

PROCEEDINGS OF THE BOARD OF SUPERVISORS
October 25, 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 minutes for October 18, 2022 regular session. Motion passed unanimously.

Public comment session was held.

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

Latham moved with Callanan seconding, to adopt Resolution 2022-95, WHEREAS, the following payroll change requests were submitted to the Board of Supervisors for review; and, WHEREAS, the Board of Supervisors of Cerro Gordo County, has reviewed and considered the change requests as follows:

Department	Name
Pay Change	Effective Date
Emergency Mgmt. \$72,000/year	Eric Whipple 11/14/2022

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Cerro Gordo County does hereby approve the requests as shown above and directs the Auditor to make the necessary adjustments to the payroll. Motion passed unanimously.

Callanan moved with Latham seconding, to authorize Rodney McKinney to conduct field review on the following drainage district:

Drainage District	Reported By	Problem
DD 31 Sections 8 Grimes Township	Randy Fischer	Broken Tile

Motion passed unanimously.

Latham moved with Callanan seconding, to cancel outstanding warrants. Motion passed unanimously.

Callanan moved with Latham seconding, to approve the Auditor's Quarterly Report of Fees. Motion passed unanimously.

Latham moved with Callanan seconding, to schedule the First Consideration of Proposed Ordinance 67 – An Ordinance Readopting the Existing County Code for November 15, 2022 Regular Session. Motion passed unanimously.

Chairman Watts opened the public hearing on Proposed Ordinance 21G – An Ordinance Establishing a Local Option Sales & Services Tax Applicable to Transactions within the Incorporated Areas of Mason City, Clear Lake, Dougherty, Meservey, Plymouth, Rock Fall, Rockwell, Swaledale, Thornton and Ventura and in the Unincorporated Area of Cerro Gordo County at 10:05 a.m.

Latham moved with Callanan seconding, to close the public hearing at 10:06 a.m. Motion passed unanimously.

Callanan moved with Latham seconding, to adopt Ordinance 21G, AN ORDINANCE ESTABLISHING A LOCAL OPTION SALES AND SERVICES TAX APPLICABLE TO TRANSACTIONS WITHIN THE INCORPORATED AREAS OF MASON CITY, CLEAR LAKE, DOUGHERTY, MESERVEY, PLYMOUTH, ROCK FALLS, ROCKWELL, SWALEDALE, THORNTON AND VENTURA OF CERRO GORDO COUNTY AND IN THE UNINCORPORATED AREA OF CERRO GORDO COUNTY. Be it Enacted by the Board of Supervisors of Cerro Gordo County, Iowa:

Section 1. Amendment. The Cerro Gordo County Ordinance No. 21F adopted December 18, 2018, is hereby amended by repealing all sections and by adopting the following new sections.

Section 2. Local Option Sales and Services Tax. There is imposed a local option sales and services tax applicable to transactions within the incorporated areas of Mason City, Clear Lake, Dougherty, Meservey, Plymouth, Rock Falls, Rockwell, Swaledale, Thornton and Ventura of

Cerro Gordo County and in the unincorporated area of Cerro Gordo County.

The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in the unincorporated area of Cerro Gordo County and the following cities: Mason City, Clear Lake, Dougherty, Meservey, Plymouth, Rock Falls, Rockwell, Swaledale, Thornton and Ventura.

The tax was authorized by and election on April 7, 1992 in the incorporated areas of Clear Lake, Dougherty, Meservey, Plymouth, Rockwell, Swaledale, Thornton and Ventura and imposed on transactions occurring on or after July 1, 1992. The tax was authorized for a period of five years by and election on April 7, 1992 in the cities of Mason City and Rock Falls and imposed on transactions occurring on or after July 1, 1992. The tax was authorized by an election on August 25, 1992 in the unincorporated area of Cerro Gordo County and imposed on transactions occurring on or after January 1, 1993. The tax was authorized and renewed in unincorporated areas of Mason City and Rock Falls by an election on November 5, 1996 for a period of five years and imposed on transactions occurring on or after July 1, 1997. The use of the tax was changed in the City of Swaledale by an election on November 7, 2000, with change in use effective beginning January 1, 2001. The tax was authorized and renewed in the incorporated areas of Mason City and Rock Falls on April 2, 2002 and imposed on transactions occurring on or after July 1, 2002. The tax was authorized in the incorporated area of Mason City for a period of eleven years until June 30, 2013. The tax was authorized and renewed in the incorporated area of Mason City on November 6, 2012 and imposed on transactions occurring on or after July 1, 2013. The tax was authorized in the incorporated area of Mason City for a period of eleven years until June 30, 2023. The tax was authorized in the incorporated area of Mason City on September 13, 2022 with no sunset date. The use of the tax was changed in the City of Swaledale by an election on November 6, 2018, with change in use effective beginning July 1, 2019. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in chapter 324 of the Iowa Code, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in section 422.45, subsections 26 and 27 of the Iowa Code.

All applicable provisions of the appropriate sections of chapter 422, Division IV, of the Iowa Code are adopted by reference.

Section 3. Authorized Uses. Cerro Gordo county and the incorporated cities within have specified authorized uses for the local option sales and services taxes. The authorized uses of local option sales and services taxes are hereby incorporated by reference and made a part hereof.

Section 4. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Authorized Uses of LOSST in Cerro Gordo County

Cerro Gordo County- Unincorporated Area

Sunset Date: None

Authorized: 08-25-1992

0% Property Tax Relief.

55% Secondary Road Fund.

25% Community Betterment, with 20% for rural county usage and 5% for general county usage.

10% General Fund.

10% Economic Development.

City of Clear Lake

Sunset Date: None

Authorized: 04-07-1992

90% Property Tax Relief.

10% Community Betterment purposes in the City of Clear Lake.

City of Dougherty

Sunset Date: None

Authorized: 04-07-1992

100% Property Tax Relief

City of Mason City

Sunset Date: None

Authorized: 04-07-1992

Renewal: 11-05-1996

Renewal: 04-02-2002

Renewal: 11-06-2012

Renewal: 09-13-2022

50% Property Tax Relief and for no other purpose.

40% Street improvements such as surfacing/resurfacing, railroad crossing repair, overpass/underpass construction, bridge repair, storm sewer work, traffic signals installation and maintenance, public parking maintenance, city owned sidewalk repairs, park improvements and any other lawful use such as the retirement of debt incurred for such projects.

10% General Fund for any legal city purpose such as police protection, fire protection, library services, recreation programs/projects, airport, transit services, museums and administrative services.

City of Meservey

Sunset Date: None

Authorized: 04-07-1992

100% Property Tax Relief.

City of Plymouth

Sunset Date: None

Authorized: 04-07-1992

50% Property Tax Relief (at least 50%).

50% Any other lawful purpose of the City (up to 50%).

City of Rock Falls

Sunset Date: None

Authorized: 04-07-1992

Renewal: 11-05-1996

Renewal: 04-02-2002

0% Property Tax Relief.

50% Sewer maintenance and repairs, preventative maintenance on the sewer system, and sewer loan payments.

50% Road maintenance and repairs, preventative maintenance on the roads and bridges.

City of Rockwell

Sunset Date: None

Authorized: 04-07-1992

0% Property Tax Relief.

50% Recreational Development and Maintenance.

50% Economic Development and Community Betterment.

City of Swaledale

Sunset Date: None

Authorized: 04-07-1992

Change in Use: 11-06-2018

0% Property Tax Relief.

25% Swaledale Fire Department.

25% Swaledale Public Library.

50% Swaledale General Fund.

City of Thornton

Sunset Date: None

Authorized: 04-07-1992

45% Property Tax Relief.

30% City Library.

25% Community Center, EMT, Fire and Police Department.

City of Ventura

Sunset Date: None

Authorized: 04-07-1992

60% Property Tax Relief.

20% Maintenance, repair and improvements to the city street system.

10% Fire protection.

10% Police protection.

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

Latham moved with Callanan seconding, to waive the second and third considerations of Ordinance 21G. Roll call vote: Watts- Aye; Callanan- Aye; Latham- Aye. Motion passed unanimously.

Chairman Watts opened the public hearing on Amendments to Zoning Ordinance No. 15 at 10:10 a.m.

Latham moved with Callanan seconding, to close the public hearing at 10:13 a.m. Motion passed unanimously.

Latham moved with Callanan seconding, to adopt Resolution 2022-96, A RESOLUTION AMENDING THE ZONING ORDINANCE OF CERRO GORDO COUNTY (Ordinance No. 15), AMENDING ARTICLE 21: FLOODPLAIN MANAGEMENT AND ADOPTING UPDATED FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY WHEREAS, Cerro Gordo County is a member in good standing in the National Flood Insurance Program; and WHEREAS, areas prone

to flooding, known as special flood hazard areas, in Cerro Gordo County have recently been re-mapped by the Federal Emergency Management Agency (FEMA) following further study of county waterbodies; and WHEREAS, the new maps issued by FEMA have an effective date of December 15, 2022; and WHEREAS, the Cerro Gordo County Planning and Zoning Commission, after study and hearing, has recommended amendments to the Zoning Ordinance, upon the application of the Zoning Administrator; and WHEREAS, the final hearing has been held with notice as required by law. NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended, and that this Resolution shall be in full force and effect from and after its passage.

1. **Article 4, Definitions**, shall be amended as follows:

Add the following definition of APPURTENANT STRUCTURE:

A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. (Applicable to Article 21 Floodplain Management only).

Repeal the following definition of DEVELOPMENT and replace with the following:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

Repeal the following definition FLOOD INSURANCE STUDY (FIS) and replace with the following:

A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

2. **Article 21.3, Lands to which Ordinance Applies** shall be amended as follows:

Repeal and replace with the following:

The provisions of this ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Cerro Gordo County and Incorporated Areas, dated December 15, 2022, which were prepared as part of the Cerro Gordo County Flood Insurance Study, shall be used to identify such flood hazards. The Cerro Gordo County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

3. **Article 21.5, Standards for Floodplain Development**, shall be amended as follows:

Repeal the opening paragraph and replace with the following:

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department or Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)(b), Iowa Administrative Code (as amended).

Repeal Section 21.5(A)(1) and replace with the following:

1. Be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.

Repeal Section 21.5(B)(1) and replace with the following:

1. New and substantially improved residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access, which will be passable, by wheeled vehicles during the base flood.

Repeal Section 21.5(B)(3)(c) and replace with the following:

c. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

Add Section 21.5(B)(3)(d) as follows:

d. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

Repeal Section 21.5(D) and replace with the following:

D. Subdivisions (including factory-built home parks and subdivisions)
Subdivisions shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

Repeal Section 21.5(I)(1)(f) and replace with the following:

c. The structure's walls shall include openings that satisfy the provisions of Section 21.5(B)(3)(a) of this Ordinance.

Repeal Section 21.5(J)(1) and replace with the following:

1. Recreational vehicles are exempt from the requirements of Article 21.5(C) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

a. The recreational vehicle shall be located on the

site for less than 180 consecutive days, and,

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

4. **Article 21.6, Administration**, shall be amended as follows:

Repeal Section 21.6(A)(2)(g)(1) and replace with the following:

(1) Development placed within the floodway results in any of the following:

(a) An increase in the Base Flood Elevations, or

(b) Alteration to the floodway boundary

Repeal Section 21.6(C) and replace with the following:

C. The administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this ordinance and shall advise the Board of Supervisors of potential conflicts. Floodplain development in connection with a subdivision (including installation of public utilities) shall require Floodplain Development Permit as provided in Article 21.6(B).

NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended and that this Amendment shall be in full force and effect from and after its passage. Roll call vote: Watts- Aye; Callanan- Aye; Latham- Aye. Motion passed unanimously.

Latham moved with Callanan seconding, to waive the second and third considerations of the Amendments to Zoning Ordinance No. 15. Roll call vote: Watts- Aye; Callanan- Aye; Latham- Aye. Motion passed unanimously.

Callanan moved with Latham seconding, to accept the completed work to the Dougherty Resurfacing Project-LFM-S66(233)—7x-17 and authorize the Chair to sign the Final Voucher. Motion passed unanimously.

Latham moved with Callanan seconding, to authorize the chair to sign the Iowa DOT Traffic Safety Improvement Program Agreement. Motion passed unanimously.

Callanan moved with Latham seconding, to approve the Open Records Policy and Procedure. Motion passed unanimously.

Latham moved with Callanan seconding, to approve reports from the Planning & Zoning Administrator and Environmental Health Service Manager concerning Manure Management Plan Updates for Research Farms, LLC, Karl Benjegerdes, Rock Pork, LLC, and Roots Site (EJ Pork) and forward to the DNR. Motion passed unanimously.

Latham moved with Callanan seconding, to adjourn at 10:48 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