

COUNCIL PROCEEDINGS • City of Goldfield July 10, 2023

Goldfield City Council Meeting July 10, 2023

The Goldfield Council met in regular session on July 10, 2023 at the Goldfield City Hall. Mayor Fiscus called the council meeting to order at 7:00 p.m. Council Members present Sorensen, Petersen, Meinke, Crees and Duncalf. Also present City Clerk Kathy Nelson; PW Superintendent Jim Sisson; Police Chief Ray Beltran; WCED Director Daryl Steven Carlyle; Brent Smith. Absent: Lynn Seaba.

Motion by Sorensen, second Crees to approve the June 12th minutes. Motion by Crees, second Meinke to approve the July claims. All ayes. Motions carried.

CLAIMS REPORT JULY

Table with columns: VENDOR, REFERENCE, AMOUNT. Lists various vendors like ACCESS SYSTEMS LEASING, COPIER LEASE, AGSOURCE LABORATORIES, etc.

Table with columns: Item, Amount. Lists various items like FY 23-24 JULY-SEPT, CITY OF GOLDFIELD, WATER/SEWER, DAKOTA SUPPLY GROUP, SIGN POSTS, etc.

Table with columns: Item, Amount. Lists various items like JUNE 23, IPERS COLLECTION, IPERS - REGULAR, JOHN DEERE FINANCIAL, JOHN DEERE LEASE, etc.

Table with columns: Item, Amount. Lists various items like BA/FA SCHOOL, PSI PRINTING SERVICES INC, SUPPLIES CITY HALL, QUALITY PUMP & CONTROL, etc.

Table with columns: Item, Amount. Lists various items like SEWER, GENERAL, FIRE DEPT, ROAD USE TAX, EMPLOYEE BEN, etc.

Motion by Sorensen, second Crees to approve Carter Kellogg's building permit for a fence. All ayes. Motion carried. Motion by Sorensen, second Crees to approve Res. #775 Transfer Between Funds. Roll Call Vote: All ayes. Motion carried. Motion by Sorensen, second Meinke to approve the Meter Data Management Interface and Mass Meter Change Out quote in the amount of \$4000. All ayes. Motion carried. Motion by Crees, second Sorensen to approve Casey's Liquor Permit Renewal. All ayes. Motion carried. Discussed the Down Memory Lane Grant submitted by the Schipull's to pave the walkway at Down Memory Lane Park. More information to come at a later date. Motion by Meinke, second Sorensen to approve the Fire pay. All ayes. Motion carried. Motion by Sorensen, second Meinke to adjourn at 7:53 p.m. Kathy Nelson, City Clerk Gabe Fiscus, Mayor

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BOARD PROCEEDINGS • Wright County Board of Supervisors July 3, 2023

Wright County Board of Supervisors July 3, 2023

Chairman Kluss called the regular meeting of the Wright County Board of Supervisors to order at 9:00 a.m. Members present were Kluss, Rasmussen, and Helgevoild. Motion by Rasmussen and seconded by Helgevoild to approve the tentative agenda. Motion carries.

Minutes of the previous regular meeting of June 26, 2023 were read and approved.

Approved claims for payment. In open forum, Will Higgins with Roeslein Alternative Energy, gave an update on the progress obtaining Right-Of-Way signatures with landowners. This project will gather biogas and natural gas that already exists.

Motion by Rasmussen and seconded by Helgevoild to accept the cash count from Fiscal Year End 2023. Motion carries.

Motion by Rasmussen and seconded by Helgevoild to approve Resolution 2023-29 to transfer money from Buildings and Grounds to Capital Projects. By roll call vote: Ayes - Kluss, Rasmussen, and Helgevoild; nays - none. Resolution 2023-29 duly passes and reads as follows:

RESOLUTION #2023-29 WEED CONTROL RESOLUTION

WHEREAS, according to Section 331.432 of the Code of Iowa, the Board of Supervisors shall authorize inter-fund transfers.

WHEREAS, at the June 26, 2023 meeting of the Board of Supervisors, Andy Yackle, Building and Grounds Director presented information on work being done to the 1st floor lobby. Mr. Yackle requested that unused funds from his budget be transferred to the capital projects fund for the completion of the lobby.

NOW THEREFORE BE IT RESOLVED by the Wright County Board of Supervisors that the Auditor be authorized to transfer of funds during the 2022-2023 budget year, not to exceed the following amounts:

From, To Amount General Basic, Capital Projects \$ 100,000

These moneys are to be used for completion of the 1st floor lobby. Passed and approved on this 3rd day of July, 2023.

Motion by Rasmussen and seconded by Helgevoild to approve Resolution 2023-30 concerning destruction of noxious weeds. By roll call vote: Ayes - Kluss, Rasmussen, and Helgevoild; nays - none. Resolution 2023-30 duly passes and reads as follows:

RESOLUTION No. 2023-30 WEED CONTROL RESOLUTION

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WRIGHT COUNTY, IOWA: That pursuant to provisions of Chapter 317, Code of Iowa, it is hereby ordered

1) That each owner and each person in the possession or control of any land shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in this Chapter, at such times in each year and in such manner as shall prevent said weeds from blooming bearing seeds or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut, burned or otherwise destroyed on or before the following dates and as often thereafter as necessary to

prevent seed production: Group 1: July 1 for Leafy Spurge; Marijuana Plants; Perennial Pepper-grass; Buckthorn (Rhamnus, not to include Rhamnus Frangula); Sour Dock Perennial, Smooth Dock Perennial and Sheep Sorrel Perennial.

Group 2: July 1, for Canada Thistle; Russian Knapweed; Buckhorn; Perennial and Wild Mustard Annual. Group 3: July 15 for Poison Hemlock and Multiflora Rose.

Group 4: July 15 for Horse Nettle; Perennial Sow Thistle; Quack Grass; Button Weed; Cocklebur; Bull Thistle; Teasel Biennial; Puncture Vine Annual; Shattercane Annual and all other species of thistles belonging in genera of Cirsium and Carduus.

2) That each owner and each person in the possession or control of land in Wright County, including incorporated cities and unincorporated areas within, infested with any noxious weeds listed above shall adopt a program of weed destruction described by the Weed Commissioner. Wright County shall develop and implement an Integrated Roadside Vegetation Management program for the right of ways within Wright County to control noxious weeds and promote a stable ecosystem of herbaceous cover for the benefit of native flora and fauna within the county.

3) That if the owners or persons in possession or control of any land in Wright County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the real estate.

0) Wright County has reduced the Annual Spot Spraying Program of noxious weeds and other weed types growing in Wright County Secondary Road ditches. It will be the responsibility of each adjacent land owner, whose property adjoins the county road right of way to notify the Secondary Roads department of any noxious weed problems as they arise or deem worthy of inspection and control.

0) That the County Auditor be and is hereby directed to cause notice of the making and entering the foregoing order by one publication in each of the official newspapers of the County.

BE IT FURTHER RESOLVED that Wright County Weed Commissioner/ Wright County Integrated Roadside Vegetation Management be designated as a weed control unit.

BY ORDER OF THE WRIGHT COUNTY BOARD OF SUPERVISORS

Signed and dated this 3rd day of July, 2023 Brian Jensen, EMS Coordinator, presented information on continuing the special levy for Emergency Medical Service. The special election would continue the EMS levy for another 15 years. Motion by Helgevoild and seconded by Rasmussen to set September 12, 2023 for the special election for EMS Levy. Motion carries.

Adam Clemons, Wright County Engineer, gave an update on the Secondary Roads. There were 12 work orders completed last week. Mowing of the hard surface routes are complete. The bridge approaches to the interstate bridge on R75 are completed and the traffic control devices will be taken down on Wednesday. Clemons gave an update on the RAISE (Rebuilding American Infra-

structure with Sustainability and Equity) Grant. Iowa was successful in the grant and will be receiving \$24.7 million for nine bridges. The Voss quarry pit bridge will be replaced with a majority of the cost being paid from these funds.

Motion by Kluss and seconded by Rasmussen to move into closed session at 10:00 a.m. pursuant to Chapter 21.5(1)(c) of the Iowa Code regarding occupancy and use of County right-of-way for privately-owned facilities and related legal matters. By roll call vote: Ayes - Kluss, Rasmussen, and Helgevoild; nays - none. Motion carries.

Motion by Rasmussen and seconded by Helgevoild to move out of closed session at 11:39 a.m. Motion carries.

Motion by Kluss and seconded by Helgevoild to proceed with Plan A as discussed in closed session. Motion carries.

Motion by Rasmussen and seconded by Helgevoild to approve Resolution 2023-31 setting the Public Hearing date for Ordinance #66 for July 17, 2023 at 10:00 a.m. By roll call vote: Ayes - Kluss, Rasmussen, and Helgevoild; nays - none. Resolution 2023-31 duly passes and reads as follows:

RESOLUTION NO. 2023-31 RESOLUTION SETTING DATE OF A PUBLIC HEARING ON PROPOSED ORDINANCE NO. 66 THAT WOULD REPEAL AND REPLACE WRIGHT COUNTY ORDINANCE NO. 18, AND ENACT A NEW RIGHT-OF-WAY CONTROL ORDINANCE

WHEREAS, the Wright County Board of Supervisors ("Board") will consider a proposed Ordinance No. 66 amending Wright County Ordinance No. 18, An Ordinance to Protect and Regulate Secondary Road Right-of-Way, which restricted landowners' adjoining the County right-of-way from farming, fencing, or otherwise abusing the right-of-way, by repealing and replacing it with a new right-of-way control ordinance; and

WHEREAS, the proposed Ordinance No. 66 would further regulate lawful occupancy and use of County road and highway right-of-way; provide for a policy and procedure for the County to better manage, control, and maintain its road and highway rights-of-way; provide mechanisms to recover and allocate costs associated with private occupancy and use of County road and highway right-of-way; among other things; and

WHEREAS, the Board will hold a public hearing regarding the proposed right-of-way control ordinance prior to any passage, adoption, or enactment.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Wright County, Iowa, that:

Section 1. A public hearing shall be held on the proposed ordinance before the Board of Supervisors at its meeting which commences at 10:00 A.M. on July 17, 2023, in the Board Chambers, Wright County Courthouse, 115 North Main Street, Clarion, Iowa, at which public comments shall be received.

Section 2. The County Auditor is authorized and directed to cause a notice of such public hearing to be published in the Wright County Monitor, Eagle Grove Eagle, and the Belmont Independent at least once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing in accordance with Iowa Code § 331.305, such notice to be in substantially the following form:

NOTICE OF PUBLIC HEARING

ON PROPOSED ORDINANCE NO. 66 THAT WOULD REPEAL AND REPLACE WRIGHT COUNTY ORDINANCE NO. 18, AND ENACT A NEW RIGHT-OF-WAY CONTROL ORDINANCE

The Board of Supervisors of Wright County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 10:00 A.M. on July 17, 2023 in the Board Chambers, County Courthouse, 115 North Main Street, Clarion, Iowa, to receive public comments on a proposed Ordinance No. 66 repealing and amending Wright County Ordinance No. 18, An Ordinance to Protect and Regulate Secondary Road Right-of-Way, and enacting a new right-of-way control ordinance to regulate certain occupancies and uses of County right-of-way within Wright County, Iowa.

A copy of the proposed Ordinance No. 66 is on file for public inspection in the office of the County Auditor, County Courthouse, 115 North Main Street, Clarion, Iowa.

Any person or organization desiring to be heard shall be afforded such an opportunity at this public hearing.

This notice is given by order of the Board of Supervisors of Wright County, State of Iowa.

Dated this 3rd day of July, 2023. Amanda Meyer, Finance Manager Wright County, State of Iowa (End of Notice)

Section 3. Pursuant to Iowa Code § 331.302(6)(b), the County Auditor is authorized and directed to cause a summary of such proposed ordinance to be published in the Wright County Monitor, Eagle Grove Eagle, and the Belmont Independent, at least once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing in accordance with Iowa Code § 331.305, such summary to be in substantially the following form:

SUMMARY OF PROPOSED ORDINANCE NO. 66, AN ORDINANCE REPEALING AND REPLACING WRIGHT COUNTY ORDINANCE NO. 18, AN ORDINANCE TO PROTECT AND REGULATE SECONDARY ROAD RIGHT-OF-WAY, AND ENACTING A NEW RIGHT-OF-WAY CONTROL ORDINANCE TO REGULATE CERTAIN OCCUPANCIES AND USES OF COUNTY RIGHT-OF-WAY

The Board of Supervisors of Wright County, Iowa, is considering passing and adopting a proposed Ordinance No. 66. Pursuant to Iowa Code § 331.302(6)(b), the Board authorized and directed the County Auditor to publish a summary of the proposed Ordinance No. 66 in advance of the public hearing thereon and the Board's first consideration thereof.

Accordingly, this publication is a summary of proposed Ordinance No. 66. This summary is made in accordance with standards set out in Iowa Code § 331.302(8) for published summaries of county ordinances. Copies of the full proposed Ordinance No. 66 are available at the County Auditor's office, located at the Wright County Courthouse, 115 North Main Street, Clarion, Iowa, and during normal business hours: Monday thru Friday, 8:00 A.M. to 4:00 P.M.

The title of proposed Ordinance No. 66 is: AN ORDINANCE REPEALING AND REPLACING WRIGHT COUNTY ORDINANCE NO. 18, AN ORDINANCE TO PROTECT AND REGULATE SECONDARY ROAD RIGHT-OF-WAY, AND ENACTING A NEW RIGHT-

OF-WAY CONTROL ORDINANCE TO REGULATE CERTAIN OCCUPANCIES AND USES OF COUNTY RIGHT-OF-WAY.

A synopsis of the essential elements of the proposed ordinance is as follows.

If enacted, proposed Ordinance No. 66 would amend existing Wright County Ordinance No. 18, An Ordinance to Protect and Regulate Secondary Road Right-of-Way, by repealing and replacing it with a new right-of-way control ordinance to regulate certain occupancies and uses of County right-of-way, as the Board of Supervisors maintain jurisdiction and control over the County's secondary roads and accompanying road and highway rights-of-way.

The proposed ordinance makes legislative findings recognizing the importance of County road and highway rights-of-way, the primary purpose of County road and highway rights-of-way, and the availability of County road and highway right-of-way for partial occupancy and use by various private, non-vehicular facilities.

The proposed ordinance sets forth its intended purpose, including establishing County road and highway right-of-way policy and procedures for managing occupancy and use of said rights-of-way, recovering and allocating costs associated with road and highway right-of-way occupancy and use, as well as providing for enforcement of the County's right-of-way control ordinance, among others.

The ordinance defines certain terms used within its provisions.

The proposed ordinance provides that all persons seeking to place or maintain facilities, as defined therein, within the County's road or highway right-of-way, with an exception to its applicability for public utilities, as defined therein. The proposed ordinance requires such persons to obtain a Right-of-Way Occupancy and Use Permit from the County. All non-permitted occupancies and uses of County road or highway right-of-way, as falling within the scope of the proposed ordinance, are prohibited, along with the creation of obstructions, as defined therein, within the right-of-way.

The proposed ordinance establishes the requirements and procedures for applying for a Right-of-Way Occupancy and Use Permit from the County, including the following: permit duration, permit fees, application requirements, application approval and denial, permit issuance, permit revocation, orders to remove facilities, and associated notices, hearings, and appeals, among others. The proposed ordinance addresses the failure of an applicant to secure a Right-of-Way Occupancy and Use Permit or the failure of a permittee to renew or comply with a permit or the ordinance, including the obligation to correct a failure or violation and the authority of the County to remove or disconnect a facility at the permittee's cost. Under the proposed ordinance, Right-of-Way Occupancy and Use Permits may not be transferred without the Board of Supervisors' approval. Further, a permittee may not change its intended use of its permitted facilities without reapplying for a new permit. Amendments to permits may be made with Board approval.

The proposed ordinance requires a holder of a Right-of-Way Occupancy and Use Permit to notify the County Engineer of any non-emer-

gency work or construction in advance in writing. Upon notification, the County Engineer would direct the permittee to request a Work Permit, if applicable. The County Engineer would administer Work Permits, including fees and the granting of any waivers. Under the proposed ordinance, all permittees conducting work in the County's road and highway right-of-way must adhere to the construction standards established by the proposed ordinance. These standards include worksite practices, requirements related to other facilities, nearby structures, and other uses of the right-of-way, a construction season, necessary work inspections and reports, excavation, backfilling, and boring requirements, a construction schedule requirement, and project coordination and administration requirements, among others.

The proposed ordinance also establishes various requirements for persons placing facilities within the County's road or highway right-of-way, as well as requirements for relocating facilities within the County's road or highway right-of-way. The proposed ordinance imposes obligations upon a holder of a Right-of-Way Occupancy and Use Permit to restore the County's road and highway rights-of-way that are disturbed or damaged during a permittee's work, and the consequences for failing to complete such restoration. Additionally, the ordinance would require applicants for and permittees of a Right-of-Way Occupancy and Use Permit to reimburse the County for various costs, when applicable. The proposed ordinance also imposes certain insurance requirements on permittees owning and operating facilities in the County's road or highway right-of-way.

The proposed ordinance allows for the waiver of Right-of-Way Occupancy and Use Permit requirements by the Board of Supervisors when a party requesting a waiver meets certain criteria. The ordinance also provides for its enforcement through county infractions, injunctions, or other remedies available by law. If a party were found to have violated the ordinance in a county infraction proceeding, the ordinance sets the following civil penalty: Any person found to have violated the provisions of this Ordinance shall be fined up to \$250. Each twenty-four-hour period is a separate and distinct violation.

Finally, the proposed ordinance requires permittees to indemnify and hold harmless the County against any and all claims, demands, or suits in connection to the permittee's occupancy and use of County road and highway right-of-way. Specific requirements are included within the full copy of the proposed ordinance.

Ordinance No. 66, if adopted, would become effective after its final passage, approval and publication, pursuant to Iowa Code § 331.302(8). (End of Summary) PASSED AND APPROVED this 3rd day of July, 2023. Motion by Rasmussen and seconded by Helgevoild to adjourn the meeting. Motion carries. Dean Kluss, Chairman Wright County Board of Supervisors Amanda Meyer, Finance Manager Wright County Auditor's Office

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