

June 23, 2020 9:00 a.m.

The Jones County Board of Supervisors met in regular session. Present Chairman Manternach, Supervisors Eaken, Oswald, Rohwedder, and Zirkelbach.

Physical in-person access to the Board of Supervisors meeting, which had been restricted since March 18, 2020 due to the COVID-19 public health emergency, is now permitted. In addition, meeting access continues to be provided by electronic video and audio streaming via remote meeting software, with audio only access also available by telephone.

The Emergency Management Coordinator and Public Health Coordinator met with the Board to provide an update on emergency preparedness activities to address the COVID-19 public health emergency. The Emergency Management Coordinator provided an update on delivery of personal protective equipment for hospitals and long term care facilities, and the ability to stockpile an inventory of masks, shields, and gowns. She also reported on minor flooding in the County over the weekend. The Public Health Coordinator provided an update on the status of COVID-19 cases in Jones County, and recent meetings with the local school districts to plan for school services in the fall.

The Board, Auditor, Treasurer, and Public Health Coordinator discussed correspondence from the various department heads regarding their needs and concerns to further re-open County facilities to the general public.

Moved by Rohwedder seconded by Zirkelbach to implement the following Phase II re-opening guidelines for the Jones County Courthouse effective June 29, 2020:

- Door security will continue.
- Temporal screening will continue (i.e. temperatures).
- Elimination of individual health screening survey documents.
- A poster with 3 health questions determined by Public Health will be provided at the door/sign in area.
- Sign in sheet will continue (modified to accommodate the next item).
- Signature on sign-in sheet is acknowledgement of “NO” responses to the 3 screening questions.
- Individual offices may determine the need for appointments vs walk-in.
 - Door security will be advised of which offices require appointments (if appointments are required, that office/s will need to provide the appointment schedule to door security)
 - If appointments, the respective department will determine if escort to and from building is necessary, otherwise escort not necessary.
- Continue one entrance (west entrance).
- Continue one exit (north entrance – unless unable to safely use the stairs, then go to elevator and back out west door).
- Sign post/stand to be added to the main lobby designating the exit from the main floor. (Can be provided to basement offices if requested.)
- Individual offices can determine the visitor limits for their office space, social distancing marking, etc.
- If we find that too many customers are congregating in the lobby area, or other concerns, then we can re-assess.
- Signage at doors, etc. will be updated to reflect the changes.

All aye. Motion carried.

Moved by Oswald seconded by Rohwedder to approve the minutes of the June 16, 2020 meeting. All aye. Motion carried.

Supervisor Eaken introduced the following APPROPRIATION RESOLUTION 2019/2020-06 and moved its adoption, seconded by Supervisor Rohwedder. On roll call vote: Oswald aye, Zirkelbach aye, Eaken aye, Rohwedder aye, Manternach aye, whereupon the Chairman declared the resolution passed and adopted.

APPROPRIATION RESOLUTION 2019/2020-06

BE IT RESOLVED by the Jones County Board of Supervisors that the following changes in departmental spending appropriations for fiscal year 2019/2020 be adopted:

34 Historic Preservation/Tourism	increase by	\$350	from	\$32,425	to	\$32,775
40 Memorial Hall	decrease by	\$350	from	\$9,160	to	\$8,810

and, BE IT FURTHER RESOLVED that the Auditor post expenditure changes submitted by the department head responsible for the department listed above into budgeted expenditure amounts.

The Auditor presented an interfund transfer resolution for consideration, explaining that due to the delay in property tax payments, sufficient funds were not yet in the Debt Service Fund to fully make the payment to Citizens' Bank for the general obligation loan, and that she anticipated those funds would be there after the June tax apportioning was completed.

Supervisor Oswald introduced the following 2019/2020 INTERFUND TRANSFER RESOLUTION #19/20-4 and moved its adoption, seconded by Supervisor Zirkelbach. On roll call vote: Oswald aye, Zirkelbach aye, Eaken aye, Rohwedder aye, Manternach aye, whereupon the Chairman declared the resolution passed and adopted.

2019/2020 INTERFUND TRANSFER RESOLUTION #19/20-4

IT IS HEREBY RESOLVED by the Jones County Board of Supervisors that the County Auditor is hereby directed to transfer \$5,800.00 from the Capital Projects Fund to the Debt Service Fund. Funds being transferred are a portion of the funds transferred from the Debt Service Fund to the Capital Projects Funds in prior fiscal years that were received in excess of the certified Debt Service Levy, and primarily represent non-levied tax related dollars (i.e. commercial and industrial rollback replacement funds, mobile home taxes, grain taxes, and military service replacement funds).

Moved by Zirkelbach seconded by Rohwedder to approve claims #2006-0162 through #2006-0476, with the exception of claim #2006-0447, payable to Nicholas Koppes in the amount of \$27.70 withdrawn by the Auditor prior to issuance of the check as the replacement check was issued instead through the payroll process, and with the County Auditor authorized to: void any claims and checks for items not received by June 30, 2020, to void any portion of employee travel reimbursement claims if documentation is not provided to comply with the Employee Travel Reimbursement Policy, and to make accounting adjustments, if needed, to individual claims in amounts up to \$50. All aye. Motion carried. [The following check and corresponding claim was voided on June 30, 2020, as authorized above, as the equipment and services being purchased were not fully received by June 30, 2020 and the vendor was unable to provide an invoice: check #175123 in the amount of \$56,097.59 dated June 23, 2020, made payable to Zetron and corresponding claim #2006-0467 submitted by the 911 Service Board.]

Moved by Oswald seconded by Zirkelbach to open the public hearing at 9:31 a.m. on the matter of condemnation proceedings for Project No. L-C-855—73-53 on Lead Mine Rd. On roll call vote: Oswald aye, Zirkelbach aye, Eaken aye, Rohwedder aye, Manternach aye. Motion carried.

Lead Mine Rd. property owners Michael Courtney, Amanda Ruggles, and James Carlson were present to offer comments and concerns regarding the condemnation proceedings and proposed road project. Courtney and Ruggles expressed their concerns with additional legal costs they will incur due to the County's dismissal, and likely refile, of the condemnation proceedings.

Moved by Oswald seconded by Zirkelbach to close the public hearing at 9:44 a.m. on the matter of condemnation proceedings for Project No. L-C-855—73-53 on Lead Mine Rd. On roll call vote: Oswald aye, Zirkelbach aye, Eaken aye, Rohwedder aye, Manternach aye. Motion carried.

Moved by Rohwedder seconded by Eaken to place on file written statements from Michael Courtney and Amanda Ruggles regarding the condemnation proceedings for Project No. L-C-855—73-53 on Lead Mine Rd. All aye. Motion carried. [2020-072, 2020-073]

The Engineer and Assistant to the Engineer met with the Board for the opening of the bids for a small crawler dozer. Also present were the Shop Foreman, and representatives from Altorfer Equipment Co., and Martin Equipment.

Moved by Eaken seconded by Rohwedder to open bids at 9:46 a.m. for a small crawler dozer. All aye. Motion carried.

Bids were received as follows:

- Altorfer Equipment Company in the amount of \$147,286
- Martin Equipment in the amount of \$162,500

Moved by Rohwedder seconded by Eaken to table action to award a bid for a small crawler dozer until the June 30, 2020 meeting to allow time for the Engineer to review the bids. All aye. Motion carried.

The Engineer, Assistant to the Engineer, and Sheriff provided an update on their recommendation to close Old Dubuque Rd. at its intersection with U.S. Highway 151, and provided an update on actions of the Anamosa City Council to proceed with plans for safety improvements in the area between the Anamosa Middle School and the Anamosa Commercial Park subdivision.

Moved by Rohwedder seconded by Eaken to close a portion of Old Dubuque Rd. from its intersection with the westbound lane of U. S. Highway 151 thence approximately 200' west on August 3, 2020. All aye. Motion carried.

The Engineer and Assistant to the Engineer provided an update on the Shaw Rd. grading and resurfacing project and noted that the previously reported projected decline in road use tax revenues now show a less significant reduction.

James Carlson inquired about roadside spraying and requested that aggressive measures be taken to address the increasing presence of wild parsnip in the road ditches.

The Sheriff and Deputy McNally met with the Board to present information regarding the ability to use Deputy McNally's training as a licensed pilot to assist with search and rescue operations, with the County's expense being that of airplane rental from the Monticello airport.

The Information Technology Coordinator (and HIPAA Security Officer) met with the Board to request a change in the County's appointed HIPAA Privacy Officer.

Moved by Eaken seconded by Rohwedder to appoint Jenna Lovaas and Kaci Ginn as joint HIPPA Privacy Officers effective immediately, relieving Community Services Director Lucia Herman of those duties. All aye. Motion carried.

Dean Wood met with the Board and Land Use Administrator to discuss the Planning and Zoning Commission's denial of Wood's zoning request to construct an additional storage facility at 21597 County Rd. E34. Planning and Zoning Commission members Tim Fay and Jim McElheny were also present for the discussion. The Land Use Administrator reported that the Planning and Zoning Commission found Wood's zoning request to be in violation of a conditional zoning agreement from 2017. Additional concerns presented were Wood's plan for customers and vendors using the property to park along County Rd. E34. Action on the request is scheduled for the June 30, 2020 meeting.

The Land Use Administrator met with the Board to provide updates on violations of the Nuisance Ordinance at 8356 Slide Rock Rd., Anamosa, and 23713 Highway 38, Monticello.

Moved by Zirkelbach seconded by Rohwedder to set a public hearing at 9:30 a.m. on July 7, 2020 to review violations of the Jones County Nuisance Ordinance on property owned by Shawn Walker at 8356 Slide Rock Rd., Anamosa, in Section 25 of Fairview Township. All aye. Motion carried.

Moved by Zirkelbach seconded by Oswald to allow Russell and Danica Hughes, the owners of property located at 23713 Highway 38, Monticello, in Section 9 of Lovell, an additional thirty-day extension, until July 28, 2020, to abate the nuisance on the property or the County will proceed with filing a civil citation pursuant to Section 8, of Article II, of the Jones County Nuisance Ordinance. All aye. Motion carried.

Moved by Oswald seconded by Eaken to require employee Michele Gehl to reimburse Jones County \$25.80 for credit card charges, as the original receipt has not been provided, as per the Jones County Credit Card Policy. All aye. Motion carried.

Supervisor Rohwedder introduced the following resolution and moved its adoption, seconded by Supervisor Oswald. On roll call vote: Zirkelbach aye, Oswald aye, Eaken aye, Rohwedder aye, Manternach aye, whereupon the Chairman declared the resolution passed and adopted.

**RESOLUTION REPEALING A TAX LIEN FOR
DELINQUENT WATER AND/OR SEWER UTILITY FEES**

Whereas, on June 9, 2020, the Jones County Board of Supervisors authorized the Jones County Treasurer to place liens upon real estate owned by David and Pamela Leytem in the amount of \$338.00, and on real estate owned by MUCTARU LLC in the amount of \$538.00, for delinquent water and/or sewer utility fees provided by the Eastern Iowa Regional Utility Service System; and

Whereas, on June 15, 2020 the County Auditor received correspondence from the Eastern Iowa Rural Utility Service System that the delinquent amounts referenced above had been paid directly to the Eastern Iowa Rural Utility Service System by the property owners or tenants;

Now therefore, be it resolved by the Jones County Board of Supervisors that the County Treasurer be authorized to remove the liens in the amount of \$338.00 and \$538.00, plus costs, on properties described as follows:

Name & Mailing Address of Delinquent Utility Account	Owner Name and Address of Property with Delinquent Utility Account	Tax Parcel and brief legal description	Delinquent Amount due
Folken, Joseph 10623 Main St. Center Junction IA 52212	MUCTARU LLC 10623 Main St. Center Junction IA 52212	11 04 178 004 O.T. LOT 4 & E 2/3 LOT 5 & W 16.5' LOT 3, BLK 29 CENTER JUNCTION	\$538.00 Services billed November 1, 2019 – March 31, 2020
Leytem, David PO Box 22 Center Junction IA 52212	Leytem, David & Pamela 12601 Prospect St. Center Junction IA 52212	11 04 178 010 O.T. S ½ LOTS 16, 17, 18, 19, 20, BLK 29 CENTER JUNCTION	\$338.00 Services billed November 1, 2019 – March 31, 2020

Moved by Oswald seconded by Zirkelbach to hire Rachel Graumann as a full-time radio operator, effective June 15, 2020 at \$16.34 per hour, with benefits per the collective bargaining agreement, and to hire Brian Horak as an on-call jail transporter/court security officer, effective June 23, 2020 at \$18.39 per hour, with benefits per the county employee handbook. All aye. Motion carried.

Moved by Zirkelbach seconded by Eaken to acknowledge receipt of manure management plan updates from LMT Farms (facility #67385) for a facility located in Section 15 of Jackson Township, and from Lee and Lori Crock (facility #64750) for a facility located in Sections 35 and 36 of Greenfield Township, with the County Auditor to retain the documents in a temporary file for public access for one year. All aye. Motion carried.

Moved by Eaken seconded by Oswald to authorize the Chairman to sign, and place on file, various documents and agreements for the Comprehensive Opioid Abuse Program (COAP) grant awarded to a joint coalition of local law

enforcement agencies by the Office of Drug Control Policy for a pre-arrest and post-arrest diversion program to be administered by the Area Substance Abuse Council. All aye. Motion carried. (Auditor's note: The COAP grant program has subsequently been renamed to COSSAP – Comprehensive Opioid, Stimulant, and Substance Abuse Program.) [2020-074]

Moved by Zirkelbach seconded by Rohwedder to approve the final consideration of, and to adopt, pass, and publish, Jones County, Iowa Ordinance 2020-01, to add CHAPTER 17, TANNING FACILITIES – MINIMUM REQUIREMENTS OF TITLE V – PUBLIC ORDER, SAFETY & HEALTH. On roll call vote: Oswald aye, Zirkelbach aye, Eaken aye, Rohwedder aye, Manternach aye, whereupon the Chairman declared the final consideration approved, and the ordinance adopted.

JONES COUNTY IOWA ORDINANCE 2020-01

An ordinance amending the code of ordinances of the County of Jones, State of Iowa.

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

Section 1: The purpose of this ordinance is to add CHAPTER 17, TANNING FACILITIES – MINIMUM REQUIREMENTS ORDINANCE OF TITLE V – PUBLIC ORDER, SAFETY & HEALTH.

Section 2: The Chapter will read as follows:

CHAPTER 17
TANNING FACILITIES – MINIMUM REQUIREMENTS
TITLE V – PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. PURPOSE AND SCOPE

This ordinance 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.

All references to Code of Federal Regulations (CFR) in this ordinance are those in effect as of April 30, 2007.

This ordinance 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 ordinance are not relieved from the requirements of any other federal and state regulations or local ordinances.

SECTION 2. APPLICABILITY

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

SECTION 3. DEFINITIONS

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

- A. Board of Health means Jones County Board of Health
- B. 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.
- C. 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.
- D. 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.
- E. Department means Jones County Environmental Health.

- F. Designee means agent designated by the Jones County Board of Health.
- G. Electronically controlled facility means a facility that relies on electronic means to monitor consumers.
- H. 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.
- I. Formal training means a course of instruction approved by the Department for operators of tanning facilities.
- J. Health care professional means an individual, licensed by the State of Iowa, who has received formal medical training in the use of phototherapy.
- K. Health Officer means an authorized representative of the Board of Health who has been trained in tanning and tanning inspection.
- L. 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 ordinance.
- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. Phototherapy device means a piece of equipment that emits ultraviolet radiation and is used by a health care professional in the treatment of disease.
- R. 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.
- S. Tanning facility means a place that provides access to tanning devices for compensation.
- T. Ultraviolet radiation means electromagnetic radiation with wavelengths in air between 200 and 400 nanometers.

SECTION 4. EXEMPTIONS

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

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

- A. 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.

- B. Personal use. Tanning devices, which are limited exclusively to personal use by an individual and said individuals' 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.
- C. Phototherapy devices. Phototherapy devices used by a properly trained health care professional in the treatment of disease.

SECTION 5. PERMITS, INSPECTIONS, AND FEES

- A. Permit to operate. No tanning facility may operate in Jones County without having a permit to operate issued by the Iowa Department of Public Health.
- B. Inspections. The Department will inspect, at least annually, every tanning facility located in Jones County with a permit to operate issued by the Iowa Department of Public Health.
 - 1. 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 ordinance.
 - 2. The Department will conduct a special inspection, when warranted, upon receiving a complaint from the public.
- C. Fees. The Jones County Board of Health will establish, by resolution, fees to be collected by the Department or Designee for testing, inspections, evaluations, and other services necessary for carrying out the provisions of this ordinance.
 - 1. 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.
 - 2. A penalty fee of \$30 per facility/defect may be assessed for the following:
 - a. Failure to respond to a notice of violation within 30 days of the date of the inspection.
 - b. Failure to correct violations cited during the inspection.

SECTION 6. OPERATION OF TANNING FACILITIES

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

- A. A tanning facility must provide and post the following warning signs and statements that describe the hazards associated with the use of tanning devices:
 - 1. 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 6., subsection A.1. 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.
- B. 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.
- C. 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.
- D. A tanning facility shall post the information in Appendices A, B, and C in each tanning room.

SECTION 7. FEDERAL CERTIFICATION

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.

SECTION 8. LABELING

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

- A. 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.”
- B. 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.
- C. Directions for achieving the recommended exposure position(s) and a warning that the use of other positions may result in overexposure.
- D. A recommended exposure schedule including duration and spacing of sequential exposures and maximum exposure time(s) in minutes.
- E. A statement of the time it may take before the expected results appear.
- F. Designation of the ultraviolet lamp type to be used in the product.

SECTION 9. 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.

SECTION 10. 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.

SECTION 11. 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.

SECTION 12. 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 ordinance. 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.
 - 3. A tanning facility operator shall instruct the consumer in the proper utilization of the protective eyewear required by this ordinance.

SECTION 13. OPERATION, RECORDS, AND DOCUMENTATION

- A. Minimum Age.
 - 1. A tanning facility shall not allow a consumer under sixteen years of age to use a tanning device.
 - 2. A tanning facility may allow a consumer who is sixteen or seventeen years of age to use a tanning device if:

- a. The consumer's parent is present on the initial visit to sign a parental permission form. The parent must return to the facility to sign the parental permission form annually until the person turns eighteen.
 - b. The facility will make a photocopy or electronic scan of each consumer's driver's license or state ID and keep on file.
 - c. The facility will make a photocopy or electronic scan of the consumer's parent's driver's license or state ID (if the consumer is 16 or 17) and keep on file with the consumer's driver's license and the signed parental permission form.
- B. 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.
- C. The facility permit to operate shall be displayed in an open public area of the tanning facility.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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:
 - a. The operator instructs the consumer annually on how to properly cleanse the unit.
 - b. The consumer annually signs a statement stating that the consumer agrees to cleanse the unit after each use.
 - c. 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.
 - d. The operator cleanses the tanning unit at least once a day.
- I. Any records or documentation required by this ordinance 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.

- J. The operator shall limit the exposure of the consumer to the maximum exposure frequency and session duration recommended by the manufacturer.
- K. When a tanning device is being used, no other person shall be allowed to remain in the tanning device area.
- L. 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.

SECTION 14. 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 ordinance.
 - 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 14. subsection 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.

SECTION 15. PROMOTIONAL MATERIALS

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.

SECTION 16. REQUIREMENTS FOR ELECTONICALLY 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. During annual inspections, the inspector may ask any consumer about any of the above processes.

SECTION 17. VIOLATIONS AND INJUNCTIONS

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 ordinance.

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

Penalties. Violation of this ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

If the Department finds that a person has violated, or is violating or threatening to violate this ordinance, 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.

SECTION 18. ENFORCEMENT

- A. The Health Officer shall take the following steps when enforcement of these rules is necessary:
 - 1. Cite each section of the Jones 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 Jones County Attorney to consider appropriate action.

SECTION 19. APPEALS AND HEARINGS

In the event any person is aggrieved by any order of the Health Officer, the person may appeal in writing to the Board of Health within twenty 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 Officer within 30 days. 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 20 days to the district court.

SECTION 20. 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 21. EFFECTIVE DATE

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

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-trimethylpsoralen)*
- *Antibacterials (deodorant bar soaps, antiseptics, cosmetics, halogenated carbanilides, halogenated phenols, halogenated salicylanilides, bithionol, chlorhexidine, hexachlorophene)*
- *Antibiotics, anti-infectives (Tetracyclines)*
- *Anticonvulsants (carbamazepine, trimethadione, promethazine)*
- *Antidepressants (amitriptyline, Desipramine, Imipramine, Nortriptyline, Protriptyline), 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 ordinances (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

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

SKIN TYPE	SKIN REACTIONS TO SOLAR RADIATION EXAMPLES	EXAMPLES
I	Always burns easily and severely (painful burn). Tans little or none and peels.	People most often with fair skin, blue eyes, freckles. Unexposed skin is white.
II	Usually burns easily and severely (painful burn). Tans minimally or lightly, also peels.	People most often with fair skin; red or blonde hair; blue, hazel or even brown eyes. Unexposed skin is white.
III	Burns moderately and tans about average	Normal average Caucasoid. Unexposed skin is white.
IV	Burns minimally, tans easily, and above average with each exposure. Exhibits IPD (immediate pigment darkening) reaction.	People with white or light brown skin, dark skin, dark brown hair, dark eyes. Unexposed skin is brown.
V	Rarely burns, tans easily and substantially. Always exhibits IPD reaction.	Unexposed skin in brown.
VI	Never burns and tans profusely; exhibits IPD reaction.	Unexposed skin is black.

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.

Section 3. When Effective

This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

The Auditor provided updates on the HVAC retro-fit project and the Courthouse window replacement project, noting that while the windows were recently delivered, on-site work on the project has been delayed until July 7, 2020.

The Board and Auditor discussed the potential impact of COVID-19 on the FY21 County budget. The Board suggested possibly issuing a cautionary letter to department heads regarding the unknown, but likely, fiscal impact on County revenues in FY21. The Auditor also reported that the County has incurred over \$90,000 in additional expenses due to the impact of COVID-19 on various County operations, and that her office has been submitting claims to FEMA on a bi-weekly basis.

Supervisor Oswald introduced the following resolution and moved its adoption, seconded by Supervisor Rohwedder. On roll call vote: Oswald aye, Zirkelbach aye, Eaken aye, Rohwedder aye, Manternach aye, whereupon the Chairman declared the resolution passed and adopted.

RESOLUTION ADOPTING A REVISED 28E AGREEMENT
MENTAL HEALTH/DISABILITY SERVICES OF THE EAST CENTRAL REGION

WHEREAS, Jones County is a member county of the Mental Health/Disability Services of the East Central Region (ECR);

WHEREAS, Jones County approved the 28E Agreement for Mental Health/Disability Services of the East Central Region pursuant to a resolution adopted on October 2, 2013, and further adopted amendments to the 28E Agreement on January 19, 2016 and March 8, 2016;

WHEREAS, changes have been proposed by the Governing Board of the ECR to the following sections of the 28E agreement:

Section 2: Purpose and Goals – to add behavioral health services for children pursuant to an amendment to Iowa Code Section 331.390 adopted by the Iowa Legislature in 2019.

Section 4. Governance – to add changes to the governing structure associated with the addition of behavioral health services for children.

Section 5. Members – to add terms regarding member county funding, and a petitioning process to add new member counties.

Section 6. Finances – to add terms regarding the use of Mental Health/Disability Services fund balances, allocation of Mental Health/Disability Services fund balance contributions by member counties, and funding from new member counties.

WHEREAS, the Jones County Board of Supervisors believes that the changes in the recommended amendment are in the County's best interests;

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors that Jones County approves the revised 28E Agreement for Mental Health/Disability Services of the East Central Region recommended by the Governing Board of the ECR.

The County Attorney provided a brief update on the Board's ability to offer for sale County-owned property at 311 W. Main St., Wyoming, noting he was still waiting on additional information from the Iowa Department of Natural Resources.

Moved by Eaken seconded by Oswald to table action to offer for sale County-owned property at 311 W. Main St., Wyoming, until additional information regarding the soil remediation project on the property is provided to the County Attorney by the Iowa Department of Natural Resources. All aye. Motion carried.

The Auditor reported that the County farm lease was advertised as a one-year lease, but the motion and lease contract reflect a two-year lease due to an oversight. Supervisor Zirkelbach reported that he spoke with the farm tenant and he is willing to abide by the two-year lease.

The Board and Auditor discussed correspondence from Insurance Associates and EMC Insurance Company regarding insurance coverage for the schoolhouse at the Grant Wood Memorial Park. As the roof repairs have been made, the Board determined that no changes should be made to the insurance coverage on the building.

The Board members discussed recent and upcoming committee meetings.

Moved by Oswald seconded by Rohwedder to adjourn at 11:36 a.m. All aye. Motion carried.

Attest: Janine Sulzner, Auditor

Wayne Manternach, Chairman