

Board of Supervisors
Calhoun County Courthouse
Rockwell City, Iowa
Tuesday, August 25, 2015

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

Agenda additions: None

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

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

It was moved by Jacobs and seconded by Cooper to review claims (checks #42376 through #42497 and warrants #503183 through #503194) and were allowed as endorsed. Ayes all. Motion carried.

It was moved by Jacobs and seconded by Cooper to approve the Garbage Collection Agreement between Calhoun County and Carroll Refuse Service for Fiscal Year 2015/2016 garbage services for the Courthouse, Annex I and II for \$200.00 per month. Ayes all. Motion carried.

Zac Andersen, County Engineer, met with the Board to update them on Secondary Road projects.

Kerrie Hull, Emergency Service Coordinator, met with the Board concerning the Healthcare Coalition grant to assist in paying for secure key card to EMS building and also a possible 9-1-1 grant to pay for upgrading the Aerial Imaging for both Assessor's Office and 9-1-1 center. Kerrie also discussed more blacktop and privacy area next to EMS building.

Sean O'Connor, Prevention Specialist with Community Family Resources, Webster City, met with the Board concerning the Proclamation signing for Recovery Month being September. It was moved by Jacobs and seconded by Cooper to authorize Gary Nicholson, Board Chairman, to sign the Proclamation.

RECOVERY MONTH PROCLAMATION

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, in 2013, 2.5 million people aged 12 or older received substance use treatment at a specialty facility and 34.6 million adults aged 18 or older received mental health services, according to the *2013 National Survey on Drug Use and Health*. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

WHEREAS, approximately 100,000 Iowans currently receive treatment for mental illness or substance abuse addiction; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and the Calhoun County Board of Supervisors invite all residents of Calhoun County to participate in **National Recovery Month (September)**; and

NOW, THEREFORE, I, Gary Nicholson, Board Chairman, by virtue of the authority vested in me by the laws of Calhoun County, do hereby proclaim the month of September 2015 as

NATIONAL RECOVERY MONTH

In Calhoun County, and call upon the people of Calhoun County to observe this month with appropriate programs, activities, and ceremonies to support this year's **Recovery Month**.

In Witness Whereof, I have hereunto set my hand this 25th day of August, in the year two thousand fifteen.

Ayes all. Motion carried.

The Board held the first reading of the Ordinance 2015-2, "Operation of All-Terrain and Off-Road Utility Vehicles." Present was: Bill Jurries and Kathy Jurries, County Recorder.

It was moved by Cooper and seconded by Jacobs to approve the first reading of Ordinance 2015-2, "Operation of All-Terrain and Off-Road Utility Vehicles." Ayes all. Motion carried.

It was moved by Jacobs and seconded by Cooper to waive the waiting period and approve the second reading of Ordinance 2015-2, "Operation of All-Terrain and Off-Road Utility Vehicles". Ayes all. Motion carried.

It was moved by Cooper and seconded by Jacobs to waive the waiting period and approve the third reading of Ordinance 2015-2 "Operation of All-Terrain and Off-Road Utility Vehicles". Ayes all. Motion carried.

It was moved by Jacobs and seconded by Cooper to adopt the following ordinance:

**ORDINANCE NUMBER 2015-2
OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES**

- ___ .01 Purpose
- ___ .02 Definitions
- ___ .03 Operation on Roadways
- ___ .04 Unlawful Operation
- ___ .05 Exempt Vehicles
- ___ .06 Penalties
- ___ .07 Effective Date

Section 1. Purpose. The purpose of this ordinance is to designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

Section 2 Definitions. The definitions of terms used in the ordinance are:
a. "All-terrain vehicles" as defined by Iowa Code Section 321I.1 means a motorized vehicle with not less than four (4) and not more than six (6) non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
b. "Off-road Utility Vehicle" is defined by Iowa Code Section 321I.1 means a motorized vehicle with not less than four (4) and not more than eight (8) non-highway tires or rubberized tracks that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than two thousand pounds and that has seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
c. "Roadway" as defined by Iowa Code Section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Section 3. Operation on Roadways. If an All-Terrain or Off-Road Utility Vehicle is properly registered pursuant to Iowa Code Section 321I.3, it may be operated on any Calhoun County, Iowa, roadway (**not** State or Federal highways), such operation limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operations. Operation of All-Terrain Vehicle and/or Off-Road Utility Vehicle is only permitted on the roadway or shoulder, not in the ditch. Such operation is limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service. The operator must follow all rules of the road and abide by all traffic laws.

Section 4. Unlawful Operation. A person shall not operate an All-Terrain or Off-Road Utility Vehicle under any of the following conditions:
1. At a rate of speed greater than reasonable and/or proper under existing circumstances, having due regard to the traffic, surface and any other condition existing, but not greater than 35 miles per hour.
2. In a careless, reckless or negligent manner so as to:
a. Endanger any person, including the operator;
b. Cause injury or damage to person or property;
c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
3. Without a lighted headlamp, a lighted rear lamp, and equipped with at least one mirror so located as to reflect to the operator a view to the rear of the vehicle a distance of 200 feet.
4. With a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding on an All-Terrain or Off-Road Utility Vehicle.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. On public land, ice or snow in violation of official signs prohibiting such operation.
7. In any park, wildlife area, preserve, refuge or game management area, gravel pit or any other property owned by Calhoun County.
8. Upon any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas; designated riding rails; the use of

crossing for agricultural purposes; the use of construction vehicle engaged in lawful activity; and/or the operation of All-Terrain Vehicles on ice.

9. On snowmobile trails except where designated by Calhoun County and the primary snowmobile trail sponsor.

10. Upon an operating railroad right-of-way. An All-Terrain Vehicle may be driven directly across a railroad right-of-way at established crossings. This provision does not apply to a law enforcement officer or railroad employee with authority to enter upon the railroad right-of-way in the lawful performance of their duties.

11. With more persons on the vehicle than it was designed to carry.

12. On any riding area or trail, unless the trail is designated by sign as open to All-Terrain and Off-Road Utility Vehicle operation.

13. Unless the operator is at least sixteen (16) years of age, has a valid driver's license, the vehicle is duly registered and the operator has proof of insurance.

14. A person born after 1995, shall be required to take and pass an Iowa DNR approved ATV Education Course.

15. Without the All-Terrain or Off-Road Utility Vehicle bearing 8 square inches of red and white reflective tape or factory installed red reflectors affixed to the rear of the vehicle so that it is clearly visible.

16. In a manner which caused the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.

Section 5. Exempt Vehicles. The registration requirements of this ordinance shall not apply to the following described All-Terrain or Off-Road Utility Vehicles:

1. All-Terrain or Off-Road Utility Vehicles owned by the United States, this State or another State, or by a governmental subdivision thereof, and used for enforcement, search and rescue or official research and studies, but not for recreational or commercial purposes.

2. All-Terrain or Off-Road Utility Vehicles used in accordance with Section 321.234A(1)(a).

3. All-Terrain or Off-Road Utility Vehicles used exclusively as farm implements.

Section 6. Penalties. Violation of this Ordinance shall constitute a county infraction punishable by a fine of \$65 to \$625, plus the applicable court surcharges and costs.

Section 7. Effective Date. This ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

Joe Kangley and Tim Lyons, Twin Lakes Lodge members, met with the Board to review the lease agreement between Calhoun County and Twin Lakes Lodge. Also present was Bill Jurries, Custodial Supervisor. No action was taken.

At 11:45 A.M., it was moved by Cooper and seconded by Jacobs to go into closed session concerning Des Moines Waterworks lawsuit and Dakota Access Pipeline litigation as per Chapter 21.5(1)(C)Code of Iowa. Also present was David Wollenzien, Calhoun County Drainage Attorney. Ayes: Nicholson, Jacobs and Cooper. Nays: None. Motion carried.

At 12:37 P.M., it was moved by Cooper and seconded by Jacobs to go out of closed session. Ayes: Nicholson, Jacobs and Cooper. Nays: None. Motion carried.

It was moved by Cooper and seconded by Jacobs to adjourn until Tuesday, September 1 at 9:00 A.M. for their next regular Board meeting. Ayes all. Motion carried.

Gary Nicholson, Chairman

Mike Cooper-Member

Scott Jacobs, Vice-Chairman

Judy Howrey, Auditor

ACCESS SYSTEMS LEASING	LEASE 2 SHARP COPIERS	1,008.33
ALPHA WIRELESS COMM CO	RADIO MAINT/RPR	822.00
ARAMARK UNIFORM & CAREER APPAR	MAINT	128.18
BIG SKY RACKS, INC	MOTOR VEHICLE EQUIP	288.15
BOMGAARS SUPPLY INC	HND TLS & EQP SPLY	180.06
BOUND TREE MEDICAL LLC	MED SUPPLIES	262.82
BUSINESS FORMS & SYSTEMS CO	TAX ENVELOPES	178.00
CAL CO DEPT OF HEALTH	CONTRACT LABOR	738.00
CALHOUN CO ELECTRIC	UTILITIES	5,480.70
CALHOUN CO SHERIFF	SHERIFF FEES	173.68
CALHOUN COUNTY AUDITOR	DHS ANNEX RENT	1,046.20
CALHOUN COUNTY JOURNAL-HERALD	ZONING PUBLICATION	44.25
CALHOUN-BURNS & ASSOCIATES INC	2015 BRDG RATING & INSPECTION	21,764.50

CARDMEMBER SERVICE	SUPPLIES/FUEL	2,306.40
CARROLL CO SOLID WASTE	RECYCLABLES	13.10
CARROLL REFUSE SERVICE	MONTHLY SERVICE	371.42
CASEY'S CUSTOM COLORS	PAINT RESTROOM	200.00
CENTURYLINK	MONTHLY SERVICE	13.58
CGS ADMINISTRATORS LLC	REIMBURSEMENT	2,078.85
CINDY'S BOUTIQUE	ADMIN SPLY/ENG	55.00
CINTAS CORPORATION	SFTY/1ST AID SPLY-RC	101.40
CITY OF YETTER	UTILITY DUE AUG 2015	38.40
COAST TO COAST SOLUTIONS	AD	511.95
COMSTOCK, DR JAMES CHARLES	ME CONSULT	150.00
CONDON, JANE E	JUL 2015 MLG	32.50
CORPORATE LANGUAGE SERVICES	PROGRAM SUPPLIES	9.92
CRYSTAL CLEAR WINDOWS	MAINT	57.00
DATAMAXX APPLIED TECH INC	RADIO MAINT/RPR	1,272.00
DES MOINES STAMP MFG CO	STAMP	55.00
ELLIS, LINDA	JUL 2015 MLG	85.00
FARMERS COOP CO.	CHEMICALS	236.50
FELD EQUIP CO INC, ED M	4 FUNCTION SIREN	173.00
GIMER, DEB	JUL 2015 MLG	97.00
GINTHER, JULIE	JUL 2015 MLG	92.00
GOLDEN MEADOWS	RENT ASSISTANCE	46.00
GREENE, DON	1 CISTERN/1 WELL	654.08
HAMMEN, LINDA	JUL 2015 MLG	101.50
HAMMEN, SUE	JUL 2015 MLG	226.00
HARRIS, STEPHEN	2 WELL COLSURES	613.50
HEFFRON SERVICES, INC	28 DUST CNTRL SUBSIDIES/2ND APPL	2,240.00
HILDRETH, BECKY	JUL 2015 MLG	298.00
HINOTE, JANA	JUL 2015 MLG	513.50
HOWREY, JUDY	DISTRICT MTG/MLG	79.50
HUDSON LAW FIRM	@DD 37-35 ATTORNEY FEES	27.50
HULL, KERRIE	JUL 2015 MLG	223.00
HUMBOLDT COUNTY SHERIFF	SERVICING FEE	15.00
HUNZELMAN PUTZIER & CO.	AUDIT THRU JULY 31'2015	3,948.30
I & S GROUP, INC	DD #48 TB3 WATCHMAN SERVICES	6,860.69
IMAGE TREND, INC	PROGRAM SUPPLIES	109.00
IMWCA	WRK COMP ENG/2ND INSTALLMENT	7,282.00
IOWA ASSOC OF COUNTY CON BOARD	DUES	1,500.00
IA HOMELAND SECURITY, & EMER. MNGT.	REGISTRATION	160.00
ISAA, ATTN: WAYNE SCHWICKERATH	SCHOOLS/MTG FEES	275.00
ISACA, %RHONDA R. DETERS, TREAS.	ELECTION TRAINING	35.00
JOE'S TIRE & AUTO INC	MAINT	169.73
JOHNSON & LEPPERT, DRS.	ANIMAL CONTROL	136.00
KUCHENREUTHER, JARID	PROGRAM SUPPLIES	100.00
LAKE CITY VETERINARY SERVICE	ANIMAL COTROL	152.62
LAWSON PRODUCTS INC	PARTS/STK	421.28
LEXIS - NEXIS	LAW LIBRARY	108.00
LONE STAR UNIFORMS, INC.	UNIFORMS	71.90
MACKE MOTORS INC	AMB MAINT	215.26
MANGOLD ENV TESTING INC	WATER TESTING	870.00
MANSON LUMBER CO	SUPPLIES	2,292.33
MATHESON TRI-GAS INC	MED SUPPLIES	78.29
MCALISTER, AMY	EMPLOYEE MLG CO WORK	51.50
MEDIACOM	PHN/INTERNET SRV 712-297-7021	176.15
METH-FARRINGTON, TINA	POCAHONTAS HEARING MLG	25.00
MID AMERICA PUBLISHING CORP	ZONING PUBLICATION	7.53
MIDAMERICAN ENERGY	ELEC SRV/LC SHED #2	3,562.95
MIDWEST RADAR & EQUIPMENT	INVESTIGATIONS	200.00
MOHR SAND, GRAVEL & CONST, LLC	PC CONCR PTCH/N28 & P21	22,944.50
MOHR, TAMI L	JUL 2015 MLG	101.00
NEW OPPORTUNITIES INC	JUL 2015 FAMILY DEV CNTR EXP	686.43
OBERHELMAN, DALE	REIMB SFTY/BOOTS	150.00
OFFICE ELEMENTS	MAINT CONTRACT 8928	216.94
PERSONAL BEST	WELLNESS NEWSLETTER	101.25
POCAHONTAS COUNTY HCA AGENCY	CONTRACT LABOR	3,243.00
POEN, ROBERT	REIMB CORNER FENCE POST	30.00
R & D INDUSTRIES INC	NEW COMPUTER/SIGNS	5,957.22
RILEY, BARB	JUL 2015 MLG	246.00
ROLLING HILLS FISCAL AGENT	DISTRIBUTION	3,362.00
ROST MOTOR INC.	PARTS/27	56.62
SCHMIT, JOLEEN	JUL 2015 MLG	333.50
SCHOSSOW, SHELLY	JUL 2015 MLG	172.50
SEAVERT, NANCY	JUL 2015 MLG	302.00
SIOUX CITY FOUNDRY CO	PARTS/STK	480.45

SLUMBERLAND	BEDDING	2,572.20
SOUTHSIDE GROCERY	MTG EXP	54.29
SPENCER HOSPITAL	REGISTRATION	280.00
STAR ENERGY LLC	FUEL	1,568.00
STILES	TAGS-JOLLEY FD	12.00
SWANSON HARDWARE (RC)	SUPPLIES	8.49
TEAGUE, SHELLY	JUL 2015 MLG	70.50
THE MESSENGER	ADVERTISING	95.00
TRIZETTO PROVIDER SOLUTIONS	DATA PROCESSING	93.10
TRUAX COMPANY	SUPPLIES	637.13
TS ELECTRIC	LABOR	125.00
TWIN LAKES UTILITIES	UTILITIES	117.95
TYLER TECHNOLOGIES INC	VERSION 10 PRG EXP	62.50
U S CELLULAR	MONTHLY SERVICE	42.04
U.S. DEPT. OF TREASURY, DEBT MNGMT.	REIMBURSEMENT	992.16
UNITYPOINT CLINIC	EDUCATION MATERIALS	208.00
VERIZON WIRELESS	MONTHLY SERVICE	70.88
VOGEL, KRISTIN	JUL 2015 MLG	108.00
WATCHGUARD VIDEO	MOTOR VEHICLE EQUIP	4,820.00
WEBSTER CO AUDITOR	DD #12-22 ASSESSMENT EXP	66.49
WEBSTER CO PUBLIC HEALTH	JUN 2015 CONTRACT LABOR FF	11,125.20
WELLMARK INC	SEP 2015 PREMIUM	139,551.52
WILLIAMS, TAMMY	JUL 2015 MLG	193.00
WINDSTREAM	PHONE SRV/712-468-2219	182.79
WINKELMAN, LUKE	PROGRAM SUPPLIES	264.99
WOODWARD YOUTH CORPORATION	JUL 2015 YOUTH SHLTR SERV	1,254.00
WRIGHT EXPRESS/FLEET SERVICE	JUL 2015 FUEL	1,212.05
ZOLL MEDICAL CORPORATION	MED SUPPLIES	259.54
	GRAND TOTAL	278,341.23