



609 Cayuga Street
Storm Lake, IA 50588
712-732-8026

www.c5.stormlake.lib.ia.us

or visit us on Facebook

Special Session Agenda

Storm Lake Public Library Board Meeting due to COVID-19, this meeting will be hybrid with social distancing in the meeting room.

Wednesday, October 27, 2021

4pm

1. Call to Order
2. Hear the Public
3. Work Session: Witter Gallery Event: alcohol on city property.
4. Adjourn

Meeting Protocol

Please note the following protocol items for our meeting:

1. To speak on an agenda item please approach the head of the table when that agenda item is called and upon recognition by the Library Board President, please identify self by stating your name and address.
2. If your issue is not a topic on the agenda, please approach the head of the table under the "Hear the Public" agenda item and upon recognition by the Board President identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting including but not limited to translation services, hearing assistance or accessibility please contact the Library Director at least four (4) hours prior to the start of the meeting.

ALCOHOLIC BEVERAGE POLICY

Any use of alcohol on the Library premises shall be limited to beer and/or wine at special events with the prior approval by a majority vote of the Library Board of Trustees.

123.46 Consumption or intoxication in public places — notifications — chemical tests — expungement.

1. As used in [this section](#) unless the context otherwise requires:

a. “Arrest” means the same as defined in [section 804.5](#) and includes taking into custody pursuant to [section 232.19](#).

b. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety.

c. “Peace officer” means the same as defined in [section 801.4](#).

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place. A person violating [this subsection](#) is guilty of a simple misdemeanor.

3. A person shall not simulate intoxication in a public place. A person violating [this subsection](#) is guilty of a simple misdemeanor.

4. When a peace officer arrests a person on a charge of public intoxication under [this section](#), the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the commissioner of public safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under [this subsection](#) is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

5. a. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates [this section](#) and refer the person to juvenile court.

b. A juvenile court officer shall notify the person’s custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent’s designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.

6. Upon the expiration of two years following conviction for a violation of [this section](#) or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of [chapter 321](#) during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding [section 692.2](#), after receipt of notice from the clerk of the district court that a record of conviction has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

7. A person shall not be charged or prosecuted for a violation of [this section](#) if the person is immune from charge or prosecution pursuant to [section 701.12](#).

[C35, §1921-f42, 1921-f127; C39, §1921.042, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.42, 124.37; C73, 75, 77, 79, 81, §123.46]

85 Acts, ch 32, §36; 86 Acts, ch 1067, §1; 89 Acts, ch 225, §10; 92 Acts, ch 1231, §7; 2000 Acts, ch 1138, §1; 2010 Acts, ch 1044, §1, 2; 2010 Acts, ch 1071, §1; 2010 Acts, ch 1128, §1; 2011 Acts, ch 17, §10; 2016 Acts, ch 1058, §1; 2019 Acts, ch 140, §1; 2020 Acts, ch 1080, §1

Referred to in §123.91, 125.34, 232.22, 232.52, 701.12, 901C.3

NEW subsection 7

Iowa Code 123.46 – Consumption or intoxication in public places — notifications — chemical tests — expungement.

Current as of: 2020 | [Check for updates](#) | [Other versions](#)

1. As used in [this section](#) unless the context otherwise requires:
 - a. “Arrest” means the same as defined in [section 804.5](#) and includes taking into custody pursuant to [section 232.19](#).
 - b. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety.
 - c. “Peace officer” means the same as defined in [section 801.4](#).

Terms Used In Iowa Code 123.46

Alcohol: means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol. See [Iowa Code 123.3](#)

Alcoholic liquor: means the varieties of liquor defined in [subsections 3 and 44](#) which contain more than five percent of alcohol by weight, beverages made as described in [subsection 7](#) which beverages contain more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in [subsection 48](#) or high alcoholic content beer as defined in [subsection 20](#), and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in [subsection 48](#) containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. See [Iowa Code 123.3](#)

Arrest: Taking physical custody of a person by lawful authority.

Beer: means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than 5ve percent of alcohol by weight or six and twenty-5ve hundredths percent of alcohol by volume but not including mixed drinks or cocktails mixed on the premises. See [Iowa Code 123.3](#)

clerk: means clerk of the court in which the action or proceeding is brought or is pending; and the words "clerk's oMce" mean the oMce of that clerk. See [Iowa Code](#)

[4.1](#)

Conviction: A judgement of guilt against a criminal defendant.

Evidence: Information presented in testimony or in documents that is used to persuade the fact 5nder (judge or jury) to decide the case for one side or the other.

following: when used by way of reference to a chapter or other part of a statute mean the next preceding or next following chapter or other part. See [Iowa Code 4.1](#)

Guardian: A person legally empowered and charged with the duty of taking care of and managing the property of another person who because of age, intellect, or health, is incapable of managing his (her) own aRairs.

license: means an express written authorization issued by the division for the manufacture or sale, or both, of alcoholic liquor, wine, or beer. See [Iowa Code 123.3](#)

Misdemeanor: Usually a petty oRense, a less serious crime than a felony, punishable by less than a year of con5nemen.

Person: means any individual, association, partnership, corporation, club, hotel or motel, or municipal corporation owning or operating a bona 5de airport, marina, park, coliseum, auditorium, or recreational facility in or at which the sale of alcoholic liquor, wine, or beer is only an incidental part of the ownership or operation. See [Iowa Code 123.3](#)

premises: means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine

permit, or beer permit. See [Iowa Code 123.3](#)

property: includes personal and real property. See [Iowa Code 4.1](#)

Public place: means any place, building, or conveyance to which the public has or is permitted access. See [Iowa Code 123.3](#)

School: means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve. See [Iowa Code 123.3](#)

Wine: means any beverage containing more than 5ve percent of alcohol by weight

but not more than seventeen percent of alcohol by weight or twenty-one and twenty-5ve hundredths percent of alcohol by volume obtained by the fermentation

of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus. See [Iowa Code 123.3](#)

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the

public streets or highways. A person shall not use or consume alcoholic liquor in

any public place except premises covered by a liquor control license. A person shall

not possess or consume alcoholic liquors, wine, or beer on public school property

or while attending a public or private school-related function. A person shall not be

intoxicated in a public place. A person violating [this subsection](#) is guilty of a simple

misdemeanor.

3. A person shall not simulate intoxication in a public place. A person violating [this](#)

[subsection](#) is guilty of a simple misdemeanor.

4. When a peace officer arrests a person on a charge of public intoxication under

[this section](#), the peace officer shall inform the person that the person may have a

chemical test administered at the person's own expense. If a device approved by the commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under [this subsection](#) is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

5. a. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates [this section](#) and refer the person to juvenile court.

b. A juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of

the violation. A reasonable attempt to notify the person includes, but is not limited

to, a telephone call or notice by [first-class mail](#).

6. Upon the expiration of two years following conviction for a violation of [this](#)

[section](#) and a violation of a local ordinance that arose from the same transaction or

occurrence, a person may petition the court to expunge the conviction including

the conviction for a violation of a local ordinance that arose from the same

transaction or occurrence, and if the person has had no other criminal convictions,

other than local [traMc](#) violations or simple misdemeanor violations of [chapter 321](#)

during the two-year period, the conviction and the conviction for a violation of a

local ordinance that arose from the same transaction or occurrence shall be

expunged as a matter of law. The court shall enter an order that the record of the

conviction and the conviction for a violation of a local ordinance that arose from

the same transaction or occurrence be expunged by the clerk of the district court.

Notwithstanding [section 692.2](#), after receipt of notice from the clerk of the district

court that a record of conviction and the conviction for a violation of a local

ordinance that arose from the same transaction or occurrence has been expunged,

the record of conviction and the conviction for a violation of a local ordinance that

arose from the same transaction or occurrence shall be removed from the criminal history data <les maintained by the department of public safety if such a record was maintained in the criminal history data <les.

[Chapter 123](#)

FRIDAY • OCTOBER 29 • 5:30PM

Witter Gallery

**AFTER
HOURS**

The Witter Gallery celebrates fall with Festive Fall Musicale on Friday, October 29. Enjoy music and song plus the arts with the current gallery show, **Abstract Grunge** by Abby Jones.



Witter Gallery continues with another show in the new performing arts series, **Witter After Hours**. Local musicians will entertain with music and song in a piano-bar setting. The Festive Fall Musicale is scheduled to perform on Friday, October 29 beginning at 5:30pm to 6:30pm. Guests are encouraged to view the current art display at Witter Gallery while they enjoy the music. Light snacks will be provided during the free hour event. Bring your own "favorite" drink. Alcoholic drinks are permitted. Please drink responsibly.

*Witter
Gallery*

FRIDAY • AUGUST 6 • 5:30PM

Witter Gallery

**AFTER
HOURS**

After a year of pandemic closures and postponements, the Witter Gallery is celebrating a Grand Reopening on Friday, August 6. The Reopening reintroduces the community back to enjoyment of

the arts with a new gallery show, **Iowa Artists 50th Anniversary Traveling Exhibition**. Witter Gallery is also kicking off a new performing arts series, **Witter After Hours**. Local musicians Mick and Mary Polich will entertain with music and song in a piano-bar setting, accompanied by Candy Clough. They are scheduled to perform on Friday, August 6 beginning at 5:30pm. Guests are encouraged to view the new art display at Witter Gallery while they enjoy the music. Light snacks will be provided during the free hour event. Bring your own "favorite" drink. Alcoholic drinks are permitted. Please drink responsibly.



*Witter
Gallery*