

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

Date: 10/06/2021

Weekly Agenda Date: 10/12/2021

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

**WORDING FOR AGENDA ITEM:**

Set Time Public Hearing, 4:45 PM: Consider the establishment of a Level of Service B road system

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

In July 2004, the Board of Supervisors established an "Area Service B Road Maintenance Ordinance", but as yet has not placed any roads within that system. The ordinance complies with section 309.57 of the Code of Iowa and provides the county significant liability protection for roads placed within the level B system and maintained in compliance with the county ordinance.

When the county began work on financing the gravel road improvement project, the county selected roads for the program that met specific criteria including traffic counts in excess of 50 vpd, presence of a residence, confinement feeding operation or other rural agribusiness, or state classification as a farm to market route. A system of roads that included 750 of the county's approximately 960 miles of gravel roads was selected for this project. A system of 122 miles of roads was identified that did not meet improvement criteria, but would continue to receive normal gravel road maintenance as is currently provided. Also identified was 60 miles of dirt roads and 59 miles of lesser used gravel roads that receive minimal maintenance, but have not been resurfaced and signed as level B roads. The county engineer is requesting consideration and direction in determining whether to establish a level B road system. The public hearing will receive comments on establishing a level B system.

**BACKGROUND:**

The 119 miles of county roads that receive minimal maintenance during much of the year and do not have snow plowed off the road in the winter proposed for level B classification. At this time they do not have signing that warns the public that they are receiving minimal maintenance. As was related during the recent discussion of closing Garner Avenue between 130th Street and 140th Street, a minimally maintained dirt road on the county system, sometimes drivers are directed to use these roads when following GPS navigation without warning that the roads are not receiving a normal level of maintenance or snow removal.

The county is given significant liability protection as provided in section 309.57 of the code of Iowa for roads placed under a level B, minimum maintenance classification. The code states:

309.57 Area service classification. subsection 6. 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, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service "B" or "C" if the road has been maintained to the level required for roads classified as area service "B" or "C".

In addition to liability protection, warning drivers who may be unfamiliar with county rural roads can increase safety for those drivers by preventing entry to low maintenance and dirt roads upon installation of suitable signing and notice at each end of the road. Most of the dirt roads could only be upgraded to gravel at significant expense to the county both in construction costs and necessary right of way acquisition with little gain in service for landowners who use these roads only for land access at this time. Lesser used gravel roads could be improved at a lower, but still significant cost, with the addition of adequate gravel to provide a stable road surface. The cost of either of these upgrades is not provided for in the \$10,000,000 allocated to the recently funded gravel road upgrade program.

**FINANCIAL IMPACT:**

The financial impact for the county would be in the purchase of signage for the level B road system. We have identified the need for 231 Level B road sign sets at a cost of about \$200 per set for a total of \$46,200. Employee time will also be necessary for installing signs at each road.

The potential savings for the county is in limiting the liability for roads that are already receiving maintenance that is at the level specified in the Level B ordinance. Additional savings is currently being accrued by the department by reducing gravel replacement and not providing snow removal on the identified 59 miles of lightly used gravel roads.

**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:**

That the Board hold a public hearing to discuss the establishment of a Level B road system and receive comments from affected landowners and road users.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion: On October 12, 2021 at 4:45 PM hold a public hearing in the Courthouse Basement Board meeting room to discuss the establishment of a level B road system to receive comments from the public.

## AREA SERVICE "B" ROAD MAINTENANCE ORDINANCE

### Woodbury County Ordinance No. 17

**TITLE.** An ordinance establishing the Area Service System B 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 to provide for a reduced level of maintenance.

#### 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 "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 Woodbury County.
3. "Engineer" shall mean the County Engineer of Woodbury County.
4. "County" shall mean Woodbury County.

#### 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 Woodbury County.

#### Section 4. AUTHORITY TO ESTABLISH

The Board of Supervisors of Woodbury 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 Woodbury County after consultation with the County Engineer.

#### Section 5. NOTICE AND HEARING

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 for 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 SYSTEM "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" 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 limitation. For the various maintenance activities, the minimum maintenance on Area Service System "B" Roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded or salted on a regular basis.
3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE SYSTEM "B" ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE.
4. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush, and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained.
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

Section 8. 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 9. REPEALER

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

Section 10. 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 11. 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 29<sup>th</sup> day of June, 2004.

First Hearing: May 18, 2004

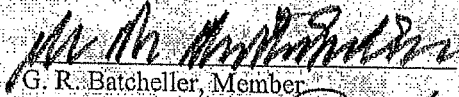
Second Hearing: June 1, 2004

Third Hearing: June 29, 2004

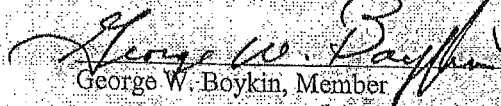
Woodbury County Board of Supervisors



Maurice Welte, Chairman



G. R. Batcheller, Member



George W. Boykin, Member

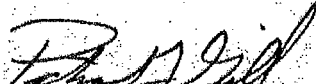


Larry D. Clausen, Member



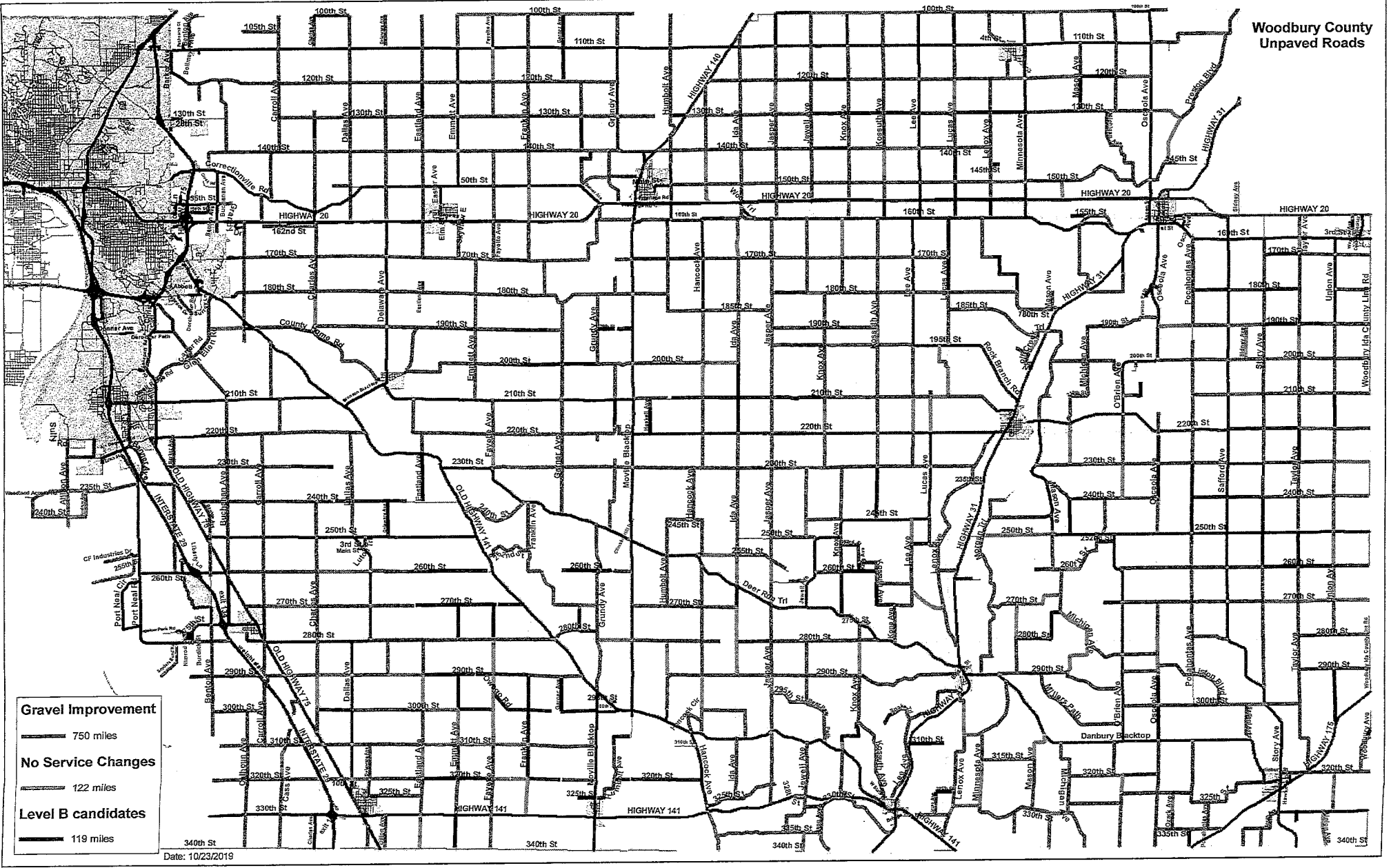
Douglas Walsh, Member

Attest:



Patrick F. Gill, Woodbury County Auditor

**Woodbury County  
Unpaved Roads**



- Gravel Improvement**
- 750 miles
  - No Service Changes
  - 122 miles
  - Level B candidates
  - 119 miles

Date: 10/23/2019

## LEGAL NOTICE

### Public Hearing for Level B Roads of Woodbury County

**WHEREAS**, the Woodbury County Board of Supervisors in accordance with Section 309.57, (Code of Iowa), as amended, seeks to set a date for public hearing to assign roads to level B status, and

**WHEREAS**, Woodbury County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "B" roads pursuant to Iowa Code Section 309.57,

**NOW THEREFORE, BE IT RESOLVED** by the Woodbury County Board of Supervisors that on Tuesday, October 12, 2021 at 4:45 P.M CDT, at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, the County Board will hold a Public Hearing to change the following roads to level B status:

| Street       | Location  |
|--------------|---|
| 100th Street | between Jasper Avenue & Jewell Avenue (Plymouth County line)                  |
| 120th Street | between Jewell Avenue & Knox Avenue   |
| 120th Street | between Mason Avenue & Michigan Avenue  |
| 130th Street | between Humbolt Avenue & Highway 140  |
| 130th Street | between Jewell Avenue & Knox Avenue   |
| 130th Street | between Knox Avenue & Kossuth Avenue  |
| 130th Street | between Kossuth Avenue & Lee Avenue   |
| 130th Street | between Lenox Avenue & Minnesota Ave  |
| 130th Street | between Lucas Avenue & Lenox Avenue   |
| 140th Street | between Jewell Avenue & Knox Avenue   |
| 145th Street | east from Lenox Avenue  |
| 155th Street | west of 3949 155th Street   |
| 160th Street | between Hancock Ave & 2956 160th Street                                       |
| 170th Street | between 2318 170th Street (Fayette Avenue) & Franklin Avenue                  |
| 170th Street | between 4511 170th Street (Story Avenue) & Taylor Avenue                      |
| 170th Street | between Humbolt Avenue & Hancock Avenue                                       |
| 170th Street | between Merville Blacktop & Humbolt Avenue                                    |
| 180th Street | between 3102 180th Street (Jasper Avenue) & 3197 180th Street (Jewell Avenue) |
| 180th Street | between Pocahontas Avenue & Safford Avenue                                    |
| 180th Street | between Story Avenue & Taylor Avenue  |
| 190th Street | between 2360 190th Street (Emmett Avenue) & 2460 190th Street (Garner Avenue) |
| 190th Street | between Grundy Avenue & Merville Blacktop                                     |
| 190th Street | between Story Avenue & Taylor Avenue  |
| 190th Street | between Taylor Ave & 4687 190th Street (Union Avenue)                         |
| 195th Street | between 3112 195th Street (Jasper Avenue) & Knox Avenue                       |
| 200th Street | between 2343 200th Street (Emmett Avenue) & Garner Avenue                     |
| 200th Street | between Garner Avenue & northbound Grundy Avenue                              |
| 210th Street | between 2836 210th Street (Haskell Avenue) & Hancock Avenue                   |
| 210th Street | between 3110 210th Street (Jasper Avenue) & 3239 210th Street (Knox Avenue)   |
| 210th Street | between Hancock Avenue & Ida Avenue   |
| 210th Street | between Ida Avenue & Jasper Avenue  |
| 210th Street | east of 4111 210th Street (O'Brien Avenue)                                    |
| 220th Street | between Safford Avenue & Story Avenue   |
| 220th Street | between Story Avenue & Taylor Avenue  |
| 230th Street | east of 1755 230th Street (Carroll Avenue)                                    |
| 240th Street | between Dallas Avenue & Delaware Avenue                                       |
| 240th Street | between Eastland Avenue & Old Highway 141                                     |
| 240th Street | between Pocahontas Avenue & Safford Avenue                                    |

|                 |  |
|-----------------|--|
| 240th Street    | between Safford Avenue & Story Avenue                                  |
| 240th Street    | east from Delaware Avenue  |
| 240th Street    | west from Dallas Avenue  |
| 252nd Street    | between 260th Street & O'Brien Avenue                                  |
| 252nd Street    | between Lee Avenue & Lucas Avenue                                      |
| 260th Street    | between 2108 260th Street (Dallas Avenue) & Old Highway 141            |
| 260th Street    | between Grundy Avenue & 2663 260th Street (Moville Blacktop)           |
| 260th Street    | between King Avenue & Kossuth Avenue                                   |
| 260th Street    | between Knox Avenue & King Avenue                                      |
| 260th Street    | between Story Avenue & Taylor Avenue                                   |
| 260th Street    | between Taylor Avenue & Union Avenue                                   |
| 260th Street    | east from Highway 31   |
| 260th Street    | west from Grundy Avenue  |
| 260th Street    | west of 3874 260th Street (Mason Avenue)                               |
| 270th Street    | between 2006 270th Street (Dallas Avenue) & Emmett Avenue              |
| 270th Street    | between Emmett Avenue & Fayette Avenue                                 |
| 270th Street    | between Fayette Avenue & Old Highway 141                               |
| 270th Street    | between Kossuth Avenue & Kona Avenue                                   |
| 270th Street    | west of 4093 270th Street (O'Brien Avenue)                             |
| 280th Street    | between Ida Avenue & Jasper Avenue                                     |
| 280th Street    | east of 2937 280th Street (Hancock Avenue)                             |
| 290th Street    | between 2103 290th Street (Eastland Avenue) & Emmett Avenue            |
| 290th Street    | between Emmett Avenue & Fayette Avenue                                 |
| 290th Street    | between Fayette Avenue & Franklin Avenue                               |
| 290th Street    | between Franklin Avenue & 2489 290th Street (Garner Avenue)            |
| 290th Street    | west from Benton Avenue  |
| 298th Street    | east of 2663 298th Street  |
| 300th Street    | between Charles Avenue & Dallas Avenue                                 |
| 300th Street    | between Emmett Avenue & Fayette Avenue                                 |
| 300th Street    | between Garner Avenue & Grundy Avenue (Moville Blacktop)               |
| 300th Street    | between Owego Road & Franklin Avenue                                   |
| 300th Street    | east from Franklin Avenue  |
| 310th Street    | east from Highway 31   |
| 320th Street    | between Eastland Avenue & Emmett Ave                                   |
| 320th Street    | between Emmett Avenue & Fayette Avenue                                 |
| 320th Street    | between Fayette Avenue & Franklin Avenue                               |
| 320th Street    | between Franklin Avenue & 2527 320th Street (Moville Blacktop)         |
| 320th Street    | between Humbolt Avenue & Hancock Avenue                                |
| 320th Street    | between O'Brien Avenue southbound & 4195 320th Street (Osceola Avenue) |
| 325th Street    | west from Moville Blacktop   |
| Buchanan Avenue | between Old Highway 75 & 275th Street                                  |
| Charles Avenue  | between 130th Street & 1367 Charles Avenue (140th Street)              |
| Delaware Avenue | between 240th Street & 2450 Delaware Avenue (250th Street)             |
| Eastland Avenue | between 120th Street & 1277 Eastland Ave (130th Street)                |
| Eastland Avenue | between 2330 Eastland Avenue (Old Hwy 141) & 240th Street              |
| Emmett Avenue   | between 270th Street & 280th Street                                    |
| Emmett Avenue   | between 290th Street & 300th Street                                    |
| Emmett Avenue   | between Highway 141 & 340th Street                                     |
| Fayette Avenue  | between 270th Street & 280th Street                                    |
| Franklin Avenue | between 290th Street & 300th Street                                    |
| Franklin Avenue | between 300th Street & 310th Street                                    |
| Franklin Avenue | between 310th Street & 320th Street                                    |
| Garner Avenue   | between 100th Street & 110th Street                                    |
| Garner Avenue   | between 110th Street & 120th Street                                    |



|                       |  |
|-----------------------|--|
| Garner Avenue         | between 130th Street & 140th Street                                |
| Garner Avenue         | between 140th Street & 1437 Garner Avenue (150th Street)           |
| Garner Avenue         | between 2717 Garner Avenue (270th Street) & 280th Street           |
| Garner Avenue         | between 290th Street & 300th Street                                |
| Grundy Avenue         | between 210th Street & eastbound 220th Street                      |
| Haskell Avenue        | between 2132 Haskell Avenue (210th Street) & 220th Street          |
| Humbolt Avenue        | north and east of 3081 Humbolt Avenue                              |
| Ida Avenue            | between 200th Street & 210th Street                                |
| Ida Avenue            | between 210th Street & 220th Street                                |
| Jasper Avenue         | between 100th Street & 110th Street                                |
| Jewell Avenue         | between Highway 20 & 160th Street                                  |
| King Avenue           | between 258th Street & 260th Street                                |
| Knox Avenue           | between 260th Street & Deer Run Trail                              |
| Knox Avenue           | between 3041 Knox Avenue (Kossuth Avenue) & Old Highway 141        |
| Kossuth Avenue        | between 2314 Kossuth Avenue (230th Street) & 245th Street          |
| Kossuth Avenue        | between 260th Street & 270th Street                                |
| Kossuth Avenue        | between Highway 20 & 160th Street                                  |
| Lenox Avenue          | between 1710 Lenox Avenue (170th Street) & 180th Street            |
| Lenox Avenue          | between Highway 20 & 160th Street                                  |
| Lucas Avenue          | between 100th Street & 110th Street                                |
| Lucas Avenue          | between 140th Street & 150th Street                                |
| Lucas Avenue          | between 150th Street & Highway 20                                  |
| Lucas Avenue          | between 160th Street & 170th Street                                |
| Lucas Avenue          | between 1706 Lucas Avenue (170th Street) & 180th Street            |
| Lucas Avenue          | between Highway 20 & 160th Street                                  |
| Mason Avenue          | between 120th Street & 130th Street                                |
| Mason Avenue          | between 280th Street & Michigan Avenue                             |
| Michigan Avenue       | between 240th Street & 250th Street                                |
| Newton Path           | east from Osceola Avenue   |
| Newton Path           | west from Osceola Avenue   |
| Osceola Avenue        | between 2219 Osceola Avenue (220th Street) & 230th Street          |
| Osceola Avenue        | between 230th Street & 240th Street                                |
| Osceola Avenue        | between 2909 Osceola Avenue (290th Street) & 300th Street          |
| Osceola Avenue        | between 300th Street & Danbury Blacktop                            |
| Owego Road            | between Fayette Avenue & 300th Street                              |
| Pocahontas Avenue     | between 230th Street & 240th Street                                |
| Pocahontas Avenue     | between 240th Street & 250th Street                                |
| Pocahontas Avenue     | south from 335th Street to county line                             |
| Sidney Avenue         | between 190th Street & 1937 Sidney Avenue (200th Street)           |
| Snake Trail           | west of 3438 Snake Trail   |
| Story Avenue          | between 240th Street & 250th Street                                |
| Story Avenue          | between 250th Street & 260th Street                                |
| Story Avenue          | between Highway 20 & 160th Street                                  |
| Taylor Avenue         | between 220th Street & 230th Street                                |
| Taylor Avenue         | between 250th Street & 260th Street                                |
| Taylor Avenue         | south from 330th Street  |
| Union Avenue          | between 290th Street & Highway 175                                 |
| Wayside Avenue        | south from 1516 Wayside Avenue (Highway 20) to Cushing city limits |
| Woodbury-Ida Co. Line | north from 3087 Woodbury-Ida County Line Road                      |

Further information on the proposed level B roads is available on the Woodbury County website <https://www.woodburycountyiowa.org> and at the office of the Woodbury County Engineer, 759 E. Frontage Road, Merville, Iowa, phone no. 712-873-3215 fax no. 712-873-3235 email: [mnahra@woodburycountyiowa.gov](mailto: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 classification changes. 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

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Please publish as a legal notice the week of September 26, 2021. Proof-of-publishing to be provided. Thank you.

Please bill to:

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

Thank you.

## Mark Nahra

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**From:** Tom Morgan <morgant@wiatel.net>  
**Sent:** Friday, October 1, 2021 8:24 AM  
**To:** Rocky De Witt; Matthew A. Ung; Justin Wright; Keith Radig; Jeremy Taylor  
**Cc:** Mark Nahra; Jim and Nan; 'Tom Morgan'  
**Subject:** Level B road maintenance

**CAUTION:** This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. **If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.**

Gentlemen,

In reference to the October 12, 2021 Public Hearing relating to the changes of level B status on county roads. This is harvest season, so it is likely I will not be able to attend in person so I am sending this email to be considered my opposition to a specific road on your list.

Road is "Lenox Avenue between Highway 20 and 160<sup>th</sup> Street". This road is used by both my brother and myself throughout the year to haul grain to market as well as being adjacent to my farm on the east side.

I realize that one mile to the east is a hard surface road, but if any of you have operated a loaded semi know that this hill is not easy to maneuver. Lenox Avenue is much easier to maneuver with less wear on equipment.

In closing I encourage you folks to leave this road status unchanged and maintain it year around.

Tom Morgan  
Cell 712-253-1446