

September 5, 2017

The Lee County Board of Supervisors met on Tuesday, September 5, 2017, at 9:00 a.m. at the Correctional Center.

Present: Ron Fedler, Don Hunold, Gary Folluo, Matt Pflug and Rick Larkin.

All votes are unanimous unless otherwise indicated.

The Board opened the meeting by reciting the Pledge of Allegiance.

Moved by Folluo, seconded by Pflug, to approve the agenda. Motion carried.

Moved by Fedler, seconded by Hunold, to approve the Tuesday, August 22, 2017 Board minutes. Motion carried.

Moved by Pflug, seconded by Fedler, to approve the payment of claims. Motion carried.

Public Input: Rusty Robbins of West Point expressed concern about the process of appointing members to the Conservation Board and that there are two members of the Conservation Board also serving on the Three Rivers Foundation Board. Mary VanPelt, a member of the Foundation Board, reported that the Foundation Board has been tasked with doing research on this matter.

John Hansen with Midwest Construction Consultants gave the Board an update on the tuck point project at the South Lee Courthouse.

The Board reviewed bids that were received for the roofing project at the South Lee Courthouse. Upon recommendation of Hansen, it was moved by Folluo, seconded by Pflug, to award the bid for the shingled roof to Meyers and James, Keokuk, in the amount of \$186,763.50 and the membrane roofing to Hopkins Roofing, Pella, in the amount of \$71,750.00. Motion carried. Other bids were received from Renaissance, Rockford, Illinois, in the amount of \$232,500.00 and Hopkins Roofing in the amount of \$389,760.00 for the shingled roof and JLH Roofing, Waukon, in the amount of \$84,510.00 and from Meyers and James in the amount of \$191,845.50 for the membrane roofing.

Moved by Fedler, seconded by Folluo, to approve an application to the Iowa Governor's Office of Drug Control Policy for a Byrne JAG Grant in the amount of \$34,515.00 for the period July 1, 2017 through June 30, 2018. Motion carried.

Moved by Folluo, seconded by Hunold, to approve an application to the Iowa Governor's Office of Drug Control Policy for a CAMP Grant in the amount of \$7,100.00 for the period July 1, 2017 through June 30, 2018. Motion carried.

Moved by Folluo, seconded by Fedler, to approve Resolution #2017-114, as per recommendation of the County Attorney. Roll call: Folluo-aye, Fedler-aye, Pflug-aye, Hunold-aye and Larkin-aye.

Resolution #2017-114

It is hereby resolved that as required by Iowa Code Section 12B.10 that the following are adopted as the Lee County Investment Policies. These policies may be amended from time to time after consultation with the Lee County Treasurer and the Lee County Attorney by a duly enacted resolution of the Board of Supervisors.

1. In addition to investment standards and requirements otherwise provided by law, all investment of public funds by the Lee County Treasurer shall comply with Iowa Code Section 12B.10. The County Treasurer shall at all times keep funds coming into his or her possession as public money, in a vault or safe or in one or more depositories approved pursuant to Iowa Code Chapter 12C. However, the County shall invest, unless otherwise provided, any public funds not currently needed, in investments authorized by Iowa Code Section 12B.10 and these policies.
2. When investing or depositing public funds, the County Treasurer shall exercise the care, skill, prudence and diligence under the circumstances, then prevailing that a prudent person acting in a like capacity and familiar with such matters would use to attain the goals of this subsection. This standard required that when making investment decisions, the County Treasurer shall consider the role that the investment or deposit plays within the portfolio of assets of Lee County and the goals of this section. The primary goals of investment prudence shall be based in the following order of priority:
  - a. Safety of principal is the first priority.
  - b. Maintaining the necessary liquidity to match expected liabilities is the second priority.
  - c. Obtaining a reasonable return is the third priority.
3. The trading of securities in which any public funds are invested for the purpose of speculation or the realization of short-term trading profits is prohibited.
4. The investment of public funds by the Lee County Treasurer shall be limited to the following:
  - a. Obligations of the United States government, its agencies and instrumentalities.
  - b. Certificates of deposit and other evidences of deposit at federally insured depository institutions approved pursuant to Chapter 12C.
  - c. Prime bankers' acceptances that mature within 270 days and that are eligible for purchase by a federal reserve bank, provided that at the time of purchase no more than 10% of the investment portfolio of the county shall be in investments authorized by this paragraph and that at the time of purchase no more than 5% of the investment portfolio shall be invested in the securities of a single issuer.
  - d. Commercial paper or other short-term corporate debt that matures within 270 days and that is rated within the two highest

classifications, as established by at least one of the standard rating services approved by the Superintendent of Banking by rule adopted pursuant to Iowa Code Chapter 17A, provided that at the time of purchase no more than 5% of all amounts invested in commercial paper and other short-term corporate debt shall be invested in paper and debt rated in the second highest classification, and provided further, that at the time of purchase no more than 10% of the investment portfolio shall be in investments authorized by this paragraph and that at the time of purchase no more than 5% of the investment portfolio shall be invested in the securities of single issuer.

e. Repurchase agreements whose underlying collateral consists of the investments set out in paragraph "a" if the County Treasurer takes delivery of the collateral either directly or through an authorized custodian. Repurchase agreements do not include reverse repurchase agreements.

f. An open-end management investment company registered with the federal securities and exchange commission under the Federal Investment Company Act of 1940, 15 USC Section 80(a), and operated in accordance with 17 CFP Section 270.2a-7.

g. A joint investment trust, organized pursuant to Iowa Code Chapter 28E prior to and existing in good standing on April 28, 1992, or a joint investment trust organized pursuant to Iowa Code Chapter 28E after April 28, 1992, provided that the joint investment trust shall either be rated within the two high test classifications by at least one of the standard rating services approved by the Superintendent of Banking by rule adopted pursuant to Iowa Code Chapter 17A and operated in accordance with 17FCR Section 270.2A-7, or be registered with the Federal Securities and Exchange Commission under the Federal Investment Company Act of 1940, 15 USC Section 80(a) and operated in accordance with 17CFR Section 270.2a-7. The manager or investment advisor of the joint investment trust shall be registered with the Federal Securities and Exchange Commission under the Investment Advisor Act of 1940, 15 USC Section 80(b). Futures and options contracts are not permissible investment.

5. The investment of public funds which are operating funds by the County Treasurer shall be subject to the following:

a. As used in this section, "operating funds" means those funds which are reasonably expected to be expended during a current budget year or within 15 months of receipt.

b. Operating funds must be identified and distinguished from all other funds available for investment.

c. Operating funds may only be invested in investments which mature within five years or less and which are authorized by law for the county.

6. All investments of public funds by the County Treasurer shall be subject to the following:

a. Each investment must be authorized by applicable law and these written investment policies of Lee County

b. Each investment involving the use of a public funds custodial agreement, as defined in Iowa Code Section 12B.10C, shall comply with rules adopted pursuant to Iowa to Iowa Code Section 12b.10C relating to those investments. All contracts providing for the investment of public funds shall be in writing and shall contain a provision requiring that all investments shall be made in accordance with the laws of this state.

a. A contract for the investment of deposit of public funds shall not provide for the compensation of an agent or fiduciary based upon investment performance.

7. The County Treasurer may invest funds which are not operating funds in investments having maturities no longer than 8 years.

8. As used in these policies, "public fund" means all funds that are public funds within meaning of Iowa Code Section 12C.1(2)(b).

9. These written investment policies, and any subsequent amendments, shall be delivered to all of the following:

- a. The Lee County Board of Supervisors.
- b. The Lee County Treasurer.
- c. The Lee County Auditor
- d. All depository institutions or fiduciaries for public funds of Lee County.

10. Notwithstanding the foregoing, the Lee County Treasurer shall invest all public funds coming in to his or her hands in depositories approved pursuant to Iowa Code Chapter 12C. This restriction is intended to be a temporary measure during the development of additional investment policies and shall remain in effect until amended or superseded by a duly enacted resolution of the Lee County Board of Supervisors specifically referring to this section.

Dated this 5th day of September, 2017

LEE COUNTY BOARD OF SUPERVISORS. /s/ Rick Larkin, Chairman; /s/ Don Hunold, Vice-Chair; /s/ Ron Fedler, Member; /s/ Gary Folluo, Member and /s/ Matt Pflug, Member.  
Attest: /s/ Denise Fraise, Lee County Auditor. Motion carried.

Moved by Hunold, seconded by Pflug, to proclaim September as National Voter Registration Month. Motion carried.

## **National Voter Registration Month**

### *OFFICIAL PROCLAMATION*

WHEREAS, registering to vote empowers eligible citizens to exercise their right to vote on Election Day; and

WHEREAS, while Iowa is one of the nation's leaders in voter registration and voter participation, with more than two-million residents currently registered to vote, some eligible citizens have not yet registered; and

WHEREAS, the voter registration process in Iowa is easier and more convenient than ever before, with online voter registration, Election Day registration, and applications available through government agencies across the state; and

WHEREAS, the State of Iowa has an online voter registration system enabling citizens to register to vote and update their registration status quickly and easily, any time of day; and

WHEREAS, the need for public information and education regarding voter registration is extremely critical as Iowa voters prepare to take part in the 2017 city elections; and

WHEREAS, we encourage all interested citizens and all appropriate media outlets and civic organizations to participate in this non-partisan voter registration awareness campaign to encourage the maximum participation of qualified voters in Iowa.

NOW, THEREFORE, I, Rick Larkin, Chairman of the Lee County Board of Supervisors, do hereby proclaim September 2017 as National Voter Registration Month; and September 26, 2017 as National Voter Registration Day.

/s/ Rick Larkin, Chair. Attest: /s/ Denise Fraise, Auditor

Moved by Fedler, seconded by Hunold, to approve Resolution #2017-115. Roll call: Fedler-aye, Hunold-aye, Pflug-aye, Folluo-aye and Larkin-aye.

### Resolution #2017-115

**WHEREAS**, the Lee County Board of Supervisors have contracted with Commerce Bank to establish a county-wide credit card program,

**WHEREAS**, the Lee County Maintenance Department has requested to participate in this program, increasing the County's revenue share,

**WHEREAS**, the County's Credit Card Policy states that an amount over \$1,000 has to have the Board of Supervisors approval,

**THEREFORE BE IT RESOLVED,** the Lee County Board of Supervisors approve the following increase of credit limits:

Kirk Nafziger from \$2,000 to \$5,000

Mark Powers from \$2,000 to \$5,000

Jeff Sugars from \$1,000 to \$5,000

Dated at Fort Madison, Iowa this the 5th day of September, 2017.

LEE COUNTY BOARD OF SUPERVISORS. /s/ Rick Larkin, Chairman; /s/ Don Hunold, Vice-Chair; /s/ Ron Fedler, Member; /s/ Gary Folluo, Member and /s/ Matt Pflug, Member. Attest: /s/ Denise Fraise, Lee County Auditor. Motion carried.

Moved by Folluo, seconded by Pflug, to approve Resolution #2017-116. Roll call: Folluo-aye. Pflug-aye, Hunold-aye, Fedler-aye and Larkin-aye.

Resolution #2017-116

**SUMMARY RESOLUTION**

WHEREAS, the Iowa Administrative Code Section 331.302(10(a) and Section 380.8 states that a code of ordinances should be compiled and maintained at least annually or compiled at least once every five years.

WHEREAS, the Iowa Administrative Code Section 331.307(8) states that a summary of the ordinance shall mean a narrative description of the terms and conditions of an ordinance setting forth the main points of the ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the ordinance and the date when the ordinance becomes effective.

WHEREAS, the following are summary amendments to the Lee County Code of Ordinances:

Table of Contents-Renumbered

Title I	Chapter 1:Section 1-1-1	Dates changed from 2011 to 2017
	Section 1-1-3	Dates changed from 2011 to 2017
	Section 1-1-4	Dates changed from 2011 to 2017
Title II	Chapter 1:Section 2-1-2	Changed "Lee County Mental Health Services" to "Southeast Iowa Link Mental Health and Disability Services Region (hereafter referred to as SEIL")
	Section 2-1-5	Strike "Prescription Drugs" paragraph in its entirety Strike "Hospital" paragraph in its entirety "Funerals" paragraph is changed to "Cremations" Not to exceed \$1,000 is changed to \$1,200 paid directly to a "Lee County" funeral home "for services in full."

Addition of "and eligibility determination will be made by Lee County general assistance worker/director with regards to the deceased's assets upon date of death as per general assistance guidelines which is established at the F.I.P. standard."

Addition of "donations, gifts, non-organizational memorials and personal allowance accounts"

Strike "Medical" paragraph in its entirety

"Transients" paragraph-addition of \$30

Addition of "Any unused benefits will remain the property and possession of Lee County. All refunds will be issued back to the Lee County General Assistance program."

"five years" changed to "lifetime"

Section 2-1-8 Effective date changed to January 24, 2017

Title IV Chapter 4: Section 4-2-3 1. (c) Changed 5:00 p.m. to 6:00 p.m.  
(g) Changed 5:00 p.m. to 6:00 p.m.  
2. (b) Changed 5:00 p.m. to 6:00 p.m.  
(c) Added "and Level C"

Section 4-4-2 Added 12. Campground. Means a portion of a county park, state park or recreational area designated for camping activities including parking camping areas contiguous to campgrounds and any land made available to the public for overnight camping or extended period camping. This specifically includes locations for trailers and R.V. campers.

Section 4-4-8 shall be amended to add a subparagraph A for campgrounds as follows:

CAMPGROUNDS. All campgrounds will have lot numbers posted in front of each campsite. The cost of these signs for all existing campgrounds will be paid by the E911 Board; however future campgrounds will have to buy these lot numbers assigned by the E911 Board. The campground owner is responsible for maintaining the lot number and signs. The campground owner will file a plat showing the layout of all grounds with the E911 Board who will make it

generally available to law enforcement and emergency responders. If the campground layout changes at any point the owner is responsible for immediately reporting those changes to the E911 Board.

Section 4-4-12 Effective Date April 17, 2017

Title V Chapter 2:Section 5-2-2 "Definitions" is repealed in its entirety and replaced with the following:

SECTION 1. Definitions: All terms defined in Chapter 69.1(2) and Chapter 69.3(1) of the Iowa Administrative Code 567 shall be defined the same for this ordinance. In addition, the following terms shall be defined as follows:

1. "Administrative Authority" The Administrative authority is the Lee County Board of Health, and shall include its agents and employees.
2. "Alter" means to change or make different, to modify.
3. "Construct" means to form by assembling parts; build; erect; to create.
4. "Extend" means to expand, enlarge, or increase the size of the system.
5. "Install" means to set in position and connect or adjust for use.
6. "Managed Community Sewer" shall consist of Private Sewage Disposal Systems as defined in Iowa Administrative Code 567 Chapter 69, when owned and maintained by County approved Public Entities or other County approved Utility Management Organizations.
7. "Non-Compliant Private Sewage Disposal System" shall include any private sewage disposal system that fails to ensure effective wastewater treatment or is otherwise improperly functioning, or a system that is found not to be in compliance with applicable ordinances and regulations.
8. "Nuisance" means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as to essentially interfere with the comfortable enjoyment of life or



property. This shall include all definitions in Section 657.2 of the Code of Iowa.

9. "Reconstruct" means to construct again or redo.

10. "Repair" means to restore to sound condition after injury, damage, or use or to fix.

11. "Unsewered Unincorporated Communities" shall consist of unincorporated portions of the County, where five (5) or more inhabitable structures and/or commercial buildings are located within an area bounded by 660 ft. radius.

Section 5-2-4

Added A. No private disposal system shall be installed where a public sewer or Managed Community Sewer System is available within two hundred (200) feet, unless specific variance is granted.

Section 5-2-7

Struck in its entirety and rewritten as follows:

1. Any occupied structure or dwelling situated within two hundred (200) feet of a public sanitary sewer or managed community sewer shall be connected to the public sanitary sewer or managed community sewer. If the structure or dwelling is under construction, the connection shall be made prior to occupancy. If the structure is an existing structure or dwelling, the connection shall be made within one hundred and eighty days (180) of the service of notice from the Administrative Authority upon the owners or occupiers of the premises.

2. This requirement may, in the discretion of the Administrative Authority, be waived or modified, if and only if, one (1) or more of the following criteria are met:

a. No easements for the connection of a sewage line may be obtained.

b. The existing or on-site structure dwelling has an on-site sewage treatment system that meets or exceeds the requirements of this Ordinance.

c. The cost that the owners of the structure or dwelling must pay to make the connection, including the cost of obtaining the necessary easements, exceed by a factor of two (2) or more, the cost of constructing an on-site sewage treatment system.

d. There exists a natural or manmade obstruction between dwellings within two hundred 200 feet which make it impossible and inadvisable to connect the sanitary sewer system. When the connection to the sanitary sewer cannot be made by gravity flow line, it shall be deemed inadvisable to make the connection to the public sanitary sewer system.

e. The municipality or other agency operating the sanitary sewer system refuses to allow the connection.

f. No waiver shall be issued in the coverage area of a Managed Community Sewer without notice and opportunity for hearing to the Managed Community Sewer. The Administrative Authority shall consider the financial impact of any waiver on the Managed Community Sewer.

3. Any waiver issued hereunder is subject to periodic review and may be revoked if the criteria for the issuance of the waiver is no longer met. If the waiver is to be revoked, a notice shall be given to the owner and occupants of the dwelling or structure and a connection shall be made within one (1) year of the receipt of the notice.

#### 4. Connection to Managed Community Sewer Required.

a. A Managed Community Sewer shall be deemed available once the County has approved the design of the private sewage disposal system to be installed.

b. The owner of all houses, buildings, or properties used for human occupancy, employment, or recreation, must connect such facilities to the Managed Community Sewer in accordance with this ordinance and the rules adopted to effectuate this ordinance, within one hundred eighty (180) days after date of official notice to do so. Billing for such services by the approved Public Entity or Utility Management Organization that owns and maintains the system will begin on the date of official notice to connect to the Managed Community Sewer.

c. The administrative authority may adopt rules, regulations and specification for the construction, connection, use, maintenance and inspection of the Managed Community Sewer.

Section 5-2-11 Effective Date May 18, 2015

Chapter 6 Rabies Control

Section 5-6-4 Change "Applicable Provisions" to "Rabies Vaccination"

In accordance with Chapter 351, Code of Iowa, every owner of a dog or companion cat age six months or older shall obtain a rabies vaccination for such animal in accordance with the Compendium of Animals Rabies Control as compiled by the national Association of State Public Health Veterinarians, Inc.

Effective Date June 23, 2017

Chapter 9 Fireworks

Strike Subsections and replace with:

(a) Display Fireworks: Display Fireworks is defined as any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance which meets the definition of Display Fireworks contained in Iowa Code Section 727.2(1)(b) (2017). Display Fireworks does not include Consumer Fireworks or Novelties as defined in Iowa Code Sections 727.2(1)(a) or 727.2(1)(c) (2017).

(b) Consumer Fireworks: Consumer Fireworks is defined to include first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Iowa Code Section 100.19(1) (2017).

(c) Novelties: Novelties is defined to include all novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

(d) Operator: A person eighteen (18) years of age or older trained in fireworks safety who will set up and explode the Display Fireworks.

(e) Applicant: The municipality, organization, fair association, amusement park, or group of individuals requesting a Display Fireworks permit.

(f) Fireworks Display: The explosion of Display Fireworks regulated hereunder. The test firing of Display Fireworks by a person certified by the ATF to build Display Fireworks shall not be considered a fireworks display so long as said person's name and address are on file with the Lee County Board of Supervisors for that purpose.

5-9-3 Add the following:

(c) No person shall use Consumer Fireworks in the unincorporated areas within Lee County, Iowa, during any time in which a burn ban or other applicable burn restriction(s) has/have been issued or otherwise placed in effect by any lawful authority.

5-9-9 Change to:

Use of Consumer Fireworks Permitted.

(a) A person may use or explode Consumer Fireworks during the dates of June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive, so long as the use of Consumer Fireworks is not prohibited pursuant to Section 5-9-3(c).

(b) A person shall not use or explode Consumer Fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates Consumer Fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

(c) A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

5-9-10 Change to:

Use of Novelties Permitted. Unless specifically provided otherwise, this Ordinance does not apply to the use of Novelties.

Renumber Sections 5-9-11 thru 5-9-13

5-9-14 Effective Date June 23, 2017

Chapter 10 New Section LEE COUNTY ORDINANCE PROVIDING FOR  
CONTROL OF DOGS AND COMPANION CATS

5-10-1	Definitions
5-10-2	Duty of Owner to Control Animal
5-10-3	Harassment/Unauthorized Release of Animals Prohibited
5-10-4	Disposition of Animals
5-10-5	Jurisdiction
5-10-6	Enforcement
5-10-7	Penalties
5-10-8	Severability Clause

5-10-1 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. At Large means off the premises of the owner, unless:

a. The animal is on the property of another with permission of the property owner or lessee, or the animal is on public lands in accordance with existing laws, or

b. The animal is on a leash or similar restraint and is under the control of a responsible person, or is off leash but under the direct supervision of a responsible person and is obedient to that responsible person's command and that person has in their possession a leash or similar restraint, or

c. The animal is confined within a secure enclosure, including a motor vehicle.

1. Companion Cat means a domesticated cat raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2. Dog means both male and female animals of the canine species.

3. Law Enforcement Officer or Sheriff means the Lee County Sheriff or his/her designee.

4. Owner means any person confining, harboring, maintain, owning, or sheltering a dog or companion cat.

5-10-2 Duty of Owner to Control Animal.

1. It shall be unlawful for a dog or companion cat to run at large.

2. Any dog or companion cat running at large may be apprehended by a Law Enforcement Officer and/or may be impounded by the Sheriff. Upon impoundment of any animal, the Sheriff, or his/her designee, shall make a registration for such animal, entering the species, breed most predominant, color and sex of the animal.

3. It shall be unlawful for the owner of a dog or companion cat to permit such dog or companion cat to attack persons or domestic animals or to destroy property, or to permit such dog or companion cat to place persons in reasonable fear of attack or injury. Proof of ownership of a dog or companion cat and that said animal did attack persons, other domestic animals, destroyed property, or placed persons in reasonable fear of attack or injury shall constitute in evidence a prima facie presumption of permission of the owner in any proceeding charging violation of this section. Any dog or companion cat that has attacked persons or domestic animals, or has destroyed property, or has placed another person or persons in reasonable fear of attack or injury may be impounded by the Sheriff. Upon impoundment of said dog or companion cat, the Sheriff, or his/her designee, shall make a registration for such dog or companion cat, entering the species, breed most predominant, color and sex of the animal.

This subsection shall not apply to dogs or companion cats kept in kennels or shelters which are properly licensed.

This subsection shall not apply to dogs or companion cats that are secured upon their owner's own property who attack persons or animals trespassing upon their owner's property.

5-10-3 Harassment/Unauthorized Release of Animals  
Prohibited.

1. It shall be unlawful for a person to repeatedly or persistently tease, torment, agitate, or attack a dog or companion cat owned by another person except when such action is deemed necessary to protect persons or their property from the said dog or companion cat.

2. It shall be unlawful for any person, except the owner of a dog or companion cat, or his/her authorized agent, to willfully open any gates, bars, doors, fences, partition, or any portion of a kennel or other such enclosure, on any private or public premises for the purpose of enticing or enabling the dog or companion cat to leave such premises.

5-10-4 Disposition of Impounded Animals.

1. If the owner of an impounded dog or companion cat is unknown, said impounded animal shall be kept a minimum of three (3) business days (Monday-Friday except holidays), and thereafter may be adopted or humanely destroyed.

2. If the owner of an impounded dog or companion cat is known or determined, and said owner has not reclaimed and redeemed an impounded animal within three (3) business days, the owner shall then be sent notice by certified mail, return receipt requested, to his/her last known address that the impounded animal will be put up for adoption or humanely destroyed fifteen (15) days following the date of the notice. If the owner has not reclaimed and redeemed the impounded dog or companion cat within said fifteen day period, said animal thereafter may be adopted or humanely destroyed.

3. Upon impoundment, a dog or companion cat shall immediately be put up for adoption but shall not be adopted out until the waiting periods set forth in subsections 1 and 2 expire.

5-10-5 Jurisdiction.

1. The provisions of this ordinance shall apply throughout the unincorporated areas of Lee County, Iowa.

2. Nothing in this ordinance is intended or shall be construed to limit the right of any municipality in the county, in the exercise of its home rule authority or in the exercise of power and under any other provisions, to enact rules to regulate and control animals within the boundaries of its jurisdiction.

3. Nothing in this ordinance releases the keeper of an animal from the responsibility of obtaining all federal, state, county, or city permits and/or licenses required for keeping such an animal.

4. Nothing in this ordinance allows any person the right to keep any animal in violation any federal, state, county, or city law.

5-10-6 Enforcement.

It shall be the duty of the Sheriff to enforce provisions of this ordinance by initiating a case and forwarding an incident report to the Lee County Attorney's Office. Nothing in this ordinance, however, is intended to limit the authority or discretion of the Sheriff, designees of the Sheriff, or the County Attorney to make a determination whether criminal charges will be initiated or prosecuted.

5-10-7 Penalties.

Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a simple misdemeanor.

5-10-8 Severability Clause.

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

First Reading June 13, 2017  
Second Reading June 20, 2017  
Third Reading Waived  
Published June 23, 2017



F. 3. Multi-Residential property is defined by section 441.21(13) (a) (1) will be eligible for tax abatement in the same extent as other residential improvements as listed in paragraph F(1) except rehabilitation or additions to existing building must increase the value by fifteen percent (15%).

PUBLIC NUISANCE TAX SALE

- 6-12-1 Purpose
- 6-12-2 Definitions
- 6-12-3 General Provisions
- 6-12-4 Enactment

6-12-1 PURPOSE. The purpose of this ordinance is to authorize the County Treasurer to separately offer and sell, at the annual tax sale, delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become, a public nuisance.

6-12-2 DEFINITIONS. "Abandoned property" shall mean real property which meets the definition provided in Iowa Code Section 657A.1(1), which defines "Abandoned" or "Abandonment" as a building which has remained vacant and has been in violation of the housing code of the city in which the property is located or of the housing code applicable in the county in which the property is located if outside the limits of a city, for a period of six consecutive months.

"Public nuisance" shall mean as provided in Iowa Code Section 657A.1(7), a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

6-12-3 GENERAL PROVISIONS.

AUTHORITY. Iowa Code § 446.19B, provides that the Board of Supervisors of a county may adopt an ordinance authorizing the County Treasurer to separately offer and sell at the annual tax sale, delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become, a public nuisance.

STATEMENT FILED. On or before May 15, the county or city may file with the County Treasurer a verified statement containing a listing of parcels and a declaration that each parcel is abandoned property, each parcel is assessed as residential property or as commercial multifamily housing property, each parcel is, or is likely to become, a public nuisance, and that each parcel is suitable for use as housing following rehabilitation. If the statement filed with the County Treasurer is filed by a city, the declaration from the city shall include a declaration that if the property does not sell, the City will accept ownership of the property.

PUBLICATION OF NOTICE. The verified statement shall be published at the same time and in the same manner as the notice of the annual tax sale and the requirements in Iowa Code § 446.9(2) for publication of notice of the annual tax sale also apply to publication of the verified statement.

PUBLIC NUISANCE TAX SALE. On the day of the regular tax sale, or any continuance or adjournment of the tax sale, the County Treasurer shall separately offer and sell those parcels listed in a verified statement timely received and properly published and which remain liable to sale for delinquent taxes. This sale shall be known as the "public nuisance tax sale". Notwithstanding any provision to the contrary, the percentage interest that may be purchased in a parcel offered for sale under this ordinance shall not be less than one hundred percent.

ELIGIBILITY. To be eligible to bid on parcels under this ordinance, a prospective bidder shall enter into a rehabilitation agreement with the county, or with the city if the property is located within a city, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed. In the alternative, the county or city may, if the title to the property has vested in the county or city under Iowa Code section 448.1, dispose of the

property in accordance with Iowa Code Sections 331.361 or 364.7, as applicable. The prospective bidder shall file a copy of the rehabilitation agreement with the County Treasurer in order to register for the Public Nuisance Tax Sale.

DEMOLITION OF STRUCTURE. If after issuance of a tax sale deed to the holder of a certificate of purchase at the public nuisance tax sale, the tax sale deed holder determines that a building, structure, or other improvement located on the parcel cannot be rehabilitated for habitation, the tax sale deed holder may request approval from the Board of Supervisors, or the city council if the property is located within a city, to remove, dismantle, or demolish the building, structure, or other improvement. The tax sale deed holder shall also adhere to all relevant federal, state and local laws, regulations or ordinances, and apply for all necessary permits before beginning work on removal of such a structure.

WHEN NO BID IS RECEIVED. When a parcel is offered at public nuisance tax sale and no bid is received, or if the bid received is less than the total amount due, the county treasurer shall bid for the parcel a sum equal to the total amount due. Money shall not be paid by the county or city for the purchase; but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the tax-levying or tax-certifying body as its just share of the purchase price. Following the County taking possession of the body, a city may request the property from the County free and clear of any tax liens, in order to abate the nuisances pursuant to state law and local ordinance and to redevelop or dispose of the property pursuant to Iowa Code Sections 331.361 or 364.7, as applicable.

ASSIGNMENT OF TAX SALE CERTIFICATE. The tax sale certificate holder may assign the tax sale certificate obtained pursuant to this ordinance.

6-12-4 ENACTMENT. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective July 13, 2017

NOW, THEREFORE, the Lee County Board of Supervisors approves and passes this summary amendment made to the Lee County Book of Ordinances and will become effective upon publication.

LEE COUNTY BOARD OF SUPERVISORS. /s/ Rick Larkin, Chairman; /s/ Don Hunold, Vice-Chair; /s/ Ron Fedler, Member; /s/ Gary Folluo, Member and /s/ Matt Pflug, Member. Attest: /s/ Denise Fraise, Lee County Auditor. Motion carried.

Moved by Hunold, seconded by Folluo, to approve a Class C Liquor License with Outdoor Service and Sunday Sales for Charleston Board of Trade, Charleston, for the period August 23, 2017 through August 22, 2018. Motion carried.

Received and filed the following reports: Manure Management Annual Update for Burr Oak Swine in Des Moines Township; Recorder's Report of Fees Collected for the month of July 2017 and County Commission of Veteran Affairs Minutes of Meeting of July 26, 2017.

Committee Reports: Fedler, Hunold and Larkin attended the ISAC Annual Conference in Des Moines. Folluo and Larkin reported on a meeting held at the Iowa Fertilizer Plant. Folluo also attended a meeting of the Three Rivers Foundation Board.

At 10:10 a.m., a motion was made by Folluo, seconded by Pflug, to adjourn. Motion carried. The next meeting of the Board of Supervisors will be Tuesday, September 12, 2017 at 9:00 a.m. at the Correctional Center.

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Rick Larkin, Chairperson

Attest: \_\_\_\_\_

Denise Fraise, Lee County Auditor