

March 26, 2020

Board met in regular session at 8:30 a.m. Members present Diana Dawley, Merle Doty & Jason Roudabush.

Chairman Roudabush led the pledge of allegiance.

Moved by Dawley, 2<sup>nd</sup> by Doty to approve agenda as amended to include approval of Utility Permit #20-36U. 3 ayes. Motion carried.

Moved by Doty, 2<sup>nd</sup> by Dawley to approve March 19 & 23, 2020 board minutes. 3 ayes. Motion carried.

Moved by Doty, 2<sup>nd</sup> by Roudabush to award road resurfacing contract 79-C079-058 to Manatt's Inc. in amount of \$1,544,469.05 for HMA resurfacing of F27 near Grinnell and HMA paving of 480<sup>th</sup>, Montezuma and authorize Diana Dawley to sign contract. 3 ayes. Motion carried.

Moved by Doty, 2<sup>nd</sup> by Dawley to approve Utility Permit #20-36U to Northern Natural Gas Company for work in Section 31, Jefferson Township. 3 ayes. Motion carried.

9:00 a.m. J.D. Griffith, Zoning Administrator met with board for public hearing regarding Jim Heishman change from Ag to Mfg, Section 9, Sheridan Township.

BOARD OF SUPERVISORS/ZONING  
PUBLIC HEARING MINUTES

The Poweshiek County Board of Supervisors met Thursday March 26<sup>th</sup>, 2020 at 9:00 AM in the Boardroom of the Poweshiek County Courthouse. The meeting was recorded and on file in the office of the Poweshiek County Zoning Administrator.

Roll Call: Supervisors – Chairperson Diana Dawley, Jason Roudabush, and Merle Doty, Auditor - Missy Eilander, Zoning Administrator - J.D. Griffith. VIA phone- Jim Heishman & Sheila Smith.

At 9:01 AM Merle Doty made a motion to open Public Hearing, Diana Dawley second, all in favor, motion carried.

J.D. Griffith stated the Zoning Commission and the Board of Adjustment met on March 24<sup>th</sup>. The Board of Adjustment found the site suitable and issued a Conditional Use Permit. The Zoning Commission voted 7-0 in favor of recommending this change to the Board of Supervisors.

J.D. stated that the state would determine where the anhydrous could be put on the property.

Jim stated that most likely the tank would be halfway between Hwy 63 and the church, making it almost ¼ mile from church and nearest house. Jim stated that he will also still live next to this as his house is across the road and he is not concerned at all.

Sheila Smith stated that she doesn't really have any questions and from what she has heard it sounds like she will be getting a better neighbor.

Diana made a motion to go out of public hearing, Jason 2<sup>nd</sup> at 9:05.

Merle made a motion to approve the following request, Diana 2<sup>nd</sup>. All in favor, Motion carried.

**1. James Heishman & Larry Heishman are requesting a change of Zoning from Ag to Manufacturing in a portion of Parcel B Lot 2 SE SE and a portion of Lot 2 SE SE EX Parcels A & B in Section 9 T-81N-R15W Sheridan TWP Poweshiek County. The 911 Address for the property is 3186 Hwy 63 Malcom IA 50157. The Board of Adjustment will also act on an application for a Conditional Use Permit at the above location for the storage and sale of agronomy products including, without limitation : Dry and liquid fertilizer, crop protection, anhydrous ammonia, seed, lubricants, fuels,**

**and propane. The Board of Adjustment will meet at 7:00 P.M. followed by the Zoning Commission at approximately 7:20 P.M. or following the Board of Adjustment meeting.**

J.D. Griffith, Poweshiek County Zoning Administrator

9:22 a.m. Moved by Dawley, 2<sup>nd</sup> by Doty to adjourn. 3 ayes. Motion carried.

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Melissa Eilander, Poweshiek County Auditor

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Jason Roudabush, Chairman

March 30, 2020

Board met in regular session at 8:30 a.m. Members present Diana Dawley, Merle Doty & Jason Roudabush.

Chairman Roudabush led the pledge of allegiance.

Moved by Doty, 2<sup>nd</sup> by Dawley to approve agenda. 3 ayes. Motion carried.

8:30 a.m. Telephone conference with Scott Stevenson, D.A. Davidson, to discuss general obligation refunding loan agreement. Scott stated the county is in a position to take advantage of lower interest rates and to save the county around \$100,000 with refunding the current bonds. Scott stated that the next step would be to hold a public hearing on proposal to enter into a general obligation refunding loan agreement. The public hearing would need held prior to the county entering into any agreements regarding the refunding. Holding the public hearing does not obligate the county to borrow money so if there was not that great of a cost savings, the county would not be obligated. The board stated they wanted to pursue this and try to get a cost savings for the county by refunding the current general obligation bonds.

Moved by Dawley, 2<sup>nd</sup> by Doty to approve Resolution #2020-22, a resolution setting the date for a public hearing on proposal to enter into a General Obligation Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$3,900,000 and setting the date for the sale of General Obligation Refunding Bonds, Series 2020 in connection therewith; said hearing scheduled for April 16, 2020 at 9:00 a.m. 3 ayes. Motion carried.

RESOLUTION NO. 2020-22

Resolution setting the date for a public hearing on proposal to enter into a General Obligation Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$3,900,000 and setting the date for the sale of General Obligation Refunding Bonds, Series 2020 in connection therewith

WHEREAS, the Board of Supervisors of Poweshiek County, Iowa (the "County"), previously issued its \$5,210,000 General Obligation Refunding Bonds, Series 2012, dated March 29, 2012 (the "2012 Bonds") a portion of which currently remains outstanding, maturing on such dates and in such amounts and bearing interest at such rates as follows as follows:

| <u>Date</u> | <u>Principal</u> | <u>Interest Rate</u> | <u>Date</u> | <u>Principal</u> | <u>Interest Rate</u> |
|-------------|------------------|----------------------|-------------|------------------|----------------------|
| 2020        | \$               | %                    | 2024        | \$555,000        | 2.15%                |
| 2021        | \$525,000        | 1.70%                | 2025        | \$570,000        | 2.25%                |
| 2022        | \$535,000        | 1.90%                | 2026        | \$580,000        | 2.35%                |
| 2023        | \$545,000        | 2.05%                | 2027        | \$360,000        | 2.45%                |

; and

WHEREAS, pursuant to the resolution (the “2012 Bond Resolution”) authorizing the issuance of the 2012 Bonds, the County reserved the right to call the portion of the 2012 Bonds maturing in the years 2019 through 2027 (the “Callable 2012 Bonds”), inclusive, for early redemption on any date on or after June 1, 2018, subject to the provisions of the 2012 Bond Resolution; and

WHEREAS, the County now proposes to enter into a General Obligation Refunding Loan Agreement (the “Loan Agreement”), pursuant to the provisions of Section 331.402 and Section 331.443 of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$3,900,000 for the purpose of paying the costs, to that extent, of current refunding the 2021 through 2027 maturities of the Callable 2012 Bonds, and it is now necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law; and

WHEREAS, it has been proposed that D.A. Davidson & Co. (the “Placement Agent”), as placement agent to the County, facilitate a private placement of General Obligation Refunding Bonds, Series 2020 to be issued in evidence of the County’s obligation under the Loan Agreement; and

WHEREAS, it is now necessary to set a date for consideration of private placement proposals for the Loan Agreement and the Bonds;

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

Section 1. The Board shall meet on April 16, 2020, at the Boardroom, Poweshiek County Courthouse, Montezuma, Iowa, at 9:00 o’clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A  
LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A PRINCIPAL  
AMOUNT NOT TO EXCEED \$3,900,000

(GENERAL OBLIGATION)

The Board of Supervisors of Poweshiek County, Iowa, will meet on April 16, 2020, at the Boardroom, Poweshiek County Courthouse, Montezuma, Iowa, at 9:00 o’clock a.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the “Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$3,900,000 for the purpose of paying the costs, to that extent of current refunding a portion of the County’s General Obligation Refunding Bonds, Series 2012, dated March 29, 2012.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 and Section 331.443 of the Code of Iowa and will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Poweshiek County, Iowa.

Melissa Eilander  
County Auditor

Section 3. The Placement Agent is hereby authorized to seek private placement proposals with respect to the Loan Agreement and the Bonds and to present such proposals to the Board of Supervisors for consideration at its meeting on April 16, 2020.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 30, 2020.

Jason Roudabush, Chairperson, Board of Supervisors

Attest: Melissa Eilander, County Auditor

8:50 a.m. Lyle Brehm, Engineer joined the meeting.

Lyle updated the board on new equipment he is looking to purchase for secondary road department. Lyle stated this would come out of the FY'21 budget.

9:00 a.m. Moved by Doty, 2<sup>nd</sup> by Dawley to enter into public hearing regarding second reading of Ordinance #27, an Ordinance to Regulate Tanning Facilities in Poweshiek County, Iowa. 3 ayes. Motion carried. Present: Diana Dawley, Jason Roudabush, Merle Doty, Supervisors; Missy Eilander, Auditor; J.D. Griffith, Sanitarian/Zoning; Kevin Luetters, Jasper County Health Department; and Jo Ahrens. Roudabush stated this was the second reading of said ordinance and opened up for comments. Discussion was held regarding the fee to charge for each tanning bed inspection and a fee of \$50 was proposed. Jo Ahrens stated that previously, when the state did the inspections, the charge was \$33 per bed and she would like to see the fee stay close to that amount and feels \$50 is excessive. Kevin Luetters stated the fee covers their employee expenses, travel expenses, paperwork involved, and collecting of fees. Dawley stated the ordinance was discussed at the Board of Health meeting and they were in agreement. 9:18 a.m. Moved by Doty, 2<sup>nd</sup> by Dawley to end public hearing. 3 ayes. Motion carried.

Moved by Dawley, 2<sup>nd</sup> by Doty, to approve Resolution 2020-19 approving second reading and waiving the third reading of Ordinance #27 and approval of the final adoption of Ordinance #27. Roudabush – aye; Dawley – aye; Doty – aye. Motion carried.

#### **RESOLUTION #2020-19**

**WHEREAS**, the first reading of proposed Ordinance # 27, “AN ORDINANCE TO REGULATE TANNING FACILITIES IN POWESHIEK COUNTY, IOWA” was held on March 16, 2020 at 9:00 a.m., and

**WHEREAS**, members of the public, in favor and against, commented on said ordinance and its passage, and

**WHEREAS**, the Board of Supervisors reviewed and discussed said comments, and

**WHEREAS**, the second reading of proposed Ordinance # 27, “AN ORDINANCE TO REGULATE TANNING FACILITIES IN POWESHIEK COUNTY, IOWA” was held on March 30, 2020 at 9:00 a.m., and

**WHEREAS**, the Board of Supervisors, upon motion by Supervisor Dawley, seconded by Supervisor Doty, to waive the third reading of this ordinance and voted the final adoption of the ordinance. The vote for suspension of the rule

was by a majority of the full Board of Supervisors, voting 3 in favor, 0 opposed, and 0 absent, vacant or abstaining and was duly recorded.

**NOW, BE IT RESOLVED** that the second reading of the ordinance entitled:

**“AN ORDINANCE TO REGULATE TANNING FACILITIES IN POWESHIEK COUNTY, IOWA”** is hereby approved as read and that the Poweshiek County Auditor be directed to publish said ordinance, in its entirety, in all three official newspapers of the county.

Approved this 30 day of March, 2020

**POWESHIEK COUNTY BOARD OF SUPERVISORS**

Jason Roudabush, Chairman

Merle Doty, Vice Chairman

Diana Dawley, Member

ATTEST: Melissa Eilander, Poweshiek County Auditor

**POWESHIEK COUNTY ORDINANCE NO. 27**

**AN ORDINANCE TO REGULATE TANNING FACILITIES IN POWESHIEK COUNTY, IOWA.**

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

**SECTION 1: Purpose and scope**

1. This article provides for the permitting and regulation of tanning facilities and devices used for the purpose of tanning 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.
2. All references to Code of Federal Regulations (CFR) in this article are those in effect as of April 30, 2007.
3. These rules stipulate minimum safety requirements relating to the operation of tanning devices; procedures for obtaining a permit; qualifications for tanning facility operators; and procedures for health departments to provide for the inspection of tanning facilities and enforcement of these rules. Tanning facilities which are in compliance with these rules are not relieved from the requirements of any other federal and state regulations or local ordinances.
4. This article applies to tanning facilities within Poweshiek County.

**SECTION 2: Definitions**

1. **“Board of health”** means Poweshiek County Board of Health.
2. **“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.
3. **“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.
4. **“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.
5. **“Department”** means the Poweshiek County Board of Health
6. **“Director”** means the Director of Environmental Health overseeing the tanning program.
7. **“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.

8. **“Formal training”** means a course of instruction approved by the department for operators of tanning facilities.
9. **“Health care professional”** means an individual, licensed by the state of Iowa, who has received formal medical training in the use of phototherapy.
10. **“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 these rules.
11. **“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.
12. **“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.
13. **“Permit” or “permit to operate”** means a document issued by the department, which authorizes a person to operate a tanning facility in Poweshiek County, Iowa.
14. **“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.
15. **“Phototherapy device”** means a piece of equipment that emits ultraviolet radiation and is used by a health care professional in the treatment of disease.
16. **“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.
17. **“Tanning facility”** means a place that provides access to tanning devices for compensation.
18. **“Ultraviolet radiation”** means electromagnetic radiation with wavelengths in air between 200 and 400 nanometers.

**SECTION 3: Exemptions** The department may, upon application or upon its own initiative, grant exemptions from the requirements of these rules 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 article:

1. Other purposes. Devices intended for purposes other than the deliberate exposure of human skin to ultraviolet radiation, which 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 this individual’s immediate family. Multiple ownership of the device by persons for personal use only does not qualify it for the “personal use only” exemption.
3. Phototherapy devices. Phototherapy devices used by a properly trained health care professional in the treatment of disease.

**SECTION 4: Permits, inspections, and fees**

1. **Permit to operate: No tanning facility shall be operated in the County without having a permit to operate issued by the department.**
2. **Inspections: The department will inspect, at least annually, every tanning facility located in Poweshiek County with a permit to operate issued by the Iowa Department of Public Health. 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. The department will conduct a special inspection, when warranted, upon receiving a complaint from the public.**
3. **Fees: The Poweshiek County Board of Supervisors will establish fees to be collected by the department for testing, inspections, evaluations, and other services necessary for carrying out the provisions of this article. 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. A penalty fee of**

**\$30 per facility/defect may be assessed for the following: Failure to respond to a notice of violation within 30 days of the date of the inspection. Failure to correct violations cited during the inspection.**

### **SECTION 5: Operation of tanning facilities**

1. Unless otherwise ordered or approved by the department, each tanning facility shall be constructed, operated, and maintained to meet the following minimum requirements:

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

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:

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DANGER, ULTRAVIOLET RADIATION

- Overexposure can cause
  - Eye and skin injury
  - Allergic reaction
- Repeated 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 46.5(1) "a" 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 and sign a statement that the information in Appendices A, B, and C has been read and understood prior to the consumer's initial exposure and annually thereafter.
4. The information in Appendices A, B, and C shall be posted in each tanning room.

### **SECTION 6: Federal certification**

Only tanning devices manufactured and certified under the provisions of 21 CFR Part 1040.20, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products," shall 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 7: Labeling**

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.

#### **SECTION 8: Timers and controls**

1.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  $\pm 10$  percent of the indicated setting.

2.Each tanning device must have a method of remote timing located so that consumers may not control their own exposure time.

3.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.

4. 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.

5. The operator shall ensure that the facility’s interior temperature does not exceed 100 degrees F or 38 degrees C.

#### **SECTION 9: Condition and maintenance**

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

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

3. Additional requirements for stand-up booths.

*a.* There shall be physical barriers (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 10: Protective eyewear**

1.Eyewear shall not be reused by another consumer.

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

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

4.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 sub rule. To verify that a consumer has the proper eyewear, the operator must: Ask to see the eyewear before the consumer enters the tanning room; or 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.

5.A tanning facility operator shall instruct the consumer in the proper utilization of the protective eyewear required by this sub rule.

#### **SECTION 11: Operation, records, and documentation**

1. 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: The consumer can summon help through use of an audible device such as an intercom or buzzer and the operator or emergency personnel can reach the consumer within a reasonable amount of time after being summoned.
2. The facility's permit to operate shall be displayed in an open public area of the tanning facility.
3. 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.
4. 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 department within five working days of its occurrence or knowledge thereof. The report shall include:
  - a. The name of the affected individual;
  - b. The name and location of the tanning facility involved;
  - c. The nature of the injury;
  - d. The name and address of the health care provider treating the affected individual, if any;and
  - e. Any other information considered relevant to the situation.
5. 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.
6. 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.
7. Contact surfaces of tanning devices shall be:
  - a. Cleansed by the operator with a cleansing agent between each use;
  - b. Covered by a non-reusable protective material during each use; or
  - c. 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, and;
    - iv. The operator cleanses the tanning unit at least once a day.
8. 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 a storage media other than the hard drive of the computer. An electronic record must be retrievable as a printed copy.
9. The operator shall limit the exposure of the consumer to the maximum exposure frequency and session duration recommended by the manufacturer.
10. When a tanning device is being used, no other person shall be allowed to remain in the tanning device area.
11. No person of facility shall advertise or promote tanning packages labeled as "unlimited" unless tanning frequency limits set by the manufacturer are included in advertisements.

## **SECTION 12: Training of operators**

1. No individual shall begin functioning as an operator unless the individual has satisfactorily completed a training program. Training shall include but not be limited to:  
The requirements of this article
  - Procedures for correct operation of the tanning facility and tanning devices;
  - The determination of skin type of consumers and appropriate determination of duration of exposure to tanning devices;
  - Recognition of reaction or overexposure;
  - Manufacturer's procedures for operation and maintenance of tanning devices;

2. Owners and managers must complete formal training approved by the department. All owners and managers trained after December 31, 1997, must satisfactorily pass a certification examination approved by the department before operating a tanning facility or training employees.
3. For operators trained after December 31, 1997. Owners and managers are responsible to train operators in the above topics and to provide review as necessary. Training programs shall be approved by the department and include final testing. Operators shall be questioned during inspections as to the level of their understanding and competency in operating the tanning device.
4. Proof of training for both owner/managers and employees must be maintained in the tanning facility and available for inspection. For operators trained after December 31, 1997, the employee record shall be the original test which bears the signature of the employee, the date, and a statement signifying that all answers have been completed by the employee and without prior knowledge of the scoring key.
5. Operators shall be at least 16 years of age.
6. Operators shall complete the required training and testing every five years.
7. 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 13: Promotional materials**

A tanning facility shall not claim, or distribute promotional materials that 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 is that the device is for cosmetic use only.

**SECTION 14: Requirements for electronically controlled facilities** Electronically controlled facilities are those facilities that rely on electronic means to monitor consumers.

1. Entry into the facility is allowed by card only. Two individuals may not enter under the same card. The card is specifically activated for tanning use if the facility offers other activities.
2. Police and all emergency services will have access to the facility through a key box located outside the entrance of the facility.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. During annual inspections, the inspector may ask any consumer about any of the above processes.

### **SECTION 15: Violations and injunctions**

- 1. The Environmental Health Inspector shall have access at all reasonable times to any tanning facility to inspect the facility to determine if this article is being violated.**
- 2. 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 article is guilty of a simple misdemeanor.

**3. Penalties shall be as provided in Poweshiek County Code of Ordinances.**

**4. 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.**

#### **SECTION 16: Enforcement**

1. The Environmental Health Inspector shall take the following steps when enforcement of these rules is necessary.
  - a. Cite each section of the Poweshiek County Ordinance or rules violated.
  - b. Specify the manner in which the owner or operator failed to comply.
  - c. Specify the steps required for correcting the violation.
  - d. Request a corrective action plan, including a time schedule for completion of the plan.
  - e. Set a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the permit holder must respond.
2. The Environmental Health Inspector shall review the corrective action plan and approve it or require that it be modified.
3. 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 for court action.

#### **SECTION 17: Appeals and hearings.**

1. In the event any person is aggrieved by an order of the Health Inspector, 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 Administrator shall review the action of the Health Inspector and may order compliance with said order or may with cause, modify or withdraw said order.
2. In the event any person is aggrieved by any order of the Health Administrator, the person may appeal in writing to the Poweshiek County 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 Administrator. 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 18: 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 19: EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

#### **Appendix A POTENTIAL PHOTSENSITIZING AGENTS**

1. Not all individuals who use or take these agents 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.

2. Names of agents should be considered only as examples. They do not represent all the names under which a product may be sold. A more complete list is available from the facility operator.

3. If you are using an agent in any of these classes, you should reduce UV exposure even if your particular medication 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 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 articles (musk ambrette, 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

(b)

| SKIN TYPE | SKIN REACTIONS TO SOLAR RADIATION (a) 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 is brown.   |
| VI | Never burns and tans profusely; exhibits IPD reaction.   | Unexposed skin is black.   |

### Appendix C

#### POTENTIAL NEGATIVE HEALTH EFFECTS RELATED TO ULTRAVIOLET EXPOSURE

1. Increased risk of skin cancer later in life.
2. Increased risk of skin thickening, age spots, irregular pigmentation, and premature aging.
3. 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.
4. Increased risk of eye damage unless proper eyewear is worn. Iowa law requires the use of proper eyewear during tanning sessions.
- 5.

#### TANNING SYSTEMS

1. 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 as low-pressure systems.
2. 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.
3. 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.

Passed and adopted this 30<sup>th</sup> day of March, 2020.

POWESHIEK COUNTY BOARD OF SUPERVISORS

Jason Roudabush, Chairman

Merle Doty, Vice Chairman

Diana Dawley, Member

Attest: Melissa Eilander, Poweshiek County Auditor

Moved by Doty, 2<sup>nd</sup> by Dawley to approve Resolution #2020-23 setting tanning facility inspection fee to \$50 per bed, carrying a maximum fee of \$200.00. 3 ayes. Motion carried.

**RESOLUTION #2020-23**

**TANNING FACILITY INSPECTION FEE**

WHEREAS, the Poweshiek County Board of Supervisors establishes the rate to charge tanning facilities for testing, inspections, evaluations, and other services;

NOW THEREFORE BE IT RESOLVED this 30<sup>th</sup> day of March 2020 to establish the rate for testing, inspections, evaluations, and other services of tanning facilities at \$50.00 per bed, carrying a maximum fee of \$200.00.

Dated this 30<sup>th</sup> day of March 2020.

Jason Roudabush, Chairman

Merle Doty, Vice Chairman

Diana Dawley, Member

Attest: Melissa Eilander, Poweshiek County Auditor

Moved by Dawley, 2<sup>nd</sup> by Doty to approve the following claims:

| General Basic                  |       |          |
|--------------------------------|-------|----------|
| Advanced Correctional          | Svc   | 3,715.07 |
| All American Pest Control      | Svc   | 38.00    |
| Alliant Energy/IPL             | Svc   | 399.75   |
| Audas Sanitation               | Svc   | 148.38   |
| Bru, Daniel                    | Svc   | 250.00   |
| Central Iowa Tech              | Svc   | 975.00   |
| Central Iowa, Detention Center | Svc   | 636.00   |
| Des Moines Register            | Svc   | 506.04   |
| Ecolab                         | Svc   | 164.95   |
| Eichenberger, Matt             | Mil   | 20.37    |
| Eilander, Melissa              | Mil   | 76.45    |
| Forbes Office Equip Inc        | Goods | 102.90   |
| Grinnell Herald Register       | Svc   | 92.42    |
| Grinnell Regional Home Care    | Svc   | 6,276.44 |
| HP Inc                         | Goods | 115.00   |
| Hutchcraft, Jessica            | Reimb | 27.48    |
| Infomax                        | Svc   | 1,179.71 |
| Iowa Dept Of Public Health     | Svc   | 2,025.00 |
| Iowa Dept Of Public Health     | Goods | 71.23    |
| Iowa Law Enforcement Academy   | Svc   | 375.00   |
| Iowa PF Native Grass Seed Pgm  | Goods | 438.00   |
| John Deere Financial           | Goods | 176.40   |
| Klaver, Bart                   | Reimb | 114.33   |

|                                |       |           |
|--------------------------------|-------|-----------|
| Mahaska Communication Group    | Svc   | 127.25    |
| Mail Services LLC              | Svc   | 567.77    |
| Manatts Inc                    | Svc   | 5,500.00  |
| Martin Marietta Materials      | Goods | 283.11    |
| McKesson Medical Surgical      | Goods | 1,425.72  |
| Mid American Energy            | Svc   | 63.16     |
| Montezuma Municipal Utilities  | Svc   | 2,134.81  |
| Morrow Construction Co         | Svc   | 10,232.00 |
| Office Depot                   | Goods | 45.07     |
| Poweshiek Transfer Station     | Svc   | 10.00     |
| Premier Office Equip/Rk Dixon  | Svc   | 44.97     |
| Quill Corporation              | Goods | 83.92     |
| Ross, Sandy                    | Reimb | 165.03    |
| Schumacher Elevator Co         | Svc   | 276.20    |
| Secretary Of State             | Svc   | 30.00     |
| Strat Exe Inc                  | Svc   | 80.00     |
| Taylor's Snow Removal & Mowing | Svc   | 295.00    |
| The Record                     | Svc   | 443.24    |
| True Value                     | Goods | 215.49    |
| United States Cellular         | Svc   | 270.89    |
| Verizon                        | Svc   | 40.01     |
| Visa                           | Svc   | 542.02    |
| Windstream                     | Svc   | 1,172.18  |
| Wray, Matt                     | Reimb | 8.23      |

#### General Supplemental

|                               |     |        |
|-------------------------------|-----|--------|
| Postmaster/US Postal Service  | Svc | 100.00 |
| Premier Office Equip/RK Dixon | Svc | 43.56  |
| The Record                    | Svc | 180.00 |

#### Rural Services Basic

|                     |       |        |
|---------------------|-------|--------|
| Iowa County Sheriff | Svc   | 200.00 |
| Simpson, Corey      | Reimb | 83.50  |
| Visa                | Svc   | 351.70 |

#### Sanitary Disposal

|                       |     |        |
|-----------------------|-----|--------|
| Keystone Laboratories | Svc | 408.88 |
|-----------------------|-----|--------|

#### Secondary Road

|                               |           |            |
|-------------------------------|-----------|------------|
| Alliant Energy/IPL            | Svc       | 1,174.79   |
| Bair, Mark                    | Goods     | 30.97      |
| Blake Hershberger Ent LLC     | Svc/Goods | 535.00     |
| Douds Stone LLC               | Goods     | 20,584.34  |
| Heartland Coop                | Svc/Goods | 103.95     |
| Martin Marietta Materials     | Goods     | 100,392.95 |
| MCI                           | Svc       | 32.85      |
| Miller, Ryan                  | Svc       | 19.98      |
| Montezuma Municipal Utilities | Svc       | 1,367.43   |
| Owens, James                  | Svc       | 8.98       |
| Tifco Industries, Inc.        | Goods     | 48.88      |

|                                |       |           |
|--------------------------------|-------|-----------|
| United States Cellular         | Svc   | 144.40    |
| Victor Oil, Inc.               | Goods | 13,980.78 |
| Sheriff Commissary             |       |           |
| Reliance Telephone Inc         | Svc   | 520.00    |
| Swanson Services Corp          | Goods | 142.13    |
| Emergency Management Agency    |       |           |
| Visa                           | Svc   | 593.02    |
| Windstream                     | Svc   | 98.40     |
| E-911                          |       |           |
| Alliant Energy/IPL             | Svc   | 269.01    |
| AT&T                           | Svc   | 46.08     |
| Brooklyn Mut Telecommunication | Svc   | 50.00     |
| Century Link                   | Svc   | 37.84     |
| Des Moines Register            | Svc   | 43.05     |
| Searsboro Telephone Co         | Svc   | 2,207.30  |
| Telecommunications Systems Inc | Svc   | 43.22     |
| The Record                     | Svc   | 18.00     |
| Windstream                     | Svc   | 485.24    |
| Windstream Communication       | Svc   | 1,825.78  |

3 ayes. Motion carried.

Board discussed future board meetings and decided to hold one meeting per week until the situation with COVID-19 lessened. The board will plan to meet on Thursdays only unless a special meeting is needed to cover a pressing matter.

10:00 a.m. Moved by Doty, 2<sup>nd</sup> by Dawley to adjourn. 3 ayes. Motion carried.

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Melissa Eilander, Poweshiek County Auditor

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Jason Roudabush, Chairman