

The Iowa County Board of Supervisors met July 12, 2019. Chairman Garringer called the meeting to order at 9:00 a.m. Garringer, Gahring, Pope, and Adams were present. Heitshusen was absent.

Motion by Gahring, seconded by Pope to **approve the agenda** after the removal of Scot Wetjen at 10:00 a.m. All aye, motion carried.

Motion by Adams, seconded by Gahring to **approve the minutes** from July 5, 2019. All aye, motion carried.

Chair Note: Board approved payroll paid with warrant numbers 69070 – 69241 and handwritten claims paid with warrant numbers 69242 – 69243. Board received manure management plans from Morrow 1 Site #68591/MCM Pork, LLC, Teggetz South #63143/M&M 2, LLC, Teggetz North #64375/M&M Norman, LLC, Triple Z Acres Ltd. #58596/Triple Z Acres, Ltd., and Cornfed Farms LLC #69533/Cornfed Farms LLC.

Open Forum: Jim Johnson, Iowa County resident, asked about the timeline of an ordinance being passed. Roger Pawlak, Mayor of Victor, expressed his concern regarding turbines and the concern several City of Victor residents have. Tom McGarry, Iowa County resident, asked about the decibel levels of the turbines.

Nick Amelon, Iowa County Engineer, met with the board to give an update on road maintenance and construction, contract rock and dust control completion, the start of seal coating on the lake road, windmill road use agreement and other miscellaneous items in the Secondary Road department.

Motion by Gahring, seconded by Adams, to **approve the liquor license renewal for Avari Investments, LLC DBA: Ramada Wasserbahn Waterpark located at 2213 U Ave., Williamsburg.** All aye, motion carried.

No action was taken to appoint a Marengo Township Trustee due to the resignation of Mike Simmons.

Motion by Gahring, seconded by Pope to **approve and authorize the chair to sign the CDBG single audit form stating that no single audit will be required for FY 19 due to not expending \$750,000 in federal funds for Grant # 13-NDRI-006.** All aye, motion carried.

Motion by Gahring, seconded by Pope to **open the public hearing on the third and final reading of Ordinance #31, regulating the use of all terrain or off road utility vehicles on county roadways at 10:30 a.m.** All aye, motion carried.

The board heard one oral comment. There were no written comments.

Motion by Gahring, seconded by Pope to **close the public hearing on Ordinance #31 regulating the use of all terrain or off road utility vehicles on county roadways at 10:31 a.m.** All aye, motion carried.

Motion by Gahring, seconded by Adams to **adopt and approve the 3rd and final reading of Ordinance #31 regulating the use of all terrain or off road utility vehicles on county roadways as follows:**

TITLE: AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES ON COUNTY ROADWAYS.

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to establish regulations regarding the use of All-Terrain Vehicles and/or Off-Road Utility Vehicles on Iowa County roads and to allow utilitarian rather than recreational use of the county roads by All-Terrain Vehicles and/or Off-Road Utility Vehicles.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "All-Terrain Vehicle" (ATV) means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than 1000 cubic centimeters and in total dry weight to less than 1000 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off-Road Utility Vehicle" (UTV) means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1500 cubic centimeters and in total dry weight to not more than 1800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
3. "Level C Roadways" mean roads that have been classified to have a minimal level of maintenance and that may have restricted access. Said Level C Roadways will have appropriate signs to adequately warn the public that they are entering a section of road which has a lesser level of maintenance and said signs shall warn the public that access is limited.
4. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3. Operation on Roadways Permitted. A registered ATV and/or UTV may be operated on Iowa County, Iowa, paved and graveled secondary roadways EXCEPT operation on a County Level C Roadway is not permitted. Operation of an ATV and/or UTV on Iowa County roadways is only permitted from sunrise to sunset. The operator of an ATV and/or UTV must obey all applicable provisions of the Code of Ordinances of Iowa County, Iowa, and the Code of Iowa related to motor vehicle traffic and parking regulations.

SECTION 4. Restrictions.

1. A person shall not drive or operate an ATV and/or UTV:
 - a. At a rate of speed greater than 35 miles per hour.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of three hundred feet ahead and behind.
 - e. Without adequate brakes and brake lights.
 - f. Upon an operating railroad right-of-way except an ATV and/or UTV may be driven directly across a railroad right-of-way at an established road crossing and,

- notwithstanding any other provisions of law, may if necessary use the improved portion of the established crossing after yielding to all oncoming traffic. This subparagraph does not apply to a law enforcement officer or railroad employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
2. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it is designed to carry.
 3. A person shall not operate an ATV and/or UTV unless the operator has a valid Iowa driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Dept. of Natural Resources (IA DNR), and the operator has proof of insurance.
 4. A person under the age of 18 years shall be required to take and pass an Iowa DNR approved ATV Education Course before operating an ATV and/or UTV.
 5. This ordinance does not apply to a person who operates an ATV and/or UTV as part of a farm operation as defined in the Code of Iowa.

SECTION 5. Penalties. Violation of this resolution constitutes a Simple Misdemeanor, punishable by a fine of at least \$65.00 and no more than \$625.00 and/or up to 30 days in jail.

SECTION 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability Clause. If any section, provision or part of this ordinance shall be judged 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 8. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as provided by law.

PASSED AND ADOPTED by the Iowa County Board of Supervisors on this 12th day of July, 2019.

All aye, motion carried.

Motion by Gahring, seconded by Pope to **adjourn** at 10:32 a.m. All aye, motion carried.

Ray Garringer, Chairman

Jessica Stohlmann, Auditor

****Minutes are unofficial until approved at next Board Meeting. *****