

**REGULAR SESSION**

**MAY 16, 2022**

The Union County Board of Supervisors met in Regular Session on Monday May 16, 2022. The meeting was called to order at 9:00AM with the following members present; Rick Friday, Ron Riley and Dennis Brown.

**AGENDA:** Motion by Riley and seconded by Friday to approve the agenda. All voting aye, motion carried.

**MINUTES:** Motion by Friday and seconded by Riley to approve the minutes of May 9th, 2022. All voting aye, motion carried.

**OPEN FORUM:** No one spoke in open forum.

**WEED COMMISSIONER:** Motion by Riley and seconded by Friday to approve the following official public notice for destruction of noxious weeds and fines assessed to all property owners as presented by Weed Commissioner, Gary Blazek as follows:

**BE IT RESOLVED,** by the Board of Supervisors of Union County, Iowa That Pursuant to the Provisions of Chapter 317.13 and 317.14 July 1, 2018 and 317.25 2001 Code of Iowa, it is hereby ordered: **That Each Owner and Each Person** in the possession or control of any land in Union County shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in the Chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said land free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before the following dates and **as often thereafter as is necessary** to prevent seed production

- May 15, 2022**                    **Musk Thistle, Perennial Pepper Grass**
- June 2, 2022**                **Leafy Spurge, Poison Hemlock**
- June 20, 2022**              **Canadian Thistle, Russian Knapweed**
- July 1, 2022**                 **Palmer Amaranth (burn on location only)**
- July 16, 2022**               **Multi-flora Rose and Teasel**

**THAT IF THE OWNERS OR PERSON** in possession or control of any land in Union County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, to be assessed against the real estate upon which the noxious weeds are destroyed. Anyone wishing **NOT** to have noxious weeds sprayed in any given area, he or she shall sign an agreement at the County Weed Commissioner’s Office and shall furnish their own signs to be posted on each side of the area designated and shall be responsible to destroy such weeds, **all season.**

**PENALTY:** For failure to comply by the date prescribed in an order pursuant to Chapter 317, up to ten **(10)** days, for destruction of weeds, the Weed Commissioner may have the weeds destroyed and the costs assessed ack to the owner, or may impose a penalty of \$20,00 per day for each day the owner of the land fails to comply. All voting aye, motion carried.

**SECONDARY ROADS:** Union County Engineer, Christian Boehmer discussed the budget amendment for secondary roads. Union County Roads Superintendent, Al Hysell, presented and discussed the weekly maintenance activity report.

**PUBLIC HEARING:** Motion by Friday and seconded by Riley to go into public hearing for Ordinance #36-Illegal Dumping at 10:00 AM. Roll call vote: Riley aye, Friday aye, Brown aye, motion carried. Present were as follows: Raquel Linch, KSIB Radio. No comments, written or oral, were received from the Auditor’s Office or from the Board of Supervisors. Public hearing closed at 10:06 AM.

Motion by Friday and seconded by Riley to accept the 2<sup>nd</sup> of Ordinance #36 – Illegal Dumping. Roll call vote: Friday aye, Riley aye, Brown aye, motion carried. **Resolution #31 FYR 21-22 Waive 3<sup>rd</sup>**

**Reading:** NOW on this 16th day of May, 2022, the matter of the waiver/suspension of the requirement of multiple readings of the proposed Ordinance #36 which comes to the attention of the Union County Board of Supervisors. WHEREAS, the Union County Board of Supervisors has determined that Ordinance #36 has been duly published in two (2) official newspapers of Union County on as required by Iowa Code Sections 349.3(1), 331.305, and 331.302; and WHEREAS the Union County Board of supervisors has previously received and considered information regarding this ordinance, and WHEREAS, the Union County Board of Supervisors has held 1 public hearing and no written or oral objections were received; oral comments were taken in consideration; and WHEREAS, the Union County Board of Supervisors believes it is in the best interests of the citizens of Union County to adopt Ordinance #36 without further delay; and BE AND IT IS HEREBY

RESOLVED that Union County, by and through the Union County Board of Supervisors, pursuant to the provisions of section 331.302(5) formally waives/suspends the requirement of multiple readings (3<sup>rd</sup> Reading) of the proposed adoption of Ordinance #36. Roll call vote: Friday aye, Riley aye, Brown aye, motion carried. **Approve Ordinance #36 FYR 21-22 Illegal Dumping:** Motion by Friday and seconded by Riley to approve Ordinance #36 FYR 21-22 Illegal Dumping as follows: Be it Ordained by the Board of Supervisors of Union County, Iowa, that:

SECTION 1: Purpose. This ordinance is enacted to expressly prohibit the disposal of solid waste within the county in unauthorized locations other than permitted waste disposal sites, such as in public right-of-way and on public and private property. The unauthorized disposal of solid waste endangers the health, safety, and welfare of citizens of Union County, Iowa, and causes the County to expend limited resources to dispose of unauthorized waste.

SECTION 2. The Code of Ordinances of Union County, Iowa is hereby amended by creating \_\_\_\_\_ Chapter, entitled "Illegal Dumping" with the following sections:

**DEFINITIONS.**

As used in this chapter, the following terms are defined:

1. "Discard" means to place, cause to be placed, throw, deposit, or drop.
2. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.
3. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.
4. "Public place" means any county road, street, sidewalk, alley, or other thoroughfare, including any portion of the right-of-way, and any other public land, including ditches and streams, within the jurisdiction of the county.
5. "Refuse" means putrescible and nonputrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
6. "Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.
7. "Solid Waste" means garbage, refuse, rubbish, litter, construction and demolition waste and other similar discarded solid or semisolid materials. Solid waste includes, but is not limited to the following items:
  - a. Tires
  - b. Household appliances
  - c. Furniture
  - d. Mechanical equipment
  - e. Construction and demolition debris
  - f. Brush or yard waste
  - g. Junk or inoperable vehicles or parts of vehicles.

**ILLEGAL DUMPING PROHIBITED.**

It shall be unlawful for any person or entity to discard solid waste, garbage, or litter in or upon public property within the County, except in authorized receptacles or landfill sites in accordance with established policies, permits, permission, and procedures. It shall be unlawful for any person or entity to discard solid waste, garbage, or litter in or upon private property, whether within or outside of an authorized receptacle, without the consent of the owner of such property.

**ENFORCEMENT.**

This Chapter shall be enforced by Union County Environmental Specialist or their designee as a county infraction, or by the Union County Sheriff or the Sheriffs designee as a simple misdemeanor.

**VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.**

Violation of this chapter shall be a county infraction as set forth in Iowa Code section 331.307. Fines may be assessed in accordance with the following schedule.

A. Schedule of Civil Penalties

1. First offense \$750.00
  2. Second and each additional repeat offenses \$1000.00
- B. Repeat Offenses. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- C. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude a 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 restitution for the cost of clean-up, an order for abatement, or injunctive relief.
- A. Civil Citations. Any officer authorized by the County to enforce this Chapter may issue a civil citation to a person who violates this Chapter. The citation shall be served and filed in accordance with the provisions of Iowa Code} 331.307 (2021).

**CRIMINAL PENALTIES.**

A. Penalties not exclusive. This chapter does not preclude a peace officer from issuing a criminal citation for a violation arising out of or in connection with a violation. SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Jurisdiction. This ordinance shall apply in any unincorporated area within Union County, Iowa and within any unincorporated town or city without any applicable ordinance covering the subject matter herein regulated.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after the date of passage and publication as required by law.

Roll call vote: Riley aye, Friday aye, Brown aye, motion carried.

**SHERIFF:** Mark Shepherd, Union County Sheriff, discussed the damage and replacement to a deputy sheriff's vehicle and other budget amendment items.

**BUILDINGS & GROUNDS:** Shawn Lauer, Buildings & Grounds Co-Ordinator updated the board on contractors looking at the garage for roofing and siding, construction update on courthouse projects and first aid kits. Motion by Riley and seconded by Friday to move forward with the first aid kits and AED for Courthouse. All voting aye, motion carried.

**HOMESTEAD/MILITARY; BPTC AND FAMILY FARM CREDIT ALLOWANCES:** Motion by Friday and seconded by Riley to approve the Homestead/Military: BPTC and Family Farm Credit Allowances as presented by Union County Auditor, Sandy Hysell. All voting aye, motion carried.

**HOMESTEAD/MILITARY; BPTC AND FAMILY FARM CREDIT DIS-ALLOWANCES:** Motion by Friday and seconded by Riley to approve the Homestead/Military: BPTC and Family Farm Credit Dis-Allowances as presented by Union County Auditor, Sandy Hysell. All voting aye, motion carried.

**TAX SALE ASSIGNMENT:** Motion by Friday and seconded by Riley to approve the tax sale assignment to Situs Cultivation, LLC for \$137.00 for lot 77 in Swigert's 1<sup>st</sup> Addition. All voting aye, motion carried.

**CLERK'S REPORT:** Motion by Riley and seconded by Friday to accept the Clerk's report as presented by Union County Auditor, Sandy Hysell. All voting aye, motion carried.

**VETERAN'S AFFAIRS REPORT:** Motion by Riley and seconded by Friday to accept the monthly Veteran's Affairs Report as presented by Union County Auditor, Sandy Hysell. All voting aye, motion carried.

**SEPT PUBLIC HEARING:** Motion by Friday and seconded by Riley to set a public hearing for May 31, 2022 at 10:00AM for a Union County Budget Amendment. Roll call vote: Friday aye, Riley aye, Brown aye, motion carried.

**ADJOURNMENT:** There being no further business, the meeting adjourned at 12:30PM.

BY: \_\_\_\_\_  
**DENNIS J. BROWN, CHAIRMAN**

ATTEST: \_\_\_\_\_  
**SANDY HYSELL, AUDITOR**