

PROCEEDINGS OF THE BOARD OF SUPERVISORS
March 15, 2022

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

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

Latham moved with Watts seconding, to approve today's agenda and the minutes for the following meetings:

March 8, 2022 regular session

March 8, 2022 special session

Motion passed.

Public comment session was held.

Latham moved with Watts seconding, to approve claims. Motion passed.

Chairman Watts opened the public hearing on the proposed Ordinance 20A-Contractor's License at 10:05 a.m.

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

Latham moved with Watts seconding, to adopt Ordinance 20A- Contractor's License:

SECTION 1. LICENSE CONTRACTOR: It shall be unlawful for any person to dig, blast, obstruct, fill, excavate in or break up any road, street, alley or public ground without first having obtained an excavator's license as provided in this Ordinance; provided, however, that no license shall be required of officers of the county in exercise of their respective duties or persons that have satisfied the requirements of this Ordinance through the public bidding process. It shall be unlawful for any person other than employees of the licensee to operate under their license.

SECTION 2. APPLICATION FOR LICENSE: Application for an excavator's license shall be made in writing to the County Engineer on a form provided by the engineer.

SECTION 3. LICENSE FEE, BOND, INSURANCE:

a. Fee: The application for an excavator's license shall be accompanied by the license fee of twenty-five dollars (\$25.00)

b. Bond: Each application for an excavator's license shall be accompanied by a bond. The bond shall be in effect for the entire period of the contractor's license. It shall be in the penal sum of five thousand dollars (\$5000.00) conditioned that the contractor will replace any road surfaces or installations of public utilities in the streets/roads or public ground to the condition they were before the work. The bond shall also provide that the County be held harmless of any claims by any person as a result of such work or blasting activities and that contractor will pay any and all damages for which the contractor is legally liable as a result of such work or blasting activities. The bond requirement will be waived for a property owner who will only be constructing a drive into their property. The owner must personally preform all the work. The bond requirement will be waived for public utilities franchised within Cerro Gordo County.

c. Insurance: The applicant shall file with the Engineer evidence of public liability insurance acceptable to the county to be in full force and effect for the full period of the license. Liability insurance shall be written by an insurance company qualified to do business in Iowa. The minimum coverage by such insurance is as follows:

Commercial General Liability, Including:

Public Liability Insurance:

Each occurrence \$500,000

Bodily Injury:

Each Person \$250,000

Each Occurrence \$500,000

Property damage insurance:

Each Occurrence \$250,000

Worker's Comp and Employer's Liability: \$100,000

In addition to the above limits, a \$1 million Umbrella is also required. The insurance requirement will be waived for public utilities franchised within Cerro Gordo County.

d. Term of License: Excavator's license shall expire 12 months after approved application, if Bond or Insurance term is shorter than 12 months the License shall match the shortest term.

SECTION 4. PERMIT REQUIRED

A. No work within the limits of any street alley, or other County right of way by any excavator, contractor or any other person shall be initiated without first securing a

permit for the performance of such work from the County Engineer's office. No fee shall be required for a permit except in the case of cutting into a paved surface that has permanent pavement, such as concrete or asphalt, then the permit fee shall be one hundred dollars (\$100.00).

B. Any person cutting or opening any road shall replace the surfacing, whether concrete, asphalt, or otherwise, under the supervision of and in accordance with the plans and specifications of the County Engineer and in accordance with the provisions of this ordinance.

SECTION 5. REPEALER: All ordinances, resolutions or parts of ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY: If any section, provision, or part of this ordinance shall be adjudged to be unconstitutional or otherwise invalid, such an adjudication shall not affect the validity of the ordinance as a whole or any section thereof.

SECTION 7. EFFECTIVE: This ordinance shall be effective upon its final passage, approval and publication as required by law.

First Consideration: March 15, 2022

Second Consideration: Waived March 15, 2022

Third Consideration: Waived March 15, 2022

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

Latham moved with Watts seconding, to waive the second and third considerations of Ordinance 20A- Contractor's License. Motion passed.

Latham moved with Watts seconding, to authorize the Chair to sign 28E Sharing Agreement with Hancock County Regarding Maintenance of Portable Traffic Signal Purchased under Traffic Safety Improvement Program Grant from Iowa DOT. Motion passed.

The Board held bid letting for the North Illinois Secondary Roads Maintenance Facility – Soils Correction Project.

Latham moved with Watts seconding, to approve the new position and job description for Maintenance Supervisor. Motion passed.

Latham moved with Watts seconding, to adopt Resolution 2022-33, A RESOLUTION ACCEPTING WARRANTY DEED FROM THE IOWA NATURAL HERITAGE FOUNDATION, AN IOWA CORPORATION FOR REAL ESTATE LEGALLY DESCRIBED AS: Parcel "A" located in the West Half (W1/2) of the Northwest Quarter (NW1/4) and in Lots One (1), Two (2), Three (3) and Four (4) of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section Ten (10), Township Ninety-seven (97) North, Range Twenty-one (21) West of the 5th P.M., as described and depicted on Plat of Survey dated January 23, 2020 and filed January 23, 2020 as Document No. 2020-392 in the Office of the Cerro Gordo County Recorder. (Parcel No's. 02-10-100-005-00; 02-10-100-007-00; 02-10-300-004-00) (the "Real Estate") WHEREAS, the Iowa Natural Heritage Foundation has offered to sell and Cerro Gordo County, Iowa has offered to buy the Real Estate, and WHEREAS, the Real Estate is located within the territorial limits of Cerro Gordo County, Iowa, and WHEREAS, the Real Estate is suitable for county purposes, and WHEREAS, a Warranty Deed has been presented to the Board of Supervisors of Cerro Gordo County, Iowa, by the Iowa Natural Heritage Foundation, an Iowa Corporation. NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa:

SECTION 1: THAT THE WARRANTY DEED PRESENTED BY THE IOWA NATURAL HERITAGE FOUNDATION, AN IOWA CORPORATION, SHOULD BE AND IS HEREBY APPROVED AND ACCEPTED FOR THE FOLLOWING LEGALLY DESCRIBED PROPERTY:

Parcel "A" located in the West Half (W1/2) of the Northwest Quarter (NW1/4) and in Lots One (1), Two (2), Three (3) and Four (4) of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section Ten (10), Township Ninety-seven (97) North, Range Twenty-one (21) West of the 5th P.M., as described and depicted on Plat of Survey dated January 23, 2020 and filed January 23, 2020 as Document No. 2020-392 in the Office of the Cerro Gordo County Recorder. (PARCEL NO's. 02-10-100-005-00; 02-10-100-007-00; 02-10-300-004-00) Motion passed.

Latham moved with Watts seconding to waive Payment in Lieu of Taxes (PILOT) for AY20 on Fieldstone Circle Apartments for North Iowa Regional Authority in the

amount of \$1,494.11 and authorize the Chair to sign. Motion passed.

Latham moved with Watts seconding, to approve dock permit 51P. Motion passed.

Latham made a motion, with Callanan seconding, to adjourn at 10:26 a.m. Motion passed.

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