

## PROCEEDINGS: Keokuk County Ord. 47

### KEOKUK COUNTY, IOWA ORDINANCE NO. 47

**Title: AN ORDINANCE TO ASSIST COUNTY OFFICIALS (with) CONTROL (of) PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE IN THE COUNTY BY ESTABLISHING REGULATIONS AND A PERMIT STRUCTURE FOR VENDORS IN THE UNINCORPORATED AREAS OF KEOKUK COUNTY DURING THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ON JULY 26 & 27, 2018.**

**BE IT ORDAINED** by the Keokuk County Board of Supervisors:

**SECTION 1 – PURPOSE:** The purpose of this Ordinance is to control the safety and well-being of the public during the RAGBRAI event, July 26 & 27, 2018, in Keokuk County, Iowa.

**SECTION 2 – DEFINITIONS:** For purposes of this Ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Vendor" shall mean any person, association, corporation, organization, or other entity that sells or supplies food, beverages, services, or merchandise to the public in the unincorporated areas of Keokuk, County, Iowa.

2. "Food" shall include food products of all kind including food packaged for consumption off premises as well as meals prepared for consumption either on or off premises. Food shall also include beverages of every kind, including both alcoholic and nonalcoholic, except for water provided without cost to the consumer.

3. "Sale Facility" shall be defined as any site from which the vendor offers food, beverages, services or merchandise for sale or sells or delivers food, beverages, services or merchandise.

4. The "designated permit processing agent" for purposes here-in shall be defined as the Sigourney City Clerk.

**SECTION 3 – PERMITS:** No vendor shall sell or supply food, beverage, services or merchandise to the public or erect a temporary stand, sale facility or distribution area in the unincorporated areas of Keokuk County on July 26 & 27, 2018, without first having obtained a vendor's permit from the designated permit processing agent. A vendor fee will be required. A copy of the permit shall be maintained at the vendor's sale facility at all times and produced immediately upon request by any law enforcement official, environmental health specialist or anyone acting per their direction. Vendors applying for a permit shall be required to show proof of insurance liability coverage naming Keokuk County as an additional insured in an amount of at least one million dollars. Vendors applying for a permit shall also be required to show proof of all necessary licenses and permits. The application deadline for Vendor Permits shall be June 29, 2018.

**SECTION 4 – EXCEPTION:** Businesses that were in existence on June 1, 2018

in possession of a current applicable permit for the sale or supply of food, beverages, services or merchandise, may sell or supply food, beverages, services or merchandise upon their licensed premises in the unincorporated areas of Keokuk County without first obtaining a vendor permit. HOWEVER, this provision does not allow such existing businesses to sell or supply food, beverages, services or other merchandise off-site of the licensed premises, or on the public street or in the right-of-way abutting the licensed premises, without first obtaining a vendor permit from the designated permit processing agent.

**SECTION 5 – FEES:** The fees for vendor permits shall be as follows:

1. Food and beverage vendor permits and non-food vendor permits shall be \$800.

2. Non-profit food and beverage vendor permits and non-food vendor permits shall be \$200.

3. A \$100 cleanup deposit is required for each permit. This money will be refunded if the vendor complies with this Ordinance and the site is completely cleaned up by July 28, 2018.

4. The fees charged for vendor permits will be used to cover expenses of Keokuk County for hosting the event. The designated permit processing agent shall ensure that notice and a full refund of the application fee is returned to any vendor whose application is denied.

**SECTION 6 – FOOD AND BEVERAGE LOCATIONS:** A vendor who has been granted a Keokuk County food and beverage vendor permit shall locate its sale facility at such location within the unincorporated areas of Keokuk County as described on the permit application, NOT on County right-of-way, at least 50 feet from the travelled portion of the road to which it is adjacent and there shall be no signage or other sale related items or material placed in the County right of way.

**SECTION 7 – HEALTH REGULATIONS:** A person or entity issued a food and beverage vendor permit pursuant to this Ordinance shall comply with the Iowa Department of Health/Iowa Department of Inspections and Appeals regulations pertaining to the sale and dispensing of food or beverage for consumption and any local Board of Health rules and regulations pertaining to same.

**SECTION 8 – GLASS CONTAINERS:** To promote safety during RAGBRAI, all beverages sold in the unincorporated areas of Keokuk County, Iowa, by food and beverage vendors on July 26 & 27, 2018, shall be provided in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery or other establishment in the unincorporated areas of Keokuk County selling or providing beverages on its premises for consumption offsite or in an outdoor setting open to the public.

**SECTION 9 – NUISANCE:** The sale or supply of food, beverage, services or merchandise or the erection of a tempo-

rary facility for the sale of such items without the food, beverage or non-food vendor permit described in Section 3 of this ordinance on July 26 & 27, 2018, in violation of the provision of this Ordinance is hereby declared to be a nuisance as defined by Section 657.1 of the Iowa Code. If a peace officer or environmental health officer determines a nuisance to exist in violation of this Ordinance, an emergency abatement procedure may be executed by any peace officer or those acting at the peace officer's direction by causing the illegal facility to be dismantled and removed. In this event, the peace officer or those acting at the peace officer's direction shall provide an immediate notice to the offender of the violation. Failure or inability of the offender to immediately remedy the violation shall result in the emergency abatement procedure above.

**SECTION 10 – VIOLATIONS/PENALTIES:** Selling or providing food, beverages, services or merchandise to any person without the applicable permit on July 26 & 27, 2018, or any other violation of this Ordinance shall be a simple misdemeanor punishable by a maximum fine of \$500, or a maximum of 30 days in jail, or both. Each separate sale or distribution shall be deemed a separate violation.

**SECTION 11 – EFFECTIVE DATE:** This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

**SECTION 12 – REPEALER:** All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed. No zoning ordinance is established for the unincorporated areas Keokuk County.

**SECTION 12 – SEVERABILITY CLAUSE:** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 15 – SUNSET CLAUSE:** The Ordinance is repealed on July 28, 2018. Any violations of this Ordinance that have not yet been adjudicated by the date of repeal may still be litigated as if this Ordinance still remained in full force and effect.

Adopted by the Keokuk County Board of Supervisors the 29th day of May, 2018.

APPROVAL/WAIVER  
FIRST READING OF ABOVE AND FOREGOING RAGBRAI VENDOR ORDINANCE, WAIVER OF SECOND AND THIRD READINGS AND APPROVAL THEREOF

AYES: Michael Hadley, Daryl Wood  
NAYS: Michael Berg

Approved by the Keokuk County Board of Supervisors on this 29th day of May, 2018.

Michael C. Hadley, Chairperson  
Keokuk County Board of Supervisors  
Attest: Christy Bates,  
Keokuk County Auditor

KE/NR24-1

## PROBATE

**NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS THE IOWA DISTRICT COURT WASHINGTON COUNTY IN THE MATTER OF THE ESTATE OF EVELYN J. ROMOSER, Deceased. CASE NO. ESPR007192**

To All Persons Interested in the Estate of Evelyn J. Romoser, Deceased, who died on or about May 22, 2018:

You are hereby notified that on May 31, 2018, the last will and testament of Evelyn J. Romoser, deceased, bearing date of April 4, 2014, was admitted to probate in the above named court and that Robert L. Romoser was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated May 30, 2018.

Robert L. Romoser  
Executor of estate  
1735 Dogwood Ave  
Keota, IA 52248

John N. Wehr, ICIS PIN No: AT0008299

Attorney for executor  
Firm Name: John N. Wehr  
Attorney at Law  
Address: 116 East Washington Street,  
PO Box 245, Sigourney, IA 52591  
Date of second publication  
June 20, 2018  
Probate Code Section 304

KE24-2

## Public Notice

**Public Notice  
PUBLIC NOTICE OF  
STORM WATER DISCHARGE**

Ed Hammes plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under the NPDES General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities".

The storm water discharge will be from agricultural construction located in the SW ¼ of section 24, T75N, R11W, Keokuk County.

Storm water will be discharged from 1 point source and will be discharged to the following streams: North Skunk River.

Comments may be submitted to the Storm Water Discharge Coordinator, Iowa Department of Natural Resources, Environmental Protection Division, 502 E. 9th Street, Des Moines, IA 50319-0034. The public may review the Notice of Intent from 8:00am to 4:30pm, Monday through Friday, at the above address after it has been received by the department.

NR/KE24-1

PROCEEDINGS: Keokuk Co.

KEOKUK COUNTY BOARD PROCEEDINGS MAY 29, 2018

The Keokuk County Board of Supervisors met in regular session, Tuesday, May 29, 2018 in the Board Room of the Courthouse. Present were: Michael Berg, Michael C. Hadley, Daryl Wood and Christy Bates, County Auditor.

Berg moved, Wood seconded to approve the agenda. All ayes and motion carried. Also present was Charlie Comfort, The News-Review.

Wood moved, Berg seconded to approve the abatement resolution of property taxes for FY 2010-2011 through 2016-2017 pertaining to Lot 4, except the north 34 feet in equal width thereof, and Lots 5 and 6, all in Block 1 in Vernon's Addition to City of Delta, Iowa a/k/a/ 306 W 3rd Street pursuant to Iowa Code Section 445.63 as submitted. All ayes and motion carried.

Consideration and possible approval of rural garbage and recycling contract with First Resources Corporation was held with John Schroeder, County Attorney. Also present were Doug Glandon, Sigourney Mayor; Eric Dursky, Sanitarian; Lori Drummond, Collette Edmundson and Humphrey Mwangi, First Resources representatives. Glitches have been brought to light therefore prohibiting action on the proposal today. A variety of matters discussed were: city zoning variance, DNR permits, waste requirements, proposed sites/dates, and city processes thereof. Board consensus was to continue to consider First Resources for taking over the county waste/recycling but will likely renew with Waste Management for a year. No action was taken.

Wood moved, Hadley seconded to approve first reading, waive second and third reading of Ordinance No. 47 - an ordinance to assist county officials (with) control (of) public health and safety issues created by the infusion of a large number of people in the county by establishing regulations and a permit structure for vendors in the unincorporated areas of Keokuk County during the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI) on July 26 & 27, 2018 as submitted. A roll call vote was held: Wood - aye; Berg - nay; Hadley - aye. Motion carried. Present were: John Schroeder, Eric Dursky, Doug Glandon, Casey Hinnah, Sheriff and Adam Pence, Chief Deputy. The City Clerk's Office will process County permits. Concerns and comments were shared.

Berg moved, Wood seconded to approve the minutes of May 21, 2018 as submitted. All ayes and motion carried.

Met with Engineer McQuire regarding the Keokuk County Highway Department. The union contract has been received, the East Yard grading should be completed this week, inventory and project pipe was ordered last week and bids were up

20%, pavement patch areas are being marked and will be completed prior to Ragbrai and 7-10 blow-ups were reported and fixed over the weekend.

Berg moved, Wood seconded approval of quote for CV18 smooth drum roller attachment from Altorfer in the amount of \$9,499 as submitted. All ayes and motion carried. Said attachment mounts on the skid steer and is used to pack the shoulder/edge rut.

Met with Keokuk County Community Services Administrator Gilliland reviewing mental health, general assistance and substance abuse activity for the month of April.

Wood moved, Berg seconded to approve the Personnel Report for Diane Glandon, part-time Recording Clerk - Recorder's Office at \$12.00/hour with date of hire as 5-30-2018 as submitted. All ayes and motion carried.

Berg moved, Wood seconded approval of Sigourney Ministerial Alliance application for use of Keokuk County Courthouse Grounds on June 28th, 2018 (Bible Reading event) and July 1st, 2018 (Community Worship Service) as submitted. All ayes and motion carried. Proof of insurance was provided.

Various board and committee reports were held. Wood attended 10-15 Transit, Area 15 Regional Policy and Ragbrai meetings. Berg attended Empowerment and Tourism meetings. Hadley attended Sieda, Board of Health, Area 15 and AHEAD Rural Housing Trust Fund Board meetings last week.

Discussion of old/new business and public comment was held. Eric Dursky inquired what was expected of him due to mention of environmental health specialist in the Ragbrai ordinance. Mike Hadley replied whatever is appropriate. Eric responded it's actually under the city's umbrella and they've asked nothing of him. Christy Bates informed the salary certification will be placed on the June 4th agenda.

Berg moved, Wood seconded to approve the Wellmark BC/BS Health insurance renewal A6X/ZDM-Plus, effective 7-1-2018 as submitted. All ayes and motion carried. Jeff Overton, Acumen representative reviewed the Delta Dental policy, noting a 2% increase, as well as EMC National Life and Avesis vision policies that had no increase. Also present was Linda Martin, Auditor's Payroll Designee. The renewal increase was 2.98% which is basically the ACA health insurer fee being placed back in the premium.

On vote and motion the meeting adjourned at 11:00 a.m.

The above and foregoing information is a summary of the minutes taken at the above indicated meeting. The full and complete set of minutes is available at the Keokuk County Auditor's Office and www.keokukcountyia.com.

KE/NR24-1

CITY OF KEOTA COUNCIL PROCEEDINGS June 4, 2018

The Keota City Council met on June 4, 2018, in the city hall. The meeting was called to order at 7:00 P.M. by Mayor Anthony Cansler.

Council Members answering roll call were Matt Greiner, Scott Westendorf, Mike Bender, and Rod Hill. Keith Conrad arrived at 7:49 p.m. Employees present were Tomisha Hammes and Kevin Slaubaugh. Officer Doug Conrad was absent. Also in attendance was Dan Flynn, Kathy Davis, Judy Baumert, Denny Baumert, Joe Baumert, Jim Tinnes, Nick Mahan, Larry Wulff, Matt Wildman - HR Green, Mary Pat Redlinger, Jade Redlinger, Morgan Wilson - The Keota Eagle.

Motion was made by Mike Bender to amend the agenda to move the Public Works Report after Matt Wildman #9. Scott Westendorf seconded the motion. Motion passed with a majority vote.

Motion was made by Scott Westendorf to approve the amended agenda. Mike Bender seconded the motion. Motion passed with a majority vote.

Motion was made by Rod Hill to approve the minutes of the previous meeting. Scott Westendorf seconded the motion. Motion carried with a majority vote.

Citizens Comments: Larry Wulff asked the Council if he could have help filling his pool. Mayor Cansler stated that once the pool is filled let the city clerk know and she will take off the gallons used to fill the pool off the sewer portion of his bill. Jim Tinnes asked the Council if there were hours of operation for McDonald Boneyard and asked what the Council's view of the Boneyard was. Matt Greiner stated that he would like to see the business made safer. He talked with McDonalds and was told that the LP bottles have been removed, so that is a step in the right direction. As for any other decisions, the Council needs to wait to hear back from the City Attorney as to what the city can and cannot do. Mayor Cansler talked to Terry Jones - DNR Environmental Specialist, that walked through the property after the fire. Mr. Jones recommended talking with the State Fire Marshall to see what options the city has. Dan Flynn asked the Mayor if the Council had decided to get two cell phones for Officer Conrad, as the Council had discussed that as an option at previous meetings. Mayor Cansler stated that until the matter at hand is dealt with he will not move forward with the two cell phones.

Motion was made by Mike Bender to approve the Leander Construction Change Order. Scott Westendorf seconded the motion. Roll Call vote was taken:

Mike Bender: Aye
Keith Conrad: Absent
Matt Greiner: Aye
Rod Hill: Aye
Scott Westendorf: Aye
Motion passed with a majority vote. The Change Order included a \$5500 credit and final completion date set as November 30, 2018 for the Wastewater Treatment Plant.

Motion was made by Matt Greiner to approve the HR Green Service Agreement Amendment. Rod Hill seconded the motion. Roll Call vote was taken:

Mike Bender: Aye
Keith Conrad: Absent
Matt Greiner: Aye
Rod Hill: Aye
Scott Westendorf: Aye
Motion passed with a majority vote. The Service Agreement Amendment included the extension of services for HR Green and using the \$5500 credit from Leander Construction to cover the additional engineering costs.

Matt Wildman, HR Green, discussed the chloride levels at the Water Plant. HR Green is looking into options for an RO System to reduce the chloride levels in the water. He said that the RO System would require upgrades and could be expensive, so he is trying to explore other options with the current set up to reduce the cost to the city. He will keep the Council posted on what he comes up with. Public Works Director Kevin Slaubaugh stated that they are getting ready for Fun Days. The middle line on Broadway Avenue has been painted and the white and yellow lines for parking and curbs will be done this week. The property at 406 N. Fulton St. had sewer issues at the Y connection, so it will be the city's responsibility to cover the cost of the repair. The property at 210 N. Green Street had their

pipe intruding into the City's line. It has since been fixed. There is a leak at the Water Plant. Tremmel is coming back into town to do some digging to find it. If it rains the streets will be cleaned again, but if it doesn't rain he won't clean them because it will cause a lot of dust in the air on Saturday. The benches at the parks will have new boards and the employees at the bank will paint them. Motion was made by Mike Bender to approve the Public Works Report. Scott Westendorf seconded the motion. Motion passed with a majority vote.

Motion was made by Scott Westendorf to table the Police Report. Matt Greiner seconded the motion. Motion passed with a majority vote.

Councilman Keith Conrad arrived at 7:49 p.m.

Motion was made by Matt Greiner to approve Resolution 2018-12: Approving Compensation for the Budget Year 2018-2019 for Doug Conrad. Scott Westendorf seconded the motion. Roll Call vote was taken:

Mike Bender: Aye
Keith Conrad: Nay
Matt Greiner: Aye
Rod Hill: Nay
Scott Westendorf: Aye
Due to the Resolution previously being vetoed by Mayor Anthony Cansler, the vote needed a vote of 4-1 to pass and the vote was 3-2, therefore, the Mayor's veto is upheld and the Resolution did not pass.

Motion was made by Mike Bender to table the Museum Board. Scott Westendorf seconded the motion. The motion passed with a unanimous vote.

Mike Bender talked with the Council about his conversation he had with Don Paddock, Paddock Pools out of Oklahoma. On June 14, Mr. Paddock will be in Keota to discuss pool options with Mike Bender, Rod Hill, and the city clerk.

There will be a RAGBRAI Meeting at Lagos Acres on Tuesday, June 5 at 7:00 p.m. to discuss the vendor's application and other items.

Motion was made by Mike Bender to approve the RAGBRAI Vendor's Permit Application. Rod Hill seconded the motion. Motion passed with a unanimous vote.

Councilman Matt Greiner left at 8:00 p.m.

Motion was made by Keith Conrad to approve the Libertyville Savings Bank Playhouse Raffle item to the corner of Fulton Street and Broadway Avenue next to the bank or Jim Tinnes's Building on Broadway Avenue. Mike Bender seconded the motion. Motion passed with a majority vote.

Motion was made by Keith Conrad to approve the Decertification of Levies at 508 N. Davis Street. Scott Westendorf seconded the motion. Motion carried with a majority vote.

Motion was made by Scott Westendorf to approve the Building Permit at 406 N. Fulton Street. Mike Bender seconded the motion. Motion passed with a majority vote.

Motion was made by Keith Conrad to approve the April Financial Report. Rod Hill seconded the motion. Motion passed with a majority vote. The April Financial Report was late due to the computer server crashing and all information needing to be re-entered into the system. All information was recovered.

Motion was made by Keith Conrad to approve the Payment of Bills. Scott Westendorf seconded the motion. Motion carried with a majority vote.

Clerks/Council/Mayor Comments: City Clerk Tomisha Hammes stated that she will be attending Clerk's Schooling July 16 to July 20 in Ames, so the July 16 meeting will need to be moved. She will have this item on next meeting's agenda. Denny Lyle has requested that the KeWash Trailhead be blocked off during RAGBRAI from allowing campers and similar vehicles to park there as they are hoping to have the Washington County Conservation Board have displays and allow people to explore the new trailhead area during that time. Scott Westendorf commented that the Hours of Operation need to be discussed with McDonald Boneyard. He stated that Officer Conrad needs to be visible in that area and start ticketing unsafe trucks and trailers. Keith Conrad said that there are still minors driving golf carts around that are not going directly to and from the golf course. There is also a minor now giving a tractor around town. Mayor Cansler told Rod Hill and Mike Bender that he appre-

OFFICIAL COUNCIL PROCEEDINGS: City of Keota

ciated them taking the time to talk with KCRG to do a story on the state of the Keota Pool. He also thanked the council and employees for the work they have been doing on a number of projects recently. He commented that as for the Boneyard, right now until the Council hears back from the City Attorney, the priority is to make that property safe.

Motion was made by Rod Hill to adjourn the meeting at 8:20 p.m. Scott Mike Bender seconded the motion. Motion passed with a majority vote.

The next Keota City Council Meeting will take place on Monday, June 18, 2018, at 7:00 p.m.

Mayor Anthony Cansler
Attest: City Clerk Tomisha Hammes

\*These are not official minutes. These minutes will be approved at the next council meeting. All documents mentioned in these minutes can be viewed during business hours at the Keota City Hall.

CITY OF KEOTA

June 4, 2018 COUNCIL MEETING FOR PERIOD MAY 22 - JUNE 4, 2018

Table with financial data including Payee-Comment, Amount, and various fund items like Baughman, Melinda-Payroll, Biers, Nancy-Payroll, Conrad, Douglas L.-Payroll, etc.

Apr-18

Table with financial data including Fund, Beginning Balance, Receipts, Expenditures, and End Balance for various departments like Library Cd 1, Sewer Cd, Water Cd, etc.

Table with financial data including Verizon-Police Hot Spot, Malley Hardware-Streets/Park, KeWash Trailhead, Demco-Library Memorial Shelving, etc.

KE24-1