

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Chairman Chris Watts, Vice Chairman Tim Latham, Supervisor Casey Callanan and various members of the public.

Chairman Watts convened the meeting at 10:00 a.m.

Callanan moved with Latham seconding, to approve today's agenda and the minutes for the June 21, 2022 regular session. Motion passed unanimously.

Public comment session was held.

Latham moved with Callanan seconding, to approve claims. Motion passed unanimously.

Latham moved with Callanan seconding, to approve the payroll register for period ending 06/18/2022. Motion passed unanimously.

Callanan moved with Latham seconding, to adopt Resolution 2022-63, WHEREAS, the following payroll change requests were submitted to the Board of Supervisors for review; and, WHEREAS, the Board of Supervisors of Cerro Gordo County, has reviewed and considered the change requests as follows:

Department	Name
<u>Pay Change</u>	<u>Effective Date</u>
Engineer	Cody Roberts
\$31.00/hourly	06/27/2022
Sheriff	Lisa Sandoval
\$20.42/hourly	06/30/2022
Sheriff	Stefanie Hollander
\$20.42/hourly	06/30/2022

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Cerro Gordo County does hereby approve the requests as shown above and directs the Auditor to make the necessary adjustments to the payroll. Motion passed unanimously.

Latham moved with Callanan seconding, to approve employee payroll changes effective 07/01/2022. Motion passed unanimously.

Callanan moved with Latham seconding, to authorize Rodney McKinney to conduct field review on the following drainage district:

Drainage District	Reported By	Problem
DD 6/56 Section 12 Portland Township	Dave Luett	Tile repair

Motion passed unanimously.

Latham moved with Callanan seconding, to adopt Resolution 2022-64, WHEREAS, it is desired to transfer monies from the General Supplemental Fund to the General Basic Fund; and, WHEREAS, it is desired to transfer monies from the General Fund to the Capital Projects Fund; and, WHEREAS, it is desired to transfer monies from the Rural Services Fund to the Capital Projects Fund; and, WHEREAS, said operating transfers are in accordance with Section 331.432, Code of Iowa; and, NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa, as follows:

The sum of Three million one hundred thirty-two thousand six hundred forty-four and 00/100 (\$3,132,644.00) dollars is ordered to be transferred from the General Supplemental Fund to the General Basic Fund, effective June 28, 2022. (Transfer #1416)

The sum of One million seven hundred thousand and 00/100 (\$1,700,000.00) dollars is ordered to be transferred from the General Fund to the Capital Projects Fund, effective June 28, 2022. (Transfer #1417)

The sum of Three hundred thousand and 00/100 (\$300,000.00) dollars is ordered to be transferred from the Rural Services Fund to the Capital Projects Fund, effective June 28, 2022 (Transfer #1418)

The Auditor is directed to correct his books accordingly and to notify the Treasurer of this operating transfer. Motion passed unanimously.

Callanan moved with Latham seconding, to approve the revised County Personnel Handbook. Motion passed unanimously.

Chairman Watts opened the public hearing on the proposed Ordinance 28C-Nonpublic Water Supply Wells at 10:05 a.m.

Latham moved with Callanan seconding, to close the public hearing. Motion passed unanimously.

Latham moved with Callanan seconding, to adopt Ordinance 28C, WHEREAS the Board of Health of Cerro Gordo County, Iowa adopted on 1st day of July, 2022 and; WHEREAS the Board of Cerro Gordo County, Iowa adopted Ordinance #28C on 1st day of July, 2022; THEREFORE Be it Enacted by the Board of Supervisors of Cerro Gordo County, Iowa: This ordinance repeals Ordinance #28B adopted on March 24, 2015, which was preceded by Ordinance #28A adopted on January 1, 2007, which was preceded by Ordinance #28 adopted on April 1, 1989, and amended July 16, 1991, and January 22, 1999. The new ordinance will be designated Ordinance #28C.

Nonpublic Water Supply Well Construction and Reconstruction

The Cerro Gordo County Board of Supervisors adopts, by reference, to be part of this ordinance, the rules, definitions, specifications, scope, and intent of 567 Iowa Administrative Code (Environmental Protection), Chapter 49, Nonpublic Water Supply Wells.

Private Water Well Construction Permits

The Cerro Gordo County Board of Supervisors adopts, by reference to be part of this ordinance, the rules, definitions, specifications, scope, and intent of 567 Iowa Administrative Code (Environmental Protection), Chapter 38, Private Water Well Construction Permits.

Requirements for Properly Plugging Abandoned Wells

The Cerro Gordo County Board of Supervisors adopts, by reference, to be part of this ordinance, the rules, definitions, specifications, scope, and intent of 567 Iowa Administrative Code (Environmental Protection), Chapter 39, Requirements for Properly Plugging Abandoned Wells.

Supplement for Cerro Gordo County

1. Permit Requirements. A nonpublic water well permit shall expire one (1) year from the day it is issued. If construction or reconstruction of the proposed well is not started prior to this expiration date, a new application and a new non-refundable fee must be filed with the administrative authority prior to construction or reconstruction.

a. Prior to issuing a well permit the applicant or their agent must fill out an application form for a nonpublic water well and pay the permit fee.

b. Prior to issuing a well permit a site evaluation must be conducted by the administrative authority's designee.

c. A well log and water test must be submitted for new construction before final approval is granted. A well reconstruction form and water test must be submitted for well reconstruction before final approval is granted.

d. The well log or well reconstruction form must be submitted to the administrative authority's designee or entered into the Iowa Department of Natural Resources electronic private well water database within 30 days of completing the well construction or reconstruction. The certified well contractor is responsible for submitting or entering into the electronic private well water database, the well log or well reconstruction form and other required documentation in a timely manner.

e. An inspection of the well must be conducted during the well construction process by the administrative authority's designee. The certified well contractor is responsible for notifying the administrative authority's designee of the date, time, and location of well construction. Individual processes which require and inspection, such as grouting, may be specified on the permit.

2. Permit Fees.

a. The permit fee shall be determined by the Cerro Gordo County Board of Health.

b. Permit fees are non-refundable and non-transferable.

3. Enforcement and Penalties.

a. It shall be the duty of the administrative authority to enforce the provisions of this ordinance. Any person, firm or corporation violating any provision of this ordinance or an amendment or supplement there to shall be subject to enforcement action by the administrative authority. The ordinance may be enforced by the following means:

b. The contractor may be qualified, suspended or revoked by the administrative authority from conducting work in Cerro Gordo County

c. A simple misdemeanor which is punishable by a fine of not more than one-hundred dollars (\$100) or by imprisonment of not more than thirty (30) days.

Each day the violation occurs constitutes a separate offense.

d. A county infraction punishable by a civil penalty of not more than one-hundred dollars (\$100) dollars or if the infraction is repeat offense by a civil penalty not to exceed two-hundred (\$200) dollars. Each day that a violation occurs or is permitted to exist constitutes a separate offense.

e. The administrative authority may also seek other equitable enforcement remedies.

4. Appealing the decision of the administrative authority.

a. In the event that any person, firm or corporation is aggrieved by an order of the administrative authority's designee, he/she may, within twenty (20) days of the date of such order appeal to the Cerro Gordo County Board of Health in writing stating his/her reason for requesting the order be rescinded or modified. The Cerro Gordo County Board of Health shall review the action of the administrative authority's designee at an open hearing; and shall render a decision within twenty (20) days of the hearing to modify, withdraw, or up-hold the decision of the administrative authority's designee.

b. Appeal from any order of the Cerro Gordo County Board of Health may be taken within twenty (20) days from the date of said order to the District Court of Cerro Gordo County.

5. Refusal of Admittance. In the event of the administrative authority's designee, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry by the owner or person in possession thereof; a complaint may be made under oath at the District Court in Cerro Gordo County requesting an order for entry and inspection under the terms of this ordinance and applicable state statutes and local ordinances. The Court may command that the administrative authority's designee be allowed access to the premises between the hours of sunrise and sunset, accompanied by a peace officer, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.

6. Notice.

a. Whenever the administrative authority's designee determines that there are reasonable grounds to believe there has been a violation of any provisions of this ordinance, he/she shall give notice of such alleged violation to the person or persons responsible. Such notice shall:

i. Be in writing.

ii. Include a statement of the reasons for such notice.

iii. Allow a reasonable time for the performance of any act the notice requires.

iv. Be served upon the owner or his/her agent or occupant. Such notice shall be deemed to be properly served if hand delivered upon him/her personally; or if a copy is sent by certified mail to his/her last known address; or if he/she is served with such notice by any other method authorized by the laws of this state for service of original notice or otherwise designed to give actual notice to persons with interests in the property.

b. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this ordinance.

c. This provision is not meant to limit the administrative authority's designee right of entry during his/her investigation.

7. Court Order. Whenever, in the judgement of the Cerro Gordo County Board of Health or the administrative authority's designee, any person that has engaged, or is about to engage, in any acts or practices which constitutes or will constitute a violation of this ordinance, application may be made to the appropriate court to grant appropriate relief to abate or halt the violation or both.

8. Amendments. Amendments and additions to this ordinance shall be made as required by Iowa Code Chapter 137.6. The Cerro Gordo County Board of Health shall propose amendments and additions to this regulation to the Cerro Gordo County Board of Supervisors whenever the Board of Health determines such changes are necessary to fulfill the purpose of this ordinance.

9. Separability of Provision. If any section, paragraph, clause, or provision of this ordinance shall be held

invalid, the invalidity of such a section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

10. Regulation Effective Upon Publication. This ordinance, being deemed essential and imperative for the preservation of the public health, shall be in force and effect from and after its passage and publication as provided by law.

11. Chapter 49.2 is amended to add a definition for potable. "Potable" means water used as part of, or in connection with drinking, food processing or preparation, bathing, showering, aquatics venues, hand washing, or oral hygiene purposes.

12. Chapter 49.8(1)a(2), Chapter 49.8(1)b(2), Chapter 49.8(1)b(4) are amended to require full length of the casing grouting of drilled wells.

13. Wells used as potable supplies must be cased through the Lime Creek Formation (where present) and at least ten (10) feet into the Cedar Valley Group to reduce the risk of elevated arsenic and meet minimum requirements stated in Chapter 49.8(1)a(1) and Chapter 49.8(1)b(1). In no case, shall less than 40 feet of casing be used for wells used as potable supplies.

14 Chapter 49.27(1) is amended to require an additional test for total arsenic.

15. Chapter 49.29(4) is amended to require full bore hole grouting.

Roll call vote: Callanan- Aye; Latham- Aye; Watts- Aye. Motion passed unanimously.

Latham moved with Callanan seconding, to waive the second and third considerations of Ordinance 28C. Roll call vote: Callanan- Aye; Latham- Aye; Watts- Aye. Motion passed unanimously.

Latham moved with Callanan seconding, to authorize the IT Director to sign quote for Splunk Logging Subscription for \$17,500. Motion passed unanimously.

Callanan moved with Latham seconding, to authorize the Chair to sign Health Homes Production Grant Tier 1 Environmental Review. Motion passed unanimously.

Latham moved with Callanan seconding, to authorize the Chair to sign Pitney Bowes NASPO ValuePoint FMV Lease Agreement for DHS. Motion passed unanimously.

Callanan moved with Latham seconding, to appoint Josh Brandt as County Representative on the Shell Rock River Watershed Management Coalition. Motion passed unanimously.

Latham moved with Callanan seconding, to authorize the Chair to sign Assignment and Assumption Agreement by and between the Board of Regents, State of Iowa on behalf of the University of Northern Iowa, Iowa Public Radio, and Cerro Gordo County. Motion passed unanimously.

Latham moved with Callanan seconding, to abate taxes for FY2022 for mobile home VIN 29A20403S for \$166.00 plus interest and costs. Motion passed unanimously.

Callanan moved with Latham seconding, to approve Fireworks Permit for Kyle DeBettignies, Justin & Candace Sprung, and Chris Sokol. Motion passed unanimously.

Chairman Watts opened the public hearing on Amendments to Zoning Ordinance No. 15 at 10:10 a.m.

Callanan moved with Latham seconding, to close the public hearing. Motion passed unanimously.

Callanan moved with Latham seconding, to adopt Resolution 2022-65, A RESOLUTION AMENDING THE ZONING ORDINANCE OF CERRO GORDO COUNTY (Ordinance No. 15), REGARDING PROVISIONS PERTAINING TO SPECIAL EVENTS
WHEREAS, the Zoning Ordinance of Cerro Gordo County regulates land use within its jurisdictional boundaries; and, WHEREAS, from time to time, it is necessary and prudent to make updates to said ordinance for proper regulation; and, WHEREAS, this amendment updates the Zoning Ordinance regarding powers of the Board of Adjustment to ensure appropriate review of certain land uses and promote the public health, safety, and general welfare; and, WHEREAS, the Cerro Gordo County Planning and Zoning Commission, after study and public hearing, has recommended amendments to the Zoning Ordinance be made, upon the application of the Zoning Administrator; and, WHEREAS, the final public hearing has been held with

notice as required by law. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa, that the following amendments are hereby made to the Cerro Gordo County Zoning Ordinance:

1. Article 4, Definitions, shall be amended as follows:

Add the following definition of TEMPORARY USE

PERMIT:

Also referred to as a Zoning Permit for Temporary Use. A written authorization by Cerro Gordo County for a specific use of land, building, or structure for a specified period of time, consistent with the terms of the Cerro Gordo County Zoning Ordinance.

Add the following definition of SPECIAL EVENTS

Activity that includes music festivals, concerts, theatrical exhibitions, entertainment, commercial exhibitions, carnivals, speeches, or other activity where a large number of people attend. A temporary activity may include a single event or similar events that are repeated no more than six (6) times taking place outdoors, in a tent, or in a temporary structure in a given calendar year.

2. Article 20, Special Uses, shall be amended as follows: Repeal Subsection 20.2(EE) and replace with the following:

EE. Special events venue or temporary special event facilities. A-1 and A-2 Districts.

Minimum Requirements:

1. Sufficient off street vehicular parking shall be provided, as required by Article 19.2 of this Ordinance for a special events venue or as determined by the County Engineer for temporary special event facilities.

2. The applicant shall be responsible for the timely removal of all solid waste following an event. The applicant shall provide adequate trash receptacles and prevent solid waste from blowing offsite.

3. For any special events venue or temporary event facilities in which there is live music performances taking place outdoors, in a tent, or in a temporary structure, said live music performance shall cease by 10 p.m., Sunday-Thursday; or by 11p.m., Friday and Saturday, or on a Sunday that is followed by a federally recognized holiday. However, the applicant may request to be permitted to have the special event take place later than the time here stated. The Board, at its discretion, may take into consideration the surroundings of the location to establish said later time by condition.

4. The applicant shall provide proof of adequate liability insurance in writing to the Zoning Administrator, under such further conditions and in such amounts as the Board of Adjustment or Zoning Administrator may direct, but in no event shall such proof be required more often than annually. Additionally, the applicant shall be responsible for any necessary security as required by condition or as desired by the applicant.

3. Article 22, Applications for Zoning Permit, shall be amended as follows:

Repeal Subsection (D) and replace with the following:

D. Zoning Permit for Temporary Use

1. Temporary Use Permit for occupancy of a travel trailer outside of a travel trailer park. The Zoning Administrator may issue a permit for the temporary occupancy of a recreation vehicle or travel trailer outside a travel trailer park. The permit may be issued for a period not to exceed fourteen (14) days from date of granting the permit. Said application shall set forth the location of the occupied dwelling or property where such travel trailer is to be used and occupied, the name of the occupant in control of such dwelling or property, the name of the owner or operator of such vehicle together with said operator's driver's license number and the license number of such vehicle. The fee for such application shall be \$25.00.

2. Temporary Use Permit for a one-time block party in a residential district. The Zoning Administrator may issue a permit for a one-time block party in a residential district, and where a road closure of a public street or a live music performance is proposed, provided the following requirements are met:

- a. Application. All applications for a block party shall be accompanied by the following items:
 - (1) Completed application
 - (2) \$25.00 application fee
 - (3) For a block party in which a public street closure is proposed, the applicant shall collect

the signatures of a minimum of seventy-five percent (75%) of all adjacent property owners to the section of public street to be closed.

b. Event Requirements

- (1) The application shall be filed with the Planning and Zoning Office a minimum of fourteen (14) days in advance of the date of the requested event. The Zoning Administrator shall issue a decision within seven (7) days of receiving said application.
- (2) A Temporary Use Permit shall be required for a one-time block party in a residential district that involves a road closure of a public street or live music performance.
- (3) The applicant shall agree to hold Cerro Gordo County harmless of all liability resulting from the block party. The permittee shall be required to notify the Sheriff's Department the day of the event at least twenty-four (24) hours prior to the beginning of the event. Any desired security for the event shall be at the expense of the permittee.
- (4) The applicant shall be responsible for the timely removal of all solid waste following the event. The applicant shall provide adequate trash receptacles and prevent solid waste from blowing offsite.
- (5) For any event which involves a road closure of a public street, a Work in the Right-of-Way Permit shall be obtained from the County Engineer's Office prior to the event. All events involving a road closure shall only be approved on a public street if the posted speed limit is twenty-five (25) miles per hour or less and only if the road is designated a local road by the Iowa Department of Transportation. The public street to be closed shall be appropriately blocked off to prevent regular traffic during the event; however, access to affected properties shall be maintained. The permittee shall be responsible for supplying and placing road blockades to the standards of the County Engineer and the requirements of this section. Any damage to the public right-of-way as a result of the event shall be repaired at the expense of the permittee.
- (6) For any event which it is proposed to have a live music performance taking place outdoors, in a tent, or in a temporary structure, said live music performance shall cease by 10 p.m., Sunday-Thursday; or by 11 p.m., Friday and Saturday, or on a Sunday that is followed by a federally recognized holiday.

NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended and that this Amendment shall be in full force and effect from and after its passage. Roll call vote: Callanan- Aye; Latham- Aye; Watts- Aye. Motion passed unanimously.

Latham moved with Callanan seconding, to waive the second and third considerations of Amendments to Zoning Ordinance No. 15. Roll call vote: Callanan- Aye; Latham- Aye; Watts- Aye. Motion passed unanimously.

Latham moved with Callanan seconding, to appoint Cindy Davis to the Veteran Affairs Commission. Motion passed unanimously.

Callanan moved with Latham seconding, to adjourn at 10:25 a.m. Motion passed unanimously.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

Chairman Chris Watts
Board of Supervisors

ATTEST:

Adam V. Wedmore, Auditor
Cerro Gordo County