

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
May 31, 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, Supervisor Casey Callanan and various members of the public.

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

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

May 24, 2022	Board Staff Discussion
May 24, 2022	Regular Session

Motion passed unanimously.

Public comment session was held.

Latham moved with Callanan seconding, to approve claims. Motion passed unanimously.

Callanan moved with Latham seconding, to approve the payroll register for period ending 05/21/2022. Motion passed unanimously.

Callanan moved with Latham seconding, to approve the FY2023 Swaledale Sanitary Sewer Budget and the FY 2023 Meservey Sanitary Sewer Budget. Motion passed unanimously.

Latham moved with Callanan seconding, to approve the 5-day Class B Beer Permits for Backpack Brewing on Tobin Property and on Mallow Property. Motion passed unanimously.

Chairman Watts opened the public hearing on Proposed Ordinance 20B-Contractors License at 10:05 a.m.

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

Latham moved with Callanan seconding, to adopt Ordinance 20B- Contractors 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 employees of the county in exercise of their respective duties. 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 a contractor'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). The fee shall be paid in full regardless of the time of year the application is made and shall not be apportioned. This fee shall be waived for public utilities franchised within Cerro Gordo County.

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. Contractors that are sole proprietors and have no legal requirement to carry workers' comp insurance can sign a declaration stating that they are the type of the business that does not require workers' comp insurance and therefore do not need the workers' comp and employers' liability. The declaration also acknowledges that if the contractor's business plan changes and they become required to carry workers' comp insurance, their license is suspended until their insurance coverage on file is updated.

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 charge shall be made for such permit except in the case of cutting into a paved surface as noted in Section 4, Subsection C of this section.

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.

C. Fees. When the road surface has been paved with permanent pavement, such as concrete or asphalt, within twenty (20) years of the application for the permit to cut such road, no permit shall be issued until the applicant has paid a permit fee of one hundred dollars (\$100.00)

**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 and 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: May 31, 2022

Second Consideration: Waived May 31, 2022

Third Consideration: Waived May 31, 2022

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

Latham moved with Callanan seconding, to waive the second and third considerations of Ordinance 20B- Contractor's License. Roll call vote: Callanan- Aye; Latham- Aye; Watts- Aye. Motion passed unanimously.

Latham moved with Callanan seconding, to authorize the Chair to sign Central Iowa Community Services Advocate Services Agreement by and between CICS and Cerro Gordo County. Motion passed unanimously.

Callanan moved with Latham seconding, to approve request from City of Mason City to use segments of County Roads for RAGBRAI detour. Motion passed unanimously

Latham moved with Callanan seconding, to approve manure management reports from the Planning and Zoning Administrator and Environmental Health Service Manager for H.E Trettin, Inc (site #59213), Finch Single Wides- Franklin Farms (site #63675), Dogwood Double Wide- Franklin Farms (site #65907), and Daniel Boehnke- Herman Finishers (site #65870) and forward to the DNR. Motion passed unanimously

Latham moved with Callanan seconding, to adjourn at 10:11 a.m. Motion passed unanimously.

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