Book 2016 Page 1740
Document 2016 1740 Type 06 018 Pages 26
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Rec Amt $.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return To: Carla K. Becker, County Auditor, 301 E. Main St., Manchester, IA 52057 (563) 927-4701

CERTIFICATION

Attached hereto are the following supporting documentation for the passage of Ordinance #39 entitled *"An Ordinance Regulating the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Delaware County, Iowa"*, by the Delaware County Board of Supervisors:

1. County Ordinance #39
2. Proof of Publication of the Public Notice for the first reading of Ordinance #39 published April 27, 2016 in the *Manchester Press* and in the *Dyersville Commercial* and April 26, 2016 in the *Delaware County Leader*.
3. Copy of Resolution No. 2016-034 approving first reading and setting date for second reading.
4. Proof of Publication of the Public Notice for the second reading of Ordinance #39 published May 4, 2016 in the *Manchester Press* and in the *Dyersville Commercial* and May 3, 2016 in the *Delaware County Leader*.
5. Copy of Resolution No. 2016-036 approving second reading and setting date for final reading.
6. Proof of Publication of the Public Notice for the third and final reading of Ordinance #39 published May 11, 2016 in the *Manchester Press* and in the *Dyersville Commercial* and May 10, 2016 in the *Delaware County Leader*.
7. Copy of Resolution No. 2016-037 approving Ordinance #39 and directing Auditor to publish.
8. Copy of the Board of Supervisors Official Minutes of April 18, 2016 in Book 4, Page 51 through Page 52 setting the public hearing date for the first reading.
9. Copy of the Board of Supervisors Official Minutes of May 9, 2016 in Book 4, Page 59 through Page 62 showing the first approved reading of Ordinance #39.
10. Copy of the Board of Supervisors Official Minutes of May 11, 2016 in Book 4, Page 62 showing the work session discussing the public comments from the first reading.
11. Copy of the Board of Supervisors Official Minutes of May 16, 2016 in Book 4, Page 63 through Page 65 showing the second approved reading of Ordinance #39.
12. Copy of the Board of Supervisors Official Minutes of May 17, 2016 in Book 4, Page 65 showing the work session discussing comments from second reading.
13. Copy of the Board of Supervisors Official Minutes of May 23, 2016 in Book 4, Page 66 through Page 69 showing the third and final approved reading of Ordinance #39.
14. Proof of Publication of the full text of Ordinance #39 on June 1, 2016 in the *Manchester Press* and the *Dyersville Commercial* and May 31, 2016 in the *Delaware County Leader*.

I, Carla K. Becker, Delaware County Auditor, do hereby certify that the attached are originals or true copies of the above listed instruments.

Dated this 6th day of July, 2016.

Carla K. Becker, Delaware County Auditor

DELAWARE COUNTY OFFICIAL SEAL IOWA

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Carla K. Becker, Delaware County Auditor, this 6th day of July, 2016.

NOTARIAL SEAL IOWA — ANNE RAVE Commission Number 757587 My Commission Expires March 25, 2018

Anne Rave, Notary Public in and for the State of Iowa

COUNTY ORDINANCE NO. 39

REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES & OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

SECTION 1: PURPOSE. This ordinance shall set forth regulations regarding the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Delaware County Board of Supervisors.

SECTION 2: DEFINITIONS. The definitions of terms used in this ordinance are:

1. ***All-terrain Vehicle*** as defined by Iowa Code § 321I.1 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 two hundred 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. ***Designated riding area*** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the Department of Natural Resource that has been designated by the department for all-terrain vehicle use.
3. ***Designated riding trail*** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding trail on any public land, private land, or public ice that has been designated by the state or the county for all-terrain vehicle use.
4. ***Off-road Utility Vehicle*** as defined by Iowa Code § 321I.1 means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that have 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:
    a. "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.
    b. "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.
    c. "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.
5. ***Public ice*** as defined by Iowa Code § 321I.1 means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the Natural Resource Commission of the DNR.

6. ***Public land*** as defined by Iowa Code § 321I.1 means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to § 321I.8.
7. ***Roadway*** as defined by Iowa Code § 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3: OPERATION ON ROADWAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on secondary roadways, including Class A gravel roadways, in Delaware County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. All-terrain Vehicles and Off-road Utility Vehicles shall not be operated on Class B or Class C roads. All-terrain Vehicles and Off-road Utility Vehicles owned by Delaware County are authorized to operate on Class B roads for official purposes. Operation is limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operations.

A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle on secondary roadways in Delaware County unless the operator has a valid driver's license and is at least 16 years of age. An operator under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate while operating the vehicle as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed.

All-terrain Vehicle and Off-road Utility Vehicle operation may begin at sunrise and must cease at sunset.

SECTION 4: UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle and/or Off-road Utility Vehicle under any of the following conditions:

1. At a rate of speed greater than the thirty-five (35) miles per hour or greater than reasonable and/or proper under existing circumstances.
2. In a careless, reckless, or negligent manner so as to:
    a. Endanger any person;
    b. Cause injury or damage to person or property; or
    c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
3. Without the following equipment:
    a. Lit headlight(s) and taillight(s).
    b. Functioning turn signals, brake lights, brakes, speedometer, and horn.
    c. Rearview mirror, if the All-terrain or Off-road Utility Vehicle is so equipped.
    d. An orange flag affixed to the vehicle at a height that is at least six feet off of the ground or no less than one foot above the top of the vehicle, whichever is higher.
    e. An effective muffling device that complies with the standards and procedures required by Iowa Code § 321I.12.

4. Without wearing a properly adjusted and fastened seatbelt if the All-terrain or Off-road Utility Vehicle is so equipped.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. On any public land, public ice, or designated riding trail in violation of official signs prohibiting such operation.
7. In any park, wildlife area, preserve, refuge, or game management area, except on designated riding areas identified by the Department of Natural Resources or designated riding trails identified by the Delaware County Conservation Board.
8. 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 Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity, and/or the operation of All-terrain Vehicles on ice.
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.
10. With more persons on the vehicle than it was designed to carry. This paragraph does not apply to a person who operates an All-terrain Vehicle or Off-road Utility Vehicle as part of a farm operation as defined in Iowa Code § 352.2.
11. On any designated riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.
12. With a firearm in the person's possession while operating or riding on an All-terrain Vehicle unless it is unloaded and enclosed in a carrying case, subject to the following exceptions:
    a. The person is riding on or operating an All-terrain Vehicle on land owned or possessed by the person and the person's conduct is otherwise lawful.
    b. The person is riding on or operating an All-terrain Vehicle on land that is not owned or possessed by the person and all of the following apply:
        i. The loaded firearm is a pistol or revolver and is secured in a retention holster upon the person,
        ii. The person possesses and displays to a peace officer upon demand a valid permit to carry weapons which has been issued to the person, and
        iii. The person's conduct is within the limits of the permit to carry weapons.

    A nonambulatory person may carry an uncased and unloaded firearm while operating or riding on an All-terrain Vehicle.
13. While discharging a firearm as the operator or passenger, except a nonambulatory person may discharge a firearm from an All-terrain Vehicle while lawfully hunting if the person is not operating or riding on a moving All-terrain Vehicle.
14. Under the age of 16.
15. Without a valid driver's license.
16. 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.

SECTION 5: REGISTRATION REQUIREMENTS AND OTHER CONDITIONS. Individuals who operate on designated secondary roadways in Delaware 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 §§ 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 also display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying the certificate on board.

SECTION 6: EXEMPT VEHICLES. Registration shall not be required for:

1. All-terrain Vehicles and/or Off-road Utility Vehicles used exclusively as farm implements.
2. All-terrain or Off-road Utility 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 purposes, but not for recreational or commercial purposes.
3. All-terrain vehicles used in accordance with Iowa Code § 321.234A(1)(a).

SECTION 7: PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of $65.00 to $625.00, plus the applicable court surcharge and costs and/or up to thirty (30) days in jail.

SECTION 8: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9: EFFECTIVE DATE. The ordinance shall become effective upon its passage and publication pursuant to Iowa Code § 331.302(8).

Passed and adopted this 23rd day of May, 2016.

Delaware County Board of Supervisors

Shirley E. Helmrichs

Shirley Helmrichs, Chairperson

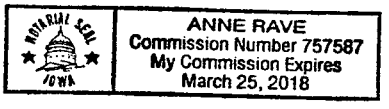
ATTEST:

Carla Becker

Carla Becker, Delaware County Auditor

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 23rd day of May, 2016, before me, Anne Rave, a Notary Public in and for the State of Iowa, personally appeared Shirley Helmrichs and Carla Becker, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Resolution No. 2016-037 adopted by the Board of Supervisors under Roll Call of the Board of Supervisors on the 23rd day of May, 2016, and Shirley Helmrichs and Carla Becker acknowledged the execution of the instrument to be his/her voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.



Anne Rave

Anne Rave, Notary Public, State of Iowa

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Kim Ronnebaum, of Woodward Communications, Inc., an Iowa corporation, publisher of the Manchester Press, a newspaper of general circulation published in the City of Manchester, County of Delaware and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates 4-27, 2016, and for which the charge is $12.42.

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 2nd day of May 2016.

KIMBERLY RONNEBAUM
Commission Number 784454
My Commission Expires

Notary Public in and for
Delaware County, Iowa

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Notice of Public Hearing

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the first reading in consideration of **Ordinance #39 "An Ordinance Regulating the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Delaware County, Iowa"** at their regular meeting on **May 9, 2016 at 1:15 pm** in the Delaware County Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary: The purpose of this ordinance is to regulate the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Delaware County Board of Supervisors.

Carla K. Becker,
Delaware County Auditor
4-27

FILED
MAY 12 2016
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

RESOLUTION No. 2016-34

BE IT RESOLVED that the first reading of the ordinance entitled:

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

Is hereby approved and that said ordinance be further considered for its second reading at a meeting to be held on the 16th of May, 2016 at 1:15 pm in the office of the Delaware County Board of Supervisors located within the Delaware County Courthouse, Manchester, Iowa. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.

Approve this 9th day of May, 2016 by the Delaware County Board of Supervisors.

Shirley E. Helmrichs

Shirley E. Helmrichs, Chairperson

Jeff Madlom

Douglas S. Dabroski

Doug Dabroski

Attest: Carla K. Becker

Carla K. Becker, County Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates May 4, 2016, and for which the charge is $ 12.83.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 2nd day of June 2016.

NOTARIAL SEAL IOWA
LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. 4-18-18

Linda L. Vorwald

Notary Public in and for
Dubuque County, Iowa

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Notice of Public Hearing

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the second reading in consideration of **Ordinance #39 "An Ordinance To Regulate the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Delaware County, Iowa"** at their regular meeting on **May 16, 2016 at 1:15 pm** in the Delaware County Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary: The purpose of this ordinance is to regulate the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Delaware County Board of Supervisors.

Carla K. Becker,
Delaware County Auditor
5-4

RESOLUTION No. 2016-36

WHEREAS, the first reading of Proposed Ordinance #39, "AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA" was held on Monday, May 9, 2016 at 1:15 pm, and

WHEREAS, several members of the public, in favor and against, commented on said ordinance and its passage, and

WHEREAS, the Board of Supervisors held a work session on Wednesday, May 11, 2016 at 1:30 pm to review said comments with the Assistant County Attorney Courtney Vorwald and to discuss revisions to the proposed ordinance.

NOW, BE IT RESOLVED that the second reading of the revised ordinance entitled:

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

Is hereby approved as read and that said ordinance be further considered for its third and final reading at a meeting to be held on the 23rd of May, 2016 at 1:15 pm in the office of the Delaware County Board of Supervisors located within the Delaware County Courthouse, Manchester, Iowa. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.

Approve this 16th day of May, 2016 by the Delaware County Board of Supervisors.

Shirley E. Helmrichs

Shirley E. Helmrichs, Chairperson

Jeff Madlom

Jeff Madlom

Douglas B. Dabroski

Doug Dabroski

Attest: _____

Carla K. Becker, County Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates May 11, 2016, and for which the charge is $9.64.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 2nd day of June 2016.

NOTARIAL SEAL IOWA

LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. 4-18-18

Linda L. Vorwald

Notary Public in and for
Dubuque County, Iowa

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Notice of Public Hearing

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the third and final reading in consideration of **Ordinance #39 "An Ordinance To Regulate the Operation of All-Terrain Vehicles and Off-Road Utility Vehicles in Delaware County, Iowa"** at their regular meeting on **May 23, 2016 at 1:15 pm** in the Delaware County Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary:

The purpose of this ordinance is to regulate the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Delaware County Board of Supervisors.

Carla K. Becker,
Delaware County Auditor
5-11

RESOLUTION No. 2016-37

WHEREAS, the second reading of Proposed Ordinance #39, "AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA" was held on Monday, May 16, 2016 at 1:15 pm, and

WHEREAS, several members of the public, in favor and against, commented on said ordinance and its passage, and

WHEREAS, the Board of Supervisors held a work session on Tuesday, May 17, 2016 at 2:30 pm to review said comments with the Assistant County Attorney Courtney Vorwald and to discuss revisions to the proposed ordinance.

NOW, BE IT RESOLVED that the third and final reading of the revised ordinance entitled:

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

Is hereby approved as read and that the Delaware County Auditor be directed to publish said ordinance, in its entirety, in all three official newspapers of the county.

Approve this 23rd day of May, 2016 by the Delaware County Board of Supervisors.

Shirley E. Helmrichs, Chairperson

Jeff Madlom

Doug Dabroski

Attest: _____
Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

April 18, 2016
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Daneen Schindler, Mike Corkery, Jim Diers, Milt Kramer, Rick Seeley, Marc Bierman, Terry Solomon, Chuck Christensen, Anthony Bardgett, Carla K. Becker, and two members of the media. Chairperson Helmrichs called the meeting to order.

Motion made by Madlom second by Dabroski and carried to approve the minutes from the April 11th regular and work sessions. All Ayes

Motion made by Dabroski, second by Madlom and carried to acknowledge the following employees to attend their respective out-of-county meetings: Pam Klein and Michele Africa to attend the Solutions school in Ames on April 21st; Carolyn Wilson to attend the County Treasurer's Conference in Okoboji May 17th – 20th; Jeff Madlom, Shirley Helmrichs and Anthony Bardgett to attend the RPA meeting in Dubuque on April 21st; and Shirley Helmrichs to attend the NE Iowa Agency on Aging meeting in Independence on April 20th. All Ayes

Motion made by Madlom second by Dabroski and carried to approve the following claims for payment including the April 15th payroll in the amount of $171,588.07 warrant #6992 - #7123:

Ace Homeworks	Postage & Mailing	11.31	Lacal Equipment Inc	Construction/Maint Equip	626.52
Advanced Systems Inc	Maint-Off Equip/Furniture	32.20	Lahr Repair Inc	Construction/Maint Equip	817.43
Alliant Energy	Service	1421.35	Lake Delhi Trustees	Refunds/Reimburse	88111.23
Marlene L Andersen	Election Official	10.00	Lambert Reporting	Legal-Court Related	114.80
Janet S Arjes	Election Official	23.50	Leader Publications	Board Proceedings	1762.16
Sharon K Bacon	Election Official	46.50	Jill Lewis	Buildings-Repair/Maint	150.00
Bard Materials	Roads	49526.84	Susan F Luensmann	Election Official	12.00
Bard Materials	Land	3170.38	Mainstay Systems Inc	Data Processing Supplies	14977.00
Barron Motor Supply	Construction/Maint Equip	676.80	Manchester Press	Publications	2265.66
Becker Electric LLC	Park Development	65.00	City of Manchester	Water Use & Sewer	111.20
Bi-County Disposal Inc	Custodial Supplies	107.00	Maquoketa Valley REC	Utilities	987.90
Blakesley Drug	Prescription Medicine	472.54	Marco Technologies LLC	Repair/Maint-Misc Equip	109.36
BOSS	Stationery/Supplies	79.42	Matco Tools Nathan Pearson	Minor Equip & Hand Tools	245.00
Boubin Tire Co	Repair/Maint Equipment	2890.99	Matheson Tri-Gas Inc	Repair/Maint-Misc Equip	13.95
Carls Feed & Farm Store Inc	Fertilizer & Seed	32.00	Mediacom LLC	Telephone Services	38.33
Case Management/MH DS	Data Processing	427.50	Midwest Business Products	Repair/Maint-Fixed Equip	74.00
Cintas Corporation	Medical & Lab Supplies	154.84	Midwest Wheel	Construction/Maint Equip	25.00
City Laundering Co	Buildings-Repair/Maint	459.28	Clayton D Miller	Fuels	27.73
Clayton County VA	General Transportation	511.69	Millers Auto & Repair	Repair/Maint- Vehicle	11.00
City of Colesburg	Roads	2483.46	Neopost USA Inc	Data Processing	283.50
Comelec Internet Services	Data Processing Supplies	70.00	Office Express	Stationery/Supplies	286.45
Consolidated Energy Co LLC	Natural -LP Gas-Fuel Oil	1431.83	Palmer Hardware	Buildings-Repair/Maint	1215.52
Country Ridge Apartments	Rent Payments	350.00	Paula Hargrafen Cleaning	Buildings-Repair/Maint	250.00
Janis E Creveling	Election Official	9.00	Precise MRM LLC	Repair/Maint-Radio Equip	587.94
Del Co Public Health	Refunds/Reimbursements	3080.55	Radio Communications	Radio & Communications	645.00
Delaware Co Sheriff	Transportation	921.69	Radio Communications	Repair/Maint-Misc Equip	847.82
Delhi Lumber	Steel-Iron-Related Metals	463.88	Mary M Recker	Election Official	30.00
City of Delhi	Roads	3455.44	Regional Medical Center	Emergency Treatment	1147.00
Don & Walt LLC	Radio & Communications	45.00	Lois L Richardson	Election Official	10.00
Dyersville Commercial	Board Proceedings	2570.06	Rite Price Office Supply	Supplies	2330.27
City of Earlville City Clerks	Buildings - Rental	700.00	Keith J Rowley	Fuels	31.42
Edgewood Oil Co	Minor Mv Parts & Access	404.70	Runde Auto Group	Motor Vehicle	28839.52
Jody Elgin	Custodial Supplies	210.00	Michael K Ryan	Education & Training	263.21
Tina Elgin	Custodial	500.00	Schaul Housing	Rent Payments	250.00
Election System & Software	Voting Equipment	129825.00	Colleen J Schulte	Election Official	11.00
Linda Fangmann	Education & Training	585.00	Scott VanKeppel LLC	Repair/Maint Equipment	1775.22
Fastenal Company	Repair/Maint-Misc Equip	38.55	Shred-Master	Miscellaneous	76.05
Forterra Pipe & Precast	Concrete & Clay & Plastic	3075.00	Silveredge Cooperative	Fuels	673.46
Shawn D Foster	Repair/Maint Equipment	270.00	Solutions Inc	Data Processing	5421.88
Georgen Auto LLC	Repair/Maint- Vehicle	47.95	St John Catholic Church	Rental-Polling Places	40.00
Ginter Tools LLC	Minor Equip & Hand Tools	40.00	Standard Auto Parts	Repair/Maint- Vehicle	232.09
Garlyn R Glanz	Postage & Mailing	16.80	State Hygienic Lab	Medical & Health Services	25.00
Good Neighbor Society	Food Preparation Services	2646.00	Summit Companies	SafetyProtect Supplies	217.00
City of Greeley	Water Use & Sewer	63.00	Thomson Reuters	Magazines/Newspaper	557.59
Group Services Inc	Insurance	11997.49	Three Rivers FS	Fuels	12623.96
Hanson Law Office	Legal-Court Related	114.00	Tifco Industries	Minor Equip & Hand Tools	89.95
Hausers Water Systems Inc	Water Use & Sewer	54.50	TimeKeeping Systems Inc	Repair/Maint-Misc Equip	3023.45
Henderson Products	Construction/Maint Equip	419.00	Treat America Dining	Employee Mileage/Subs	39.35
Heritage Printing	Printing Services	341.14	US Cellular	Telephone Services	1331.08
Iowa Technologies Inc	Data Processing	451.50	Verizon Wireless	Telephone Services	78.43
Industrial Supply Solutions	Construction/Maint Equip	871.50	Weber Paper Company	Custodial Supplies	242.77
John Deere Financial	Minor Equip & Hand Tools	526.38	Weiners Tree Removal	Land	1360.00
Johnson Co Medical Examiner	Medical & Health Services	605.37	Joyce W Wellman	Election Official	29.50
Mary K Kaiser	Election Official	51.00	Blue Cross & Blue Shield	Insurance	3883.12
Kluesner Sanitation LLC	Sanitation Disposal	123.13	Welter Storage Equip Co Inc	Office Furniture	830.00
Bonnie J Knipper	Election Official	10.00	FE Welterlen Motors Inc	Repair/Maint- Vehicle	89.34
Koch Brothers	Office Equipment	155.77	Stacy L Wessels	Miscellaneous	6.00
Kris Engineering Inc	Construction/Maint Equip	151.42	Windstream	Telephone Service	319.17
Elizabeth J Kruse	Election Official	12.00			

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration at today's meeting. All Ayes

Motion made by Dabroski, second by Madlom and carried to acknowledge receipt of the following manure management plan update: White's Pork LLC in Section 2 of Delhi Township. All Ayes

Motion made by Madlom, second by Dabroski and carried to approve the following resolution for destruction of records:

RESOLUTION No. 2016-029
DESTRUCTION OF RECORDS

Pursuant to the 2015 Code of Iowa, Section 331.323 sub section 2d; and Sections 50.19 and 48A.32 of the 2015 Election Laws of Iowa, we do hereby authorize the destruction of the following records in the Delaware County Auditor's Office:

Scanned
- SIDS correspondence & records – 1987 to current
- Liquor License records & receipts- FY10-11 - FY14-15
  - Backbone Golf & Country Club
  - Camp-O-Beach Resort
  - Detour, The
  - Hart Ridge Inc
  - Petersburg Community Center
  - Pin Oak Links Inc
  - Pizza Place, The
- Farm-to-Market Quarterly reports & correspondence – 1979 - 2012
- Resolutions – 2002 – 2012

Non-Scanned
- Manchester Urban Renewal TIF – 1988 Valuations
- SMID – 1990
- Operating Fund Transfer Sheets FY04-05 through FY13-14
- Month End Worksheets FY05-06 through FY13-14
- Family Farm Values – FY10-11 through FY13-14
- Homestead/Military Credits – 2000 – 2012
- Agland Credits – FY10-11 through FY13-14
- Miscellaneous Receipts – FY05-06 through FY13-14

Approved this 18th day of April, 2016.
/S/ Shirley E. Helmrichs, Chairperson
/S/ Jeff Madlom
/S/ Doug Dabroski
ATTEST: /S/ Carla K. Becker, Delaware County Auditor
All Ayes

Motion made by Dabroski, second by Madlom and carried to certify that the Board has reviewed the cost allocation plan submitted by CASI, Inc. and that all costs included based on FY ended June 30, 2015 are allowable in accordance with requirements of 2 CFR 200 and that all costs have been accounted for consistently. All Ayes

Discussion Regarding Proposed Ordinance to Allow ATV/UTV Usage on County Roads
The Board has been approached several times over the past few years to consider allowing all-terrain vehicles (ATV) and/or off-road utility vehicles (UTV) to operate on county roadways. The Board of Supervisors has jurisdiction over the secondary roadway system within Delaware County. It would not have jurisdiction over roadways lying within the boundaries of any incorporated city within the county.

In preparing a draft ordinance for Board members to review, Assistant County Attorney Courtney Vorwald researched all existing ordinances across the State of Iowa which regulate the use of ATV/UTV on roadways. From said ordinances she put together a spreadsheet listing the requirements outlined in each ordinance. This was helpful to compare each ordinance and to select elements which the Board members considered essential to be included in any potential ordinance for Delaware County. The Board also took into consideration comments and concerns raised by the local Roads to Trails ATV Club and the Delaware County Conservation Director. All three Board members feel that the proposed ordinance has been drafted to lean heavily towards safety.

Supervisor Helmrichs also stated that Section 4 (7) does not allow ATV/UTV operation in county parks. However, in the future, the Delaware County Conservation Board may decide to allow usage within specified parks or trails. She would like to see that option added to this section of the draft document before the first reading.

Motion made by Madlom, second by Dabroski and carried to set May 9, 2016 at 1:15 pm as the date and time for the public hearing to hold the first reading of proposed **Ordinance #39 – Regulating the Operation of all-Terrain Vehicles and Off-Road Utility Vehicles in Delaware County, Iowa.** All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the transfer of $741,054.00 from the Rural Services Fund to the Secondary Roads Fund based on tax collection in March 2016. All Ayes

Consideration of Awarding Bid – Tandem Truck Chassis (tabled from 4-11-2016)
County Engineer Anthony Bardgett stated that he had initially requested bids for the tandem dump truck chassis with and without trade-in of the county's 2008 Sterling Dump Truck. In comparing all aspects of the bids received, including warranties, Mr. Bardgett is recommending that the Board consider the bids without trade. He would like to keep the 2008 Sterling in the back-up fleet.

In reviewing bids without trade, the bids from Don's Truck Sales (Freightliner) and GATR Truck Center (Mack) were extremely close. When warranties were considered, GATR Truck Center's bid appeared to be the better offer. He is recommending that the Board approve the bid from GATR Truck Center, in the amount of $110,535.58, for a Mack FLX20. He also received a quote from Henderson Manufacturing, Inc. for body and snow equipment in the amount of $84,590.00 which he also recommends for approval.

Motion made by Madlom, second by Dabroski and carried to award the bid for the tandem dump truck chassis to GATR Truck Center for its bid of $110,535.58 on a Mack FLX20 and to approve the quote from Henderson Manufacturing, Inc., in the amount of $84,590.00, to install body and snow equipment on said truck chassis. All Ayes

Motion made by Dabroski, second by Madlom and carried to award the motor grader bid to Altorfer, Inc. for its bid of $267,860 for a Caterpillar 140M3. Said bid included trade-in of $60,000 for a 1997 John Deere 772CH. All Ayes

ENGINEER'S REPORT
Secondary Road Crew – Secondary Road crews are doing regular road maintenance.

NEXT MEETING – The next regular session of the Board will be held on Monday, April 25, 2016 at 1:15 pm.

PUBLIC COMMENTS
Rick Seeley, Roads to Trails ATV Club member, announced that they will be holding a 4 -6 hour ATV training class on Saturday, April 23, 2016 at the West Delaware County Community School District Bus Barn beginning at 9:00 am. The class will be instructed by two (2) certified DNR trainers and is specifically for youth ages 12 – 17.

Motion made by Madlom, second by Dabroski and carried to adjourn the meeting at 1:37 p.m.

These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

May 9, 2016
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Daneen Schindler, Mike Corkery, Rick Seeley, Amber Hankins, Dave Gibbs, Larry Peter, Eve Peter, Pat Dede, Lamont Davidson, Wanda Davidson, Chuck Hutchinson, Chris Hutchinson, Kevin Graybill, Tobe Werner, Dan Hutchinson, Caroline Padilla, Susan Scherbring, Dennis Scherbring, Dave Wendt, Brad Lewin, Ron Leuchs, Dustin Schaffer, Brad Engelken, Dick Refshauge, Tim Cook, Shirley Putz, Richard Putz, Jim Diers, Jay Funke, Michelle Brady, Roger Helmrichs, Karl Gaul, Becky Willey, James Willey, Pete Buschmann, Rhonda Kendrick, Anthony Bardgett, Carla K. Becker, and two members of the media. Chairperson Helmrichs called the meeting to order.

Motion made by Madlom, second by Dabroski and carried to approve the agenda as posted. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the minutes from the May 2nd session. All Ayes

Motion made by Madlom second by Dabroski and carried to acknowledge the following employees to attend their respective out-of-county meetings: Daneen Schindler to attend the Solutions meeting in Ames on May 11th and the ISAC Workshop in Cedar Rapids on May 13th; and Jeff Madlom to attend the Operation New View meeting in Dubuque on May 12th. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the following claims for payment:

Alliant Energy	Electric Service	2389.16
AT & T	Telephone Service	8.31
Century Link Communications	Telephone Service	30.53
Century Link	Telephone Service	522.81
Comelec Internet Service	Data Processing	70.00
Mediacom LLC	Telephone Service	75.90
Windstream	Telephone Service	1371.13

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration at today's meeting. All Ayes

Motion made by Madlom second by Dabroski and carried to acknowledge receipt of the following manure management construction applications and plan updates: A new construction application for BKZ Pork LLC, Brad Kimmerle in Section 33 of Richland Township; and updates for WB Farms Inc – Section 17, Linda Brandel, in Section 17 of Coffins Grove Township and for J & L Hog Farms, LLC in Section 12 of Richland Township. All Ayes

Motion made by Dabroski, second by Madlom and carried to acknowledge receipt of the Clerk of Court's Monthly Report and Remittance showing that for the month of April 2016 a total of $1,633.62 was collected for various fees and deposited into the county general funds. All Ayes

Motion made by Madlom second by Dabroski and carried to acknowledge receipt of the Recorder's Monthly Report showing that for the month of April 2016 the following fees were collected on behalf of the county and deposited into their respective funds:

General Fund	$9,778.17
Recorder's Document Management Fund	302.00
Electronic Transfer Fund	302.00
Total	$10,382.17

All Ayes

Motion made by Dabroski, second by Madlom and carried to acknowledge receipt of the Treasurer's Monthly Banking and Investment Report showing that $16,923,226.88 was collected and deposited on behalf of all taxing entities in various banks across the county. All Ayes

PUBLIC HEARING – First Reading of Proposed Ordinance #39

This being the date and time set to hold a public hearing for the first reading of proposed Ordinance #39 – An Ordinance Regulating the Operation of All Terrain and Utility Vehicles within Delaware County, as published in the three officials newspapers of the county, Chairperson Helmrichs opened the public hearing at 1:22 pm.

Members of the Delaware County Board of Supervisors read the proposed ordinance aloud in its entirety. Chairperson Helmrichs then asked for comments from those present asking that they direct their comments to the Board and limit comments to no more than 2 minutes in length.

Lamont Davidson thanked the Board for considering said ordinance. He noted that exhaust systems were not addressed in the ordinance. He also suggested that a rearview mirror always be required rather than just when factory installed. Lastly, he would like to see the slow moving vehicle sign replaced with a flag. He feels that flags are more visible.

Roger Helmrichs is not in favor of the passage of said proposed ordinance. He feels it is a safety issue and an additional strain on law enforcement.

Pat Dede is in favor of the ordinance. She feels that the Amish horse and buggies are more of a safety hazard than these vehicles will be. She also feels that people should be allowed to use their arms for turning signals like bikes do.

James Willey is in favor of the ordinance. He feels it will be a boost for tourism. He also stated that the local club is committed to offer training classes in the future.

Larry Peter would prefer flashing lights over flags or slow moving vehicle signs.

Brad Engelken is in favor of the ordinance. However, he is not in favor of the slow moving vehicle signs. He feels there are better options to address the safety issue. He also feels the ordinance will force people to register their vehicles.

Rick Seeley supports the ordinance. He feels its passage will benefit the county and thanked the Board for its consideration.

Shirley Putz supports the passage of said ordinance. She stated that her family spends a considerable amount of money traveling to other states to ride their vehicles.

Jay Funke supports the ordinance and appreciates the Board's emphasis on safety. He suggested that the ordinance require the decals to be positioned high enough to allow law enforcement to view easily.

Dave Gibbs feels that 35 mph is too high and should be lowered to 30 mph. He would also like to see posted hours of operation rather than being limited from sunrise to sunset.

Chuck Hutchinson supports the ordinance as written.

Rhonda Kendrick asked about the speed limit requirement as well as insurance. Chairperson Helmrichs stated that the speed limit requirement was in the Iowa Code. Insurance is addressed in Section 5.1 of the proposed ordinance.

Kevin Graybill stated that you can purchase turn signal kits for $75 -$100 and can install them yourself. He is willing to help anyone who needs assistance installing turn signals on their vehicle.

Dustin Schaefer commutes to Black Hawk County for work every day. As he travels through Buchanan County, he may see one or two side-by-sides a week on gravel roads.

Dave Gibbs asked what a Class A Road was. County Engineer Anthony Bardgett stated that Class A roadways were roadways under normal maintenance. Class B & C roads are minimum maintenance roads with Class C being gated. Chairperson Helmrichs stated that the Board limited usage to Class A roads because they are trying to encourage tourism, not mud running. The Delaware County Conservation Board will have the ability to designate specific parks or trails where these vehicles can be used if they so choose.

Chairperson Helmrichs closed the hearing at 1:56 by thanking everyone for their comments and expressed the Board's appreciation for all the time and energy spent on the process.

Motion made by Madlom second by Dabroski and carried to approve the following resolution:

RESOLUTION No. 2016-34

BE IT RESOLVED that the first reading of the ordinance entitled:
"AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA" is hereby approved and that said ordinance be further considered for its second reading at a meeting to be held on the 16th of May, 2016 at 1:15 pm in the office of the Delaware County Board of Supervisors located within the Delaware County Courthouse, Manchester, Iowa. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.
Approved this 9th day of May, 2016 by the Delaware County Board of Supervisors.
/S/ Shirley E. Helmrichs, Chairperson
/S/ Jeff Madlom
/S/ Doug Dabroski
Attest: /S/ Carla K. Becker, County Auditor
All ayes

Consideration of Reversing Prior Action to Abate Delinquent Tax – Parcel #140-17-01-016-10

During its meeting held on February 8, 2016, at the request of the County Auditor and County Treasurer, the Board approved the abatement of $10.00 of delinquent tax and all associated interest and fees due on Parcel #140-17-01-016-10 (currently in the name of D.J. Meggenburg.) Since the tax certificates for this parcel are held by Delaware County and, at that time, efforts to contact adjacent property owners to possibly transfer said certificates had been unsuccessful, both the County Auditor and County Treasurer felt the abatement was necessary to clear the books on this unclaimed parcel. Since that time, the property adjacent to this parcel has changed hands and the new owners are interested in assuming the tax sale certificates on this parcel. In order to do so, the Board would need to reverse its action to abate, either in part or in full, to allow for the delinquency. By doing so, the county could transfer the certificates for this parcel to the adjacent property owners for a minimal fee. As the new certificate holders, the adjacent property owners would then need to retain an attorney, file the required redemption notice(s) and submit paperwork to the County Treasurer before being able to secure a tax sale deed for the property.

Motion made by Dabroski, second by Madlom and carried to approve the reversal of the abatement of the following delinquent tax on Parcel #140-17-01-016-10:

2011-12	$2.00
2012-13	$2.00
2013-14	$2.00
2014-15	$2.00
2015-16	$2.00
Total	$10.00

This motion does not reverse the abatement of the interest and penalties associated with said delinquent tax. That portion of the February 8th abatement remains intact. All Ayes

Motion made by Madlom second by Dabroski and carried to approve the following resolution to amend the county's procurement policy to add additional requirements outlined in 2CFR Part 200 (Code of Federal Regulations):

RESOLUTION No. 2016-035
PROCUREMENT POLICY

PURPOSE
The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal and state law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION
This policy applies to the procurement of all supplies, equipment, construction, and services of and for Delaware County as well as those related to the implementation and administration of the CDBG award, Pre-Hazard Mitigation Grant or the Emergency Management Planning Grant (EMPG). In regards to aforementioned federal programs, all procurement will be done in accordance with 2 CFR; Part 200.

POLICY

METHODS OF PROCUREMENT
Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than $100,000 ($150,000 for federal programs). If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction.
    1. In order for sealed bidding to be feasible, appropriate conditions must be present, including, at a minimum, the following:
        (a) A complete, adequate and realistic specification or purchase description is available;
        (b) Two or more responsible bidders are willing and able to compete effectively for Delaware County business; and
        (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
    2. When sealed bids are used for a procurement under a grant, the following requirements apply:
        (a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers;

(b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids;
(c) All bids shall be opened publicly at the time and place stated in the invitation for bids;
(d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of Delaware County indicates that such discounts are generally taken; and
(e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.

C. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:
1. Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be considered to the maximum extent practical;
2. Requests for Proposals shall be solicited from an adequate number of qualified sources;
3. Delaware County shall have a written method for conducting evaluations of the proposals received and for selecting awardees;
4. Awards will be made to the responsible offeror whose proposal will be most advantageous to Delaware County, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing; and
5. Delaware County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It can not be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.

D. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to one or more of the following:
1. The item is available from only a single source;
2. After solicitation of a number of sources, competition is determined inadequate;
3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; or
4. The awarding agency authorizes noncompetitive proposals.

E. Delaware County will take affirmative steps to assure, to the greatest extent possible, that contracts are awarded to qualified small and minority firms, women's business enterprises, and labor surplus area firms whenever they are potential sources. These affirmatives steps must include:
a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING

A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
B. Delaware County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders. Delaware County shall make an independent estimate prior to receiving a bid or proposal.
C. Delaware County shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. In determining a fair and reasonable profit, Delaware County must consider the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

Delaware County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

AWARDED CONTRACTS

A. Delaware County will not award a contract to a party listed as debarred, suspended, or otherwise excluded in the System for Award Management (SAM).
B. Any contracts awarded shall comply with 2 CFR 200.326 and Appendix II to Part 200.

Passed and adopted this 9th day of May, 2016.
/S/ Shirley E. Helmrichs, Chairperson
ATTEST: /S/ Carla Becker, Auditor
All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the proposals from Hitech to perform the required annual fire alarm inspections for the various county facilities. The cost of said tests will be paid for out of each individual department's budget. All Ayes

Motion made by Madlom second by Dabroski and carried to approve the request to change the "agent of record" for the county's medical insurance from Wellmark BCBS to Group Services, Inc. This change will not affect the county's policy or benefit level with Wellmark. The change simply allows Group Services to act on behalf of the county. All Ayes

Consideration of Bids – Pavement Marking Program – Edgeline Markings

This being the date and time set to receive bids for the 2016 Pavement Marking Program, County Engineer Anthony Bardgett read the following bids aloud:

Company	price/gallon	Total
Vogel Traffic Services, Inc.	$14.0500/gal	$94,317.65
Kam Line Highway Markings	14.2163/gal	95,434.02
Quality Striping, Inc.	14.3000/gal	95,995.90
Fahrner Asphalt Sealers LLC	14.8900/gal	99,956.57
Roadsafe Traffic Systems	15.5200/gal	104,185.76

Mr. Bardgett requested that the Board table the final consideration until next week's meeting to allow his review of the bids.

Motion made by Dabroski, second by Madlom and carried to acknowledge receipt of the bids for the 2016 Pavement Marking Project as read and to table the final awarding of said bid until the May 16th meeting to allow time for the County Engineer to review the bids for accuracy. All Ayes

ENGINEER'S REPORT
C64 Paving Project – Contractor was delayed due to rain. They are planning to start said patching as weather allows.
182nd Street Bridge – The contract is still being finalized with the IA DOT. Once we receive authorization from the IA DOT, will be able to have a preconstruction meeting to find out when construction will begin.

NEXT MEETING – The next regular session of the Board will be held on Monday, May 16, 2016 at 1:15 pm.

PUBLIC COMMENTS - None.

Motion made by Madlom, second by Dabroski and carried to adjourn the meeting at 2:15 p.m.

These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

May 11, 2016
Manchester, Iowa
1:30 p.m.

The Delaware County Board of Supervisors met in work session this date at 1:30 p.m. with all members present. Also present were, Anthony Bardgett, Monica Heiserman, Tom Schuetz, Jason Grosburth, Dean Kelchen, Doug Bush, Pete Buschmann, and Carla K. Becker. Chairperson Helmrichs called the meeting to order.

Chairperson Helmrichs added the following item to the agenda for today's meeting: Discussion with Assistant County Attorney Courtney Vorwald regarding possible changes to proposed Ordinance #39 to reflect comments from the May 9th Public Hearing. This addition is being made to allow Ms. Vorwald time to draft any possible changes to the ordinance.

Discussion Regarding Options for Wellmark BCBS Renewal – 2016/2017
Tom Schuetz, Group Services, addressed those present regarding the 2016-17 renewal with Wellmark. In order to keep the premium costs down, he would like the Board to consider increasing its deductible with Wellmark and taking on more risk through the self-funded portion of the medical insurance program. By doing so, the county could decrease its overall costs for providing medical insurance without changing the net benefits to its employees.

Currently, the county purchases a $2,000 deductible plan with Wellmark. The self-funded portion of the program makes it so that the employee realizes a $100 deductible by covering the difference. The proposed renewal from Wellmark for the county's current $2,000 deductible plan is approximately an increase of 8%. Mr. Schuetz is recommending that the Board look at either a $3,500 or $5,000 deductible plan with Wellmark and then increase the self-funding budget to cover the difference. This will only change the way the benefits are funded. It will NOT change the net benefits to the employees, spouses or their dependents. Taking his recommendation also helps the county regarding the Cadillac tax which is scheduled to take effect in 2020. This tax is based on the annual % of increased premium.

Since this recommendation requires a plan change, each of the two unions will need to go back to its membership and vote on whether or not the county can go to the higher deductible with Wellmark. This is required by the current collective bargaining agreements. Even though the benefits themselves are not changing, the plan number will be. Since the Auditor's Office is required to send out benefit notifications to employees 30 days prior to the renewal date of the policy (July 1, 2016), the Board will need to make a decision within the next week or so.

Representatives from both unions stated they would put the issue to a vote of their memberships as soon as possible. The Board thanked them for their time and effort.

Review of Public Comments from May 9th Public Hearing Regarding Proposed Ordinance #39
Assistant County Attorney Courtney Vorwald joined the meeting.

Chairperson Helmrichs went down the list of public comments and concerns regarding the proposed ordinance to regulate operation of all terrain and off-road utility vehicles on county roadways. Discussion was held on the following items:

1. A comment was made regarding the absence of regulations for noise and exhaust in the proposed ordinance. Ms. Vorwald stated that Iowa Code has regulations for exhaust that she can have restated in the proposed ordinance. Chairperson Helmrichs directed Ms. Vorwald to do so.
2. Discussion was held regarding the comment to require rearview mirrors on all vehicles rather than just "if so equipped". All Board members felt comfortable with the proposed ordinance as written.
3. During the public hearing several people commented on the problems associated with the "slow moving vehicle" (SMV) signs and would prefer the Board to require flags instead. The Board did not realize the potential issues associated with the SMV signs and have no problem changing this to an orange flag instead. Ms. Vorwald stated she could make the necessary changes but would need know the required position of the flag on the vehicle since ATVs and UTVs come in varying sizes and shapes. After a brief discussion amongst the Board members, Chairperson Helmrichs directed Ms. Vorwald to have the flag be at least 6' in height and extending at least 1' above the top of the vehicle for visibility. She left the actual wording up Ms. Vorwald.

There being no further business before the Board, Chairperson Helmrichs closed the work session at 3:03 pm.

These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

May 16, 2016
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Amber Hankins, Bob Sack, Jerry Ries, Richard Putz, Shirley Putz, Steve Leibold, Justin Rath, Daneen Schindler, Mike Corkery, Rick Seeley, Chuck Hutchinson, Dan Hutchinson, Kevin Graybill, Tobe Werner, Susan Scherbring, Dennis Scherbring, Chris Hutchinson, Angel Hutchinson, Ron Leuchs, Jim Diers, Jay Funke, Michelle Brady, Becky Willey, James Willey, Pete Buschmann, Dan Errthum, Brad Lewin, Anthony Bardgett, Carla K. Becker, and two members of the media. Chairperson Helmrichs called the meeting to order.

Motion made by Madlom, second by Dabroski and carried to approve the agenda as posted. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the minutes from the May 9th and May 11th sessions. All Ayes

Motion made by Madlom, second by Dabroski and carried to acknowledge the following employees to attend their respective out-of-county meetings: Carla Becker to attend the Solutions School of Instruction in Ames on May 19th and the ISAC Working Group meeting in Des Moines on May 20th; Jeff Madlom to attend the ECIA meeting in Dubuque on May 18th; and Doug Dabroski to attend the RC&D meeting in Anamosa on May 19th. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the following claims for payment, including the May 13th payroll in the amount of $172,183.25 warrant #7594 - #7704:

Accent Laser Services Inc	Stationery/Supplies	329.95	Secretary of State Elections	Postage & Mailing	82.21
Advanced Business Systems	Postage & Mailing	440.00	IA State Bar Assn	Dues & Memberships	260.00
Advanced Systems Inc	Maint-Off Equip/Furniture	32.20	Iowa Technologies Inc	Data Processing	1800.00
Alliant Energy	Service	1130.44	IDVille	ID Supplies	690.93
Allied Insurance	Property Taxes	137.11	Integrated Teleheath	Acute Treatment	1057.00
Altorfer Inc	Construction/Maint Equip	1508.30	Interstate Batteries of Great	Shop Equipment	19.20
Jody Antrim JDC Works	Land	2524.50	John Deere Financial	Custodial Supplies	501.60
Auto Trim Design	Repair/Maint- Vehicle	150.00	Kluesner Sanitation LLC	Sanitation Disposal	458.91
Bard Materials (General)	Roads	18882.79	Joseph Koopmann	Rent Payments	225.00
Bard Materials (Rock)	Land	1894.48	Lechtenberg Janitorial	Custodial Supplies	130.95
Barron Motor Supply	Shop Equipment	128.84	Lahr Repair Inc	Construction/Maint Equip	417.96
Becker Electric LLC	Repair/Maint-Fixed Equip	183.14	Leader Publications	Board Proceedings	1026.93
Bi-County Disposal Inc	Custodial Supplies	107.00	Lenzs Collision Center	Repair/Maint- Vehicle	280.00
Black Hills Energy	Natural -LP Gas-Fuel Oil	330.99	Jill Lewis	Buildings-Repair/Maint	150.00
Bob Stephen Motors Inc	Repair/Maint- Vehicle	518.52	Manchester Press	Publications	1064.27
Bodensteiner Implement	Repair/Maint-Const Equip	573.44	City of Manchester	Water Use & Sewer	362.06
BOSS	Stationery/Supplies	95.03	Marco Technologies LLC	Repair/Maint-Misc Equip	95.85
Boubin Tire Co	Repair/Maint-Const Equip	101.37	Martin Equipment of Illinois	Construction/Maint Equip	2394.17
Buchanan Co Jail	Rm/Bd Payments	4700.00	Matheson Tri-Gas Inc	Repair/Maint-Misc Equip	13.50
Budden Well & Plbg	Plumbing Repair/Maint	125.00	Mediacom LLC	Telephone Services	39.55
Carls Feed & Farm Store	Public Education Items	63.85	MHDS-ECR	MHDS Fiscal Agent	133477.07
Case Management & MH	Data Processing	427.50	Mid Amer Research Chemical	Custodial Supplies	126.16
Caterpillar Financial Services	Long Term Dbt Redem	5815.17	Midwest Bowie Sales Inc	Construction/Maint Equip	2446.90
City Laundering Co	Buildings-Repair/Maint	408.48	Oasis Pump Service	Steel-Iron-Related Metals	1055.22
Crescent Electric Supply Co	Electrical Accessories	274.22	On-Site Information Destruct	Legal-Court Related	45.00
D&S Portables Inc	Custodial Supplies	960.00	Palmer Hardware	Repair/Maint-Misc Equip	678.97
Delaware County Bar Assoc	Dues & Memberships	150.00	Paula Hargrafen Cleaning	Buildings-Repair/Maint	200.00
Delaware Co EM	Contrib-Other Gov	50000.00	Phoenix Supply	Clothing & Dry Goods	152.55
Delaware Co Fair Society	PEO Training Rent	350.00	Precise MRM LLC	Repair/Maint-Radio Equip	452.76
Del Co Mutual Ins Assn	Real Property Insurance	204.43	John Recker	Engineering Services	500.00
Del Co Public Health	Refunds /Reimbursements	26219.51	Regional Medical Center	Emergency Treatment	338.00
Delaware Co Sheriff	Transportation	433.24	Darrel Rich	Rent Payments	225.00
Delaware Soil & Water	Agric/Hort Services	2500.00	Rite Price Office Supply	Supplies	818.76
Delhi Lumber	Repair/Maint-Fixed Equip	258.60	Roeder Law Firm	Stationery/Supplies	2.00
Allan Domeyer Extreme Prop	Rent Payments	225.00	RTL Equipment Inc	Minor Mv Parts & Access	27.16
Don & Walt LLC	Buildings-Repair/Maint	147.11	Runde Auto Group	Repair/Maint- Vehicle	445.82
Dons Truck Sales Inc	Minor Mv Parts & Access	122.99	Michael K Ryan	Employee Mileage/Subs	23.00
Treasurer, City of Dubuque	Roads	100.00	Sadler Power Train Inc	Construction/Maint Equip	223.49
Dyersville Commercial	Board Proceedings	1913.59	Schaul Housing	Rent Payments	200.00
Jody Elgin	Custodial Supplies	210.00	Schroeders Cash Supply	Wood & Lumber	36.46
Tina Elgin	Custodial	500.00	Silveredge Cooperative	Fuels	1285.35
Election System & Software	Primary Supplies & Coding	3316.36	Solutions Inc	Data Processing	16587.74
Everys Auto & Tire Center	Repair/Maint- Vehicle	25.00	Spring Green	Buildings-Repair/Maint	91.50
Fastenal Company	Construction/Maint Equip	1011.81	Standard Auto Parts	Repair/Maint- Vehicle	97.63
Fillenwarth Beach	Employee Mileage/Subs	1488.80	Stew Hansen	Motor Vehicle	22318.00
Mark Fink	Land Improvements	1200.00	Summit Companies	SafetyProtect Supplies	28.00
Foster Pheasants	Public Education Items	52.50	Holly R Tegeler	Fuels	71.99
Gaffney Quarries Inc	Roads	1154.93	Thompson Shoes	Wearing Apparel & Uniform	74.00
Georgen Auto LLC	Repair/Maint- Vehicle	25.25	Three Rivers FS	Fuel	13951.55
Good Neighbor Society	Food Preparation Services	3856.50	Tifco Industries	Shop Equipment	284.83
Group Services Inc	Self Funding	11932.80	Truck Country of Iowa	Construction/Maint Equip	127.02
Hausers Water Systems Inc	Plumbing Repair/Maint	243.66	Kyle Uhlenkamp	Engineering Services	300.00
Henderson Products	Construction/Maint Equip	178.90	Uniform Den Inc	Wearing Apparel	106.00
Heritage Printing	Printing Services	156.61	Unity Point Clinic	Safety Items	37.00
HITECH Communications	Telephone Services	114.99	US Cellular	Telephone Services	1092.29
Hopkinton Municipal Utilities	Utilities	399.41	Verizon Wireless	Telephone Services	78.43
Hunt & Associates PC	Audit Services	470.00	Weber Paper Company	Custodial Supplies	340.25
Iowa Chapter of APCO	Education & Training	75.00	Welter Storage Equip	Wood & Lumber	125.00
IA Co Recorders Assn	Education & Training	120.00	Welter Storage Equip Co Inc	Office Equipment	280.00
IDPH Bureau of Vital Records	Education & Training	30.00	FE Welterlen Motors Inc	Repair/Maint- Vehicle	124.12
IA Division of Labor Services	Repair/Maint-Misc Equip	40.00	Windstream	Telephone Service	281.56
IA Prison Industries	Office Equipment	6661.40			

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration at today's meeting. All Ayes

Motion made by Madlom, second by Dabroski and carried to acknowledge receipt of the following manure management plan update: Shover Farms, James Shover, in Section 15 of Hazel Green Township. All Ayes

PUBLIC HEARING – Second Reading of Proposed Ordinance #39

This being the date and time set to hold a public hearing for the second reading of proposed Ordinance #39 – An Ordinance Regulating the Operation of All Terrain and Utility Vehicles within Delaware County, as published in the three officials newspapers of the county, Chairperson Helmrichs opened the public hearing at 1:20 pm.

Chairperson Helmrichs informed those present that the Board members held a work session on May 11th to discuss the comments and concerns brought out in the public hearing for the 1st reading held on May 9th. Taking into consideration comments made by fellow Board members during said work session, Chairperson Helmrichs directed Assistant County Attorney Courtney Vorwald to amend the proposed ordinance by removing the requirement for a slow moving vehicle sign and replacing it with an orange flag in Section 3 paragraph 3d and to add compliance with Iowa required muffling devices in Section 3 paragraph 3e.

Members of the Delaware County Board of Supervisors read the proposed ordinance aloud in its entirety. Chairperson Helmrichs then asked for comments from those present asking that they direct their comments to the Board and limit comments to no more than 2 minutes in length. Public comments were as follows:

Jim Willey spoke in favor of the ordinance stating it will be great for both tourism and recreation.

Tobe Werner appreciates the Board addressing mufflers and noise in the ordinance.

Steve Leibold stated that he has been trailering his vehicle over to Buchanan County since they have had an ordinance in place for about 4 years. He is looking forward to being able to use his vehicles for recreation in Delaware County.

Justin Rath thanked the Board for its hard work on this ordinance and is in favor of its passage.

Jay Funke stated that there are smaller side by sides that do not have factory-installed speedometers available. These can only travel 25 mph. He also wondered if the ordinance should address dual usage; those vehicles that are going to be used for both agricultural and recreational purposes.

Dan Errthum is excited to see that monies spent on recreation will be staying in Delaware County. He still feels that blinkers should not be required when arms signals are allowed on other vehicles.

Jerry Ries had the following concerns:

1. The ordinance length is too long. If you need an ordinance this long then probably shouldn't be allowing usage on county roads.
2. The state legislature has considered this statewide the past three sessions and has not passed it.
3. There are manufacturers who say these vehicles are not made to operate on roadways.
4. He feels there are too many young people operating these for use on roadways.
5. He is concerned with the use of alcohol in conjunction with operating these vehicles on county roadways.
6. He does not see the benefit to Delaware County in the passage of this ordinance.

Richard Putz stated that he goes to Wisconsin to operate his vehicle and spends at least $600 on lodging and food which is money that can now be kept in Delaware County.

Rick Seeley is in support of passing said ordinance. He feels the ordinance will have a positive impact on the county both economically and recreationally.

Kevin Graybill thanked the Board for the changes they made. He also stated that alcohol usage is addressed by other laws. If it is a problem for the operation of ATVs, then it is a problem for the car cruise and bike races as well.

Michelle Brady stated she is in favor of the ordinance passing. She feels it does a good job outlining what is required equipment. She also requested that local dealers be provided the dates of ATV/UTV training courses.

Justin Rath stated that the state organization tried to get a statewide law passed for operation, but counties wanted to keep control local rather than being under control of the state.

Chairperson Helmrichs thanked everyone for their comments. Supervisor Madlom stated that he has been asked if the third reading can be waived. First of all, the publication has already gone out for the third reading. Second, he feels there have been many pros and cons brought up and would like to see it go to a third reading. All board members agreed that a work session to discuss the comments made at today's hearing is the best way to go. Chairperson Helmrichs closed the hearing at 1:52.

Motion made by Madlom, second by Dabroski and carried to approve the following resolution:

RESOLUTION No. 2016-36

WHEREAS, the first reading of Proposed Ordinance #39, "AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA" was held on Monday, May 9, 2016 at 1:15 pm, and

WHEREAS, several members of the public, in favor and against, commented on said ordinance and its passage, and

WHEREAS, the Board of Supervisors held a work session on Wednesday, May 11, 2016 at 1:30 pm to review said comments with the Assistant County Attorney Courtney Vorwald and to discuss revisions to the proposed ordinance.

NOW, BE IT RESOLVED that the second reading of the revised ordinance entitled:

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

Is hereby approved as read and that said ordinance be further considered for its third and final reading at a meeting to be held on the 23rd of May, 2016 at 1:15 pm in the office of the Delaware County Board of Supervisors located within the Delaware County Courthouse, Manchester, Iowa. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.

Approve this 16th day of May, 2016 by the Delaware County Board of Supervisors.

/S/ Shirley E. Helmrichs, Chairperson

/S/ Jeff Madlom

/S/ Doug Dabroski

Attest: /S/ Carla K. Becker, County Auditor

All Ayes

Consideration of Funding Request – Delaware County Scenic Byway – Bob Sack

Bob Sack, President of the Delaware Crossing Scenic Byway Board, addressed the Board regarding long-term funding. The Delaware Crossing Scenic Byway loops for 36 miles across the county through the towns of Manchester, Delaware, Delhi, Hopkinton and around Lake Delhi. The Iowa Byways Sustainability Project helps the NE Iowa RC&D (Postville) and the Byway Boards partner with the IA DOT to promote, manage and develop their crossings into popular tourism destinations. As part of this project, the cities of Manchester and Delhi have been chosen to host art projects along the byway. Each art piece must represent something unique to the community it resides in. The one in Delhi will be placed in the City Park and the one in Manchester will be between Burger King and the old Smitty's building.

The Iowa Byways foundation has been created to help with the long-term funding to support the administration of the project. Mr. Sack is asking the Board to cover the $250 annual dues for membership to the Byways of Iowa Foundation.

The Board thanked Mr. Sack for his presentation. Since the budget for FY 16-17 is already set, the Board assured Mr. Sack that his request would be considered for the FY 17-18 budget. However, they did not see any issue with providing a letter of support for the project outlining the Board's intent to consider long-term funding in the future.

Motion made by Madlom, second by Dabroski and carried to approve sending a letter of support for the Delaware Crossing Scenic Byway Project which shall state the Board's intention to consider long-term funding of said project in FY 17-18. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve a letter of support for Region 8 Regional Transit Authority's (RTA) and Tag Advisory committee's pursuit of the Rides to Wellness Coordinated Access Grant to be used to expand the transportation services being provided for medical appointments, etc. Chairperson Helmrichs stated that it has been expressed many times that there is a need for further transportation services in the area for medical appointments, hospital discharges and access to healthy foods, etc. This grant would help them start a pilot project in Manchester by adding a smaller transportation vehicle to their fleet to meet these needs. All Ayes

Motion made by Madlom, second by Dabroski and carried to acknowledge receipt of the letter of resignation from part-time jailer Sue Collins. Her final date of employment will be May 31, 2016. The Board thanked Ms. Collins for her service to Delaware County. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve to table consideration of making the appointment to the Adams/Hazel Green Benefited Fire District Board of Trustees until the next meeting on May 23rd. All Ayes

Motion made by Madlom second by Dabroski and carried to award the bid for the 2016 Pavement Marking Program to Vogel Traffic Services for their low bid of $14.05/gallon ($94,317.65 for the project) as recommended by County Engineer Anthony Bardgett. The project consists of placing 6,713 gallons of edgeline paint along 222.26 miles of roadway. The late start date for this project is August 15, 2016 with 30 working days allocated for completion. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the employee probationary wage increase from $19.76 (90%) to $21.95 (100%) for Dean Klostermann with the Secondary Roads Department effective May 18, 2016. All Ayes

ENGINEER'S REPORT
C64 Paving Project – Concrete patching was completed last week. A paving schedule has not yet been set.
180th Ave (River Road Project) – The contractor started work today milling out the pavement transitions. The recycling of the existing asphalt may start in a couple weeks.
182nd Street Bridge – A preconstruction meeting is scheduled for this Thursday. A start date for construction will be determined at the next meeting.

NEXT MEETING – The next regular session of the Board will be held on Monday, May 23, 2016 at 1:15 pm.

PUBLIC COMMENTS – Chuck Hutchinson and Rick Seeley asked the Board to consider waiving the third reading of proposed ordinance #39. Shirley Helmrichs stated that a Hazardous Waste and Electronic Cleanup Day has been scheduled for Saturday, May 21, 2016 from 8:00 am until noon. Hazardous waste drop off requires an appointment (electronic waste does not). To make an appointment, please call 844-248-3737.

Motion made by Madlom, second by Dabroski and carried to adjourn the meeting at 2:12 p.m.

These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) Ss:
DELAWARE COUNTY)

May 17, 2016
Manchester, Iowa
2:30 p.m.

The Delaware County Board of Supervisors met in work session this date at 2:30 p.m. with all members present. Also present were Daneen Schindler, Mike Corkery, Larry Peter, Eve Peter, Courtney Vorwald, and Carla K. Becker. Chairperson Helmrichs called the meeting to order.

Review of Comments and Concerns Voiced During May 16th Public Hearing on Proposed Ordinance #39
The Board reviewed all public comments and concerns voiced during the May 16, 2016 public hearing on proposed Ordinance #39 for the operation of all-terrain and off road utility vehicles on county roadways.

Regarding the consumption of alcohol while operating these vehicles, Assistance County Attorney Courtney Vorwald stated that some of the county ordinances she researched prohibited the use of alcohol and/or open containers. She feels that the "operating while intoxicated" laws cover this already. She feels including it within the proposed ordinance would be redundant. All Board members seemed to agree and were happy leaving that topic out of the ordinance.

Regarding the dates, times and locations of training sessions, Ms. Vorwald stated that overall it is a good idea to let the local clubs and dealers know when these training are scheduled for. However, she does not feel it is something that should be included in the ordinance.

County Engineer Anthony Bardgett noted that in **Section 3** of the ordinance there are two references to Class B & C **gravel** roads. He commented that the word gravel should be removed since most of the County's Class B & C roadways are not graveled. Ms. Vorwald agreed and will remove those references.

Ms. Vorwald noted that **Section 9** (Effective Date) is still currently blank. She stated that the ordinance can either be effective on a specific date in the future or effective after it has been published in its entirety. Chairperson Helmrichs requested that she make it effective after its publication.

There being no further business before the Board, the work session was closed at 2:55 pm. These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

May 23, 2016
Manchester, Iowa
11:00 a.m.

The Delaware County Board of Supervisors met in work session this date at 11:00 a.m. with all members present. Also present via conference call were Tim Hauber and Katie Waters with Iowa Homeland Security. Chairperson Helmrichs called the meeting to order.

Review of FEMA Response to Delaware County Second Appeal FEMA-1930-DR-IA PW 1898 – Demolitions
Tim Hauber and Katie Waters with Iowa Homeland Security reviewed with the Board the preliminary FEMA response to the county's second appeal. According to Ms. Waters, it appears that FEMA has approved the demolition costs for removal of one additional property, 25887 208th Ave, and the associated administration costs. This means that between the federal and state reimbursements, the county will receive an additional $14,300. This includes $14,000 for the demolition less $2,200 for the removal of the concrete plus $2,500 for ECIA administration (listed as $2,500 per eligible property in the contract) for a total of $14,300.

The second appeal was denied for the remaining six structures. FEMA's review of the second appeal did bring to light the inclusion of costs for removing building foundations. According to FEMA, some costs associated with foundation and slab removal for the five eligible structures may be ineligible. They are remanding the issue to the regional office to determine whether ineligible costs were reimbursed for foundation and slab removal. In reviewing the region version letter, it does not appear that they are going back to look at those costs. The county should receive payment for the one structure within the next 3 weeks or so.

Supervisor Madlom asked if another federal disaster happens, how can the Board feel assured that any approved project won't be denied down the line? That's exactly what happened in this situation.

Tim Hauber thanked the Board for their patience and diligence in this process. He stated that FEMA has started using state fire marshals for building inspections now. The bid specs would also have them separate out the demolition costs of the structure from those of the foundation and/or concrete slab. This should help with any future projects.

He will send a summary of the anticipated payment sometime this week. The Board thanked both Mr. Hauber and Ms. Waters for their assistance throughout this process.

There being no more business before the Board, Chairperson Helmrichs adjourned the meeting at 11:40 am. These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

May 23, 2016
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Amber Hankins, Chris Hutchinson, Paul Krogmann, Tobe Werner, Pete Buschmann, Jim Alden, Denise Hutchinson, Dan Hutchinson, Becky Willey, James Willey, Brad Lewin, Steve Vorwald, Susan Scherbring, Dennis Scherbring, Richard Putz, Shirley Putz, Jim Diers, Jay Funke, Michelle Brady, Milt Kramer, Roger Helmrichs, Daneen Schindler, Mike Corkery, Rick Seeley, Anthony Bardgett, Carla K. Becker, Casey Snyder and two members of the media. Chairperson Helmrichs called the meeting to order.

Motion made by Madlom, second by Dabroski and carried to approve the agenda as posted. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the minutes from the May 16th and May 17th sessions. All Ayes

Motion made by Madlom, second by Dabroski and carried to acknowledge the following employees to attend their respective out-of-county meetings: Marsha Mescher and Jenny Eschen to attend a County Recorder's Training in Ankeny on May 24th; Daneen Schindler to attend a County Recorder's Training in Ankeny on May 25th; and Jeff Madlom to attend the Operation New View meeting in Dubuque on May 26, 2016. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the following claims for payment:

US Cellular	Telephone Service	67.73
Windstream	Telephone Service	150.32
Maquoketa Valley REC	Electrical Service - Conservation	1,046.57
US Cellular	Telephone Service	51.88
Maquoketa Valley REC	Electrical Service – Conservation	32.62
Windstream	911 Service	364.78
Windstream	911 Service	101.24

All Ayes

Motion made by Madlom, second by Dabroski and carried to approve the "Application for Underground Construction on Delaware County Right-of-Way" submitted for consideration by Mediacom of Iowa LLC to bury 12 count fiber optic cable in the roadbed north of the centerline of 215th Street from the Manchester City Limits to address 4091 215th Street all being in Section 33 of Delaware Township. All Ayes

Motion made by Dabroski, second by Madlom and carried to acknowledge receipt of the following manure management plan update: Ryan Bros, Inc. in Section 9 of Hazel Green Township; Robert J. Maiers in Section 15 of Oneida Township; Nick Knepper in Section 33 of Bremen Township. All Ayes

PUBLIC HEARING – Third, and Possible Final, Reading of Proposed Ordinance #39
This being the date and time set to hold a public hearing for the third, and perhaps final, reading of proposed Ordinance #39 – An Ordinance Regulating the Operation of All Terrain and Utility Vehicles within Delaware County, as published in the three official newspapers of the county, Chairperson Helmrichs opened the public hearing at 1:20 pm.

Chairperson Helmrichs informed those present that the Board members held a work session on May 17th to discuss the comments and concerns brought out in the public hearing for the second reading held on May 16th. Taking into consideration comments made by County Engineer Anthony Bardgett, Chairperson Helmrichs directed Assistant County Attorney Courtney Vorwald to amend the proposed ordinance by removing the word "gravel" in reference to Class B & C roads in Section 3 of the proposed ordinance since most Class B & C roadways are not normally graveled. Ms. Vorwald also added verbiage to make the ordinance effective after publication of the full ordinance.

Members of the Delaware County Board of Supervisors read the proposed ordinance aloud in its entirety. Chairperson Helmrichs then asked for comments from those present asking that they direct their comments to the Board and limit comments to no more than 2 minutes in length. Public comments were as follows:

Amber Hankins stated she is in favor of the proposed ordinance as read.

Susan Scherbring thanked the Board for all its hard work and spoke in favor of the ordinance's passage.

Shirley Putz is in favor of the proposed ordinance as written.

Jim and Becky Willey stated that they are in favor of passing the proposed ordinance.

Dennis Scherbring is also in favor of passing the proposed ordinance.

Roger Helmrichs stated that he is still against the passage of said proposed ordinance. He feels it is a safety issue having these smaller vehicles on the same roadways with the larger faster vehicles.

Paul Krogmann is in favor of said proposed ordinance.

Rick Seeley is in support of passing said ordinance. He feels the ordinance will have a positive impact on the county both economically and recreationally. He thanked the Board for their time and consideration.

Chairperson Helmrichs thanked everyone for their comments and input throughout this process. Even though she feels the proposed ordinance allows for safe operation of all-terrain and off-road utility vehicles, she asks that, if said ordinance does pass, that all operators use common sense when operating on Delaware County roadways. There being no further comments, either written or oral, Chairperson Helmrichs closed the hearing at 1:37.

Motion made by Madlom, second by Dabroski and carried to approve the following resolution:

RESOLUTION No. 2016-37

WHEREAS, the second reading of Proposed Ordinance #39, "AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA" was held on Monday, May 16, 2016 at 1:15 pm, and

WHEREAS, several members of the public, in favor and against, commented on said ordinance and its passage, and

WHEREAS, the Board of Supervisors held a work session on Tuesday, May 17, 2016 at 2:30 pm to review said comments with the Assistant County Attorney Courtney Vorwald and to discuss revisions to the proposed ordinance.

NOW, BE IT RESOLVED that the third and final reading of the revised ordinance entitled:

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

Is hereby approved as read and that the Delaware County Auditor be directed to publish said ordinance, in its entirety, in all three official newspapers of the county.

Approved this 23rd day of May, 2016 by the Delaware County Board of Supervisors.

/S/ Shirley E. Helmrichs, Chairperson
/S/ Jeff Madlom
/S/ Doug Dabroski
Attest: /S/ Carla K. Becker, County Auditor

The full text of said ordinance is as follows:

DELAWARE COUNTY BOARD OF SUPERVISORS
COUNTY ORDINANCE # 39

REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES & OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY:

SECTION 1: PURPOSE. This ordinance shall set forth regulations regarding the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Delaware County Board of Supervisors.

SECTION 2: DEFINITIONS. The definitions of terms used in this ordinance are:

1. ***All-terrain Vehicle*** as defined by Iowa Code § 321I.1 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 two hundred 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. ***Designated riding area*** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the Department of Natural Resource that has been designated by the department for all-terrain vehicle use.
3. ***Designated riding trail*** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding trail on any public land, private land, or public ice that has been designated by the state or the county for all-terrain vehicle use.
4. ***Off-road Utility Vehicle*** as defined by Iowa Code § 321I.1 means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that have 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:
    a. "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.
    b. "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.
    c. "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.
5. ***Public ice*** as defined by Iowa Code § 321I.1 means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the Natural Resource Commission of the DNR.
6. ***Public land*** as defined by Iowa Code § 321I.1 means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to § 321I.8.
7. ***Roadway*** as defined by Iowa Code § 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3: OPERATION ON ROADWAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on secondary roadways, including Class A gravel roadways, in Delaware County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. All-terrain Vehicles and Off-road Utility Vehicles shall not be operated on Class B or Class C roads. All-terrain Vehicles and Off-road Utility Vehicles owned by Delaware County are authorized to operate on Class B roads for official purposes. Operation is limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operations.

A person shall not operate an All-terrain Vehicle or Off-road Utility Vehicle on secondary roadways in Delaware County unless the operator has a valid driver's license and is at least 16 years of age. An operator under 18 years of age shall be required to take and

pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate while operating the vehicle as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed.

All-terrain Vehicle and Off-road Utility Vehicle operation may begin at sunrise and must cease at sunset.

SECTION 4: UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle and/or Off-road Utility Vehicle under any of the following conditions:

1. At a rate of speed greater than the thirty-five (35) miles per hour or greater than reasonable and/or proper under existing circumstances.
2. In a careless, reckless, or negligent manner so as to:
    a. Endanger any person;
    b. Cause injury or damage to person or property; or
    c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
3. Without the following equipment:
    a. Lit headlight(s) and taillight(s).
    b. Functioning turn signals, brake lights, brakes, speedometer, and horn.
    c. Rearview mirror, if the All-terrain or Off-road Utility Vehicle is so equipped.
    d. An orange flag affixed to the vehicle at a height that is at least six feet off of the ground or no less than one foot above the top of the vehicle, whichever is higher.
    e. An effective muffling device that complies with the standards and procedures required by Iowa Code § 321I.12.
4. Without wearing a properly adjusted and fastened seatbelt if the All-terrain or Off-road Utility Vehicle is so equipped.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. On any public land, public ice, or designated riding trail in violation of official signs prohibiting such operation.
7. In any park, wildlife area, preserve, refuge, or game management area, except on designated riding areas identified by the Department of Natural Resources or designated riding trails identified by the Delaware County Conservation Board.
8. 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 Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity, and/or the operation of All-terrain Vehicles on ice.
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.
10. With more persons on the vehicle than it was designed to carry. This paragraph does not apply to a person who operates an All-terrain Vehicle or Off-road Utility Vehicle as part of a farm operation as defined in Iowa Code § 352.2.
11. On any designated riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.
12. With a firearm in the person's possession while operating or riding on an All-terrain Vehicle unless it is unloaded and enclosed in a carrying case, subject to the following exceptions:
    a. The person is riding on or operating an All-terrain Vehicle on land owned or possessed by the person and the person's conduct is otherwise lawful.
    b. The person is riding on or operating an All-terrain Vehicle on land that is not owned or possessed by the person and all of the following apply:
        i. The loaded firearm is a pistol or revolver and is secured in a retention holster upon the person,
        ii. The person possesses and displays to a peace officer upon demand a valid permit to carry weapons which has been issued to the person, and
        iii. The person's conduct is within the limits of the permit to carry weapons.

    A nonambulatory person may carry an uncased and unloaded firearm while operating or riding on an All-terrain Vehicle.
13. While discharging a firearm as the operator or passenger, except a nonambulatory person may discharge a firearm from an All-terrain Vehicle while lawfully hunting if the person is not operating or riding on a moving All-terrain Vehicle.
14. Under the age of 16.
15. Without a valid driver's license.
16. 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.

SECTION 5: REGISTRATION REQUIREMENTS AND OTHER CONDITIONS. Individuals who operate on designated secondary roadways in Delaware 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 §§ 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 also display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying the certificate on board.

SECTION 6: EXEMPT VEHICLES. Registration shall not be required for:

1. All-terrain Vehicles and/or Off-road Utility Vehicles used exclusively as farm implements.
2. All-terrain or Off-road Utility 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 purposes, but not for recreational or commercial purposes.
3. All-terrain vehicles used in accordance with Iowa Code § 321.234A(1)(a).

SECTION 7: PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of $65.00 to $625.00, plus the applicable court surcharge and costs and/or up to thirty (30) days in jail.

SECTION 8: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9: EFFECTIVE DATE. The ordinance shall become effective upon its passage and publication pursuant to Iowa Code § 331.302(8).

Passed and adopted this 23rd day of May, 2016.

Delaware County Board of Supervisors
/S/ Shirley Helmrichs, Chairperson
ATTEST: /S/ Carla Becker, Delaware County Auditor

First Reading: May 9, 2016
Second Reading: May 16, 2016
Third and Final Reading: May 23, 2016
Approved: May 23, 2016
Roll Call Vote: Ayes – Madlom, Dabroski and Helmrichs/Nays - none
Motion Carried.

Motion made by Dabroski, second by Madlom and carried to approve the appointment of Doug Peyton as Trustee of the Adams/Hazel Green Benefited Fire District for a term of 3 years effective May 22, 2016. All Ayes

Motion made by Madlom, second by Dabroski and carried to approve the renewal proposed by Wellmark BCBS for medical and pharmacy insurance. The renewal includes a change in individual deductibles from $2,000 to $5,000, which has been approved by both the Sheriff's Union and the Secondary Roads Union. The new plan number will be 118751-135 with a $5,000/$10,000 deductible. The county will continue to partially self-fund said plan to offset the net effect to employees. All Ayes

Motion made by Dabroski, second by Madlom and carried to approve the following resolution being required for federal grant administration:

RESOLUTION No 2016-038
REPORTING POLICY

PURPOSE
The purpose of this Reporting Policy is to ensure that Delaware County complies with Code of Federal Regulations, 2 CFR, Section 200.113 that requires reporting of violations of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant.

POLICY
Delaware County departments and/or employees are required to disclose, in writing and in a timely manner, all violations of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal award. This requirement applies to violations involving Delaware County, its employees, and any sub-recipients of a federal grant.

If a Delaware County department or employee learns of a violation of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant, the department or employee must report the violation to the Delaware County Auditor (designated Delaware County contact). Reportable violations include not only those violations concerning Delaware County or its employees, but also include violations relating to sub-recipients of award monies.

The Delaware County Auditor is responsible for reporting the violation to the relevant federal agency in writing and in a timely manner.

Passed and adopted this 23rd day of May, 2016.

/S/ Shirley E. Helmrichs, Chairperson
ATTEST: /S/ Carla Becker, Auditor
All Ayes

Motion made by Madlom second by Dabroski and carried to approve the following seasonal part-time hires in the Secondary Roads Department:

Cody Hahsey	Roadside Mower	Effective May 16, 2016	$14.00/hour
Alex Reetz	Laborer	Effective May 23, 2016	$11.00/hour
Blake Schrader	Laborer	Effective May 23, 2016	$11.00/hour

Mr. Hahsey is returning for his second season with the Secondary Roads Department. All Ayes
Motion made by Dabroski, second by Madlom and carried to acknowledge receipt of the state bids for winter salt and to approve the low bid submitted by Cargill of $72.53 per ton. According to County Engineer Anthony Bardgett, said bid is lower than the $76.90 per ton approved for last winter. His department will need 2,000 tons of winter salt this year for a total cost of $145,060. All Ayes

ENGINEER'S REPORT
C64 Paving Project – A paving schedule has not yet been set.
180th Ave (River Road Project) – The recycling of the existing asphalt may start in a couple weeks depending on when contractor finishes up other projects.
182nd Street Bridge –A start date for construction has not yet been determined.

NEXT MEETING – The next regular session of the Board will be held on Tuesday, May 31, 2016 at 1:15 pm.

PUBLIC COMMENTS – None.

Motion made by Madlom, second by Dabroski and carried to adjourn the meeting at 1:49 p.m.

These minutes have been read and approved.

Shirley E. Helmrichs, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates June 1, 2016, and for which the charge is $ 119.88.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this _____ day of _____ 20____.

NOTARIAL SEAL IOWA
LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. _____

LEGAL NOTICE
DELAWARE COUNTY BOARD OF SUPERVISORS
COUNTY ORDINANCE # 39
REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES & OFF-ROAD UTILITY VEHICLES IN DELAWARE COUNTY, IOWA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY:

SECTION 1: PURPOSE. This ordinance shall set forth regulations regarding the operation of all-terrain vehicles and/or off-road utility vehicles on county roadways designated by the Delaware County Board of Supervisors.

SECTION 2: DEFINITIONS. The definitions of terms used in this ordinance are:

1. ***All-terrain Vehicle*** as defined by Iowa Code § 321I.1 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 two hundred 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. ***Designated riding area*** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the Department of Natural Resource that has been designated by the department for all-terrain vehicle use.

3. ***Designated riding trail*** as defined by Iowa Code § 321I.1 means an all-terrain vehicle riding trail on any public land, private land, or public ice that has been designated by the state or the county for all-terrain vehicle use.

4. ***Off-road Utility Vehicle*** as defined by Iowa Code § 321I.1 means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that have 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.

2. ***Public ice*** as defined by Iowa Code § 321I.1 means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the Natural Resource Commission of the DNR.

3. ***Public land*** as defined by Iowa Code § 321I.1 means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to § 321I.8.

4. ***Roadway*** as defined by Iowa Code § 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3: OPERATION ON ROADWAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on secondary roadways, including Class A gravel roadways, in Delaware County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. All-terrain Vehicles and Off-road Utility Vehicles shall not be operated on Class B or Class C roads. All-terrain Vehicles and Off-road Utility Vehicles owned by Delaware County are authorized to operate on Class B roads for official purposes. Operation is limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other driver's license and is at least 16 years of age. An operator under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate while operating the vehicle as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed.

All-terrain Vehicle and Off-road Utility Vehicle operation may begin at sunrise and must cease at sunset.

SECTION 4: UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle and/or Off-road Utility Vehicle under any of the following conditions:

1. At a rate of speed greater than the thirty-five (35) miles per hour or greater than reasonable and/or proper under existing circumstances.
2. In a careless, reckless, or negligent manner so as to:
1. Endanger any person;
2. Cause injury or damage to person or property; or
3. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
2. Without the following equipment:
a. Lit headlight(s) and taillight(s).
b. Functioning turn signals, brake lights, brakes, speedometer, and horn.
c. Rearview mirror, if the All-terrain or Off-road Utility Vehicle is so equipped.
d. An orange flag affixed to the vehicle at a height that is at least six feet off of the ground or no less than one foot above the top of the vehicle, whichever is higher.
e. An effective muffling device that complies with the standards and procedures required by Iowa Code § 321I.12.
3. Without wearing a properly adjusted and fastened seatbelt if the All-terrain or Off-road Utility Vehicle is so equipped.
4. In any tree nursery or planting in a manner which damages or destroys growing stock.
5. On any public land, public ice, or designated riding trail in violation of official signs prohibiting such operation.
6. In any park, wildlife area, preserve, refuge, or game management area, except on designated riding areas identified by the Department of Natural Resources or designated riding trails identified by the Delaware County Conservation Board.
7. 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 Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity, and/or the operation of All-terrain Vehicles on ice.
8. 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.
9. With more persons on the vehicle than it was designed to carry. This paragraph does not apply to a person who operates an All-terrain Vehicle or Off-road Utility Vehicle as part of a farm operation as defined in Iowa Code § 352.2.
10. On any designated riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.
11. With a firearm in the person's possession while operating or riding on an All-terrain Vehicle unless it is unloaded and enclosed in a carrying case, subject to the following exceptions:
a. The person is riding on or operating an All-terrain Vehicle on land
i. The loaded firearm is a pistol or revolver and is secured in a retention holster upon the person,
ii. The person possesses and displays to a peace officer upon demand a valid permit to carry weapons which has been issued to the person, and
iii. The person's conduct is within the limits of the permit to carry weapons.
A nonambulatory person may carry an uncased and unloaded firearm while operating or riding on an All-terrain Vehicle.
While discharging a firearm as the operator or passenger, except a nonambulatory person may discharge a firearm from an All-terrain Vehicle while lawfully hunting if the person is not operating or riding on a moving All-terrain Vehicle.
Under the age of 16.
Without a valid driver's license.
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.

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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.
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3. All-terrain vehicles used in accordance with Iowa Code § 321.234A(1)(a).

SECTION 7: PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of $65.00 to $625.00, plus the applicable court surcharge and costs and/or up to thirty (30) days in jail.

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Delaware County Board of Supervisors
/S/ Shirley Helmrichs, Chairperson
ATTEST: /S/ Carla Becker, Delaware County Auditor
First Reading: May 9, 2016
Second Reading: May 16, 2016
Third and Final Reading: [illegible]