA 51101

Dear Supervisors,

I would like to petition the board of supervisors to reclassify a portion, no more than 400 ft, of the east end of 130th St near the intersection of Buchanan Avenue and 130th. With final length of reclassification being contingent of the placement of a potential residential driveway on the south east corner of land owned by Habitat Restoration Services LLC.



Brenton Feuchtenberger
Habitat Restoration Services LLC
605.212.5539

Cc: Daniel Priestly - Work Community & Economic Development

Cc: Mark Nahra - Secondary Roads

LEGAL NOTICE

Public Hearing for a change of classification for 130th Street west of Buchanan Avenue

The Woodbury County Board of Supervisors in accordance with Section 7 of Woodbury County Ordinance Number 18, Area Service "C" Road Maintenance Ordinance, has set a date for public hearing to consider a petition to change the classification of an Area Service "C" roadway. The hearing is set for Tuesday, May 28, at 4:40 P.M CDT, at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. The County Board will hear comments in regard to a request to change the classification of a portion of 130th Street west of Buchanan Avenue from Level of Service "C" to Level of Service "A" to allow improvement of the road for the proposed construction of a house on an adjacent acreage.

Further information on the road and its current classification is available at the office of the Woodbury County Engineer, 759 E. Frontage Road, Merville, Iowa, phone no. 712-873-3215 fax no. 712-873-3325 email: mnahra@woodburycountyiowa.gov.

At said Public Hearing, any person present, and so wishing will be given the opportunity to be heard, for or against, the proposed road classification change. Any person so wishing may file a document with the Woodbury 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.

Patrick Gill
Woodbury County Auditor

Please publish as a legal notice the week of May 13, 2019. Proof-of-publishing to be provided. Thank you.

Please bill to:

Woodbury County Engineer
759 E. Frontage Road
Merville, Iowa 51039

Thank you.

AREA SERVICE "C" ROAD MAINTENANCE ORDINANCE

Woodbury County Ordinance No. 18

TITLE. An ordinance establishing the Area Service System "C" Road Classification in Woodbury County, Iowa.

Be it Enacted by the Board of Supervisors, Woodbury County, Iowa:

Section 1. **PURPOSE**

The purpose of this ordinance is to classify certain roads on the area service system in Woodbury County as Area Service System "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 Woodbury County.
3. "Engineer" shall mean the County Engineer of Woodbury County.
4. "County" shall mean Woodbury County.

Section 3. **HOW ESTABLISHED**

- A. **RESOLUTION:** Roads may only be classified as Area Service System "C" Roads by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road.
- B. **NOTICE OF ACTION:** Before the Board may take action to establish an Area Service System "C" Road, a notice of the proposed action, including the location of the Area Service System "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 after consultation with the County Engineer.

Section 4. **ACCESS**

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

Section 5. **SIGNS**

Area Service System "C" Roads shall have signs conforming to the Iowa Signing Manual per 761 Iowa Administrative Code (IAC) Chapter 130. The signs shall be installed and maintained by the County at all access points to the Area Service System "C" Road from other public roads to warn the public that access is limited.

Section 6. **TRESPASS**

Entering an Area Service System "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 as defined in Iowa Code Section 716.7.

Section 7. **RECLASSIFICATION**

A road with an Area Service System "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 sixty (60) days of receipt of the petition.

Section 8. **POWERS OF THE BOARD**

All jurisdiction and control over Area Service System "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 System "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 its final passage, approval, and publication as provided by law.

This Ordinance passed and approved by the Woodbury County Board of Supervisors this 29th day of June, 2004.

First Hearing: May 18, 2004

Second Hearing: June 1, 2004

Third Hearing: June 29, 2004

Woodbury County Board of Supervisors

Maurice Welte

Maurice Welte, Chairman

G. R. Batcheller

G. R. Batcheller, Member

George W. Boykin

George W. Boykin, Member

Larry D. Clausen

Larry D. Clausen, Member

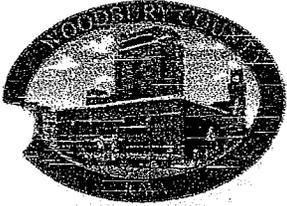
Douglas Walish

Douglas Walish, Member

Attest:

Patrick F. Gill

Patrick F. Gill, Woodbury County Auditor



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

PPM #3, 2013
Rev.

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT POLICY AND PROCEDURE MEMORANDUM

SUBJECT: Road Improvements for Residential and Commercial Development

Background:

Woodbury County has widely varying terrain within its borders. While constructed to the design standard at the time of their improvement, many county roads were built to a lower design speed and geometry than required by current road design standards. Due to vertical and horizontal alignments that do not meet stopping sight distance requirements for the statutory or established speed limit on many county roads, locations for driveways meeting minimum sight distance requirements may be difficult to find along some property frontages. Due to platting or property boundaries, a safe field or driveway access may not be available at a convenient location for a property owner.

Policy:

Following an unsuccessful field or driveway access application, a landowner may request that the county engineer conduct a survey to see whether the road could be regraded to allow an entrance to be sited. Upon receiving a request, the county engineer will schedule a survey at the convenience of the Secondary Road Department and will review the survey to determine whether the road can be regraded to allow the construction of a field entrance or driveway at the desired location. The county engineer will design road improvements to meet current design standards to an alignment and grade that provide stopping sight distance that meets or exceeds the statutory or established speed limit for the road. The county engineer will prepare a cost estimate for the work and provide it to the requesting landowner.

The landowner will be responsible for 100% of the cost of the road improvement as determined by the county engineer. If the landowner finds the estimate acceptable, the county engineer will prepare a construction agreement for signature by the landowner. The county engineer will also sign the agreement and bring it to the Board of Supervisors for approval. Full payment for the road improvement will be required upon completion of the work unless prior arrangements are made with the county engineer and approved by the Board of Supervisors.

The county engineer will be the final judge of the feasibility of making road improvements in these cases and a driveway and road improvement request may not be approved if it is cost prohibitive or cannot be safely constructed and located.

This policy has been reviewed and approved by the Woodbury County Board of Supervisors on this 17th day of September 17, 2013.

APPROVED:



Chairman-Woodbury County Board of Supervisors



Mark J. Nahra, Woodbury County Engineer