

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

Agenda additions: None

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

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

Public Comments: Jim Hirschberg was present to voice his concerns on the zoning fees for small business owners. Also present were Homer Martz, Tina Meth Farrington, Attorney, Zac Andersen, Engineer, B J Musselman, Maintenance Superintendent and Mike Moeller, Assistant to the Engineer, Zoning Administrator, Flood Plain Administrator.

Zac Andersen, Engineer and B. J. Musselman, Maintenance Superintendent presented updates on secondary road projects.

Motion was made by Cooper seconded by Jacobs to approve Application of Underground Construction Permit No 4-2018 to West Central Iowa Rural Water Association for 2" water pipe in Jackson Township Section 7 NW ¼. Ayes all. Motion carried.

Motion was made by Jacobs second by Cooper to approve the hiring of Kady Calmer as an Office Assistant in Secondary Roads at the rate of \$15 per hour. Ayes all. Motion carried.

Motion was made by Jacobs second by Cooper to approve trade in of disc mower. Ayes all. Motion carried.

Motion was made by Jacobs second by Cooper to approve January through March Quarterly Report for Auditor, March Report for Clerk of Court and review March 31, 2018 through April 13, 2018 time sheet for Zac Andersen. Ayes all.

Motion was made by Cooper second by Jacobs to accept resignation of Reclassification Commissioner Bill Haeder. The Board thanked him for his years of service and noted he will be missed. Ayes all. Motion carried.

Motion was made by Cooper second by Jacobs to accept the fee changes of \$75 for a building permit, \$100 to request a meeting with the Zoning Commission for the purpose of a change in Zoning District or Boundaries and \$200 to apply for a Variance or Special Exception Use Permit with the Board of Adjustment. Ayes all. Motion carried.

Motion was made by Cooper second by Jacobs to approve Fireworks Resolution 2018-10.

**RESOLUTION 2018-10
FIREWORKS RESOLUTION**

WHEREAS, the Board of Supervisors, Calhoun County, Iowa, is empowered under the authority of Iowa Code Section 727.2, to set rules for the use and explosion of fireworks and to grant a permit for the use of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by such county board of supervisors when such display fireworks will be handled by a competent operator, and

WHEREAS, the Board of Supervisors, Calhoun County, Iowa, want to prohibit the use of any fireworks in the county parks, except where a display permit has been issued, and

WHEREAS, the Board of Supervisors, Calhoun County, Iowa, has received several requests for display fireworks permits, and

WHEREAS, the Board of Supervisors, Calhoun County, Iowa, desires to grant permits only when a competent person will be in charge of display fireworks to provide for the safety of all concerned.

THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors, Calhoun County, Iowa, that criteria be prescribed for the issuance of permits for the use of display fireworks in Calhoun County and the prohibition of fireworks in all county parks except when a permit for display fireworks has been issued.

IT IS FURTHER RESOLVED that the following definitions be used;

Applicant. The person or group which is applying for the display fireworks permit.

Board. The Calhoun County Board of Supervisors.

Operator. A person trained in fireworks safety who will set up and explode the fireworks.

Sponsor. The group paying for or otherwise providing for the fireworks display.

Consumer Fireworks. Includes any first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Iowa Code Section 100.19(1). It does not include novelties enumerated in chapter 3 of the

American pyrotechnics associations standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association's standard 87-1.

Display Fireworks. Includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. It does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association's standard 87-1.

Novelty Fireworks. Includes all novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

County Park. Any area designated by the county board of supervisors, county board of conservation or conservation commission as a park for the recreational use of its visitors.

IT IS FURTHER RESOLVED that all fireworks, of any kind, are prohibited from being set off or exploded in all parks designated as county parks by the Board except where a permit has been issued for display fireworks. A person who violates this paragraph commits a simple misdemeanor, with a fine of \$250.00 for first offense and a fine of \$500.00 for a second or subsequent offense, along with applicable surcharges and court costs.

IT IS FURTHER RESOLVED that a person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

IT IS FURTHER RESOLVED that a person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except on the following dates consumer fireworks shall not be used at times other than between the hours specified:

1. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.
2. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.
3. Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

IT IS FURTHER RESOLVED that a person using consumer fireworks be at least 18 years of age, and not be under the influence of alcohol, narcotics or drugs which could adversely affect judgment, movements or stability.

IT IS FURTHER RESOLVED that a person using consumer fireworks do so on property they own or have the express permission of the owner of the property.

IT IS FURTHER RESOLVED that the applicant for display fireworks submit an application in writing on the form attached hereto and incorporated herein by reference no later than fourteen (14) days prior to the anticipated fireworks display.

IT IS FURTHER RESOLVED that no permit be issued until the chief of the fire department having jurisdiction over the site of the fireworks display has approved the location and fire prevention measures.

IT IS FURTHER RESOLVED that no permit be issued unless liability and fire insurance coverage is procured to protect the applicant, sponsor, operator, and the public in an amount to be determined by the Board, but in no event less than \$1,000,000.00.

IT IS FURTHER RESOLVED that the person, group or sponsoring entity is totally responsible for cleanup of the fireworks display site at the conclusion of the display.

IT IS FURTHER RESOLVED that the applicant and operator be a person of not less than eighteen (18) years of age on the date of the proposed fireworks display.

IT IS FURTHER RESOLVED that the operator must meet the following fireworks safety requirements:

- a). Be certified as a certified pyrotechnic fireworks operator from an approved fireworks educational program. The operator must have satisfactorily completed the classroom and field requirements.
- b). Demonstrate an equivalent degree of formal fireworks safety training and experience to the satisfaction of the Board.

IT IS FURTHER RESOLVED that no person shall handle or be involved in the explosion of fireworks while under the influence of alcohol, narcotics, or drugs which could adversely affect judgment, movements or stability.

IT IS FURTHER RESOLVED that the operator shall not allow any other person to set up and/or explode fireworks who does not meet the age and safety qualifications as set out above.

IT IS FURTHER RESOLVED that any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, upon the conclusion of the display, shall make a complete and thorough search for any unexploded fireworks or fuses thereof which have not exploded or functioned.

IT IS FURTHER RESOLVED that the Calhoun County Sheriff or his or her designee may suspend any permit issued pursuant to this resolution when he or

she determines that the health, safety, welfare of the public require the suspension, or should the applicant and/or operator fail to meet or follow the safety qualifications as set out in the resolution.

IT IS FURTHER RESOLVED the use of all fireworks can be suspended, including display fireworks, during the period permitted for the use and display of fireworks, if a burn ban has been put into place by a local fire chief, local law enforcement or the State Fire Marshall.

IT IS FURTHER RESOLVED that persons using consumer or novelty fireworks shall be responsible for the cost of clean-up and/or damages to other property resulting from fireworks launched from their property or property under their control.

IT IS FURTHER RESOLVED that this Resolution shall completely replace the Resolution adopted by the Board on April 15, 1997.
Ayes all. Motion carried.

Motion was made Jacobs second by Cooper to accept the Budget Amendments as presented. Ayes all. Motion carried.

Motion made by Cooper second by Jacobs to approve drainage claims and work orders as presented which are available for review upon request in the Auditors office. Ayes all. Motion carried.

Shelly Schossow, Designated County Agent HF2494 presented The Construction Permit Application for Prestage Site PI-237 Logan Township Section 2. Also present were Becky Sexton, Twin Lakes Environmental Services, LLC; Wade and Ann Gemberling, Ryan Pudenz, Prestage Farms Manager and Brian Ritland, Pinnacle, Director of Agronomic Services. No public comments in favor of or against this site were presented. Motion made by Jacobs second by Cooper to approve the application as presented. Ayes all. Motion carried.

Jill Heisterkamp, Economic Development Director presented Economic Updates.

Dewey Snyder, Head Maintenance gave updates on radon study.

It was moved by Cooper and seconded by Jacobs to adjourn until Tuesday, April 24th at 9:00 A.M. for their next regular meeting. Ayes all. Motion carried.

Carl Legore, Chairman

Mike Cooper, Member

Scott Jacobs, Vice-Chairman

Robin D. Batz, Auditor