

RESOLUTION NO. 10-21-24-46

RESOLUTION OF CHICKASAW COUNTY ADOPTING A POLICY FOR CROSSING CHICKASAW COUNTY SECONDARY ROADS WITH DRAINAGE TILE

Be it resolved by the Board of Supervisors of Chickasaw County, Iowa, to adopt the following road crossing with drainage tile policy for Chickasaw County, Iowa

WHEREAS, Chapter 318 of the Code of Iowa requires any person working within the right of way of a public road to obtain a permit from the highway authority having jurisdiction of the public road or highway, and

WHEREAS, Chapter 468 of the Code of Iowa prescribes a method for landowners to improve drainage by construction of field tile through road right of ways, and

WHEREAS, The Chickasaw County Board of Supervisors desires to adopt a road crossing with drainage tile policy that includes an option which will expedite procedures relating to projecting a drainage tile across a public highway to a suitable outlet.

THEREFORE, be it resolved and enacted by the Chickasaw County Board of Supervisors that Chickasaw County, Iowa, agrees, upon receipt of proper permit application, proof of contractor insurance, downstream property owner agreement, proof of contractor completion per Chickasaw County Engineer's specifications to;

- 1) Pay 50% of the cost of materials and installation, up to a maximum of \$500.00 plus \$50/inch over 6 inches for open cutting across the road right of way, and 50% of the cost of materials and installation, up to a maximum of \$1,000.00 plus \$100 per inch over 6 inches to bore across the road right of way.

WHEREAS, the applicant shall adhere to the following requirements, conditions and specifications.

- 1) Applicant will be responsible for all construction cost and fees. Applicant shall submit an invoice from the contractor and proof of payment to the contractor to the Chickasaw County Engineer's Office for reimbursement at the rates specified above.
- 2) Crossing under paved roadways shall be bored. Crossings under gravel roadways may be open trenched. Surface material, and seeding disturbed areas are the responsibility of the applicant. Open trenching shall not be performed between October 1st and May 1st unless specifically authorized by the County Engineer.
- 3) The Applicant/Contractor shall provide the Chickasaw County Engineer's Office a copy of certificate of insurance naming Chickasaw County as an additional insured or proof of self-insurance at a minimum liability limit of \$1,000,000 per occurrence and \$2,000,000 General Aggregate prior to project.
- 4) Private tile shall not be permitted to be placed within the road right of way parallel to the

roadway.

- 5) Private tile shall not be permitted to be outlet into the road right of way ditch, unless specifically authorized by the County Engineer.
- 6) When a licensed Iowa Professional Engineer study is not performed, property owner shall not ask for a larger sized crossing or additional crossings in the vicinity of application for a period of 10 years after initial installation is completed.
- 7) Additional Specifications/Conditions/Requirements
 - a. Notification of construction shall be submitted in writing to the Chickasaw County Engineer's Office at a minimum of 48 hours prior to construction.
 - b. The contractor shall notify Iowa One Call at least 48 hours prior to work and protect existing utilities. The contractor is responsible for any damages because of their work in the right of way.
 - c. Tile crossings must be placed a minimum of 50 feet away from culverts and bridges.
 - d. All traffic control signing and barricades must be in accordance with the 2023 Manual on Uniform Traffic Control Devices (11th Edition). Chickasaw County will have available all necessary traffic control signs for use by the contractor/applicant. Signs shall be installed and maintained by the applicant during construction.
 - e. No payment shall be made for tile crossings that are connected to sanitary sewer lines.
 - f. Only perpendicular tile pipe is permitted in the County ROW.
 - g. Under no conditions will a trench for a tile crossing be left open overnight unless approval is given by the County Engineer.
 - h. All tile shall have a minimum diameter of 6 inches.
 - i. All backfill material within the road must be a good, compactible material. A copy of the backfill material ticket(s) shall be submitted to the Chickasaw County Engineer's Office. The road must be backfilled to its original condition.
 - j. All additional/waste material must be removed from the County Right of Way before reimbursement.
 - k. The County will participate in cost for a maximum of one tile crossing per road per watershed.
 - l. The applicant will adhere to any and all additional requirements specified in the County's permit for Crossing Chickasaw County Secondary Roads with Drainage Tile.
- 8) The Applicant shall hold the County harmless from any damage that may result to said roads and road ROW because of the construction or maintenance of said line and shall reimburse the County for any expenditure that the County may have to make on said highway on account of said Applicant's line having been constructed thereon.
- 9) The Applicant shall take all reasonable precaution during the construction of said line to protect and safeguard the lives and property of the travelling public and adjacent property owners and shall hold the County harmless from any damage or losses that may be sustained by the travelling public or adjacent property owners by such construction operations.

If a landowner chooses not to be bound by the above policy, then, the procedures for securing such crossing shall be in accordance with applicable sections of the Code of Iowa Sections 468.600 through 468.622.

A summary of those procedures is shown below:

1. File application in writing with the Chickasaw County Auditor and provide information required by Iowa Code Chapter 468.600. Include five copies of the following information:
 - a. Applicant(s)' name, address and a complete legal description of the property owned by applicant.
 - b. A complete and accurate legal description of the property across which the drainage improvements are proposed, including the names, address, and phone numbers of all affected property owners(s) and or tenant(s), if applicable.
 - c. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area served by the existing drainage tile including the starting point, route terminus, character, size, and depth of existing drainage tile.
 - d. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area to be served by the proposed improvements including the starting point, route, terminus, character, size, and depth of the proposed drainage improvements.
 - e. Requirements of a licensed Iowa Professional Engineer may be waived depending on complexity of improvement.
 - f. A detailed estimate giving the total cost of construction of the proposed drainage improvements with a separate, detailed estimate of the cost of road crossings.
 - g. After the application material has been submitted to the county auditor and prior to scheduling the required public hearing, the auditor will route the application materials to the county attorney, county engineer and Natural Resources Conservation Service to review and submit any comments or recommendation.
2. A public hearing shall be set by the Chickasaw County Auditor pursuant to Iowa Code Chapter 468.601.
3. File claims for damages at or before hearing pursuant to Chapter 468.604 of the Code of Iowa.
4. A public hearing shall be held in compliance with Iowa Code Section 468.605. If the Board of Supervisors find that the purpose is to secure more complete drainage or a better outlet and the levee, open ditch, tile, or other underground drain is found to be beneficial it will be approved. If the Board of Supervisors find that a proposed drain runs in the course of natural drainage to a public road the owner of such land shall have the right to enter upon such highway for the purpose of connecting owners drain or ditch with any drain or ditch constructed along or across said road.
5. If the supervisors approve the merits of the application, Iowa Code Section 468.606 shall be followed. The landowner, however, in making such connections or crossings shall do so in accordance with specification furnished by the Secondary Road Department at the time of filing a crossing application.

6. If the Board of Supervisors approve the tile line to be projected across the right-of-way to a suitable outlet, the expense, of both material and labor used in installing the tile line across the highway and any subsequent repair thereof shall be paid from funds available for the highway affected.
7. If funds are not available in the Chickasaw County Secondary Road Fund for reimbursement of the applicant for the cost of said tile crossing at the time of the construction of the crossing, it is understood that the applicant will be reimbursed at such time as funds are available in the Chickasaw County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Chickasaw County Board of Supervisors reserves the right to negotiate any type of cost sharing arrangement with the applicant and/or to install approved crossing with county staff or another contractor.

A completed application for drainage permit, including contractor's proof of insurance, executed road signage agreement, and downstream property owner agreement are required. Upon completion of the crossing the applicant shall pay the Contractor and Chickasaw County will pay the applicant.

The above resolution was moved for adoption by Supervisor Hackman. Seconded by Supervisor Suckow. Whereupon the Chairman, Supervisor Scott Cerwinske put the question to a vote and the vote was as follows:

Scott Cerwinske: Aye – Nay

Steve Breitbach: Aye – Nay

Travis Suckow: Aye – Nay

Jacob Hackman: Aye – Nay

Matthew Kuhn: Aye – Nay

Absent/abstain: Kuhn.

The Chairman thereupon declared the resolution duly adopted this 21 day of October, 2024

Scott Cerwinske
Scott Cerwinske, Chairperson
Chickasaw County Board of Supervisors

ATTEST:

Sheila Shekleton
Sheila Shekleton, Auditor