

**Board of Supervisors Minutes
June 19, 2023**

The Tama County Board of Supervisors met at 8:30 a.m. June 19, 2023. Present: 1st District Supervisor, Curt Hilmer; 2nd District Supervisor, Bill Faircloth and 3rd District Supervisor, Dan Anderson.

8:30 – 9:00 Employee/Department Head Time

9:00-9:15 Public Comment Time The Pledge of Allegiance was recited

Present: Supervisors Hilmer, Faircloth, Anderson. Tama County Auditor Laura Kopsa, Assistant Auditor Karen Rohrs, several members of the public. Deputy Sheriff Killian was also present. Jon Winkelpleck shared that the lawsuit filed against individuals with Tama County Against Turbines has been dismissed. There was discussion about the Zoning Administrator and Sanitarian. Zoning is under the Board of Supervisors and Sanitarian is under the Board of Health. The deadline was the 16th for replacements on the Zoning Commission and Board of Adjustment. Those applications will be reviewed and interviews set up. The Zoning Administrator position has not been advertised yet. The Supervisors would like to share that position with another County if possible. The detailed notes are available in the County Auditor's office.

9:15 – 9:30 Public Comment on Agenda Items

There was discussion of the hiring of lawyers listed on the agenda. Chairman Faircloth stated it was an internal situation that will be discussed when it comes up on the agenda. There were several comments on the need for attorneys. The detailed notes are available in the County Auditor's office.

9:30 Motion by Anderson, seconded by Hilmer to approve the minutes of the June 12th regular meeting. All voted aye. Motion carried

The Board met with Ben Daleske, Tama County Engineer, to get a road projects report. He discussed Title VI with the Board. Title VI has to do with Civil Rights for minorities and people with disabilities. The DOT requires Tama County to sign a Non-Discrimination Agreement and a Standard Assurance in order for the County to receive Federal Funds for some projects. Previously, the Assistant Engineer oversaw this. Engineer Daleske recommends Human Resources now oversee it. This will be discussed with Human Resources and added to a future agenda to take action on. Daleske also presented an updated Dust Control Policy for approval. This was to make it in compliance with insurance requirements. Motion by Hilmer, seconded by Anderson to approve the following resolution and policy:

Resolution # 06-19-2023A

Tama County Dust Control Policy

WHEREAS, vehicle traffic on rock roads stirs up dust that is undesirable to many individuals, and WHEREAS, the Tama County Board of Supervisors desires to allow certain businesses to apply dust control for customers on rock roads in the county, WHEREAS, Chapter 318 of the Code of Iowa specifies a permit issued by the appropriate jurisdiction is required before work is performed by parties other than the jurisdiction, and WHEREAS, Tama County's responsibility to the motorist takes priority over an individual's desire to reduce dust, THEREFORE, BE IT RESOLVED that the Tama County Board of Supervisors establish the following rules for dust control. These rules shall hereinafter be referred to as the Tama County Dust Control Policy.

**TAMA COUNTY DUST CONTROL POLICY
June 19, 2023**

- The interest of motorists to have a well-maintained road takes priority over the interest to suppress dust.

Chapter 318 of the Code of Iowa specifies a permit must be issued by the appropriate jurisdiction before work is performed by parties other than the jurisdiction. A permit to place dust control (obtainable from the County Engineer’s Office) will be required each year. There will be no deadline to acquire the permit, but the permit will expire October 15th each year.

- The permit will state the method of dust control. Specifically allowed methods include calcium chloride, magnesium chloride, and lignosulfonates. Other methods require specific approval. Note that the use of used motor oil is specifically banned by federal regulations.
- All companies will supply Tama County with a certificate of insurance naming Tama County as an additional insured. The correct certificate must be provided before the permit will be approved. The required limits are as follows:

General Liability

- Each Occurrence \$1,000,000
- Personal & Adv Injury \$1,000,000

Automobile Liability

- Combined Single Limit \$1,000,000

Umbrella Liability

- Each Occurrence \$1,000,000

- Dust control will not be placed prior to May 15th, unless authorized by Tama County. Soft road conditions in the spring may cause Tama County to restrict placement to a later date. Each company will provide Tama County with their desired application date.
- Most dust control products are placed twice in a season. A separate permit is not required for the second application in the season, but the same three (3) weeks’ notice must be provided for the second application to allow Tama County to prepare the road.
- A permit obtained by a company may cover all of their customers. A typed list with their customers will be supplied to the County Engineer. The list may be provided after the application is received, as-long-as it is received by 8:00am at least three (3) weeks prior to their selected first application date. After the dust control list is received, there will be a two-week grace period that add-ons will be accepted for a fee. Each add-on will incur a \$25.00 fee to be collected by the company and paid to Tama County. For any add-ons, a complete list must be received by 8:00am one (1) week prior to the selected first application date. The list will show:
 - Name of the individual the dust control is serving
 - Location (township, section and E911 address)
 - Length of application
- The company must provide a check payable to “Tama County Engineer” for any add-ons that were accepted within the two-week grace period. This check must be received by Tama County no later than September 1st of the current dust control season.
- Each dust control section shall be measured and marked by the individual or company. The location shall be marked with four visible flags at all corners of the dust control area. The flags shall be placed at least three (3) weeks prior to application of dust control. Flags will be supplied by the company or individual (companies may place a supply of flags at the Tama County Engineer’s office or shops to aid in distribution). Flags must be left in place for the duration of the dust control to help the blade operator identify the section. Failure to keep the flags up may result in the dust control section being bladed in a way that makes it significantly less effective.

- If given proper notice, Tama County will review the sections and determine the need for blading or additional rock prior to placement of the dust control. Failure to provide ample notice may result in poor performance of the dust control section and will likely require the dust control section to be obliterated.
- Dust control sections must be kept free of potholes. Individuals may collect granular material from the surface of the surrounding road to place in the potholes.
- Tama County reserves the right to blade through improperly performing sections or those not maintained by the individual. Tama County will try to schedule blading of dust control sections to coincide with fresh moisture, which helps preserve the effectiveness of the product.
- Dust control sections may be bladed through starting October 15th each year. Tama County may leave well-maintained sections intact until November 1st if fall weather conditions are favorable.
- The applicant shall assume full responsibility for any and all liability resulting from dust control material placed upon the public highway.
- Tama County will place and pay for dust control in the following instances:
 - Establishment of a detour for the paved road system expected to last more than 2 weeks.
 - Improperly blading through an existing dust control section.
 - A mandate by federal or state regulation.
 - Specific roads deemed necessary by the County Engineer.
- Tama County will not pay for dust control in the following instances:
 - Detours for road work on the rock road system.
 - Blading through an existing dust control that is improperly flagged or for which proper notification was not received.
 - Blading through a section improperly placed that is creating a hazard or causing damage to traffic.
 - Blading through a section that is not properly maintained.
 - Blading through a section at the end of the season.

Companies shall issue the following statement to each of their customers:

“Tama County allows the placement of dust control on rock roads. The interest of motorist to have a well-maintained road takes priority over the interest to suppress dust. Dust control sections may be bladed through starting October 15th and may be bladed through at any time if the condition of the road impedes traffic. Preserve your dust control by keeping it properly marked and by filling potholes with rock. Tama County’s Dust Control Policy can be found on the county’s website.”

Roll Call Vote: Hilmer, aye. Faircloth, aye. Anderson, aye. Resolution passed and adopted this 19th day of June, 2023. Bill Faircloth, Chairman, Tama County Board of Supervisors. Laura Kopsa, County Auditor.

At last week’s meeting the Supervisors approved Ordinance V.13 RAGBRAI Sale of Food and Other Merchandise after the first reading and waived the second and third readings. Motion by Anderson, seconded by Hilmer to approve the following resolution regarding Ordinance #V.13 RAGBRAI Sale of Food and Other Merchandise:

Resolution # 06-19-2023B

Ordinance #V.13 RAGBRAI Sale of Food and Other Merchandise

WHEREAS, the Board held a public hearing on June 12th concerning the proposed Ordinance #V.13 RAGBRAI Sale of Food and Other Merchandise, and

WHEREAS, there were no written or verbal objections to the proposed Ordinance #V.13, and

WHEREAS, the Board approved waiving the second and third reading of proposed Ordinance #V.13,

THEREFORE, BE IT RESOLVED upon the final publication of this Ordinance it be enrolled in the County's book of ordinances and in effect on the date of publication.

Roll Call Vote: Hilmer, aye. Faircloth, aye. Anderson, aye. Resolution passed and adopted this 19th day of June, 2023. Bill Faircloth, Chairman, Tama County Board of Supervisors. Laura Kopsa, County Auditor.

Motion by Hilmer, seconded by Anderson to approve Law Enforcement Contracts as presented by Sheriff Kucera with the following cities: Clutier, Chelsea, Dysart, Elberon, Garwin, Gladbrook, Lincoln, Montour and Traer. All voted aye. Motion carried.

Motion by Anderson, seconded by Hilmer to approve a request to use the courthouse lawn for July 17-21 for the kids attending theatre camp sponsored by the Wieting Theatre Guild. All voted aye. Motion carried.

The Board met with Amanda Kriegel, County Treasurer, to discuss a possible tax abatement on Parcel #1620204003. This is a property that had a building on leased land. The building was destroyed in the Derecho and the parcel became inactive in 2020. The parcel owner has filed bankruptcy and the Treasurer has been unable to contact them. There is currently \$1,630 of unpaid taxes on the parcel. Of the \$1,630, \$878 are taxes owed, \$732 in interest owed, and \$20 miscellaneous fees. The Treasurer would like to see the Supervisors abate all taxes, interest and fees on the parcel since it no longer exists and so that it does not become a county held certificate. Motion by Hilmer, seconded by Anderson to approve abating the fees, interest and costs on Parcel #1620204003. All voted aye. Motion carried.

The Board met with Dirk Henle, Tama County Maintenance Director, to discuss placing trash cans on the courthouse lawn. Dirk was approached by Cindy Richardson, who is in charge of the Toledo Farmers Market. She stated the farmers market has been having food vendors at the market and would like to see trash cans placed on the courthouse lawn to help with keeping the courthouse lawn clean. Henle stated the Chamber would need to be responsible for purchasing the trash cans. Motion by Hilmer, seconded by Anderson to approve placing trash cans on the courthouse lawn during farmers market. All voted aye. Motion carried.

The Supervisors spoke to Attorney Carlton Salmons on the phone regarding a need to hire attorneys Joseph Gamble & Kayla Sproul for matters pertaining to the Board of Health with their budget and expenditures. Salmons, the current attorney handling this, is retiring on July 31st and this will allow for the transition. There was much discussion on this matter. Motion by Anderson, seconded by Faircloth. Hilmer, nay. Faircloth aye. Anderson, aye. Motion carried.

Motion by Hilmer, seconded by Anderson to retain Gummart & Galbri, Attorneys, pertaining to Zoning. This is due to the fact that the current attorney is retiring July 31st and allows for the transition. All voted aye. Motion carried.

Motion by Hilmer, seconded by Anderson to approve the claims for payment as presented. All voted aye. Motion carried.

Chairman Faircloth adjourned the meeting at 10:46 a.m.