Call to Order

Public Comment: Five Minute Limit per Speaker
This comment period is for the public to address topics on today’s agenda.

Minutes
Discuss and decide on meeting minutes.

Second Reading of an Ordinance Amending Chapter 10 of the Code of Ordinances, Linn County, Iowa by Adding Thererto a New Section in Article V Pertaining to Prohibition on Wells in Areas of Known Contamination

Second Reading of an Ordinance Amending Chapter 10 of the Code of Ordinances, Linn County, Iowa by Adding Thererto a New Article VIII Pertaining to the Minimum Requirements for Tanning Facilities

Discuss proposed Temporary Use Permit, Case JTU19-0007, as requested by Karl Habile, owner, and West Linn Community Group c/o Delmar Jellison, petitioner, to hold events associated with Palo Fun Days, located 812 Iowa Ave, Palo, Iowa.

Discuss a Vacancy Form requesting a Combination Inspector for the Planning and Development Department.

Discuss a resolution approving the preliminary official statement related to the issuance of the County’s General Obligation Certificates of Participation.

Discuss and decide on an expenditure of $360.00 to a Green Leadership Summit event sponsored by Monarch Research happening on Sunday, September 29, 2019.

Approve Class C Liquor License for Edith Lucielle’s Bait Shack, 6913 Mt. Vernon Rd. SE, noting all conditions have been met.

Discuss economic development grant applications.

Public Comment: Five Minute Limit per Speaker
This is an opportunity for the public to address the board on any subject pertaining to board business.

Payroll Authorizations
Discuss and decide on Employment Change Roster (payroll authorizations).

Claims
Discuss and decide on claims.
For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors office at 319-892-5000 or at bd-supervisors@linncounty.org.
AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY ADDING THERETO A NEW SECTION IN ARTICLE V PERTAINING TO PROHIBITION ON WELLS IN AREAS OF KNOWN CONTAMINATION

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, as follows:

SECTION 1. SECTION ADDED. Chapter 10 – ENVIRONMENT, ARTICLE V – NONPUBLIC WATER SUPPLY WELLS, of the Code of Ordinances, Linn County, Iowa, is amended by adding thereto a new Section 10-143.1, PROHIBITION ON WELLS IN AREAS OF KNOWN CONTAMINATION, hereby created to read as follows:

Sec. 10-143.1 - Prohibition on Wells in areas of known contamination.

With the exception of monitoring wells referenced in Section 10-143, the administrative authority shall not issue a permit for any well to be drilled in an area where there is a known contaminant in the soil or groundwater that could result in human exposure to the contaminant. For the purposes of this section, contaminant has the same meaning as defined in Iowa Code 455E.2(3).

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

LINN COUNTY BOARD OF SUPERVISORS

Stacey Walker, Chair

Ben Rogers, Vice Chair

Brent Oleson, Supervisor

ATTEST:

Joel Miller, County Auditor
I, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.

________________________________________
Joel Miller, County Auditor

State of Iowa
County of Linn

This instrument was acknowledged before me on the _______ day of ________________, 2019, by Joel Miller as Linn County Auditor.

________________________________________
Notary Public, State of Iowa

First reading on the _______ day of ________________ 2019.
Second reading on the _______ day of ________________ 2019.
Third reading and final passage on the______ day of ________________ 2019.
Published in The Gazette on the__________ day of ________________ 2019.
ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, LINN COUNTY, IOWA
BY ADDING THERETO A NEW ARTICLE VIII PERTAINING TO THE MINIMUM REQUIREMENTS FOR
TANNING FACILITIES

BE IT ORDAINED by the Board of Supervisors of Linn County, Iowa, as follows:

SECTION 1. SECTION ADDED. Chapter 10 – ENVIRONMENT, of The Code of Ordinances, Linn
County, Iowa, is amended by adding thereto a new Article VIII, MINIMUM TANNING
REQUIREMENTS, hereby created to read as follows:

Sec. 10-278. - Purpose and scope.

(a) This article provides for the regulation of tanning facilities and devices used for the
tanning of human skin through the application of ultraviolet radiation. This includes, but
is not limited to, public and private businesses, hotels, motels, apartments,
condominiums, and health and country clubs.

(b) All references to Code of Federal Regulations (CFR) in this article are those in effect as

(c) This article stipulates minimum safety requirements relating to the operation of tanning
devices; qualifications for tanning facility operators, and procedures for inspection and
enforcement. Tanning facilities which comply with this article are not relieved from the
requirements of any other federal and state regulations or local ordinances.

Sec. 10-279. - Applicability.

(a) This article applies to tanning facilities within unincorporated Linn County and all
incorporated places in Linn County, Iowa, which have not established a city board of
health.

Sec. 10-280. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of Health means Linn County Board of Health

Cleansing means to remove soil, dirt, oils, or other residues from the surface of the tanning unit
which may come into contact with the skin.

Cleansing agent means a substance capable of producing the effect of “cleansing.” These agents
shall not adversely affect the equipment or the health of the consumer and shall be acceptable to the
Department or Board of Health.

Consumer means any member of the public who is provided access to a tanning facility in
exchange for a fee or other compensation, or any individual who, in exchange for a fee or other
compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

Department means Linn County Public Health.
Ordinance No. 2019-

*Electronically controlled facility* means a facility that relies on electronic means to monitor consumers.

*Exposure position* means any position, distance, orientation, or location relative to the radiation surfaces of a tanning device at which the user is intended to be exposed to ultraviolet radiation from the product, as recommended by the manufacturer.

*Formal training* means a course of instruction approved by the Department for operators of tanning facilities.

*Health care professional* means an individual, licensed by the State of Iowa, who has received formal medical training in the use of phototherapy.

*Health Director* means the Health Director of Linn County Public Health

*Health Officer* means an authorized representative of the Health Director who has been trained in tanning and tanning inspection.

*Inspection* means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, orders, requirements, and conditions of this article.

*Manufacturer’s recommendations* means written guidelines established by a manufacturer and approved by the U.S. Food and Drug Administration for the installation and operation of the manufacturer’s equipment.

*Operator* means an individual designated to control operation of the tanning facility and to instruct and assist the consumer in the proper operation of the tanning devices.

*Permit or permit to operate* means a document issued by the Iowa Department of Public Health, which authorizes a person to operate a tanning facility in Iowa.

*Person* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, but shall not include federal government agencies.

*Phototherapy device* means a piece of equipment that emits ultraviolet radiation and is used by a health care professional in the treatment of disease.

*Tanning device* means any equipment that emits electromagnetic radiation with wavelengths in air between 200 and 400 nanometers and that is used for tanning of human skin, such as sunlamps, tanning booths, or tanning beds. The terms also include any accompanying equipment such as protective eyewear, timers, and handrails.

*Tanning facility* means a place that provides access to tanning devices for compensation.

*Ultraviolet radiation* means electromagnetic radiation with wavelengths in air between 200 and 400 nanometers.
Sec. 10-281. - Exemptions.

(a) The Department may, upon application or upon its own initiative, grant exemptions from the provisions of this article as long as it will not result in undue hazard to public health and safety.

(b) The following categories of devices are exempt from the provisions of this chapter:

(1) *Other purposes.* Devices intended for purposes other than the deliberate exposure of human skin to ultraviolet radiation that produce or emit ultraviolet radiation incidental to their proper operation.

(2) *Personal use.* Tanning devices, which are limited exclusively to personal use by an individual and said individual's immediate family. Shared ownership of a tanning device by non-related persons for personal use only does not qualify it for the “personal use” exemption.

(3) *Phototherapy devices.* Phototherapy devices used by a properly trained health care professional in the treatment of disease.

Sec. 10-282. - Permits, inspections, and fees.

(a) *Permit to operate.* No tanning facility may operate in Linn County without having a permit to operate issued by the Iowa Department of Public Health.

(b) *Inspections.*

(1) The Department will inspect, at least annually, every tanning facility located in Linn County with a permit to operate issued by the Iowa Department of Public Health.

(2) Inspections shall include the following areas: proper operation and maintenance of devices, review of required records and training documentation, operator understanding and competency, and the requirements of this article.

(3) The Department will conduct a special inspection, when warranted, upon receiving a complaint from the public.

(c) *Fees*

(1) The Linn County Board of Supervisors will establish, by resolution, fees to be collected by the Department for testing, inspections, evaluations, and other services necessary for carrying out the provisions of this article.

(2) Fees for inspections received within 30 days of the date of billing will be assessed a $30 penalty for each month or fraction thereof that the bill is delinquent.

(3) A penalty fee of $30 per facility/defect may be assessed for the following:

   i. Failure to respond to a notice of violation within 30 days of the date of the inspection.

   ii. Failure to correct violations cited during the inspection.
Sec. 10-283. - Operation of tanning facilities.

(a) Unless otherwise ordered or approved by the Department, each tanning facility must be constructed, operated, and maintained to meet the following minimum requirements:

(1) A tanning facility must provide and post the following warning signs and statements that describe the hazards associated with the use of tanning devices:

(i) A warning sign in a conspicuous location readily visible to persons entering the establishment. This warning sign shall use 0.5-inch (12.7-millimeter) letters for “DANGER, ULTRAVIOLET RADIATION” and 0.25-inch (6.4-millimeter) letters for all other lettering. The sign shall use red lettering against a white background, be at least 9.0 inches by 12.0 inches (22.9 centimeters × 30.5 centimeters) and have the following wording:

DANGER
ULTRAVIOLET RADIATION
Overexposure can cause
• Eye and skin injury
• Allergic reaction
Repeat exposure may cause
• Premature aging of the skin
• Skin cancer
Failure to wear protective eyewear may result in
• Severe burns to eyes
• Long-term injury to eyes
Medication or cosmetics may increase your sensitivity

(2) A warning sign with the identical wording set forth in Section 10-283(a)(1)(i) posted within one meter of the tanning device in a conspicuous location readily visible to a person preparing to use the device. This warning sign shall use 0.5-inch (12.7-millimeter) letters for “DANGER, ULTRAVIOLET RADIATION” and 0.25-inch (6.4-millimeter) letters for all other lettering. The sign shall use red lettering against a white background and be at least 6 inches by 9 inches (15.2 centimeters × 22.9 centimeters) in size.

(3) A tanning facility shall require each consumer to read the information in Appendices A, B, and C prior to the consumer’s initial exposure and then annually thereafter.

(4) A tanning facility shall require each consumer to sign a statement that the consumer read and understands the information in Appendices A, B, and C prior to the consumer’s initial exposure and then annually thereafter.

(5) A tanning facility shall post the information in Appendices A, B, and C in each tanning room.
Sec. 10-284. - Federal certification.

(a) Only tanning devices manufactured and certified under the provisions of 21CFR Part 1040.20, “Sunlamp products and ultraviolet lamps intended for use in sunlamp products,” may be used in tanning facilities. Compliance shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by 21 CFR Parts 1010.2 and 1010.3.

Sec. 10-285. - Labeling.

(a) Labeling shall meet the following requirements, be visible on each unit and be permanently affixed. Labeling shall include:

(1) A warning statement with the words “DANGER-Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. WEAR PROTECTIVE EYEWEAR; FAILURE TO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product.”

(2) Recommended exposure position(s). Any exposure position may be expressed either in terms of a distance specified both in meters and in feet (or in inches) or through the use of markings or other means to indicate clearly the recommended exposure position.

(3) Directions for achieving the recommended exposure position(s) and a warning that the use of other positions may result in overexposure.

(4) A recommended exposure schedule including duration and spacing of sequential exposures and maximum exposure time(s) in minutes.

(5) A statement of the time it may take before the expected results appear.

(6) Designation of the ultraviolet lamp type to be used in the product.

Sec. 10-286. - Timers and controls.

(a) Each tanning device shall have a timer, which complies with the requirements of 21 CFR Part 1040.20. The maximum timer interval shall not exceed the manufacturer’s maximum recommended exposure time by a factor greater than ± 10 percent of the indicated setting.

(b) Each tanning device shall have a method of remote timing located so that consumers may not control their own exposure time.

(c) Tokens for token timers shall not be issued to any consumer in quantities greater than the device manufacturer’s maximum recommended exposure time for the consumer.
(d) Each tanning device shall incorporate a control on the product to enable the consumer to manually terminate the radiation emission from the product at any time without disconnecting the electrical source or removing the ultraviolet lamp.

(e) The operator shall ensure that the temperature of the tanning device area does not exceed 100 degrees F or 38 degrees C.

Sec. 10-287. - Condition and maintenance.

(a) Each tanning device shall be equipped to protect consumers from injury induced by falling against or breaking the lamps in a tanning device.

(b) The operator shall maintain tanning devices in good repair and comply with all state and local electrical code requirements.

Sec. 10-288. - Additional requirements for stand-up booths.

(a) There shall be equipment or devices (e.g., handrails) or other means (floor markings) to indicate the proper exposure distance between ultraviolet lamps and the consumer’s skin.

(b) The construction of the booth shall be such that it will withstand the stress of use and the impact of a falling person.

(c) Access to the booth shall be of rigid construction; doors shall open outwardly. Handrails and nonslip floors shall be provided.

Sec. 10-289. - Protective eyewear.

(a) Eyewear provided to a consumer by the tanning facility or tanning facility operator may not be reused by another consumer.

(b) Protective eyewear shall meet the requirements of 21 CFR Part 1040.20(c)(4).

(c) Protective eyewear shall not be altered in any manner that would change its use as intended by the manufacturer (e.g., removal of straps).

(d) A tanning facility operator shall not allow a consumer to use a tanning device if that consumer does not use the protective eyewear required by this article. To verify that a consumer has the proper eyewear, the operator must:

   (1) Ask to see the eyewear before the consumer enters the tanning room; or

   (2) Provide disposable eyewear in the tanning room at all times and post a sign stating that the disposable eyewear is available and that eyewear must be worn.

(e) A tanning facility operator shall instruct the consumer in the proper utilization of the protective eyewear required by this article.
Sec. 10-290. - Operation, records, and documentation.

(a) A trained operator must be present when a tanning device is operated. The operator must be within hearing distance to allow the consumer to easily summon help if necessary. If the operator is not in the immediate vicinity during use, the following conditions must be met:

(1) The consumer can summon help through use of an audible device such as an intercom or buzzer; and

(2) The operator or emergency personnel can reach the consumer within a reasonable amount of time after being summoned.

(b) The facility permit to operate shall be displayed in an open public area of the tanning facility.

(c) A record shall be kept by the facility operator of each consumer’s total number of tanning visits and tanning times, exposure lengths in minutes, times and dates of the exposure, and any injuries or illness resulting from the use of a tanning device.

(d) Any tanning injury not requiring a physician’s care and any resulting changes in tanning sessions shall be noted in the consumer’s file. A written report of any tanning injury requiring a physician’s care shall be forwarded by the permit holder to the Iowa Department of Public Health within five working days of its occurrence or knowledge thereof. The report shall include:

(1) The name of the affected individual

(2) The name and location of the tanning facility involved

(3) The nature of the injury

(4) The name and address of the health care provider treating the affected individual, if any

(5) Any other information considered relevant to the situation.

(e) Defective or burned-out lamps or filters shall be replaced with a type intended for use in that device as specified on the product label on the tanning device or with lamps or filters that are “equivalent” under 21 CFR Part 1040, Section 1040.20, and policies applicable at the time of lamp manufacture.

(f) The permit holder shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at such frequency or after such duration of use as may be recommended by the manufacturer of such lamps or bulbs.

(g) Contact surfaces of tanning devices shall be:

(1) Cleansed by the operator with a cleansing agent between each use

(2) Covered by a non reusable protective material during each use, or
(3) Cleansed by the consumer provided the following conditions are met:

(i) The operator instructs the consumer annually on how to properly cleanse the unit.

(ii) The consumer annually signs a statement stating that the consumer agrees to cleanse the unit after each use.

(iii) Signs are posted in each tanning room reminding the consumer to cleanse the tanning unit after each use and stating the proper way to cleanse the unit;

(iv) The operator cleanses the tanning unit at least once a day.

(h) Any records or documentation required by this article must be maintained in the tanning facility for a minimum of two years. Records maintained on computer systems shall be regularly copied, at least monthly, and updated on storage media other than the hard drive of the computer. An electronic record must be retrievable as a printed copy.

(i) The operator shall limit the exposure of the consumer to the maximum exposure frequency and session duration recommended by the manufacturer.

(j) When a tanning device is being used, no other person shall be allowed to remain in the tanning device area.

(k) No person or facility shall advertise or promote tanning packages labeled as “unlimited” unless tanning frequency limits set by the manufacturer are included in advertisements.

Sec. 10-291. - Training of operators.

(a) No individual may begin functioning as an operator unless the individual has satisfactorily completed a training program. Training shall include but not be limited to:

(1) The requirements of this article

(2) Procedures for correct operation of the tanning facility and tanning devices

(3) The determination of skin type of consumers and appropriate determination of duration of exposure to tanning devices

(4) Recognition of reaction or overexposure

(5) Manufacturer’s procedures for operation and maintenance of tanning devices.

(b) Owners and managers of tanning facilities must complete formal training approved by the Department. All owners and managers of tanning facilities must satisfactorily pass a certification examination approved by the Department before operating a tanning facility or training tanning facility operators.
(c) Owners and managers of tanning facilities are responsible to train tanning facility operators on the regulations listed in Section 10.291(a) and to provide review as necessary. Training programs shall be approved by the Department and shall include a final examination. The Department shall question operators, during inspection, as to the level of their understanding and competency in operating tanning devices.

(d) Proof of training for tanning facility owners, managers, and operators must be maintained in the tanning facility and be available for inspection. The proof of training shall be the original examination, which bears the signature of the owner, manager, or operator, the date of examination, and a statement signifying that all answers have been completed by the employee and without prior knowledge of the scoring key.

(e) Operators shall be at least 16 years of age.

(f) Operators shall complete the required training and testing every five years.

(g) A seventy percent score or greater is required to pass the examination. An individual who does not achieve a passing score may retake the examination on another day.

Sec. 10-292. - Promotional materials.

(a) A tanning facility shall not claim, or distribute promotional materials, which claim that using a tanning device is safe or free from risk or that the use of the device will result in medical or health benefits. The only claim that may be made about a tanning device is that it is for cosmetic use only.

Sec. 10-293. - Requirements for electronically controlled facilities.

(a) Entry into the facility is allowed by card only. Two individuals may not enter using the same card. The card is specifically activated for tanning use if the facility offers other activities.

(b) Police and all emergency services will have access to the facility through a key box located outside the entrance of the facility.

(c) The tanning unit will not activate if the card is not programmed for tanning. The card will not activate if two individuals are in the tanning room.

(d) The consumer must sign a tanning agreement that states the number of minutes per session, that the consumer agrees to wear protective eyewear, that the consumer will cleanse the unit after tanning, and that the consumer is aware of the emergency access in each room.

(e) The card will be programmed for the number of minutes the consumer is allowed to tan. The card may be reprogrammed for an increase in minutes per session only after the consumer has reviewed and re-signed the Tanning Agreement. After 30 consecutive days without the consumer’s accessing the tanning facility, the card will be deactivated and the consumer must reapply to access the tanning unit.

(f) The operator will demonstrate to each consumer how to properly cleanse the unit after tanning, including the top, bottom, and handles. A sign will be placed in each room explaining the cleansing process. The operator will cleanse the units at least once a day when they are in use.
(g) Free disposable eyewear will be placed in each room along with a sign stating that the disposable eyewear is available and that eyewear must be worn.

(h) An emergency call button or device will be placed in each tanning room conveniently located within reach of the tanning bed. This device will call the operator or emergency personnel.

(i) During annual inspections, the inspector may ask any consumer about any of the above processes.

Sec. 10-294. - Violations and injunctions.

(a) The Health Officer shall have access at all reasonable times to any tanning facility to inspect the facility to determine if the operator or facility is in violation of any part of this article.

(b) A person who operates or uses a tanning device or tanning facility in violation of this article or of any rule adopted pursuant to this chapter is guilty of a simple misdemeanor.

(c) Penalties shall be as provided in Linn County Code of Ordinances Chapter 1 General Provisions, Article II, County Ordinance Violations.

(d) If the Department finds that a person has violated, or is violating or threatening to violate this article, and that the violation creates an immediate threat to the health and safety of the public, the Department may petition the district court for a temporary restraining order to restrain the violation or threat of violation, or the Department may petition the district court for an injunction to prohibit the person from continuing the violation or threat of violation.

Sec. 10-295. - Enforcement.

(a) The Health Officer shall take the following steps when enforcement of these rules is necessary.

(1) Cite each section of the Linn County Ordinance or rules violated.

(2) Specify the manner in which the owner or operator failed to comply.

(3) Specify the steps required for correcting the violation.

(4) Request a corrective action plan, including a time schedule for completion of the plan.

(5) Set a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the permit holder must respond.

(b) The Health Officer shall review the corrective action plan and approve it or require that it be modified.
(c) In cases where the permit holder fails to comply with conditions of the written notice, the Department shall send a regulatory letter, via certified mail, advising the permit holder that unless action is taken within five days of receipt, the case shall be turned over to the County Attorney’s office to consider appropriate action.

Sec. 10-296. - Appeals and hearings.

(a) In the event any person is aggrieved by an order of the Health Officer, the person may administratively appeal in writing to the Health Director within 20 days of the date of such order. The appeal shall state the reasons for requesting such order to be rescinded or modified. The Health Director shall review the action of the Health Officer and may order compliance with said order or may with cause, modify or withdraw said order.

(b) In the event any person is aggrieved by any order of the Health Director, the person may appeal in writing to the Board of Health within 30 days of the date of such order. The appeal shall state the reasons for requesting such order to be rescinded or modified. The Board of Health shall review the action of the Health Director. The Board of Health shall order compliance with said order or may, with cause, modify or withdraw said order. Any order of the Board of Health may be appealed within ten days to the district court.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

LINN COUNTY BOARD OF SUPERVISORS

Stacey Walker, Chair

Ben Rogers, Vice Chair

Brent Oleson, Supervisor

ATTEST:

Joel Miller, Linn County Auditor

I, _____________________________, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.
State of Iowa  
County of Linn  

This instrument was acknowledged before me on the ________ day of ________________, 2019, by Joel Miller as Linn County Auditor.

____________________________________  
Notary Public, State of Iowa  

First reading approved on the ________ day of ________________, 2019.  
Second reading approved on the ________ day of ________________, 2019.  
Third reading and final passage approved on the ________ day of ________________, 2019.  
Published in The Gazette on the ________ day of ________________, 2019.
APPENDIX A. – POTENTIAL PHOTOSENSITIZING AGENTS

(a) Not all individuals who use or take any of the agents listed below will experience a photosensitive reaction or the same degree of photosensitive reaction. An individual who experiences a reaction on one occasion will not necessarily experience it again or every time.

(b) The names of the agents listed below are intended as, and should be considered only as examples. The list does not represent all the names under which a product may be sold. A more complete list is available from the facility operator.

(c) If you are using an agent in any of these classes, you should reduce UV exposure even if the particular agent is not listed.

Acne treatment (Retinoic acid, Retin-A) Psoralens (5-Methoxypsoralen, 8-Methoxypsoralen, 4,5,8-trimethyl-psoralen)

Antibacterials (deodorant bar soaps, antiseptics, cosmetics, halogenated carbonilides, halogenated phenols, halogenated salicylanilides, bithionol, chlorhexidine, hexachlorophene)

Antibiotics, anti-infectives (Tetracyclines)

Anticonvulsants (carbamazepine, trimethadione, promethazine)

Antidepressants (amitriptyline, Desipramine, Imipramine, Nortonpyline, Protipyline), Tranquilizers, anti-emetics (Phenothiazines)

Antidiabetics (glucose-lowering agents) (sulfonylureas, oral antidiabetics, hypoglycemics)

Antihistamines (diphenhydramine, promethazine, triprolidine, chlorpheniramine)

Anti-inflammatory (Piroxicam), Non-steroidal anti-inflammatory drugs (Ibuprofen, Naproxen, Piroxicam)

Antimicrobials (griseofulvin), Sulfonamides (“Sulfa drugs,” antimicrobials, anti-infectives)

Atropine-like drugs (anticholinergics, antiparkinsonism drugs, antispasmodics, synthetic muscle relaxants)

Coal tar and derivatives (Denorex, Tegrin, petroleum products used for psoriasis and chronic eczema and in shampoos)

Contraceptives, oral and estrogens (birth control pills, estrogens, progesterones)

Dyes (used in cosmetic ingredients, acridine, anthracene, cosin (lipstick), erythrosine, fluorescein, methyl violet, methylene blue, rose bengal)

Perfumes and toilet articles (muskambrette, oil of bergamot, oil of cedar, oil of citron, oil of lavender, oil of lemon, oil of lime, oil of rosemary, oil of sandalwood)

Thiazide diuretics (“water pills”)
APPENDIX B. – SUN-REACTIVE SKIN TYPES USED IN CLINICAL PRACTICE

(a) Based in the first 45-60 minutes (= 2-3 minimum erythema dose) exposure of the summer sun (early June) at sea level

<table>
<thead>
<tr>
<th>SKIN TYPE</th>
<th>SKIN REACTIONS TO SOLAR RADIATION (a) EXAMPLES</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Always burns easily and severely (painful burn). Tans little or none and peels.</td>
<td>People most often with fair skin, blue eyes, freckles. Unexposed skin is white.</td>
</tr>
<tr>
<td>II</td>
<td>Usually burns easily and severely (painful burn). Tans minimally or lightly, also peels.</td>
<td>People most often with fair skin; red or blonde hair; blue, hazel or even brown eyes. Unexposed skin is white.</td>
</tr>
<tr>
<td>III</td>
<td>Burns moderately and tans about average.</td>
<td>Normal average Caucasoid. Unexposed skin is white.</td>
</tr>
<tr>
<td>IV</td>
<td>Burns minimally, tans easily, and above average with each exposure. Exhibits IPD (immediate pigment darkening) reaction.</td>
<td>People with white or light brown skin, dark skin, dark brown hair, dark eyes. Unexposed skin is brown.</td>
</tr>
<tr>
<td>V</td>
<td>Rarely burns, tans easily and substantially. Always exhibits IPD reaction.</td>
<td>Unexposed skin is brown.</td>
</tr>
<tr>
<td>VI</td>
<td>Never burns and tans profusely; exhibits IPD reaction.</td>
<td>Unexposed skin is black.</td>
</tr>
</tbody>
</table>
APPENDIX C. – POTENTIAL NEGATIVE HEALTH EFFECTS RELATED TO ULTRAVIOLET EXPOSURE

(a) Increased risk of skin cancer later in life.

(b) Increased risk of skin thickening, age spots, irregular pigmentation, and premature aging.

(c) Possibility of burning or rash, especially if using any of the potential photosensitizing drugs and agents. The consumer should consult a physician before using a tanning device if using medications, if there is a history of skin problems or if the consumer is especially sensitive to sunlight.

(d) Increased risk of eye damage unless proper eyewear is worn. Iowa law requires the use of proper eyewear during tanning sessions.

TANNING SYSTEMS

(a) Low-pressure tanning systems use a higher percentage of UVB rays which penetrate only the upper layer of skin and can cause burning more easily than high-pressure tanning systems. Low-pressure systems require more frequent sessions to maintain a tan. High-intensity tanning systems use more lamps and shorter tanning sessions than low-intensity tanning systems. These are still classified a slow-pressure systems.

(b) High-pressure tanning systems use a higher percentage of UVA rays which penetrate more deeply and can permanently damage the lower layers of skin and increase the incidences of skin cancers. High-pressure systems require fewer and less frequent sessions to maintain a tan.

(c) The exposure schedule for each specific unit is shown on the labeling on the tanning unit. Iowa law requires the operator to limit the exposure of each consumer to the exposure schedule shown on the unit in which the consumer is tanning.
# Temporary Use Application

**Owner Information:**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Karl Habibi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>812 Iowa Ave Palo, Iowa 52324</td>
</tr>
</tbody>
</table>

**Applicant Information:**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>West Linn Comm. Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Delmar 3rd St. Box 197 Palo, IA 52324</td>
</tr>
<tr>
<td>Phone</td>
<td>319-551-5705</td>
</tr>
</tbody>
</table>

**Surveying Co:**

**E-Mail:** djfirework@aol.com

**Property Information:**

- **Property Address or Address Range (block):** 812 Iowa Ave Palo
- **Brief legal(s) (Sec./Twp./Range):** 21-84-8
- **GPN(s):** 12 21 351002
- **Rural Land Use Map Designation:** N/A/N/A
- **Current Zoning:** Ag/CNR

**Total Acres:** 22

**Submittal Requirements:**

*See attached pages for additional submittal requirements.*

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Linn County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the office of Linn County Planning and Development to conduct a site visit and photograph the subject property.

This development is subject to and shall be required, as a condition of final development approval, to comply with all Unified Development Code policies, requirements, and standards that are in effect at the time of final development approval.

<table>
<thead>
<tr>
<th>Owner</th>
<th>Karl Habibi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>7-10-19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Delmar Jellison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>7-10-19</td>
</tr>
</tbody>
</table>

**Case #:** JTU19-0001

**Receipt #:** 37361

**Date of Receipt:** AUG 09 2019

**Received:**
The following information shall be provided with the application:
Is the property located within a Flood Plain? ☐YES ☐NO

Is the Proposed Use within the Flood Plain area? ☐YES ☐NO

Temporary use period:
Beginning ____________________
Ending _____________________

Description of Proposed Use:

Polo Fun Days
Parking, Tractor pull, Pit Area
Public Seating, Parking, Fireworks

Days & Hours of Operation
SAT August 17th - 8am 12 pm

Will a building or structure be used and what type?
Containers for Storage

Will there be a sign? Per Article V, section 107-94 (j) include dimension details and content.
Signs on City of Palo Right of Way

Have you contacted the Building Division for review of applicable building code requirements?
☐YES ☐NO

N/A

Restroom Facilities:
☐Currently provided on site.
☒Portable will be brought to the site.
☐None available.

22 Req, 2 Handicap, 4 Sinks

Estimated increase in vehicle trips per day _______________

Type of vehicles using facility ________________________
PUBLIC CARS, HAULERS FOR TRACTORS

Does the property have access from a state highway? ☐YES ☒NO
(If yes, review with Iowa Department of Transportation at (319) 365-3558.

Number of parking spaces provided ____________

500-1000

The following documents shall be attached:
- Proof of Insurance
- Minor Site Plan
WHEREAS, Karl Haible, owner; West Linn Community Group c/o Delmar Jellison, petitioner, Case JTU19-0007, has requested the Linn County Board of Supervisors’ permission to operate a portion of Palo Fun Days located at 812 Iowa Ave, Palo, Iowa, located within the SW ¼ SW ¼ and the SE ¼ SW ¼ of 21-84-8.

WHEREAS, the Board of Supervisors makes the following Findings of Facts:

1. The outdoor event will be held on Saturday, August 17th, 2019 at 812 Iowa Avenue, Palo, Iowa.
2. Events will include: tractor pull, beer tent, and fireworks.
3. The outdoor event will be held between the hours of 8:00 AM and 12:00 AM on August 17th.
4. The event will host approximately 2000 people.
5. The applicant will provide parking signs, 22 regular and 2 handicapped portable toilets, and 4 hand washing stations in addition to the restrooms at the ball field.
6. Food and beer will be available. Appropriate licensing, permits and insurance are required by various departments.
7. The property is currently zoned AG (Agricultural) and CNR (Critical Natural Resources), containing 38.82 acres, with approximately 21.4 acres of the two parcels to be used for the temporary use activity.
8. The subject parcel has a Rural Land Use Map designation of NMUSA (Non-Metro Service Area) and CNRA (Critical Natural Resources Area).
9. Estimated number of vehicles for the one day event is 500-1000.
10. Parking for all vehicles will be provided on site. The applicant will provide two uniformed Linn County Sheriff deputies for security throughout event location on Saturday, August 17th from 8:00 AM to 12:00 AM.

AND WHEREAS, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;

AND WHEREAS, the temporary use application has been examined by the Linn County Board of Supervisors at a public meeting on August 12, 2019, all interested persons having been heard;

WHEREAS, said temporary use request and attachments thereto have been examined by the Linn County Board of Supervisors and approval of the request is subject to the following conditions:
LINN COUNTY PLANNING & DEVELOPMENT – Zoning Division

1. The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met.
2. $1,000,000 insurance coverage is required for the events.
3. Signage shall conform to Article 107.94, § (j). Temporary off site signs may be allowed, provided that:
   a. No sign is placed on public property, or within a road right-of-way.
   b. Sign size shall not exceed 16 sq. ft., or 6’ in width, nor 5’ in height.
   c. All temporary signs are required to be removed on the day following the final event date.
4. Restroom facilities will be provided as portable units brought to the site. Restrooms are required to be available during the hours of operation.
5. Parking of all vehicles will be provided on site in accordance with the approved site plan.
6. A minimum of 3 parking attendants shall be provided to direct on-site event parking at all times during the event.
7. The applicant will provide 2 Linn County Sheriff deputies on Saturday and parking attendants to direct traffic and provide security.

LINN COUNTY PLANNING & DEVELOPMENT – Building Division

1. All electrical wiring shall be in compliance with the National Electrical Code.
2. Platforms or structures planned for this event are required to meet building code requirements.
3. Accessible parking and access to the event site shall be provided.

LINN COUNTY ENGINEERING

1. Access shall be from existing entrances within the city limits of Palo.
2. No parking is allowed on Blairs Ferry Road.
3. Signs shall be placed in the city limits or on private property.

IOWA DEPARTMENT OF TRANSPORTATION

1. No conditions to be met.

LINN COUNTY HEALTH DEPARTMENT

1. Contact Linn County Public Health if selling food at the event.
2. Obtain required temporary food licenses from Linn County Public Health Dept. for the sale of food.
3. Continuously maintain all requirements of the Health Department throughout the event.
4. If a private well is used, it must be tested for coliform bacteria and nitrates.
Linn County Board of Supervisors
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Linn County Sheriff’s Office

1. An after-hour’s call list shall be supplied to the Linn County Sheriff’s Office for emergency situations.

2. If a traffic problem would occur, contact shall be made to the Linn County Sheriff’s Office to help alleviate the problem.

3. Traffic control is to be provided by the applicant during operation. Traffic shall be maintained on Blairs Ferry Road at all times.

Linn County Emergency Management

1. A tone alert weather radio is required to be available on site and in use at any time the public is using the facility.

2. The applicant shall submit a Severe Weather Plan for approval by the Linn Co. Emergency Management Agency.

WHEREAS, failure to submit and/or comply with any of the conditions in a timely manner will revoke this Temporary Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said temporary use is hereby approved.

Passed and approved this 14th day of August, 2019.

Linn County Board of Supervisors

__________________________________
Chair

__________________________________
Vice Chair

__________________________________
Supervisor

Aye:
Nay:
Abstain:
Absent:
Linn County Board of Supervisors
Resolution #2019-
JTU19-0007
Page 4

Attest:

________________________________
____________________
Joel Miller, Linn County Auditor

State of Iowa  )
               ) SS
County of Linn  )

I, Joel Miller, County Auditor of Linn County, Iowa hereby certify that at a regular meeting of the said Board of Supervisors the foregoing resolution was duly adopted by a vote of:

___ Aye ___ Nay ___ Abstain and ___ Absent from voting.

________________________________
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 14th day of August, 2019.

________________________________
Notary Public State of Iowa
VACANCY FORM

SELECT ONE:
☐ NEW POSITION
☐ REPLACEMENT
REPLACES: Paul Rohlwing

☐ NEW JOB CLASSIFICATION
☐ EXISTING JOB CLASSIFICATION

JOB TITLE: Combination Inspector

DEPARTMENT: Planning & Development
SHIFT/HOURS: Monday-Friday 8:00 am - 5:00 pm
NUMBER OF POSITIONS: 1

VACANCY DATE: 08/31/18
NEW POSITION FUNDING SOURCE(S):

REASON TO ADD NEW POSITION (if applicable):
☐ BUDGET OFFER
☐ GRANT FUNDING
☐ OTHER: __________________________

POST TO INSIDE: ☐ YES ☐ NO
ADVERTISE: ☐ YES ☐ NO

IF NO, GIVE EXPLANATION (i.e. not filling due to operational needs):

POSITION TYPE:
☐ FULL-TIME ☐ PART-TIME # of hours/week ☐ TEMPORARY/SEASONAL
☐ ON-CALL/SUBSTITUTE ☐ GRANT-FUNDED
☐ BARGAINING UNIT: ☐ Clerical ☐ Maintenance ☐ Para Professional ☐ Professional
☐ Attorneys ☐ Conservation ☐ Sergeants ☐ PPME
☐ NON-BARGAINING UNIT (Management and Confidential Employees)

APPROVED BY: [Signature]
DEPARTMENT HEAD (original signature required)

DATE: 7/23/19

FOR HUMAN RESOURCES DEPARTMENT USE ONLY:
PAY GRADE: 21 School A1 STARTING SALARY: Step A = $24.97
Step B = $25.85

HR DIRECTOR COMMENTS: ________________________________

FINANCE/BUDGET DIRECTOR COMMENTS: ________________________________

APPROVED BY: [Signature]
HUMAN RESOURCES DIRECTOR
DATE 8-6-19

APPROVED BY: [Signature]
FINANCE/BUDGET DIRECTOR
DATE 8/6/19

APPROVED BY: [Signature]
CHAIRPERSON/BOARD OF SUPERVISORS
DATE

LinnCounty.org
AUTHORIZE PRELIMINARY OFFICIAL STATEMENT

(2019C GO Certificates of Participation)

634201-27

Cedar Rapids, Iowa

August 14, 2019

The Board of Supervisors of Linn County, Iowa, met on August 14, 2019, at _______ o’clock a.m., at the Linn County Jean Oxley Public Service Building, Cedar Rapids, Iowa.

The meeting was called to order by the Chairperson, and the roll being called, the following named Supervisors were present and absent:

Present: ____________________________________________

Absent: ________________________________.

It was reported that a preliminary official statement had been prepared in connection with the sale of the County’s General Obligation Certificates of Participation, Series 2019C, related to the Dr. Percy and Lileah Harris Building Project, and that it was necessary to make provision for the approval of the preliminary official statement and to authorize its use by Robert W. Baird & Co.

Supervisor ________________________ introduced the resolution next hereinafter set out, related to approving a preliminary official statement, and moved its adoption, seconded by Supervisor _______________________________. After due consideration and discussion, the Chairperson put the question upon the adoption of the resolution, and the roll being called, the following Supervisors voted:

Ayes: ____________________________________________

Nays: ________________________________.

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.
RESOLUTION NO. _______

Approving preliminary official statement for General Obligation Certificates of Participation, Series 2019C

WHEREAS, pursuant to the provisions of Chapters 331 and 403 of the Code of Iowa, the Board of Supervisors (the “Board”) of Linn County, Iowa, has proposed to enter into a General Obligation Urban Renewal Lease Purchase Agreement (the “Lease Purchase Agreement”) in a principal amount not to exceed $31,500,000, for the purpose of paying the cost, to that extent, of a project consisting of the acquisition, construction, improving, furnishing and equipping of a building to house the Linn County Public Health and Linn County Child and Youth Development Services (the “Dr. Percy and Lileah Harris Building Project”) and has published notice and held a hearing on entering into the Lease Purchase Agreement; and

WHEREAS, the County intends to issue General Obligation Certificates of Participation related to the Lease Purchase Agreement (the “Certificates of Participation”) in the future, and

WHEREAS, a preliminary official statement (the “Preliminary Official Statement”) has been prepared in connection with the sale of the Certificates of Participation, and it is now necessary to make provision for the approval of the Preliminary Official Statement and to authorize its use by Robert W. Baird & Co.;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Linn County, Iowa, as follows:

Section 1. The use by Robert W. Baird & Co. of the Preliminary Official Statement relating to the Certificates of Participation, in substantially the form as has been presented to and considered by the Board of Supervisors, is hereby approved, and Robert W. Baird & Co. is hereby authorized to prepare and use a final Official Statement for the Certificates of Participation, substantially in the form of the Preliminary Official Statement, but with such changes therein as are required to conform the same to the terms of the Certificates of Participation and the resolution, when adopted, providing for the issuance of the Certificates of Participation, and the County Finance Director is hereby authorized and directed to execute a final Official Statement for the Certificates of Participation, if requested. The Preliminary Official Statement as of its date is deemed final by the County within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

-2-

DORSEY & WHITNEY LLP, ATTORNEYS, DES MOINES, IOWA
Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved August 14, 2019.

__________________________
Chairperson

Attest:

__________________________
County Auditor

... ...

On motion and vote, the meeting adjourned.

__________________________
Chairperson

Attest:

__________________________
County Auditor
STATE OF IOWA  
LINN COUNTY SS:

I, the undersigned, County Auditor of Linn County, do hereby certify that as such I have in my possession or have access to the complete records of the County and of its Board of Supervisors and officers and that I have carefully compared the transcript hereto attached with those records and that the transcript hereto attached is a true, correct and complete copy of all the records relating to the approval of a preliminary official statement related to the issuance of the County’s General Obligation Certificates of Participation, Series 2019C, and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

WITNESS MY HAND this ______ day of ________________, 2019.

__________________________________________
County Auditor