

**SUPERVISOR'S MINUTE BOOK 2018**

**April 10, 2018**

The regular meeting of the Board of Supervisors was called to order at 8:30 a.m. by Board Chairman Thompson. Present were Rick Thompson, Todd Nelsen and Gary VanAernam. Others present were Joni Hansen, Amy Elmquist, Mitch Rydl, Laura Bacon, Sheri Vaughn, Doug Weston, Kent Grabill, Sarah Jennings and Miranda Bills. Mitch Rydl and Kent Grabill joined the meeting at 8:30.

Motion-VanAernam Second-Nelsen to approve the agenda. Vote-all in favor. Motion-Nelsen Second-VanAernam to approve the minutes of the April 3, 2018 meeting. Vote-all in favor.

Sheri Vaughn of Workforce Development met to discuss Home Base Iowa signs to be placed on state highways when entering the county. Motion-Nelsen Second-VanAernam to approve the purchase of Home Base Iowa signs. Vote-all in favor. Vaughn discussed a website for the hiring of veterans looking for work.

Motion-VanAernam Second-Nelsen to accept and file the Clerk of Court's March Report of Fees. Vote-all in favor.

Doug Weston gave the custodial update and discussed the completion of security work on doors, ice in the handicap door and an update on panels where air conditioners had been.

Motion-Nelsen Second-VanAernam to accept and place on file a MMP for Greenflash RE, LLC-Jorgensen Site, ID#64571. Vote-all in favor.

Motion-Thompson Second-VanAernam to approve the deletion of Election OVI voting machines-asset #2353, 2366 and 2341. Vote-all in favor.

Motion-Nelsen Second-VanAernam to approve the Master Matrix scoring of 475 for the H & S Farming, LLC site. Vote-all in favor. Motion-Nelsen Second-VanAernam to recommend DNR approval of the Construction Permit Application for H & S Farming, LLC site due to the absence of any known statute or rule violation. Vote-all in favor.

Attorney Sarah Jennings gave the attorney update. Discussion was held regarding her budget amendment and the credit card she had requested. Discussion was held regarding the Roadside Manager position and Sarah stated she would check with Renee VonBokern as to whether this position would be exempt or non-exempt.

The Chairman opened the public hearing at 10:00 a.m. No written comments were received. Recorder Miranda Bills discussed the City of Audubon code regarding ATV's and also stated she had posted the proposed ordinance on facebook. Motion-Nelsen Second-VanAernam to close the public hearing at 10:06 a.m. Vote-all in favor. Motion-VanAernam Second-Nelsen to approve the adoption of the ATV ordinance as follows. Vote-all in favor.

**AUDUBON COUNTY ORDINANCE NO. 2018-1**

**AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN AUDUBON COUNTY, IOWA.**

SECTION 1. The Ordinances of the County of Audubon, Iowa, are amended by adopting this Ordinance.

SECTION 2 PURPOSE. Iowa Code §321.1(90) provides that a "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Iowa Code §321.1(42) provides that a "motor vehicle" means a vehicle which is self-propelled. Iowa Code §321.1(4) provides that "all-terrain vehicle" includes off-road utility vehicles. Iowa Code §321.174 provides that a person, except those exempted, shall not operate any motor vehicle upon a highway in this state unless the person has a driver's license issued by the department of transportation valid for the vehicle's operation. Iowa Code §321.234A provides that certain persons may operate all-terrain vehicles on a highway. Iowa Code §321.20B provides that a person shall not drive a motor vehicle on the highways of this state unless financial responsibility is in effect for the motor vehicle and unless the driver has proof of financial responsibility. A riding trail means an all-terrain vehicle riding trail on any public land designated by a political subdivision. Iowa Code §321.1(7).

This ordinance designates the streets and portion of roadways where All-terrain Vehicles and Off-road Utility Vehicles may operate. Iowa Code Chapter §3211.1 authorizes Audubon County to evaluate and designate roadways and trails for operation which does not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic. Registered All-terrain Vehicles and Off-road Utility Vehicles when operated with lights and by insured and licensed drivers do not unduly interfere with or constitute an undue hazard to conventional motor vehicle traffic. Use should be allowed consistent with treatment similar to motorcycles. All streets and highways (except State highways) in Audubon County are hereby designated to be riding trails.

SECTION 3 DEFINITIONS. The definitions of terms used in this ordinance are:

All-terrain Vehicle means as defined by Iowa Code §3211.1

Off-road Utility Vehicle means as defined by Iowa Code §3211.1

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Street or highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public.

SECTION 4 LAWFUL OPERATION. An All-terrain Vehicle or Off-road Utility Vehicle may be operated on streets (except State highways) in Audubon County except in violation of the restrictions in this ordinance and those imposed by the Iowa Code or any municipal ordinance. An All-terrain Vehicle or Off-road Utility Vehicle is authorized to stop at service stations or convenience stores.

SECTION 5 UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle under any of the following conditions:

In violation of any provision of Iowa Code §3211.4.

In a careless manner such that it creates or causes unnecessary tire squealing, skidding or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.

In a manner which causes the road surface material on the roadway to be disrupted or moved in any fashion such as to cause the road surface to have ruts, cause standing water or in any fashion require additional maintenance or grading so as to restore the regular crown or shape.

Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle.

Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Ch. 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

On any Grade level C street except the portion thereof designed, or ordinarily used for vehicular travel is permitted.

On any Grade level B street, except the portion thereof designed, or ordinarily used for vehicular travel is permitted.

On any street where official signs are placed in accordance with the Uniform Sign Manual restricting operation.

On any land under the control of the Audubon County Conservation Board where Official Rules have been adopted and signs placed in accordance with the Uniform Sign Manual restricting operation.

SECTION 6 REGISTRATION REQUIREMENTS. An All-terrain Vehicle or Off-road Utility Vehicle operated on a roadway shall be registered pursuant to the Iowa Code.

Those registered in Iowa shall display the current registration decal and shall carry the certificate on board.

Those registered in another state shall display the current indicia of registration and shall carry the certificate on board in compliance with the other state law.

SECTION 7 EXEMPT VEHICLES & OPERATORS. This Ordinance does not apply to any exemption under the Iowa Code for All-terrain Vehicles and Off-road Utility Vehicles operated pursuant to Iowa Code §3211.9 (government and farm implements) or Iowa Code §321.234A (incidental to and use for

agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code §§352.2, 321I.14(3)(b) (farm operations).

SECTION 8 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine only as provided by the Iowa Code plus the applicable court surcharge and costs.

SECTION 9 JURISDICTION. The provisions of this Ordinance shall apply throughout Audubon County, Iowa, including municipalities which have not enacted a municipal ordinance dealing with similar subject matter.

SECTION 10 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12 EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

AUDUBON COUNTY BOARD OF SUPERVISORS

/s/ Rick Thompson, Chairperson

Attest:/s/ Amy Elmquist, Auditor Clerk

Publication Summary:

First Reading & Passage: March 27, 2018

Second Reading & Passage: April 3, 2018

Third Reading & Passage: April 10, 2018

Publication Date: April 13, 2018

Thompson left the meeting at 10:08 a.m. Mitch Rydl presented the Five Year Construction Plan. Motion-Nelsen Second-VanAernam to approve the Iowa DOT for FY19 budget. Vote-all in favor. Bridge crew working on bridge near 140<sup>th</sup> & Mockingbird. Other crew working on digging ditches, stock piling rock, blading. Engineer questioned the paying of RDP computer service invoices for secondary roads and returned such to Board of Supervisors. Deputy Auditor Hansen again mentioned the secondary roads labor distribution and ability to use road clearing function within secondary road funds- Rydl will check into why some amounts have been taken out of rural basic funds.

Motion-VanAernam Second-Nelsen to approve FY18 budget amendment hearing date at 10 a.m. on April 26, 2018. Motion-VanAernam Second-Nelsen to adjourn at 11:05 a.m. Vote-all in favor.

  
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Chairman, Audubon Co. Board of Supervisors

Attest:   
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Audubon County Deputy Auditor