

July 11, 2022

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

Chairman Dawley led the pledge of allegiance.

Moved by Roudabush, 2nd by Doty to approve agenda. 3 ayes. Motion carried.

Moved by Doty, 2nd by Roudabush to approve July 7, 2022, board minutes. 3 ayes. Motion carried.

Moved by Roudabush, 2nd by Doty to approve Resolution #2023-2 establishing a speed limit for detour due to current closure of F57 (Diamond Trail Road) between 80th Street and 90th Street. 3 ayes. Motion carried.

RESOLUTION #2023-2
RESOLUTION FOR ESTABLISHING A SPEED LIMIT

WHEREAS the Board of Supervisors is empowered under authority of Iowa Code Sections 321.255 and 321.285 to determine the speed limit of any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS the current closure of F57 (Diamond Trail Road) between 80th Street and 90th Street for the replacement of a bridge deck on F57 has caused increased traffic on rock roads in this area,

THEREFORE, BE IT RESOLVED that the speed limit is established effective immediately and terminating upon the reopening of F57 between 80th Street and 90th Street, and appropriate signs shall be erected at the locations described as follows:

35 mph on 80th Street from F57 to 495th Avenue
35 mph on 495th Avenue from 80th Street to 90th Street
35 mph on 90th Street from 495th Avenue to F57

Passed and adopted this 11 day of July 2022.

POWESHIEK COUNTY BOARD OF SUPERVISORS

Diana Dawley, Chairman

Jason Roudabush, Vice Chairman

Merle Doty, Member

Attest: Melissa Eilander, Poweshiek County Auditor

8:30 a.m. Moved by Doty, 2nd by Roudabush to enter into public hearing on second reading of Ordinance #31 Tax Sale Ordinance. 3 ayes. Motion carried. Present: Jason Roudabush, Diana Dawley, Merle Doty, Supervisors; and Missy Eilander, Auditor. No one was present for comments on the ordinance. Auditor Eilander stated no one had filed any comments with her and supervisors stated they have not received any comments either. Having no one present and hearing no comments, at 8:37 a.m. it was moved by Roudabush, 2nd by Doty to end public hearing. 3 ayes. Motion carried.

Moved by Doty, second by Roudabush to waive the third reading of ordinance and vote the final adoption of the ordinance. The vote for suspension of the rule was by majority voting Roudabush-aye; Dawley-aye; Doty-aye. Motion carried.

Moved by Doty, 2nd by Roudabush to approve Resolution #2023-3 approving reading of ordinance and directing auditor to publish said ordinance, in its entirety. 3 ayes. Motion carried.

RESOLUTION #2023-3

WHEREAS, the first reading of proposed Ordinance #31, “POWESHIEK COUNTY TAX SALE ORDINANCE” was held on June 30, 2022 at 8:30 a.m., and

WHEREAS, no one from the public was present at the reading to speak in favor and against said ordinance and its passage, and

WHEREAS, the Board of Supervisors reviewed and discussed, and

WHEREAS, the second reading of proposed Ordinance #31, “POWESHIEK COUNTY TAX SALE ORDINANCE” was held on July 11, 2022, at 8:30 a.m., and

WHEREAS, the Board of Supervisors, upon motion by Supervisor Doty, seconded by Supervisor Roudabush, 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 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:

“**TAX SALE ORDINANCE**” 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 11 day of July 2022.

POWESHIEK COUNTY BOARD OF SUPERVISORS

Diana Dawley, Chairman

Jason Roudabush, Vice Chairman

Merle Doty, Member

ATTEST: Melissa Eilander, Poweshiek County Auditor

**POWESHIEK COUNTY ORDINANCE #31
TAX SALE ORDINANCE**

SECTION 1. TITLE

This ordinance shall be known and may be referred to as the “Poweshiek County Tax Sale Ordinance”.

SECTION 2. PURPOSE

The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code Sections 446.19A and 446.19B, as may hereafter be amended. Iowa Code Section 446.19A authorizes counties and cities to bid for and purchase tax sale certificates on abandoned property or vacant lots. Iowa Code Section 446.19B authorizes the county 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.

SECTION 3. DEFINITIONS

For the purpose of this ordinance, definitions for terms as defined in Iowa Code Sections 446.19A and 446.19B as amended are adopted.

SECTION 4. PURCHASING DELINQUENT TAXES PURSUANT TO IOWA CODE SECTION 446.19A

- A. Pursuant to Iowa Code Section 446.19A, as amended, the County and each city within the County are hereby authorized to bid on and purchase delinquent taxes and assign tax sale certificates of abandoned property or vacant lots acquired under Iowa Code Section 446.19A.
- B. On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county or a city, may bid for and purchase tax sale certificates on abandoned property assessed as residential property or as commercial multifamily housing property or for a vacant lot a sum equal to the total amount due.

- C. The county or city shall not pay money 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.
- D. Prior to the purchase, the county or city shall file with the county treasurer a verified statement that a parcel to be purchased is abandoned, and that the parcel is suitable for use for housing following rehabilitation or that a parcel to be purchased is a vacant lot.
- E. After the date that a parcel is sold pursuant to Iowa Code Sections 446.18, 446.19A, and this ordinance, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or as a vacant lot pursuant to a verified statement filed pursuant to Section 5 of this ordinance, a county or city may require the assignment of the tax sale certificate that had been issued for such parcel by paying to the holder of such certificate the total amount due on the date the assignment of the certificate is made to the county or city and recorded with the county treasurer. If the certificate holder fails to assign the certificate of purchase to the city or county, the county treasurer is authorized to issue a duplicate certificate of purchase, which shall take the place of the original certificate, and assign the duplicate certificate to the city or county. If the certificate is not reassigned by the county or city, the county or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to Iowa Code Section 447.1, as of the date of reassignment.
- F. Purchase of Tax Sale Certificates. The county or city may assign or reassign the tax sale certificate obtained pursuant to this ordinance. Persons who purchase certificates from the county or city pursuant to this ordinance are liable for the total amount due the certificate holder pursuant to Iowa Code Section 447.1.
- G. Intent to Rehabilitate the Property. All persons who purchase certificates from the county or city under this ordinance shall demonstrate the intent to rehabilitate the abandoned property for habitation or build a residential structure on the vacant lot, if the property is not redeemed. In the alternative, the county or city may, if 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.

SECTION 5. PURCHASING DELINQUENT TAXES PURSUANT TO IOWA CODE SECTION 446.19B

- A. Pursuant to Iowa Code Section 446.19B, as amended, the county and each city within the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates acquired at Public Nuisance Tax Sales.
- B. 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 and, that 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.
- C. 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 Section 446.9, subsection 2, for publication of notice of the annual tax sale also apply to publication of the verified statement.
- D. On the day of the regular tax sale, or any continuance or adjournment of the tax sale, the 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 Iowa Code Section 446.19B, or this ordinance, shall not be less than one hundred percent.

- E. To be eligible to bid on parcels at the public nuisance tax sale, prospective bidders must enter a rehabilitation agreement with the county, or city if the property is located within the city, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed. County or City shall provide the Poweshiek County Treasurer the identities of all eligible bidders who have a valid rehabilitation agreement no less than 48 hours prior to the day of the regular tax sale.
- F. 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.
- G. 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 in which the parcel is located, through its 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.
- H. Any tax sale certificate holder may assign the tax sale certificate obtained at the public nuisance tax sale in compliance with Iowa Code Section 446.19B and this ordinance. The assignee must have entered into a rehabilitation agreement with the county, or the city if the property is located within the city, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed.

SECTION 6. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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 the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 8. EFFECTIVE DATE

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

Passed and adopted this 11 day of July 2022.

POWESHIEK COUNTY BOARD OF SUPERVISORS

Diana Dawley, Chairman

Jason Roudabush, Vice Chairman

Merle Doty, Member

Attest: Melissa Eilander, Poweshiek County Auditor

APPROVAL:

First Consideration: June 30, 2022

Second Consideration: July 11, 2022

Final Consideration & Adoption: Final Waived & adopted July 11, 2022

Published: July 20 & 21, 2022

I, Melissa Eilander, Poweshiek County Auditor, hereby certify that the foregoing Poweshiek County, Iowa, Ordinance No. 31, Tax Sale Ordinance was considered, approved, and published as stated.

Melissa Eilander, Auditor

8:49 a.m. Bob Wilhelm, Maintenance Director joined the meeting. Wilhelm shared more information on quotes for mowers. Board will review quotes and finances and decide on mower replacement.

8:56 a.m. Mark Vavroch, Conservation Director and Dianna Longhenry, Recorder joined the meeting.

9:00 a.m. Bart Klaver, County Attorney met with the board to discuss 2022 State of Iowa ATV/UTV Bill HF2130 and review of Ordinance #28 regulating the operation of all-terrain vehicles and off-road vehicles in Poweshiek County.

9:10 a.m. Tom Kriegel, Sheriff joined the meeting.

After discussion and review, it was determined that there was not much difference between the ordinance and HF2130 passed by legislation June 13, 2022. The main differences were the age of driver and time allowed to be operated and Attorney Klaver stated HF2130 would prevail and the stipulations in the ordinance relating to same would be invalid. Board inquired if those in attendance would be in favor of amending the ordinance or rescinding the ordinance. Sheriff Kriegel stated from a law enforcement standpoint it would be easier to follow one set of laws and he would be in favor of rescinding the county ordinance. Board had concerns about vehicles traveling through Diamond Lake Park. Vavroch stated they have signs posted and it is a park road and not a county or state road. Klaver stated the postings would be sufficient and no ATV/UTV's are allowed within Diamond Lake Park area and roads. Board felt there would not be much left in the ordinance which was not addressed in HF2130 passed so their consensus would be to rescind. It was moved by Doty, 2nd by Roudabush to rescind Ordinance #28 regulating the operation of all-terrain vehicles and off-road vehicles in Poweshiek County effective July 11, 2022. 3 ayes. Motion carried.

Board received Poweshiek County Clerk of Court report of fees collected for month of June 2022.

Board received Poweshiek County Sheriff report of fees collected 4th quarter FY'22.

Board received Poweshiek County Recorder's report of fees collected for month ending June 30, 2022.

Dawley stated she has a public health meeting Tuesday morning and Doty stated he has conservation board meeting this week.

10:26 a.m. Moved by Doty, 2nd by Roudabush to adjourn. 3 ayes. Motion carried.

Melissa Eilander, Poweshiek County Auditor

Diana Dawley, Chairman