

June 19<sup>th</sup>, 2017

THE TWENTY-THIRD DAY

The Board of Supervisors of Howard County, Iowa met in regular session as required by law at the Office of the Howard County Board of Supervisors, Cresco, Iowa on June 19<sup>th</sup>, 2017.

Unless noted in the minutes, all motions were passed unanimously.

The meeting was called to order by Chairman Don Burnikel at 9:00 A.M.

Those present were: Chairman in the Chair Don Burnikel, Jan McGovern, and Pat Murray. Absent; None.

A motion by Jan McGovern and seconded by Pat Murray to approve the agenda as posted. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve the minutes of the last meeting. Motion passed.

Howard County Attorney Kevin Schoeberl came before the Board to discuss if there are any policies on Private Adoptions thru the Juvenile Court Systems. The Board of Supervisors made Attorney Schoeberl aware that there is no policy regarding private adoptions.

Jan McGovern reported on attending the Fairboard appreciation dinner in Cresco, a UERPC Executive & Commission meeting in Postville and a Upper Iowa Watershed Authority Board meeting in Decorah.

Don Burnikel reported on attending the Fairboard appreciation dinner in Cresco and a NE Iowa Behavioral Health meeting in Decorah.

Pat Murray also attended the Fairboard appreciation dinner in Cresco.

Paul Berland came before the Board to adopt policies for the Upper Wapsi Flood Reduction Project.

A motion by Jan McGovern and seconded by Pat Murray to have Chairman Don Burnikel sign the Policy on the Prohibition of the use of Excessive Force. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve Resolution No. 1036-2017 which pertains to HOWARD COUNTY FORM OF RESOLUTION CODE OF CONDUCT FOR CDBG PROJECTS. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1036-2017 passed unanimously.

No. 1036-2017

**HOWARD COUNTY FORM OF RESOLUTION CODE OF CONDUCT  
FOR CDBG PROJECTS.**

**PURPOSE**

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws.

**APPLICATION**

This Code of Conduct applies to all offices, employees, or agents of Howard County engaged in the award or administration of contracts supported by federal grant funds.

**REQUIREMENTS**

No officer, employee, or agent of Howard County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or An organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award.

Howard County officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

**FRAUD, WASTE, AND ABUSE**

Howard County has zero tolerance for the commission or concealment of acts of fraud, waste, or abuse. All officers, employees, or agents shall notify Howard County of suspected actions. Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to Howard County Attorney, 563-547-9220.

**REMEDIES**

To the extent permitted by federal, state, or local laws or regulations, violations, of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against Howard County officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this 19<sup>th</sup> day of June, 2017

(signed) Donald Burnikel, Chair,

ATTEST:

(signed) Julie Chapman, Auditor

A motion by Jan McGovern and seconded by Pat Murray to pass a Residential Anti-Displacement and Relocation Assistance Plan. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve Resolution No. 1037-2017- HOWARD COUNTY FORM OF RESOLUTION PROCUREMENT POLICY FOR CDBG PROJECT 13-NDRI-005. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1037-2017 passed unanimously.

No. 1037-2017

**HOWARD COUNTY FORM OF RESOLUTION PROCUREMENT POLICY  
FOR CDBG PROJECT 13-NDRI-005**

**PURPOSE**

The purpose of this Procurement Policy is to ensure that sound business judgement is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal 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 Howard County related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 2CFR Part 200 and Appendix II to Part 200.

**POLICY**

**GENERAL PROCUREMENT PRACTICES**

Howard County will adhere to the following general procurement practices: document procurement standards; maintain oversight of contractors to ensure performance in accord with standards; avoid acquisition to unnecessary of duplicative items; encourage procurement or use of shared goods and services; use Federal excess and surplus property when feasible; encourage value-engineering clauses in construction contracts; award contracts only to responsible contractors; limit use of time and materials contracting; and use good administrative judgment to settle all contractual and administrative issues.

**COMPETITION**

Howard County will provide full and open competition; prohibit use of state or local geographical preferences; develop written procedures for procurement transactions to ensure competition is not restricted; and ensure that pre-qualified lists are current.

**METHODS OF PROCUREMENT**

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

A. Micro-purchase includes the acquisition of supplies or services that do not exceed \$3,000 (or \$2,000 for acquisitions for construction subject to Davis-Bacon Act)

B. 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 \$150,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations (minimum of 2) shall be obtained from an adequate number of qualified sources.

C. 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 required method for procuring construction.

1. In order for formal advertising 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 (Recipient's) business; and
  - c. The procurement lends itself to a firm-fixed 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. Payments discounts may only be used to determine low bid when prior experience of Howard County indicates that such discounts are generally taken.
- e. Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.

D. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable 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 honored to the maximum extent practical.
2. Request for Proposals shall be solicited from an adequate number of qualified sources.
3. Howard County shall have a 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 the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offers will be promptly notified by writing.

5. Howard County should use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's 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 cannot be used to procure other types of services (e.g., administrative professional services) even though A/E firms are potential source to perform the proposed effort.

E. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to 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 to competitive solicitation; and

4. The awarding agency (IEDA) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority).

F. Howard County will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.

G. Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

#### RECYCLED MATERIALS

Howard County will procure items with the highest percentage of recycled materials practical.

#### CONTRACT PRICING

A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.

B. Howard County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

#### PROCUREMENT RECORDS

Howard 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. Howard County shall make technical specifications and procurement documents available for review upon request.

#### BONDING REQUIREMENTS

Bonding requirements for construction or facility improvement contracts must meet the federal minimum requirements or receive a determination that the federal interest is adequately protected.

Passed and adopted this 19 day of June, 2017.

(signed) Donald Burnikel, Chair

ATTEST:

(signed) Julie Chapman, Auditor

The Board of Supervisors discussed the Courthouse lawn usage for RAGBRAI.

The Board of Supervisors will not allow the decorating of the Courthouse lawn or the Courthouse itself, however the Board will allow the usage of a First Aid Station/ Communications Center and electrical usage.

Joe Kelly came before the Board to discuss some changes to the Assessor's Office with the upcoming retirement of Tom Mullen. Joe Kelly also discussed having the Assessor's Office employees attend more meetings.

Howard County Engineer Nick Rissman came before the Board to discuss the following Secondary Roads business items:

1. OSHA.
2. Project updates.
3. Update on County Shop properties.
4. Norman Borlaug Heritage Foundation request.
5. Other road issues.

A motion by Jan McGovern and seconded by Pat Murray to sign the Settlement Agreement with OSHA, Case No. 21449. Motion passed.

Jason Passmore came before the Board to discuss a Resolution for RAGBRAI.

A motion by Pat Murray and seconded by Jan McGovern to approve Resolution No. 1038-2017 which relates to RAGBRAI Activities and pertaining to the official RAGBRAI Route. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1038-2017 passed unanimously.

#### **HOWARD COUNTY, IOWA**

#### **RESOLUTION NO. 1038-2017**

A Resolution Relating to RAGBRAI Activities and pertaining to the official RAGBRAI Route within Howard County, Iowa.

Effective only on July 27, 2017 and July 28, 2017

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

**WHEREAS:** the Des Moines Register's Annual Great Bicycle Ride Across Iowa, also known as (RAGBRAI) arrives in Howard County on July 27, 2017, and departs on July 28, 2017, and

**WHEREAS:** the RAGBRAI event will draw approximately 20,000 riders and other persons through Howard County on the above dates, and

**WHEREAS:** the passage of approximately 20,000 persons through Howard County will create public safety, public health, and other related concerns,

**NOW, THEREFORE,** be it resolved by the Board of Supervisors of Howard County that the following resolution is hereby enacted:

#### **SECTION 1-Definitions**

a) As used herein, '**Food**' shall include food products of all kind including food packaged for consumption off premises as well as meals prepared for consumption either on site or off premises. '**Food**' shall also include beverages of every kind, including both alcoholic and non-alcoholic, except for water provided without cost to the consumer.

b) As used herein, '**Merchandise**' shall include all non-food products and typical consumer goods.

c) As used herein, '**Vendor**' shall include any individual, club, organization, group, partnership, corporation, limited liability company or entity of any kind selling Food and/or Merchandise.

d) As used herein, '**Cresco RAGBRAI Committee**' shall be defined as the Executive Committee, Advisory Committee and its Subcommittees as designated by the Cresco Chamber of Commerce Board and acknowledged by the City of Cresco and the Board of Supervisors of Howard County.

#### **SECTION 2- Commercial Vendor – Permit Required**

No Vendor shall provide or sell food or merchandise to the public in Howard County on July 27 and July 28, 2017 unless said Vendor has first obtained a Commercial Vendor Permit for the Cresco RAGBRAI Committee.

Existing Vendors that will operate only from their regularly established locations are exempt from the requirements of this section. 'Existing Vendor' is defined as

\*An existing Howard County business that is open for typical business hours a minimum of 5 days per week and its business operation is the same as on January 21, 2017.

\* A new Howard County Business that opens between January 21, 2017 and June 30, 2017 and is in operation for typical business hours a minimum of 5 days per week.

A Commercial Vendor Permit issued by the Cresco RAGBRAI Committee is required for any existing Vendor (Howard County business) that expands beyond its regularly established place of business.

#### **SECTION 3 – Commercial Booth Fees**

The fee for a Commercial Vendor Permit shall be:

\* For-Profit Vendors

\*\$600 for first location, \$300 for each additional location.

\* Electrical, \$100 per location

\* Non-Profit Vendors: Howard County non-profit organizations only, Non-profit organizations from outside of Howard County shall pay the for-profit fee.

\* \$100 per location

\* Electrical, \$50 per location (if needed)

\* Existing Howard County Restaurants and Bars

\* \$400 if expanding outside normal operations solely on their own property and not including the sidewalk

\* Shower Trailers: fee to be determined between Cresco RAGBRAI Committee.

#### **SECTION 4-Commercial Vendor Location**

A Commercial Vendor permittee shall locate its temporary facility at a location as directed by the Cresco RAGBRAI Committee.

#### **SECTION 5-Vendor Requirements**

- All Vendors must provide certificate of insurance as per **Section 6, Insurance Requirements**

- Vendors must be in possession of all necessary licenses and permits, Permit fees established by the Cresco RAGBRAI Committee, proof of insurance and necessary permits as required shall accompany the Vendor application when submitted to the Cresco RAGBRAI Committee.
- All Vendors shall comply with all rules, regulations and laws of Howard County, Iowa Department of Health and Howard County Department of Health and Iowa Department of Inspections & Appeals pertaining to the sale and dispensing of food for consumption and the sale of merchandise from its premises.
- All Vendors shall post in a conspicuous location their Commercial Vendor Permit and RAGBRAI Vendor Poster.
- Food Vendors shall post in a conspicuous location a menu listing products offered for sale and the price of each item.
- All Vendors must complete and return a signed Indemnity Agreement with each Vendor application provided by the Cresco RAGBRAI Committee.
- Vendors shall advertise and distribute products from their assigned concession space only.
- The Cresco RAGBRAI Committee reserves the right to restrict products or services offered by any and all Vendors.

#### **SECTION 6-Insurance Requirements for Vendors**

- Each Vendor must procure and maintain in force a policy of liability insurance and, if required, DRAM Shop Liability.
- The insurance must be written with a carrier licensed to do business in the State of Iowa and a carrier that has received a rating of A VII or better in the current Best's Rating Guide.
- The Vendor shall furnish the Cresco RAGBRAI Committee a certificate of liability insurance with limits of liability not less than the following, or greater if required by law:
  - \*General Aggregate Limit, \$1,000,000
  - \* DRAM Shop Liability (if needed), \$1,000,000
  - \* Each Occurrence Limit, \$1,000,000
- \* The certificate of liability insurance shall name the following as additional insured:
  - \* Howard County, Iowa
  - \* Cresco RAGBRAI Committee
- \* Failure to obtain and / or maintain the insurance required herein shall disallow a Vendor.

#### **SECTION 7- Commercial Booth-Ineligible Vendors**

The Cresco RAGBRAI Committee reserves the right to refuse issuing a vendor permit to anyone who, in the determination of the Cresco RAGBRAI Committee, would not be serving in the best interest of the Cresco RAGBRAI Committee. No applicant for a Commercial Vendor Permit shall be denied a vendor permit based upon the race, creed, color, age, sex or country of origin of the applicant.

Exceptions to this section include the official "Friends of RAGBRAI" and will be dealt with jointly by the Cresco RAGBRAI Committee and RAGBRAI officials.

#### **SECTION 8 – Outdoor Entertainment & Beverage Gardens**

- No outdoor entertainment shall be held on July 27, 2017 or July 28, 2017, in Howard County, Iowa.

- An outdoor beverage garden with sales of alcoholic beverages shall not be Permitted unless the following is in place:

- \*A permanent outdoor beverage garden is a part of the Vendor's typical business operation on or before June 1, 2017.

- \*The Vendor has applied for an outdoor beverage garden on or before June 1, 2017.

- \* Temporary outdoor beverage garden will only be allowed as an extension of an existing licensed business on private property owned by that business, not including sidewalks, and subject to a fee of \$400 (See Section 3).

\* The Cresco RAGBRAI Committee shall be exempt from the requirements of this section.

#### **SECTION 9 – Glass Containers**

To promote safety during RAGBRAI, all beverages sold in Howard County, on July 27, 2017 and until 10:00 a.m. on July 28, 2017, shall be sold in non-glass containers only.

This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

#### **SECTION 10- Motorized Vehicles**

The use of motorized vehicles, including passenger cars, trucks, scooters, motorcycles, golf carts and ATVs/UTVs are prohibited in event venue areas and roadways closed to vehicular traffic unless specifically authorized by the Cresco RAGBRAI Committee.

All such vehicles shall comply with current Howard County ordinances and State of Iowa DOT regulations.

#### **SECTION 11- Nuisance**

The sale of food or the erection of a temporary facility for the sale of food or merchandise without a Commercial Vendor Permit as defined in **Section 2** shall be in violation of the provisions of this resolution and shall be considered a nuisance, as defined in the Howard County Ordinances.

If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to the Howard County Code is hereby authorized and may be executed by any peace officer or those acting at their direction by dismantling and removing the nuisance without notice.

However, if the only nuisance or violation of this chapter is the offender's failure to obtain the necessary Commercial Vendor Permit, the Cresco RAGBRAI Committee, in lieu of immediate abatement, may allow the Vendor to immediately purchase a necessary Commercial Vendor Permit as provided by this Resolution. In this case the cost of the Commercial Vendor Permit shall be 2 times the base fee.

#### **SECTION 12- Street Closings**

During the effective dates of this resolution and without prior Board of Supervisor approval regarding the blocking of any county roads, the Cresco RAGBRAI Committee may place barricades or road blocks in any street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within Howard County.

#### **SECTION 13- Violations and Penalties**

Selling or supplying food or merchandise to any person without a Commercial Vendor Permit on July 27 2017 or July 28 2017, or any violation of this resolution shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of thirty (30) days in Jail.

#### **SECTION 14-Effective Period**

The provisions of this resolution shall be effective from 12:00 a.m. (local time) on July 27, 2017 until 6:00 p.m. (local time) on July 28, 2017.

#### **SECTION 15- REPEALER**

All resolutions or parts thereof in conflict with the provisions of this resolution are hereby repealed.

#### **SECTION 16- SEVERABILITY CLAUSE**

If any section, provision, or part of this resolution shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of this resolution as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.

#### **SECTION 17- WHEN EFFECTIVE**

This resolution shall be in effect from and after its approval as provided by law.

Passed and approved by this Howard County Board of Supervisors on the 19 day of June, 2017

SIGNED:

Don Burnikel, Chair

ATTEST:

Julie Chapman, County Auditor

A motion by Pat Murray and seconded by Jan McGovern to approve to deny the request for a 5 day Liquor License from Backpocket Brewing Company due to lack of supporting documents and a RAGBRAI resolution in place. Motion passed.

Howard County Sheriff Mike Miner came before the Board to discuss Budgets and to have Board approval for the Topographical Proposal for the new Jail, E-911, and Dispatch Center.

A motion by Jan McGovern and seconded by Pat Murray to approve a proposal from HRS Surveying in the amount not to exceed \$6,500 for the Topographical Survey for the new Jail, E-911, and Dispatch Center. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve to have Chairman Don Burnikel sign the CAT Agreement. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve to sign the Upper Iowa Watershed Authority Amendment. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve a Fireworks Permit for Scott O'Brien for July 3, 2017. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve a Fireworks Permit for Rick and Joann Wangen for July 8, 2017. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve a Fireworks Permit for Kay and Tom Flaherty for July 7, 8, 9, 2017. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve a Fireworks Permit for Marshall Gene Koschmeder for July 1 – 5, 2017. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve a Fireworks Permit for Travis Blockhus for July 16 & 17, 2017. Motion passed.

The Board discussed the County Attorney's Office wages for July 1<sup>st</sup>, 2017.

Howard County Attorney Kevin Schoeberl discussed with the Board the new Fireworks Laws. Kevin will work on an Ordinance for the Board.

Kevin also discussed the new Gun Law with the Board.

A motion by Pat Murray and seconded by Don Burnikel to approve to pay Claims.

Jan McGovern left to attend another meeting at 1:10 p.m.

The Board discussed with the Maintenance/ Custodial staff the hours of work and the changing of work hours.

The Board discussed some of the trees on the Courthouse lawn.

Chairman Don Burnikel adjourned the meeting at 2:00 p.m.

ATTEST:

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Julie Chapman, Howard County  
Auditor

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Donald Burnikel, Chairman Howard County Board of  
Supervisors