

BOARD PROCEEDINGS
May 31, 2016
REGULAR MAY SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Jack Plathe, Roger Tjarks and Pam Wymore.

Public Discussion was held.

Motion by Plathe and 2nd by Tjarks to approve the agenda and the minutes of the previous meeting dated May 24, 2016. Motion carried.

Motion by Besch and 2nd by Wymore to approve the fireworks permits on file in the Kossuth County Auditor's Office. Motion carried.

Motion by Wymore and 2nd by Tjarks to approve the second reading of Ordinance #423 which is an ordinance authorizing the County or a City to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property or vacant lots. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

Motion by Tjarks and 2nd by Plathe to waive the 3rd and final reading of Ordinance #423 and declare the Ordinance adopted. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

ORDINANCE NO. 423

AN ORDINANCE AUTHORIZING THE COUNTY OR A CITY TO BID ON AND PURCHASE DELINQUENT TAXES AND TO ASSIGN TAX SALE CERTIFICATES OF ABANDONED PROPERTY OR VACANT LOTS.

Section 1. Purpose. The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code Section 446.19A, as amended. Iowa Code Section 446.19A authorizes counties and cities to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property or vacant lots.

Section 2. Definitions. For the purposes of this ordinance:

- a) "Abandoned property" means the same as defined in Iowa Code Section 446.19A.
- b) "Vacant lot" means the same as defined in Iowa Code Section 446.19A.

Section 3. Purchasing Delinquent Taxes. Pursuant to Iowa Code Section 446.19A, as amended, the county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property or vacant lots acquired under Iowa Code Section 446.19A.

Section 4. Procedure. 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 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. 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.

Section 5. Verified Statement. Prior to the purchase, the county or city shall file with the county treasurer a verified statement that a parcel to be purchase is abandoned property, and that the parcel is suitable for use for housing following rehabilitation or that a parcel to be purchased is a vacant lot.

Section 6. Assignment of Tax Sale Certificates. If after the date that a parcel is sold pursuant to Iowa Code Section 446.18, 446.19A and this ordinance, 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, 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 a 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 assigned by the county or city pursuant to Section 7, 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 assignment.

Section 7. Purchase of Tax Sale Certificates. The county or city may assign 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.

Section 8. 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 Section 331.361 or Section 364.7, as applicable.

Section 9. Repealer. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 10. 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.

Section 11. Effective Date. This ordinance shall become effective upon its final passage, approval and publication as provided by law. It applies to parcels first offered for sale at the tax sale held in June 20, 2016, and in subsequent years.

PASSED THIS 31st DAY OF May, 2016

Chairperson, Kossuth County Board of Supervisors

ATTEST:

Kossuth County Auditor

It was moved by Tjarks and seconded by Plathe that the ordinance be adopted, and, upon roll call, the vote was:

STATE OF IOWA)
) SS:
COUNTY OF KOSSUTH)

I, Amber Garman, hereby certify that I am the secretary of the Kossuth County Board of Supervisors, that the above and foregoing Ordinance is a true and correct copy of the Ordinance which was passed, adopted and approved by the Kossuth County Board of Supervisors on the 31st day of May, 2016.

Amber Garman, Kossuth County Auditor

Motion by Wymore and 2nd by Tjarks to approve the second reading of Ordinance #424 which is an ordinance authorizing the County Treasurer to separately offer and sell delinquent taxes at a Public Nuisance Tax Sale. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

Motion by Wymore and 2nd by Plathe to waive the 3rd and final reading of Ordinance #424 and declare the Ordinance adopted. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

ORDINANCE NO. 424

AN ORDINANCE AUTHORIZING THE COUNTY TREASURER TO SEPARATELY OFFER AND SELL DELINQUENT TAXES AT PUBLIC NUISANCE TAX SALE.

Section 1. Purpose. The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code Section 446.19B, as amended. Iowa Code Section 446.19B authorizes 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 or commercial multifamily housing property and that are, or are likely to become, a public nuisance.

Section 2. Definitions. For the purposes of this ordinance:

- a) “Abandoned property” means the same as defined in Iowa Code Section 446.19A.
- b) “Public nuisance” means the same as defined in Iowa Code Section 657A.1.

Section 3. Procedure.

- A. 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.
- B. 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.
- C. 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.
- D. To be eligible to bid on parcels at the public nuisance tax sale, a prospective bidder shall enter into a rehabilitation agreement with the county, or with 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. The county or city shall provide the county treasurer the identities of all eligible bidders who have a valid agreement no less than 48 hours prior to the day of the regular tax sale.

Section 4. Structure Cannot Be Rehabilitated. 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.

Section 5. No Bid. 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, 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.

Section 6. Assignment of Tax Sale Certificate. The 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 8. Repealer. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 9. 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.

Section 10. Effective Date. This ordinance shall become effective upon its final passage, approval and publication as provided by law. It applies to parcels first offered for sale at the tax sale held in June 20, 2016, and in subsequent years.

PASSED THIS 31st DAY OF May, 2016

Chairperson, Kossuth County Board of Supervisors

ATTEST:

Kossuth County Auditor

It was moved by Wymore and seconded by Plathe that the ordinance be adopted, and, upon roll call, the vote was:

STATE OF IOWA)
) SS:
COUNTY OF KOSSUTH)

I, Amber Garman, hereby certify that I am the secretary of the Kossuth County Board of Supervisors, that the above and foregoing Ordinance is a true and correct copy of the Ordinance which was passed, adopted and approved by the Kossuth County Board of Supervisors on the 31st day of May, 2016.

Amber Garman, Kossuth County Auditor

Motion by Tjarks and 2nd by Besch to approve and authorize the chair to sign the IDOT Agreement for installation of LED flashing light signals, gate arms and prediction circuitry at the Union Pacific Railroad crossing located on 230th Avenue near the NW Corner Section 2-99-27. RRP-RR12(187)—8A-00. Motion carried.

Discussion with Kossuth County Engineer was held.

Public Hearing on proposed moratorium of the processing or issuance of any permits for the construction of commercial wind energy conversion systems in Kossuth County.

Motion by Plathe and 2nd by Tjarks to open the public hearing on imposing a moratorium on the approval of any new commercial wind farms in Kossuth County. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

No comments were received from the public by mail or in person.

Motion by Plathe and 2nd by Tjarks to close the public hearing on imposing a moratorium on the approval of any new commercial wind farms in Kossuth County. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

Motion by Besch and 2nd by McGregor to approve the second consideration and waive the third reading of an amendment to the Kossuth County Zoning Ordinance to impose a moratorium on the approval of any commercial wind energy conversion system in the County. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

Ordinance #300A
(Amendment to Zoning Ordinance #300)

TITLE: AN ORDINANCE AMENDING THE KOSSUTH COUNTY IOWA ZONING ORDINANCE IMPOSING A SIX (6) MONTH MORATORIUM ON THE PROCESSING OF ANY APPLICATIONS TO CONSTRUCT COMMERCIAL WIND ENERGY CONVERSION SYSTEMS OR ASSOCIATED FACILITIES ANYWHERE IN KOSSUTH COUNTY.

Findings: The Kossuth County Board of Supervisors, upon the recommendation of the Kossuth County Planning and Zoning Commission, hereby makes the following finds:

1. WHEREAS, Kossuth County has recently been approached by several entities interest in constructing commercial wind energy conversion systems (i.e. – greater than 100 kW in generating capacity) in the County; and
2. WHEREAS, such systems involve the installation of large wind turbines and associated above and/or below ground connection and transmission lines, miscellaneous electrical equipment, as well as access roads; and
3. WHEREAS, the installation of said systems necessarily impacts the County’s public infrastructure, including roads and drainage facilities; and
4. WHEREAS, once installed said systems impact the visual landscape, as well as the use of the land (and airspace) in and around the turbines and associated facilities; and
5. WHEREAS, the current Kossuth County Comprehensive Plan and Zoning Ordinance do not address such systems, and thus it is not possible to properly consider any requests related to such systems; and
6. WHEREAS, the officers of Kossuth County and the entities desiring to construct such systems deserve a thoughtful process to develop regulations concerning the placement and operation of such systems in Kossuth County, and the Board requires adequate time to address those parties’ concerns before drafting and adopting such regulations; and
7. WHEREAS, the Board, consistent with the recommendation of the Kossuth County Planning Commission, believes that a short-term moratorium on the processing of any requests to construct a commercial wind energy conversion system in the County is necessary and proper in order for the Board to seek public and professional input from interested parties and consider potential changes to the County’s Comprehensive Plan and/or land use regulations to address new circumstances and technologies that are not currently adequately addressed therein; and
8. WHEREAS, during the moratorium period, the Board will solicit input from all interested parties concerning the proper regulation of commercial wind energy conversion systems in Kossuth County.

WHEREFORE the Kossuth County Board of Supervisors hereby issues a moratorium of six (6) months duration and beginning upon final passage of this Ordinance during which the County will not

accept or process any applications for the construction of commercial wind energy conversion systems of 100 kW or greater capacity.

KOSSUTH COUNTY BOARD OF SUPERVISORS

May 24, 2016
Date of First Hearing

S/Don McGregor, Chairman
S/Jack Plathe, Board Member
S/Roger Tjarks, Board Member
S/Pam Wymore, Board Member
S/Don Besch, Board Member

May 31, 2016
Date of Second Hearing

I, Amber Garman, being duly sworn under oath, hereby state that I am the Auditor for Kossuth County, Iowa, and that this is a true and accurate copy of the Public Hearing Board Minutes passed by the Kossuth County Board of Supervisors on March 24, 2015.

Waived, 2016
Date of Third Hearing

_____, 2016
Date of Publication

S/Amber Garman, Kossuth County Auditor

Discussion with Kossuth County Zoning Administrator.

No decision was made on Approve procedures and conditions for construction in drainage district right of way.

No decision was made on approve application for crossing easement for ITC.

Drainage was held followed by the reclassification hearing of drainage district 4 and lateral 4 and other laterals.

Discussion with Kossuth County Auditor was held followed by Board discussion and Committee Reports.

On motion adjournment was taken until June 7, 2016.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors