

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON AUGUST 21, 2018.

Meeting called to order at 9:00 a.m. by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Also present were Sheriff Jason Johnson, Holly Merritt, Ag Extension Office, Cindy Hendrickson and Bo Ellison, Waverly, Iowa, and Bethany Carson, Mid-America Publishing.

Minutes of the previous meeting were read and approved as read.

Board held a public hearing for the 1st Reading of Ordinance #16, Title V, Public Safety and Health Ordinance Relating to Animal Control. Present were Sheriff Jason Johnson, Holly Merritt, Ag Extension Office, Cindy Hendrickson and Bo Ellison, Waverly, Iowa, and Bethany Carson, Mid-America Publishing. Auditor reported no written or oral comments received. Cindy Hendrickson thanked the Board and everyone in the room for listening and thought the Ordinance was good for Butler County. At the close of the public hearing, it was moved by Barnett, second by Heidenwirth to approve said Ordinance. All ayes. Motion carried. It was further moved by Heidenwirth, second by Barnett to waive the 2nd and 3rd Readings and approve the Ordinance as follows:

**ORDINANCE NO. 16
TITLE V, PUBLIC ORDER, SAFETY & HEALTH
ORDINANCE RELATING TO ANIMAL CONTROL**

SECTION 1. PURPOSE: The purpose of this ordinance is to improve animal control within the County.

SECTION 2. DEFINITIONS: The following terms are defined for use in this Ordinance pertaining to Animal Control:

1. "Dog" means a domesticated quadruped descended from different wild species of the genus Canis, as the wolf, fox or jackal.
2. "Cat" mean a domesticated animal of the feline family.
3. "Domesticated animal" means any animal that is tame and under the control of a person.
4. "Livestock" means any animal owned and maintained for agricultural purposes including but not limited to: breeding, feeding, milking or fattening for marketing or resale purposes.
5. "At large" means any dog or cat, or any domesticated animal or livestock found off the premises of such animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel, barn or pen. The premises of such animal's owner should not include any public property. The premises shall only include private property.
6. "Owner" means any person owning, keeping, sheltering or harboring a dog or cat or other domesticated animal or livestock.

SECTION 3. DOGS OR CATS RUNNING AT LARGE. It is unlawful for dogs or cats to run at large within Butler County. The owner of any dogs or cats found running at large is guilty of violation of this section.

SECTION 4. AT LARGE: SUMMONS. The owner of any dog or cat found at large in violation of this Ordinance based on photographic or video evidence submitted by a complainant may be served a summons to appear before a proper court to answer charges made for violation of this ordinance.

SECTION 5. ANIMAL AT LARGE PROHIBITED. It shall be a violation of this ordinance for an owner or person in control to permit ow allow any domesticated animal or livestock to run at large or to remain at large.

SECTION 6. ANIMAL NUISANCE. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and property disposed of by the owner.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with person or other domestic animals on public property.

SECTION 7. PENALTIES. Any person violating any of the provisions of this ordinance is guilty of a simple misdemeanor. Any person convicted of such violation shall be punished by a fine of not more than \$625.00, not less than \$200.00.

(Code of Iowa, Sec. 331.302(2))

SECTION 8. REPEALER. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE. If any section, Provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such an 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. PENALTIES. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

The vote thereon was as follows:

AYE: Tom Heidenwirth NAYS: None
 Rusty Eddy
 Greg Barnett

Passed on this 21st day of August, 2018.

ATTEST: *Lizbeth Williams*, County Auditor

Board met with Holly Merritt, Program Coordinator for Ag Extension Office for a program update. Also present were Engineer John Riherd, Director of Veteran Affairs Tom Heckman, New Hartford City Clerk Shawna Hagen and New Hartford Mayor John Anderson. Moved by Barnett, second by Eddy to approve a Temporary Easement Agreement with the DOT for bridge replacement east of Dumont on Hwy 3. Also present was Assessor Michele Shultz. All ayes. Motion carried.

Board reviewed the Emergency Operations Plan. Moved by Heidenwirth, second by Barnett to approve. Board requested that Emergency Management Coordinator Chris Showalter present the Plan to Department Heads and Elected Officials. All ayes. Motion carried.

Board met with New Hartford Mayor John Anderson and New Hartford City Clerk Shawna Hagen to review an Application for Annexation of New Hartford. Also present was Greg Asche, Parkersburg, Iowa. Although the Board supports the Annexation, they would like the legal description updated to describe the parcels instead of the boundary around the proposed area to be annexed. Board will review and consider Resolution on same at the August 28, 2018 meeting.

No public comment received.

Board approved claims as submitted.

Moved by Eddy, second by Barnett to adjourn the meeting at 10:27 A.M. to Tuesday, August 28, 2018 at 9:00 A.M. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on August 21, 2018.