

August 28, 2018  
Mt Pleasant, IA

The Board met in regular session at 9:00 AM. Members present: Chairman, Greg Moeller, Marc Lindeen and Gary See.

It was moved by See and seconded by Lindeen to approve the August 28, 2018 Agenda as presented. 3 ayes. Motion carried.

It was moved by See and seconded by Lindeen to approve the minutes of August 21 & 23, 2018 as presented. 3 ayes. Motion carried.

Jake Hotchkiss, Engineer, accompanied by Jelen McCall, Office Manager gave the weekly roads update. Road maintenance August 20<sup>th</sup> thru August 24<sup>th</sup>. Resumed mowing with boom mower, continued mowing shoulders and worked on signs. Territory Operators were in their blades all week, hauled resurfacing rock to Salem Township and hauled rip-rap to 312<sup>th</sup> St. Cold patched on Old Hwy 34 near Jefferson County and delivered a tank car to Ash Ave for crossing. Started shoulder pull project on 130<sup>th</sup> St and continued work of low water crossing on Lexington Ave, working on the skirts of it. IADOT Hwy 78 is closed to traffic and the detour on Oasis Ave, 170<sup>th</sup> St and Racine Ave is in effect. 130<sup>th</sup> St shoulder pull completed ¾ of a mile and rocking today in hope to finish road by the end of the week dependent on weather. LWC on Lexington Ave between 185<sup>th</sup> St and 195<sup>th</sup> St poured skirts yesterday and have some minor cleanup to complete later. Mediapolis Rd working on patches this week and will be paving later this fall. Des Moines County is responsible for this project. Iowa Bridge & Culvert will be closing Gabriel and 130<sup>th</sup> St Tuesday September 4, 2018 and replace the two culverts and then move to one of the other locations after that. Ash Ave Bridge Replacement with a tank car delivered last week, looking to start replacement the week of September 10<sup>th</sup> dependent on weather.

It was moved by Lindeen and seconded by See to go into Public Hearing for purpose to sell the Mt Union Community Building. 3 ayes. Motion carried. No comments had been received other than one question by the only public present which was Linda Johnson and was is the property going to be surveyed? The answer was no it will be up to the new owner. It was moved by See and seconded by Lindeen to go out of Public Hearing. It was decided to publish notice of sale requirements in the 3 legal newspapers and post notices in 3 locations in Mt. Union, the Courthouse and on the County website. It was moved by Lindeen and seconded by See to approve Resolution #37-2018 for the bidding procedure to sell county real estate. 3 ayes. Motion carried.

**RESOLUTION FOR BIDDING PROCEDURE TO SELL OF COUNTY REAL ESTATE  
Henry County Board of Supervisors Resolution Number: 37-2018**

**WHEREAS** the City Development Board has asked Henry County to sell real estate formerly owned by the now discontinued City of Mt. Union;

**WHEREAS** Iowa Code section 331.361 requires that certain procedures are followed when disposing of a county's interest in real property;

**WHEREAS** Henry County will offer for sale certain tracts of real estate described as;

The north ½ of Lot 2, Block 2, Scales Second Addition to the Town of Mt. Union, Iowa. (BEING THE NE ¼ OF SAID BLOCK 2)

Also, locally known as The Community Center, 208 E. Lehew St., Mt. Union, Iowa.

**WHEREAS** a public hearing on the proposal to sell real estate was held on the 28<sup>th</sup> day of August 2018, at 9:30 o'clock a.m. in the office of the Board of Supervisors, Henry County Courthouse, Mt. Pleasant, Iowa, that notice of the time and place of said hearing was published as required by sections 331.361 and 331.305, Code of Iowa.

**WHEREAS**, it is proposed that the real estate be offered for sale by public bid upon the following conditions:

1. Minimum bid shall be \$30,000.00. Each proposal shall be in writing, stating the amount offered in payment for the tract, and any other conditions proposed by buyer.
2. The property will be conveyed in fee simple by QUIT CLAIM DEED.
3. The sale of said real estate will be subject to any existing leases, easements, including, but not limited to, utilities, streets and highways, and restrictions applicable to the land under state law and county ordinances including special assessment for sewer of approximately \$750.00 per year.
4. The board may choose by resolution from among the proposals submitted or may reject all proposals. All individuals submitting proposals will have the opportunity to increase the amount proposed during the public hearing.
5. If all proposals are rejected, the Board may, but is not required to offer the property for sale following any procedure authorized pursuant to Iowa Code Section 331.361.
6. Payments shall be made in cash or by certified check.

**BE IT RESOLVED** Bids shall be submitted to Auditor for Henry County, Iowa on or before the close of business, the 26<sup>th</sup> day of September 2018, to be opened by the Board of Supervisors the 27<sup>th</sup> day of September 2018 at 10:00 o'clock a.m. subject to the conditions above.

**APPROVED this 28<sup>th</sup> day of August 2018.**

HENRY COUNTY BOARD OF SUPERVISORS

Attest:  
Shelly Barber,  
Henry County Auditor

Aye:/s/Greg Moeller, Chairman  
Aye:/s/Gary K. See, Supervisor  
Aye:/s/Marc B. Lindeen, Supervisor

Joe Buffington read the Amendment of the penalty sections of all the affected Henry County Code of Ordinances. It was moved by See and seconded by Lindeen to approve the 3rd Reading and adopt said Ordinances. 3 ayes. Motion carried.

**AN ORDINANCE TO AMEND SECTION 4-1-9,5-2-6A, 5-1-7, 5-4-5-1,5-5-4-1, AND 6-2-21-1, OF THE HENRY COUNTY CODE OF ORDINANCES ADOPTED AUGUST 2, 2011, MODIFYING ALL SECTION TO REFERENCE THE STANDARD PENALTIES CHAPTER OF THE HENRY COUNTY CODE OF ORDINANCE.**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY, IOWA AS FOLLOWS:**

**ARTICLE 1. SECTION MODIFIED. TITLE IV Chapter 1, Article 9 shall be repealed entirely and replaced by the following:**

a. Abatement - Special Assessments.

(1) If a property owner does not perform an action required by this ordinance within a reasonable time after notice, the county through the Board of Supervisors and E911 Board may perform the required action and assess the costs against the property for collection in the same manner as a property tax pursuant to section 331.384, Code of Iowa.

(2) The provisions of section 331.384, Code of Iowa, apply to special assessments imposed under this section, and by this reference are incorporated herein.

(3) Written notice shall be given to the property owner by certified mail to the property owner as shown by the records of the county auditor.

(4) Written notice shall state the action required to be performed by the property owner and the time within which the action is required.

(5) In an emergency, the county through the Board of Supervisors and E911 Board may perform any action which may be required without prior notice and assess the costs after notice to the property owner and hearing.

b. Interference with signs or installation and repair of signs.

It is a criminal offense for a person:

(1) who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes a road sign or building number sign which has been installed pursuant to this ordinance;

(2) who knowingly resists or obstructs anyone known by the person to be acting on behalf of the Board of Supervisors and the E911 Board to install, repair, or maintain a road sign or building number sign pursuant to this ordinance;

(3) who without lawful authority unintentionally alters, damages, knocks down, or removes a road sign or building number sign which has been installed pursuant to this ordinance and who fails to repair or replace the sign to its pre-existing condition or to pay for the cost of the repair or replacement of the sign.

A violation of this section is a simple misdemeanor for which civil penalty may be imposed as provided for in Title I Chapter 7 of the Henry County Code of Ordinances.

**ARTICLE 2. SECTION MODIFIED. TITLE V Chapter 2, Article 6A shall be repealed entirely and replaced by the following:**

Any person who violates any provision of this ordinance commits a county infraction and shall be subject to the imposition of a civil penalty or other appropriate relief to abate or halt the violation as provided for in Title I Chapter 7 of the Henry County Code of Ordinances.

**ARTICLE 3. SECTION MODIFIED. TITLE V Chapter 1, Article 7 shall be repealed entirely and replaced by the following:**

Any person who violates any provision of this ordinance commits a county infraction and shall be subject to the imposition of a civil penalty or other appropriate relief to abate or halt the violation as provided for in Title I Chapter 7 of the Henry County Code of Ordinances.

**ARTICLE 4. SECTION MODIFIED. TITLE V Chapter 4, Article 5-1 shall be repealed entirely and replaced by the following:**

Any person who violates any provision of this ordinance commits a county infraction and shall be subject to the imposition of a civil penalty or other appropriate relief to abate or halt the violation as provided for in Title I Chapter 7 of the Henry County Code of Ordinances.

**ARTICLE 5. SECTION MODIFIED. TITLE V Chapter 5, Article 4-1 shall be repealed entirely and replaced by the following:**

Any person who violates any provision of this ordinance commits a simple misdemeanor and shall be subject to the imposition of a criminal penalty or other appropriate relief to abate or halt the violation as provided for in Title I Chapter 7 of the Henry County Code of Ordinances. All or part of a sentence to pay a fine or jail may be suspended upon the condition that the defendant perform unpaid community service consisting of clean-up of Henry County Trash Collection Centers or highway right-of-way.

**ARTICLE 6. TITLE VI Chapter 2, Article 21-1 shall be repealed entirely and replaced by the following:**

Any person who violates any provision of this ordinance commits a simple misdemeanor and shall be subject to the imposition of a criminal penalty or other appropriate relief to abate or halt the violation as provided for in Title I Chapter 7 of the Henry County Code of Ordinances.

**ARTICLE 7. REPEALER.** All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**ARTICLE 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 the ordinance as a whole or any part thereof not adjudged invalid or unconstitutional.

**ARTICLE 9. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval and publication as provided for by law.

FIRST READING on its first consideration on the 16<sup>th</sup> day of August 2018.

SECOND READING on its second consideration on the 21<sup>st</sup> day of August 2018.

PASSAGE AND ADOPTION on the 28<sup>th</sup> day of August 2018.

APPROVED this 28<sup>th</sup> day of August 2018.

HENRY COUNTY BOARD OF SUPERVISORS

Attest:  
Shelly Barber,  
Henry County Auditor

Aye:/s/Greg Moeller, Chairman  
Aye:/s/Marc B. Lindeen, Supervisor  
Aye:/s/Gary K. See, Supervisor

Sarah Berndt, CDS gave her monthly update to the Board on Disability Services and General Assistance.

Addendum to August 21, 2018 minutes Adoption of Title 1 Chapter 7 of Henry County Code of Ordinances, Standard Penalties moved by Lindeen and seconded by See. 3 Ayes. Motion carried.

**HENRY COUNTY ORDINANCE TITLE I ORGANIZATION AND STRUCTURE  
CHAPTER 7 STANDARD PENALTIES**

TITLE: AN ORDINANCE ADOPTING STANDARD PENALTIES FOR VIOLATIONS OF THE HENRY COUNTY, IOWA CODE OF ORDINANCES, TITLE 1 CHAPTER 7 AND ALL AMENDMENTS THERETO, HENRY COUNTY, IOWA.

BE IT ENACTED by the Board of Supervisors of HENRY County, Iowa:

**ARTICLE 1. STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$65.00 but not to exceed \$625.00. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.

*(Code of Iowa, Sec. 331.302[2])*

**ARTICLE 2. COUNTY INFRACTIONS.** A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the *Code of Iowa*, is a county infraction punishable by civil penalty as provided herein.

*(Code of Iowa, Sec. 331.307)*

1. Penalties. A county infraction is punishable by the following civil penalties:
  - A. First Offense – Not to exceed \$750.00
  - B. Each Repeat Offense – Not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude the County from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

3. Criminal Penalties. This section does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the County to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

**ARTICLE 3. SAVINGS CLAUSE.**

If any section, paragraph, clause, or provision of this regulation shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect the validity of the remaining provisions of this regulation.

**ARTICLE 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved this 21<sup>st</sup> day of August 2018.

HENRY COUNTY BOARD OF SUPERVISORS

Attest:	Aye:/s/Greg Moeller, Chairman
/s/Shelly Barber, Henry County Auditor	Aye:/s/Marc B. Lindeen, Supervisor
	Aye:/s/Gary K. See, Supervisor

In sub-committee meetings Moeller attended Henry County Board of Health meeting.

It was moved by See and seconded by Lindeen the meeting be adjourned. 3 ayes. Motion carried.

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Shelly Barber, Auditor

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Greg Moeller, Chairman