

**November 15, 2016**

The Mahaska County Board of Supervisors met in special session on the above date at 1:00 p.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman ó Henry VanWeelden; Vice chairman ó Mike Vander Molen and Member ó Mark Doland. Also present were Jeff Forward, Osky Herald; Ken Allsup, Osky News; Jason Madison, Eduardo Zamarripa, CRI; Dave Sedivec, Co Conservation; Dave Shanahan, Co Engineer; Deann DeGroot; Mark Groenendyk; and Susan Brown, Mahaska County Auditor.

This meeting was filmed by Communications Research Institute of William Penn University.

Chairman VanWeelden opened the meeting at 1:00 p.m. with a moment of silence.

It was moved by Doland seconded by Vander Molen to approve the agenda for today's meeting. All present voted aye. Motion carried.

It was moved by Doland seconded by Vander Molen to approve minutes for October 17<sup>th</sup> meeting. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve bills for October totaling \$674,140.57. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve the following changes in payroll in the sheriff's department. Kyle Vinton's payroll status will go from part time to full time as a jailer effective November 6, 2016. Starting wage will be \$28,000/yr. Gaige Gardner will be removed from sheriff's department payroll effective October 31, 2106. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve a loan from the Revolving Loan Fund to Town Square Dental Care P.C. in the amount of \$120,000 for 10 years with a rate of 2.5% as recommended by the Revolving Loan Fund Committee. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve the 2<sup>nd</sup> reading of proposed Ordinance #53 ó Regulating operation of ATV and off-road vehicles in Mahaska County. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to waive the 3<sup>rd</sup> reading of Ordinance #53 and declare the ordinance in effect. All present voted aye. Motion carried.

Mahaska County Ordinance #53

AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN MAHASKA COUNTY, IOWA

\_\_\_\_.01 PURPOSE. The purpose of this Ordinance is to designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may be operated and to establish regulations regarding such operation.

\_\_\_\_.02 DEFINITIONS. The definitions of terms used in this ordinance are:

1. "All-terrain vehicle", as defined in Iowa Code Section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off-road vehicle", as defined in Iowa Code Section 321I.1(18)(a), means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:
  - (1) "Off-road utility vehicle - type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
  - (2) "Off-road utility vehicle - type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
  - (3) "Off-road utility vehicle - type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
3. "Roadway", as defined in Iowa Code Section 321I.1(27), means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

\_\_\_\_.03 OPERATION ON ROADWAYS. A registered all-terrain vehicle or off-road utility vehicle may be operated on gravel or dirt county roadways in Mahaska County pursuant to the restrictions in this ordinance and those restrictions imposed by Iowa Code 321I and 321.234A. Such operation must begin after official sunrise and must cease before official sunset. In the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on a gravel or dirt

roadway, said person may operate on the shoulder of the county blacktop for a distance of not more than ½ a mile to reach the permissible county gravel or dirt roadway.

\_\_\_\_\_.04 UNLAWFUL OPERATIONS. A person shall not operate an all-terrain or off-road utility vehicle under any of the following conditions:

1. At a rate of speed greater than reasonable and/or proper under existing circumstances, having due regard to the traffic, surface and any other condition existing, but not greater than 35 miles per hour.
2. In a careless, reckless or negligent manner so as to:
  - a. Endanger any person, including the operator;
  - b. Cause injury or damage to person or property; and
  - c. Create unnecessary spinning, skidding, sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
3. Without a lighted headlamp, a lighted rear lamp, and equipped with at least one mirror so located as to reflect the operator a view to the rear of the vehicle a distance of 200 feet.
4. In any tree nursery or planting in a manner which damages or destroys growing stock.
5. On public land, ice or snow in violation of official signs prohibiting such operation.
6. In any park, wildlife area, preserve, refuge or game management area, gravel pit or any other property owned by Mahaska County.
7. Upon any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas; designated riding trails; the use of crossings for agricultural purposes; the use of construction vehicles engaged in law activity; and/or the operation of all-terrain vehicles on ice.
8. On snowmobile trails except where designated by Mahaska County.
9. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at established crossings and only after yielding to oncoming traffic. This provision does not apply to a law enforcement officer or a railroad employee with authority to enter upon the railroad right-of-way in the lawful performance of their duties.
10. With more persons on the vehicle than it was designed to carry.

11. On any riding area or trail unless the trail is designated by signs as open to all-terrain and off-road utility vehicle operation.
12. Under the age of 16.
13. Without a valid driver's license.
14. Without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course if the operator is younger than 18 years of age.
15. Without proof of insurance.
16. With being duly registered, pursuant to the laws of the State of Iowa, including but not limited to Iowa Code Section 321.18 and 321.20. This subsection shall not apply to all-terrain or off-road utility vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code Section 321I.9(3).
17. Without wearing a properly adjusted and fastened seatbelt if the all-terrain or off-road utility vehicle is so equipped.
18. Without the all-terrain or off-road utility vehicle bearing 16 square inches of red and white reflective tape or factory installed red reflectors or a slow moving vehicle sign affixed to the rear of the vehicle so that it is clearly visible.

\_\_\_\_\_.05 REGISTRATION REQUIREMENTS AND OTHER CONDITIONS.  
Individuals who operate on county roadways in Mahaska County must register the all-terrain vehicle or off-road utility vehicle with the Iowa Department of Natural Resources. The following conditions apply:

1. The owner of each all-terrain vehicle or off-road utility vehicle shall be required to provide proof of ownership, including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and proof of liability insurance as required by Iowa Code Section 321.20B and 321A.21.
2. All-terrain vehicles or off-road utility vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. All-terrain vehicles or off-road utility vehicles registered in another state are required to all display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying the certificate on board.

\_\_\_\_.06 EXEMPT VEHICLES. The registration requirements of this ordinance shall not apply to the following described all-terrain or off-road utility vehicles:

1. All-terrain vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.
2. All-terrain vehicles used in accordance with section 321.234A(1)(a).
3. All-terrain vehicles used exclusively as farm implements.

\_\_\_\_.07 PENALTIES. Violation of this ordinance shall constitute a Simple Misdemeanor punishable by a fine and/or jail sentence, in addition to applicable surcharges and court costs, as provided by the laws of the State of Iowa, including but not limited to Iowa Code Section 903.1(a).

\_\_\_\_.08 SEVERABILITY. 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.

\_\_\_\_.09 EFFECTIVE DATE. This ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

Adopted this 15th day of November, 2016.

It was moved by Doland seconded by Vander Molen to appoint the following members to the Solid Waste Commission: Mark Groenendyk, Peggy Wright, John Jacobs and Alan DeBruin. All present voted aye. Motion carried.

For accreditation the mental health region will need evaluations for the Community Services Director. It was moved by Doland seconded by Vander Molen to accept a self-evaluation done by the current Community Services Director. It was moved by Vander Molen seconded by VanWeelden to adopt the evaluation form presented and authorize Supervisor Doland to fill out the evaluation for the Community Services Director on the board's behalf. All present voted aye. Motion carried.

Supervisor Doland reported a grievance between Appanoose County and the South Central Behavioral Health Region had been resolved.

It was moved by VanWeelden seconded by Doland to sign secondary road union contract as was previously negotiated with an effective date as of the date of signing. VanWeelden ó aye. Vander Molen - nay. Doland - aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve setback variance request by Bruce Vander Meyden for building at 2276 290<sup>th</sup> St, Oskaloosa. All present voted aye. Motion carried.

County Auditor and Commissioner of Elections, Susan Brown, reported that the total number of registered voters was 15,017 for the November 8<sup>th</sup> General Election. There were 10,723 who voted. Voter turnout was 71.41%.

After reading the votes cast for each office, it was moved by Vander Molen seconded by Doland to certify the canvass of votes and declare candidates receiving the most votes to be winners at the General Election held on November 8, 2016. All present voted aye. Motion carried.

Results of the General Election held on November 8, 2016 can be found in the General Election Record Book in the Auditor's Office.

The board will not meet on Monday, November 21<sup>st</sup>. A work session was scheduled for December 5<sup>th</sup> following the regular board meeting to discuss with Secondary Roads Dept. and Conservation Dept. the next steps in planned projects related to the continuation of the Local Option Sales Tax in Mahaska County.

Committee reports: None  
No public comments: None

It was moved by Vander Molen seconded by Doland to adjourn. All present voted aye. Motion carried.

Attest: \_\_\_\_\_  
Susan L. Brown  
Mahaska County Auditor

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Henry VanWeelden  
Mahaska County Board of Supervisors