

The Cedar County Board of Supervisors met in regular session at 8:30 a.m. March 19, 2019 with the following members present: Agne, Bell, Gaul, Kaufmann, and Chairperson Smith. Members of the public were also present.

The Board viewed correspondence from various agencies.

The Board acknowledged receipt of the following correspondence from:

Public Health Director Christian regarding hiring Colleen Boyer-Kauffman, Office Manager effective March 18, 2019 with an hourly rate of \$16.16.

Environmental & Zoning Director LaRue regarding a letter to property owners at 136 West Rochester Avenue, Atalissa.

Cedar County Clerk for fees collected in the month of February 2019.

Patty Hamann, Veterans Affairs Service Officer for approved February reports and approved January minutes.

Community Services Director Tishuck regarding updated FY19 cash report.

Public Health Director Christian regarding Notice of Voluntary Resignation effective May 31, 2019.

Clarence Main Street Market Analysis.

Cedar County Board of Review regarding voluntary settlement with Care Initiatives, Inc. on their property tax assessment classification.

Manure Management Annual Updates submitted by:

JT Farmington Pork LLC for a site at 290<sup>th</sup> Street, Tipton.

JT Center Pork 3 for a site at 260<sup>th</sup> Street, Tipton.

Pasvogel and Son for a site at Rose Avenue, Tipton

Pasvogel & Sons – 2 for a site at Rose Avenue, Tipton

Edward Pelzer for a site at 250<sup>th</sup> Street, Tipton.

Storjohann for a site at Vermont Avenue, Bennett.

It was noted the following Handwritten Disbursement was issued on 3/15/2019 to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #418687 for \$4,598.38-self funded medical claims.

Moved by Sup. Kaufmann seconded by Sup. Agne to approve the agenda.

Ayes: All

Chairperson Smith addressed the public for comments. EMA Director Malott briefed the Board on flood projections. Malott said we are not in major flood stage. Rochester and Cedar Bluff have sandbags and sand for citizens to use. Mary Swan said the Community Action Director is retiring, leaving Community Action only open 2 days a week. Swan feels this is a huge concern and possible next step is closing.

Moved by Sup. Gaul seconded by Sup. Bell to approve the Board Minutes of March 12, 2019.

Ayes: All

Moved by Sup. Bell seconded by Sup. Agne to approve Payroll Disbursements #176872-177021 for the period ending 3/9/19 and to be paid on 3/15/19.

Ayes: All

Moved by Sup. Kaufmann seconded by Sup. Agne to approve a new eight month Class B Native Wine, Class B Wine Permit, Living Quarters Permit, Outdoor Service, Special Class C Liquor License and Sunday Sales for The Barn at Bunker Hill effective 4/1/2019.

Ayes: All

Moved by Sup. Gaul seconded by Sup. Kaufmann to approve a renewal 12 month Class C Liquor License with outdoor service and Sunday sales for Cedar Valley Golf.

Ayes: All

Moved by Sup. Gaul seconded by Sup. Agne to approve a Utility Permit for Alliant Energy in Fairfield Township, Range 02, Section 23 and waive the \$100 fee. Sup. Kaufmann said it is too bad we can't increase our rates like they are doing.

Ayes: All

Nays: Kaufmann

The Board reported on Outreach/Committee Meetings they attended.

Engineer Office Manager Boots presented the Board with the 2019 Maintenance Policy for Application of Dust Control. Discussion was held.

Moved by Sup. Bell seconded by Sup. Agne to approve the following policy:

**2019 MAINTENANCE POLICY FOR APPLICATION OF DUST CONTROL**

STATEMENT OF POLICY

It shall be the policy of Cedar County to permit the application of dust palliative agents for the control of fugitive dust on county rock roads, all pursuant to the provisions of Chapter 318 of the Code of Iowa (Obstructions in Highways).

IMPLEMENTATION OF POLICY

Persons desiring to apply dust control agents to their roads must first obtain a permit from the Cedar County Engineer's Office. Dust control application may not begin prior to May 19th unless unusual spring conditions warrant earlier applications and approval by the County Engineer. All applicators must notify the county 5 working days before applying the second treatment of dust control. Deadline dates for permits are as follows:

Permit Deadline for Residents	Applicator's List To Cedar County	Apply Dust Control Start Date	Apply Dust Control End Date
May 3	May 9	May 18	May 24
May 31	June 6	June 15	June 21

Permit applicants who apply after the listed deadline dates may not have palliative placed until the following application date. This schedule is designed to allow secondary road crews adequate time between applications to prepare the roadbed by adding rock and blading the road to proper crown and grade if necessary. Residents having the second application of palliative should be aware that the area will be bladed if deemed necessary by the patrol operator. **DUST CONTROL APPLICATORS ARE TO NOTIFY THE ENGINEER'S OFFICE 5 WORKING DAYS PRIOR TO THE SECOND TREATMENT OF DUST CONTROL.**

Following application of palliative, grader operators will be instructed to avoid blading the roads until October 15th, unless potholes over 1" in depth develop. Early blading of the road should not be necessary if the residents fill any depressions in their dust control area with loose rock from the side of the road. If a dust control section should become rough, the county may do corrective blading to repair the rough areas without compensation to the resident for damage to the treated surface. If the road has deteriorated to emergency conditions in the judgment of the patrol operator, it may be bladed. After October 15, the county reserves the right to scarify any treated portions of the road and maintain them as rock roads.

Cedar County will not be liable for blading through un-permitted or unmarked dust control sites. Residents should flag their treated areas at the beginning and end of the treated road segment. Residents will be responsible for maintaining the flags marking their treated areas. Flags will be provided at the County Engineer's Office and replacements for lost or damaged flags may be picked up there.

APPROVED MATERIALS

The following materials are approved for use as dust control palliative: 1. Calcium Chloride 2. Lignun Sulfonate (Tree Sap) 3. Asphalt Cement or Asphalt Emulsion 4. Magnesium Chloride 5. Glycerine. Soybean oil also known as "Black Oil" shall not be permitted. A list of certified applicators may be obtained at the Cedar County Engineer's Office. Applicators of dust control palliative must provide material certification to the County Engineer's Office for application on county roads. **WASTE OIL IS NOT PERMITTED AS A DUST CONTROL PALLIATIVE!** The Iowa Department of Natural Resources will be contacted if use of waste oil is discovered. When using asphalt cement or emulsion, the road surface must be immediately blotted following application with sand or dirty chips. Prior to application of an asphalt product, the applicator shall provide and place a "fresh oil" sign (W21-2) at the intersection nearest the beginning of the treated area (both directions). These signs shall remain in place until oil is no longer being picked up by vehicle tires. Federal regulations prohibit the use of bituminous materials mixed with petroleum distillates such as gasoline, kerosene, naphtha, etc. Federal regulations also prohibit the use of waste oils containing any detectable concentration of PCBs or Dioxin. These regulations assume all waste oils contain PCBs and users of waste oils are required to show otherwise by presenting certified laboratory analysis.

Application of dust control palliative shall not be made between sunset and sunrise. Applications are to be a minimum of 400' long and 20' wide.

Ayes: All

Engineer Office Manager Boots presented the Board a Resolution Opposing Senate Study Bill 1045 and Senate File 184 passed by the Senate Committee on Transportation. Discussion was held.

Moved by Sup. Bell seconded by Sup. Agne to approve the following Resolution:

**CEDAR COUNTY BOARD OF SUPERVISORS**  
**A RESOLUTION OPPOSING SENATE STUDY BILL 1045 AND SENATE FILE 184 PASSED BY THE SENATE**  
**COMMITTEE ON TRANSPORTATION**

WHEREAS, the Transportation Committee in the Iowa Senate has passed House Study Bill 1045 (SF 184) which would amend and make changes to Iowa Code Chapter 321 related to transportation of indivisible loads and raw forestry products on primary and non-primary highways, and;

WHEREAS, Cedar County owns and maintains nonprimary highways, and is fiscally and legally responsible for the nonprimary highways within the County, and;

WHEREAS, Cedar County owns and maintains 258 structures classified as bridges by the National Bridge Inspection Standards, and;

WHEREAS, many of the bridges owned by Cedar County are aging and structurally deficient or functionally obsolete, and;

WHEREAS, current funding is not adequate to replace or rehabilitate these bridges at the rate their conditions are deteriorating, and;

WHEREAS, the nonprimary roads and bridges owned by Cedar County serve a critical need for residents, agricultural users, businesses, schools, post offices, and emergency responders, and;

WHEREAS, the proposed bill would allow the Iowa Department of Transportation to issue annual permits to forestry industry haulers for loads up to 130,000 pounds on nonprimary highways throughout Iowa, without knowledge of or notice given to the agencies which own these highways and the structures thereon, and;

WHEREAS, bridges within Cedar County have been designed for loads that were legal on Iowa roads at the time of their construction, and bridges have only been rated or posted with weight restrictions for loads that are currently legal on roads, and;

WHEREAS, each bridge within Cedar County is unique based on its age, design, and current condition, and;

WHEREAS, load rating to ensure safe passage of loads greater than 80,000 pounds would be unique for each load on each individual bridge, and;

WHEREAS, the traversing of Cedar County bridges by loads up to 130,000 pounds without the County being afforded the knowledge of or the ability to restrict each occurrence, would result in gradual and possibly sudden failure of bridges within the County, and;

WHEREAS, Cedar County would likely bear legal and financial liability for subsequent failure of its bridges, even if such failures are caused by loads they did not permit, and;

WHEREAS, Cedar County is not financially able to repair or replace bridges which would be subject to accelerated deterioration by increased loads, and;

WHEREAS, Cedar County and its residents, farmers, businesses, schools, post offices, and emergency responders, would be subjected to undue operational and economic hardships by further degradation of its road system and the structures thereon;

THEREFORE BE IT RESOLVED, that the Cedar County Board of Supervisors strongly urges all Iowa lawmakers to vote in opposition to this legislation.

Resolved this 19th day of March, 2019.

Ayes: All

Moved by Sup. Gaul seconded by Sup. Smith to adjourn at 9:15 a.m., to March 26, 2019.

Ayes: All

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Cari A. Dauber, Auditor

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Dawn Smith, Chairperson