

November 5, 2019

The Lee County Board of Supervisors met on Tuesday, November 5, 2019, at 9:00 a.m. at the Correctional Center.

Present: Gary Folluo, Rick Larkin, Matt Pflug, Ron Fedler and Rich Harlow.

All votes are unanimous unless otherwise indicated.

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

Moved by Larkin, seconded by Fedler, to approve the agenda. Motion carried.

At 9:01 a.m., the Board opened a Public Hearing for a proposed sale of property located in the 900 Block of 15th Street to the City of Fort Madison. Larkin had received one phone call, no one else received any calls. The County Auditor had not received any comments. At 9:07 a.m. it was moved by Pflug, seconded by Larkin, to close the Public Hearing. Roll call: Pflug-aye, Larkin-aye, Fedler-aye, Harlow-aye and Folluo-aye. Motion carried.

Moved by Harlow, seconded by Fedler, to approve Resolution #2018-87. Roll call: Harlow-aye, Fedler-aye, Pflug-aye, Larkin-aye and Folluo-aye.

Resolution #2019-87

FINAL RESOLUTION OF THE LEE COUNTY BOARD OF SUPERVISORS

RESOLUTION APPROVING THE SALE OF CERTAIN REAL ESTATE RECEIVED BY THE COUNTY BY WAY OF TREASURER'S DEED

WHEREAS, Lee County holds Treasurer's Deed or is eligible to receive Treasurer's Deed on the following described parcels; 02-47-15-04-409-0120 and 02-47-15-04-409-0080; and

WHEREAS, the City of Fort Madison has requested that the County deed the properties to the City in consideration of one dollar (\$1.00):

WHEREAS, the city of Fort Madison has made this request as the properties have been abandoned, constitute public nuisances and are generating no tax revenue;

WHEREAS, the County has held a public hearing with notice published as required by law, and following public hearing adopted the following resolution:

BE IT RESOLVED that in consideration of the sum of \$1.00 paid in hand Lee County will quit claim the following described property located in the 900 block of 15th Street to the City of Fort Madison:

The North Fifty Feet (N50') of Lots Six (6) and Seven (7) and the North Fifty Feet (N50') of the West Twenty-Five Feet (W25') of Lot Eight (8) in Outlot 1136, in the City of Fort Madison, Lee County, Iowa

Part of Out Lot Number Ten Hundred Sixty-nine (1069) in the City of Fort Madison, Iowa, more particularly described as follows: Commencing 165 feet due South of the North West corner of said Out Lot Number 1069, thence running South to the South West

corner of said Out Lot, thence East 50 feet; thence North to the Alley, thence West 50 feet to the place of beginning, and being all that portion of the West 50 feet of said Out Lot 1069, which lies South of the Alley as now laid out through said Block or Out Lot.

EXCEPTING that part of Lot Six (6) of Out Lot Number Ten Hundred Sixty-nine (1069) in the City of Fort Madison, Lee County, Iowa and more particularly described as follows: Commencing at the intersection of the South line of the alley running through said Out Lot Number Ten Hundred Sixty nine (1069) with the West line of said Out Lot Number Ten Hundred Sixty-nine (1069), One Hundred Sixty-five (165) feet South of the Northwest corner of said Out Lot Number Ten Hundred Sixty nine (1069); thence South One Hundred Eighty (180) feet on the said West line of said Out Lot Number Ten Hundred Sixty-nine (1069); thence East Fifty (50) feet; thence North One Hundred Eighty (180) feet to the said South Line of the alley hereinbefore mentioned; thence West Fifty (50) feet more or less on the said South line of said alley to the point of beginning, said parcel of land containing two-tenths (0.2) of an acre more or less. Subject to ALL easements, conditions, restrictions and right-of-ways of record and those not of record.

The Chairman of the Lee County Board of Supervisors will be authorized to sign quit claim deeds on behalf of the Board. Upon passage of this final resolution the Auditor is instructed to provide for the recording of all resolutions and notices.

Dated and signed this the 5th day of November, 2019.

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

Moved by Larkin, seconded by Pflug, to approve Resolution #2019-88. Roll call: Larkin-aye, Pflug-aye, Fedler-aye, Harlow-aye and Folluo-aye.

Resolution #2019-88

RESOLUTION OF THE LEE COUNTY BOARD OF SUPERVISOR

RESOLUTION APPROVING THE ABATEMENT OF PROPERTY TAXES FOR CERTAIN PROPERTY ACQUIRED BY THE CITY OF FORT MADISON

WHEREAS, The City of Fort Madison, Lee County, Iowa has acquired title to the following described parcels; 02-47-15-04-409-0120 and 02-47-15-04-409-0080; and

WHEREAS, the City of Fort Madison has requested that the County abatement of the property taxes owed for those parcels as follows:

Parcel 02-47-15-04-409-0080 in the amount of \$5,334.82

Parcel 02-47-15-04-409-0120 in the amount of \$1,092.00

WHEREAS Iowa Code Section 445.63 states that when taxes are owing against a parcel owned or claimed by the state or a political subdivision of this state and the taxes are owing before the parcel was acquired by the state or a political subdivision of this state, the County Treasurer shall

give notice to the appropriate governing body which shall pay the amount of taxes due. If the governing body fails to immediately pay the taxes due, the Board of Supervisors shall abate all of the taxes;

BE IT RESOLVED that pursuant to Iowa Code Section 445.63 the property taxes owed as follows are abated and the Lee County Treasurer is hereby directed to strike the amount of property taxes due on these City of Fort Madison parcels effective immediately:

Parcel 02-47-15-04-409-0080 in the amount of \$5,334.82

Parcel 02-47-15-04-409-0120 in the amount of \$1,092.00

Dated and signed this the 5th day of November, 2019.

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

Moved by Fedler, seconded by Larkin, to approve Resolution 2019-91. Roll call: Fedler-aye, Larkin-aye, Pflug-aye, Harlow-aye and Folluo-aye.

Resolution #2019-91

RESOLUTION FOR ASSIGNMENT OF TAX SALE CERTIFICATE TO A MUNICIPALITY WITHIN THE COUNTY

WHEREAS, the Lee County currently holds Tax Sale Certificate Number 2017-00691 for Parcel Number 024715044090180, located in Fort Madison, Lee County Iowa;

WHEREAS, Iowa Code Section 446.31 provides:

"When the county acquires a certificate of purchase, the county may assign the certificate for the total amount due as of the date of assignment or compromise the total amount due and assign the certificate. An assignment or a compromise and assignment shall be by written agreement. A copy of the agreement shall be filed with the treasurer. For each assignment transaction, the treasurer shall collect from the assignee an assignment transaction fee of ten dollars to be deposited in the county general fund. The assignment transaction fee shall not be added to the amount necessary to redeem. All money received from the assignment of county-held certificates of purchase shall be apportioned to the tax-levying and certifying bodies in proportion to their interests in the taxes for which the parcel was sold with all interest, fees, and costs deposited in the county general fund. After assignment of a certificate of purchase which is held by the county, section 446.37 applies. In that instance, the date of cancellation shall be three years from the date the assignment is recorded by the treasurer in the county system. However, in the case of a tax sale certificate issue pursuant to section 446.19B and assigned by the county, the date of cancellation shall be one year from the date the assignment is recorded by the treasurer in the county system. When the assignment is entered and the assignment transaction fee is paid, all of the rights and title of the assignor shall vest in the assignee or the legal representative of the assignee. The Statement in the treasurer's deed of the fact of the assignment is presumptive evidence of that fact."

WHEREAS, Iowa Code Section 446.19(2) provides in pertinent part:

"When a bid is received from a city in which the parcel is located, money shall not be paid by the city, but each of the tax-levying and tax-certifying bodies having an 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.";

WHEREAS, the City of Fort Madison has requested Lee County assign Tax Certificate Number 2017-00691 for Parcel Number 024715044090180 to the City of Fort Madison for the purpose of rehabilitation of properties that have been abandoned, constitute a public nuisance, and are generating no tax revenue;

NOW THEREFORE BE IT RESOLVED that the Lee County Board of Supervisors hereby assigns Tax Certificate Number 2017-00691 for Parcel Number 024715044090180 to the City of Fort Madison for the purpose of rehabilitation of properties that have been abandoned, constitute a public nuisance, and are generating no tax revenue.

BE IT FURTHER RESOLVED that the Chairman of the Lee County Board of Supervisors is authorized to sign an agreement assigning the above referenced tax sale certificate to the city of Fort Madison on behalf of the Lee County Board of Supervisors.

Dated and signed at Montrose, Iowa on this the 5th day of November, 2019.

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

Moved by Pflug, seconded by Harlow, to approve the Tuesday, October 22, 2019 Board minutes. Motion carried.

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

Public Input: Rebecca Schau, rural Donnellson, is having issues with horses running loose on her property.

Moved by Pflug, seconded by Larkin, to accept the bid received from John DiSanto, 1366 255th St, Farmington, for \$250/year for a Farm Lease on property located next to the Correctional Center. Motion carried.

Moved by Fedler, seconded by Larkin, to approve a Class C Beer Permit with Sunday Sales and a Class B Native Wine Permit for Denmark Jet Stop, for the period January 3, 2020 through January 2, 2021. Motion carried.

Moved by Pflug, seconded by Larkin, to approve three tax abatement resolutions. Roll call: Pflug-aye, Larkin-aye, Fedler-aye, Harlow-aye and Folluo-aye.

RESOLUTION NO. 2019-92

WHEREAS, the Board of Supervisors of Lee County has by Ordinance Number VI-11 adopted a plan for a County-wide Urban Revitalization Tax Exemption District in Lee County, Iowa; and,

WHEREAS, Iowa Code Section 404.4 provides for prior approval of eligibility for a tax exemption by the governing body of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, IOWA, that they hereby approve the application of: James and Patricia Devocht
1589 140th Avenue Donnellson IA 52625

For exemption from taxation according to the provisions of Iowa Code Section 404.3, §3. Said applications shall be forwarded to the County Assessor for review pursuant to the provisions of Section 404.5 Code of Iowa.

PASSED AND APPROVED this 5th day of November, 2019.

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

RESOLUTION NO. 2019-93

WHEREAS, the Board of Supervisors of Lee County has by Ordinance Number VI-11 adopted a plan for a County-wide Urban Revitalization Tax Exemption District in Lee County, Iowa; and,

WHEREAS, Iowa Code Section 404.4 provides for prior approval of eligibility for a tax exemption by the governing body of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, IOWA, that they hereby approve the application of: Timothy and Carol Snaadt
1206 215th Avenue West Point IA 52656

For exemption from taxation according to the provisions of Iowa Code Section 404.3, §3. Said applications shall be forwarded to the County Assessor for review pursuant to the provisions of Section 404.5 Code of Iowa.

PASSED AND APPROVED this 5th day of November, 2019.

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

RESOLUTION NO. 2019-94

WHEREAS, the Board of Supervisors of Lee County has by Ordinance Number VI-11 adopted a plan for a County-wide Urban Revitalization Tax Exemption District in Lee County, Iowa; and,

WHEREAS, Iowa Code Section 404.4 provides for prior approval of eligibility for a tax exemption by the governing body of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, IOWA, that they hereby approve the application of: Russell and Terrie Chapman
1074 240th Avenue West Point IA 52656

For exemption from taxation according to the provisions of Iowa Code Section 404.3, §3. Said applications shall be forwarded to the County Assessor for review pursuant to the provisions of Section 404.5 Code of Iowa.

PASSED AND APPROVED this 5th day of November, 2019.

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

Moved by Pflug, seconded by Harlow, to approve Resolution #2019-90. Roll call: Pflug-aye, Harlow-aye, Larkin-aye, Fedler-aye and Folluo-aye.

RESOLUTION #2019-90

LEE COUNTY BOARD OF SUPERVISORS

APPROVAL OF THE ABATEMENT OF PROPERTY TAXES AS RECOMMENDED BY THE LEE COUNTY TREASURER AND IN ACCORDANCE WITH IOWA CODE CHAPTER 445.63

BE IT RESOLVED by the Lee County Board of Supervisors as follows:

Section 1. Iowa Code Section 445.63 states that when taxes are owing against a parcel owned or claimed by the state or a political subdivision of this state and the taxes are owing before the parcel was acquired by the state or a political subdivision of this state, the County Treasurer shall give notice to the appropriate governing body which shall pay the amount of taxes due. If the governing body fails to immediately pay the taxes due, the Board of Supervisors shall abate all of the taxes.

Section 2. The City of Keokuk has requested abatement and forgiveness for the following parcels:

Parcel	Site Address	Amount
044521254270040	601 Blondeau St.	\$ 442.00
044521254150180	625 Main St.	\$ 314.00
044521254150170	629 Main St.	\$ 3,434.00

Section 3. The County Treasurer is hereby directed to strike the amount of property taxes due on these City of Keokuk parcels in accordance with Iowa Code Section 445.63.

Section 4. The County Treasurer is hereby directed to forgive the amount of property taxes due on these City of Keokuk parcels in accordance with Iowa Code Section 445.63.

Section 5. This Resolution shall take effect immediately.

Dated this 5th day of November, 2019

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

Moved by Fedler, seconded by Larkin, to approve the Homestead, Military and Disabled Veteran Tax Credits for Fiscal Year 2019. Motion carried.

Moved by Pflug, seconded by Harlow, to appoint Laurie Wardlow, Montrose, to the Veteran Affairs Commission. Motion carried.

Moved by Fedler, seconded by Larkin, to approve the replacement of two part-time Correctional Officers in the Sheriff's Office. Motion carried.

Moved by Pflug, seconded by Fedler, to approve the following Personnel Actions: step increase for Secondary Roads employee David Newton, Class II Maintenance, from \$21.71/hr. to \$21.96/hr, effective 11/7/2019; transfer from part-time to full-time for Sheriff's Office employee Gram Fowler from \$17.50/hr. to beginning step \$17.32/hr., effective 11/6/2019; transfer from part-time to full-time for Sheriff's Office Employee Jessy Keefe from \$17.50/hr. to beginning step \$17.32/hr., effective 11/6/2019; new hire for the Veteran Affairs Commission, Linda Sammeli, per diem of \$40/meeting, effective 9/26/2019; and new hire for the Sheriff's Office, Jackson Jones, part-time Correctional Officer, \$17.50/hr., effective 11/6/2019. Motion carried

Received and filed a Manure Management Annual Update for JWC Swine in Des Moines Township; Commission of Veteran Affairs Minutes of Meeting for September 26, 2019 and a Manure Management Annual Update for Sandy Bottom Swine in Des Moines Township.

Committee Reports: Larkin reported on a Regional Workforce Development meeting. Folluo attended a meeting with Bill Young from the Lee County Ambulance Service.

At 9:44 a.m., a motion was made by Larkin, and seconded by Pflug, to adjourn. Motion carried.

The next meeting of the Board of Supervisors will be Wednesday, November 13, 2019 at 9:00 a.m. at the Correctional Center.

Gary Folluo, Chairman

Attest: _____
Denise Fraise, Lee County Auditor