

Board of Supervisors
Calhoun County Courthouse
Rockwell City, Iowa
Tuesday, May 5, 2015

The Board of Supervisors of Calhoun County met with the following members present: Nicholson and Jacobs.

Agenda additions: None

It was moved by Nicholson and seconded by Jacobs to approve the agenda. Ayes all. Motion carried.

The minutes of the last meeting were read. It was moved by Jacobs and seconded by Nicholson to approve the minutes. Ayes all. Motion carried.

Budget amendments were reviewed. It was moved by Jacobs and seconded by Nicholson to approve the budget amendment requests and to hold the budget amendment hearing for Tuesday, May 26 at 11:00 A.M. Ayes all. Motion carried.

Zac Andersen, Engineer and B.J. Musselman, Maintenance Superintendent, met with the Board to update them on Secondary Road projects.

It was moved by Jacobs and seconded by Nicholson to approve the Application for Approval of Underground Construction Permit #11-2015 to Mid-American Energy in Butler Township in Sections 25 and 26. Ayes all. Motion carried.

Keith Roos, Zoning Officer, Rick Peters, Zoning Member, and Zac Andersen, Calhoun County Engineer, met with the Board concerning zoning amendment to ordinance and current zoning maps. After a discussion it was moved by Jacobs and seconded by Nicholson to approve the amendment to Ordinance #99-1 Subdivision Regulation Ordinance as follows:

1.3 Application. Every owner of any tract of land who hereafter divides or subdivides said tract into three (3) or more parts, for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within Calhoun County, shall be required to submit a subdivision plat. Said subdivision plat shall be made in the form and containing the information as hereinafter set forth, before selling any lots therein contained, or placing the plat on record. For the purpose of this Ordinance the following action shall not be considered as a subdivision: (Wording beyond this had not changed from original ordinance).

This will replace:

1.3 Application. Any subdivision plat shall be made when a tract of land is subdivided by repeated division of simultaneous division into three (3) or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded. For purposes of this Ordinance the following action shall not be considered as a subdivision: (Wording beyond this had not changed from original ordinance).

It was moved by Jacobs to approve the official Calhoun County Zoning Map. The motion died for lack of second.

Jane Condon, Public Health Administrator and Kerrie Hull, EMS Coordinator, met with the Board concerning updated Calhoun County Ambulance Agreement. It was moved by Jacobs and seconded by Nicholson to approve the following:

Calhoun County Ambulance Agreements for Pomeroy, Manson and Rockwell City. Ayes all. Motion carried.

It was moved by Jacobs and seconded by Nicholson to approve the Contract for Library Service for Calhoun County for the public libraries for Fiscal Year 15/16 for \$161,158.00. Ayes all. Motion carried.

At 10:50 A.M. it was moved by Jacobs and seconded by Nicholson to go into closed session per Chapter 21.5(1)(C) Code of Iowa, for Des Moines Waterworks lawsuit. Also present was David Wollenzien, Drainage Attorney and Tina Meth-Farrington, County Attorney. Ayes: Jacobs and Nicholson. Nays: None. Motion carried.

At 12:14 P.M., it was moved by Jacobs and seconded by Nicholson to move to come out of closed session. Ayes: Jacobs and Nicholson. Nays: None. Motion carried.

It was moved by Jacobs and Seconded by Nicholson to authorize the Chairman to sign the Administration of Joint Defense Fund as discussed in closed session and a copy to be sent to Colin McCullough, Sac County Drainage Attorney. Ayes: Jacobs and Nicholson. Nays: None. Motion carried.

It was moved by Jacobs and seconded by Nicholson to approve the first reading of Ordinance 2015-1, "RAGBRAI SALES OF FOOD AND OTHER MERCHANDISE". Ayes all. Motion carried.

It was moved by Jacobs and seconded by Nicholson to waive the waiting period and approve the second reading of Ordinance 2015-1, "RAGBRAI SALES OF FOOD AND OTHER MERCHANDISE". Ayes all. Motion carried.

It was moved by Jacobs and seconded by Nicholson to waive the waiting period and approve the third reading of Ordinance 2015-1, "RAGBRAI SALES OF FOOD AND OTHER MERCHANDISE". Ayes all. Motion carried.

It was moved by Jacobs and seconded by Nicholson to adopt the following Ordinance:

Calhoun County Ordinance No. 2015-1
RAGBRAI
SALES OF FOOD AND OTHER MERCHANDISE

Section 1-PURPOSE: To control the safety and well-being of the public during RAGBRAI drive through Calhoun County, Iowa on July 20, 2015

Section 2-DEFINITIONS: Vendor shall include any person, association, corporation, organization or other entity that sells food, beverages, services, or any merchandise to the public by the way of a temporary stand or distribution area in the unincorporated areas of Calhoun County, Iowa,

Section 3-REQUIREMENTS: The sale of food, beverages, services, or merchandise of the location of a temporary stand for the sale of these things without a permit is hereby declared to be in violation of this ordinance. It shall be a simple misdemeanor for any person to sell or supply food, beverage, services or merchandise in the un-incorporated areas of Calhoun County, Iowa, without having obtained a vendors permit with the exception set out in Section 5 below.

Each separate sale after the vendor is told of the need for a permit shall be deemed a separate violation of this ordinance and each sale is subject to the maximum fine of \$100 or 30 days in jail for a simple misdemeanor.

Section 4-PERMITS: Permits will be issued by Calhoun County. The applications for permits shall be submitted to the Calhoun County Public Health. Vendor permit fee for non-food is \$25. Food license fees are \$33.50

All permit applications should be submitted by July 8, 2015. The applicable agency shall review all applications to insure that all necessary licenses and paperwork is completed.

Food and beverage vendors must comply with all laws, rules and regulations promulgated by the Iowa Department of Inspections and Appeals relating to and governing the sale of food from a temporary food establishment.

The application shall be reviewed to ensure that all requirements have been met. A plan of placement shall be developed with the interest of safety and well-being of the general public and the RAGBRAI riders in mind and will also take into consideration the request of the vendor.

Once the application is reviewed by the applicable committee or agency, their report and the plan of placement shall be forwarded to the designated employee of Calhoun County who shall review the application and the plan of placement and either authorize the granting of or the denying of the permit. A vendor permit shall be granted if all requirements are met and on the condition that the vendor locate his or her sale stand at a location to be determined in the plan of placement.

The designated employee shall ensure that notice is sent to any vendor whose application is denied or whose requested placement is altered. The vendor is required to locate where the plan of placement and permit places him or her. In the case of a denial of a permit or an objection to the plan of placement, the vendor may appeal to the County Board of Supervisors by written notice of appeal at the Calhoun County Auditor's office within 3 days of the date of the decision by the designated employee of Calhoun County.

Section 5-EXCEPTION: No vendor's permit shall be required for a person to sell or supply food or other merchandise in Calhoun County, Iowa on July 20, 2015 on his or her previously licensed premises, provided that the person was in possession of a current Iowa Permit for the sale of food or other merchandise or for the consumption on the premises.

Section 6-REPEALER: Any ordinance or parts of ordinances in conflict with the provisions of this ordinance 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-EFFECTIVE DATE: This ordinance shall become effective after its final passage, approval, and publication as provided by law.
Ayes all. Motion carried.

It was moved by Jacobs and seconded by Nicholson to adjourn until Tuesday, May 12, at 9:00 A.M., for their next regular Board meeting. Ayes all. Motion carried.

Gary Nicholson, Chairman

Judy Howrey, Auditor

Scott Jacobs, Vice-Chairman

