

May 5, 2014

The Mahaska County Board of Supervisors met in special session on the above date at 9:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman ó Mike Vander Molen; Vice chairman ó Mark Doland; Member ó Greg Gordy. Also present were Duane Nollen, Osky Herald; Aaron Riggs, Eduardo Zamarripa, CRI; Taylor Howard, KBOE; Ken Allsup, Osky News; Charles Stream, Mahaska County Attorney; Troy Bemis, Mahaska County Maintenance Director; Alven Meppelink; Jeff Foster; Dustin Hite and Susan Brown, Mahaska County Auditor.

This meeting was filmed by Communications Research Institute of William Penn University.

Chairman Vander Molen opened the meeting at 9:00 a.m. with a moment of silence.

It was moved by Doland seconded by Gordy to approve the agenda for today's meeting. All present voted aye. Motion carried.

It was moved by Doland seconded by Gordy to open public hearing at 9:00 a.m. regarding proposed Mahaska County Ordinance #2014-1 -Purchase of Tax Sale Certificates on Parcels with Delinquent Taxes and Abandoned Nuisance Propertiesø All present voted aye. Motion carried. Dustin Hite commended the board for going forward with this ordinance. Jeff Foster posed questions regarding the ordinance as it relates to a city. There were no written comments received.

It was moved by Doland seconded by Gordy to close public hearing. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve and waive the final two readings of Ordinance #2014-1. Vander Molen aye; Doland aye; Gordy aye. Motion carried.

Mahaska County Ordinance 2014-1

PURCHASE OF TAX SALE CERTIFICATES ON PARCELS WITH DELINQUENT TAXES AND ABANDONED NUISANCE PROPERTIES

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|-------------------------------------|--------------------------------|
| ____.01 Purpose | ____.05 Verified Statement |
| ____.02 Definitions | ____.06 Intent to Rehabilitate |
| ____.03 Purchasing Delinquent Taxes | ____.07 Repealer |
| ____.04 Procedure | ____.08 Severability |

____.01 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 presently enacted. 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 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.

____.02 DEFINITIONS. For the purpose of this ordinance, definitions for terms are as defined in the Iowa Code Sections 446.19A and 446.19B.

____.03 PURCHASING DELINQUENT TAXES. Pursuant to Iowa Code Sections 446.19A and 446.19B, the county is authorized to sell at the annual tax sale delinquent taxes on parcels that are abandoned property or vacant lots and on parcels that are abandoned property which is assessed as residential property or as commercial multifamily housing property and is, or is likely to become, a public nuisance. The county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates on abandoned property acquired pursuant to the provisions of Iowa Code section 446.19A or 446.19B.

____.04 PROCEDURE.

- a. Pursuant to Iowa Code Section 446.19A. On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county treasurer on behalf of the county or a city, may bid for and purchase tax sale certificates of properties contemplated by Section 446.19A at a sum equal to the total amount due. 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 that body as its just share of the purchase price.
- b. Pursuant to Iowa Code Section 446.19B. 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”.

____.05 VERIFIED STATEMENT.

- a. Prior to a purchase pursuant to Section 446.19A of the Code, the county or city shall file with the county treasurer a verified statement that a parcel to be purchased is abandoned property and that the parcel is suitable for use as housing following rehabilitation or that it is a vacant lot that is zoned to allow for residential structures.
- b. Prior to a purchase pursuant to Section 446.19B of the Code, the county or city shall file with the county treasurer a verified statement that a parcel to be purchased is abandoned and is, or is likely to become, a public nuisance, and that the parcel is suitable for use as housing following rehabilitation.

____.06 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 property for habitation 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, dispose of

the property in accordance with the provisions of Section 331.361 or Section 364.7 of the Code, as may be applicable.

____.07 REPEALER. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

____.08 SEVERABILITY. 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.

It was moved by Doland seconded by Gordy to open public hearing at 9:10 a.m. regarding proposed Mahaska County Ordinance #2014-2 Establishing Court Appointed Attorney and Guardian Ad Litem Fees. All present voted aye. Motion carried. There were no written or oral comments received.

It was moved by Vander Molen seconded by Doland to close public hearing. All present voted aye. Motion carried.

It was moved by Vander Molen seconded by Doland to approve and waive the final two readings of Ordinance #2014-2. Vander Molen aye; Doland aye; Gordy aye. Motion carried.

Mahaska County Ordinance 2014-2

ESTABLISHING COURT APPOINTED ATTORNEY AND GUARDIAN AD LITEM FEES

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|--|----------------------|
| ____.01 Purpose | ____.05 Fees |
| ____.02 Appointing Attorneys and Guardian ad Litem | ____.06 Procedure |
| ____.03 State Rules | ____.07 Notice |
| ____.04 Justification | ____.08 Repealer |
| | ____.09 Severability |

____.01 PURPOSE. The purpose of this Ordinance is to establish an hourly rate to be paid to court appointed attorneys and guardian ad litem in Mahaska County.

____.02 APPOINTING ATTORNEYS AND GUARDIAN AD LITEMS. Pursuant to Sections 125.78(1) and (2); 229.2(3); 229.8(1); 598.12; 633.575(3); and other provisions of the Iowa Code, State District Court Judges are authorized to appoint attorneys and guardian ad litem in civil matters and to require counties to pay the fees without limitation.

____.03 STATE RULES. Pursuant to Section 815.7 of the Code of Iowa, the State has established the hourly rate to be paid to Court appointed attorneys and guardian ad litem in matters where the State is liable for the payment.

____.04 JUSTIFICATION. The County recognizes the right of its citizens to seek out and enter into contracts with attorneys and to reach an agreement on fees; however, when the Court appoints an attorney at random and guarantees payment to that attorney at a rate to be determined by that attorney, the County, which is not even a party to that legal proceeding, is directed, without any recourse, to pay those fees.

____.05 FEES. By this Ordinance Mahaska County does hereby set all Court appointed attorney and /or guardian ad litem fees which the County is ordered to pay at a sum equal

to the State ordered fees for guardian ad litem as provided in Section 815.7 of the Code of Iowa. That fee is currently \$60.00 per hour. In the event that provision of the Code is amended in the future to provide for a different fee, the County will pay the amended fee as set by the State.

____.06 PROCEDURE. Attorneys who are willing to accept such appointments at the rate noted above are required to sign an agreement at the Office of the Mahaska County Auditor. The Mahaska County Auditor shall maintain that record in that office and provide a copy of that record to the Clerk of Court of Mahaska County and the names shall be placed on a list of attorneys eligible for appointment.

____.07 NOTICE. In the event that an attorney is appointed in a matter and is not on the list of eligible attorneys on file with the County Auditor or Clerk of Court, said attorney is on Notice with the publication and enactment of this Ordinance that said attorney shall be paid at the rate provided heretofore as though such attorney was on the list.

____.08 REPEALER . Any Ordinance or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

____.09 SEVERABILITY. 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.

Dustin Hite, Mayor of New Sharon, requested a tax abatement and forgiveness of interest and penalties on a mobile home in New Sharon that is being removed and discarded by the city. It was moved by Doland seconded by Gordy to waive \$220.00 back taxes, \$148 current taxes, penalties and interest on mobile home VIN #063458 Title: 62AA45773 Entity #9815428. All present voted aye. Motion carried.

It was moved by Doland seconded by Gordy to approve the bills for April totaling \$716,800.71. Vander Molen aye; Doland aye; Gordy nay. Motion carried.

It was moved by Doland seconded by Gordy to approve the minutes from April 21st meeting. All present voted aye. Motion carried.

It was moved by Doland seconded by Gordy to approve dental and vision coverage open enrollment period for qualifying participants in the Mahaska County Employee Health Plan from June 2nd through June 13th, 2014 with effective date of July 1, 2014. All present voted aye. Motion carried.

It was moved by Doland seconded by Gordy to approve \$.50/hour raise for June Almond, Maintenance Dept., effective April 20, 2014. All present voted aye. Motion carried.

Courthouse roof damage from recent storm was discussed. Waiting for insurance response but will also explore permanent options.

No public comments.

It was moved by Vander Molen seconded by Doland to adjourn. All present voted aye. Motion carried.

Attest: _____
Susan L. Brown
Mahaska County Auditor

Michael Vander Molen
Mahaska County Board of Supervisors