DELAWARE COUNTY IOWA
FILED
2005 FE -8 AM 8:58
BOOK 2005 PAGE 444
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
N/C

Instrument Preparer – Sharon McCrabb, Courthouse, Manchester, Iowa (563) 927-4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of Ordinance #24, entitled "An Ordinance Relating to a Prohibition Against Loitering or Prowling" by the Delaware County Board of Supervisors.

1. Copy of the Official Minutes of the Board of Supervisors dated September 27, 2004, in Book X, page 220, showing the ordinance ordered for publication and reading dates set.

2. Proof of Publication of the Public Notice of the first reading of the ordinance published in The Manchester Press on September 28th, 2004 and 2 consecutive weeks in the Delaware County Leader on the 28th of September and October 5, 2004.

3. Copy of the Official Minutes of page 225 of Book X of the Board of Supervisors showing the first reading of Ordinance #24.

4. Proof of Publication of the 2nd and final reading of the ordinance published in The Manchester Press on October 5th, 2004.

5. Copy of the Board of Supervisors Official Minutes, page 227 in Book X, dated October 25th, 2004, showing the final reading and adoption of the ordinance.

6. Proof of publication of the full ordinance on November 2nd, 2004 in The Manchester Press and the Delaware County Leader.

I, Sharon McCrabb, County Auditor, do hereby certify that the attached are true copies or originals of the above listed instruments.

Dated this 8th day of February, 2005.

Sharon McCrabb, County Auditor

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Sharon McCrabb, Delaware County Auditor, this 8th day of February, 2005.

Carolyn A. Wilson, Notary Public

CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-17-07

COUNTY ORDINANCE NO. 24

AN ORDINANCE RELATING TO A PROHIBITION AGAINST LOITERING OR PROWLING

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. Loitering or Prowling Prohibited.

a. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity.

b. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object.

c. Unless flight by the person or other circumstances makes it impracticable, a police officer or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

Section 2. Obstruction of Traffic by Loitering.

a. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, in any public place within the county or a town in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, alleys, sidewalks, street crossings or bridges, or other public persons by persons passing along or over the same.

Section 3. Loitering in Public Places.

a. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly for public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

Section 4. Penalty.

a. Any person that violates any section of this ordinance shall be assessed a fine of not less than $50.00 nor more than $500.00, and may be imprisoned in the county jail for a term not to exceed thirty (30) days. In addition, the person shall be responsible for the criminal penalty surcharge required by Iowa Code Section 911.2 and any other surcharge imposed by county ordinance or resolution which shall not be considered part of the county's penalty. The person shall also be responsible for the costs of prosecution and in the event of a default of payment of said fine, surcharge and costs of prosecution, he/she may be imprisoned in the county jail until said financial obligations are paid, but not to exceed thirty (30) days for each violation.

Section 5. Severability.

a. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or in any section, provision or part, not adjudged invalid or unconstitutional.

Section 6. Effective Date.

a. This ordinance shall become effective after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED THIS 25 DAY OF October, 2004.

Steven L. Koeneke

Steven L. Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST:

Sharon McCrabb

Sharon McCrabb, County Auditor

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 25 day of OCTOBER, 2004, before me, Pat Becker, a Notary Public in and for the State of Iowa, personally appeared Steven L. Koeneke and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 25 day of OCTOBER, 2004, and Steven L. Koeneke and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Pat Becker
Notary Public, State of Iowa

PAT BECKER
Commission Number 115062
My Commission Expires
05/15/05

wpdocs\ordiance-loitering.wpd

Supervisor's Minutes,

Mark Nahra, County Engineer, gave the Board an update on secondary road projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Steven L. Koeneke, Chairperson

Sharon McCrabb, Auditor

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September 27, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Steve Koeneke, Chairperson, called the meeting to order. Also present were Dave Gudenkauf, Mark Nahra, John LeClere, Larry Woellert and three members of the media.

Motion made by Helmrichs, seconded by Skinner and carried that the following county employees be allowed to attend their respective meetings: Carolyn Wilson, Deb Peyton, Shirley Helmrichs, Bill Skinner and Steve Koeneke allowed to attend the ISAC Fall School in Des Moines on November 14th through 16th; Dennis Lyons to attend a training session for heat pump system installation in Nevada on September 29th and to attend the IOWWA Continuing Education Class in Grundy Center on October 6th; Norman Wellman to attend the State 911 Council meeting in Des Moines on October 26th & 27th and to attend the District 6, Emergency Management meeting in Cedar Rapids on October 28th; Mark Nahra to attend an ISAC meeting in Johnston on September 29th; Bill Skinner and Shirley Helmrichs to attend an ECIA meeting in Dubuque on September 29th; Shirley Helmrichs to attend a DHS Advisory meeting in Independence on September 30, 2004; Karol Boies and Michele Africa to attend DOT training in Ames on October 6th & 7th; Barb Robinson and Pam Klein to attend a DOT training session in Ames on October 11th & 12th; Carolyn Wilson to attend DOT training in Ames on October 25th & October 26th; Karol Boies and Pam Klein to attend advanced DOT training in Des Moines on October 19th and 20th. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following claims be approved for payment:

	MENTAL HEALTH FUND		
Amoco Oil Co.	fuel		$198.76
Alliant Energy	utility service		129.73
Aquila	utility service		11.20
Iowa Telecom	phone service		245.85
WalMart	supplies		57.23
	GENERAL BASIC FUND		
Aquila	utility service		65.90
Iowa Telecom	phone service		182.56
Mastercard	lodging & postage		297.34
WalMart	supplies		277.68
Consolidated Energy	fuel		2,283.02
	CONSERVATION TRUST FUND		
Alliant Energy	utility service		9.62
	SECONDARY ROAD FUND		
Aquila	utility service		18.26
Consolidated Energy	fuel		9,642.41
Alliant Energy	service		509.50
Mastercard	parts & registration		316.04
Iowa Telecom	phone service		272.83

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the third claim form drawing down funds for costs on the CDBG EDSA -02-ED-018, EIP Manufacturing, L.L.C. in the amount of $3,478.00 be approved. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the grant from the Department of Human Services for $653.26 for cell phone expense and mobile phone and accessories through grant #JD03-09 be approved. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that real estate taxes for Alpine Cable TV Company be abated due to a zero market value in the Earlville and Colesburg communities. Taxes to be abated are as follows: Earlville Corp. - Parcel #550000209109 in the amount of $5,867; Colesburg Corp. - Parcel #450000103209 in the amount of $6,461.00. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that County Ordinance #24 entitled "An Ordinance Relating to a Prohibition Against Loitering or Prowling" be considered by the Board and the Auditor be ordered to publish the title and the first reading of the ordinance be set for October 18, 2004 and the second and final reading set for October 25th with any further readings waived. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the following resolution be approved:

RESOLUTION FOR THE ESTABLISHMENT OF A SHOOTING RANGE

WHEREAS, the Board of Supervisors and County Sheriff have identified a need for a shooting range for training assuring continuing shooting proficiency of law enforcement officers, and

WHEREAS, the County Board directed the County Engineer to construct a range on county property on 300th Street at the Secondary Road Maintenance Shed near Ryan, Iowa that meets current standards for shooting ranges in the Code of Iowa and the Iowa Administrative Code, and

PARTIES ----------

Legal Notice—Delaware County Board of Supervisors

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the first reading and consideration of County Ordinance #24 entitled "AN ORDINANCE RELATING TO A PROHIBITION AGAINST LOITERING OR PROWLING" at its regular meeting at 1:15 p.m. October 18, 2004 in the Supervisors' Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Summary: No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity and penalties for violations.

Sharon McCrabb,
Delaware County Auditor

Date of 2nd publication 5th day of October, 2004.

I, Mary Nelle being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for two consecutive weeks beginning September 28 2004, and ending October 5 2004.

PRINTERS FEES: $ 18.10

Mary Nelle

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME BY Mary Nelle.

ON THIS 5th DAY OF October, 2004

Brenda Kelchen
Notary Public

NOTARIAL SEAL IOWA
BRENDA K. KELCHEN
Commission Number 169097
My Commission Expires
04-13-05

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Supervisors

in case of Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 28th day of September A.D. 2004, and the last on the 28th day of September A.D. 2004

Publication fee, $ 18.02

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 28th day of September A.D. 2004

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

NOTARIAL SEAL IOWA
LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10-16-05

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the first reading and consideration of County Ordinance No. 24 entitled "AN ORDINANCE RELATING TO A PROHIBITION AGAINST LOITERING OR PROWLING" at its regular meeting at 1:15 p.m., October 18, 2004, in the supervisor's Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's office.

Summary: No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity and penalties for violations.

Sharon McCrabb
Delaware County Auditor
P39

Supervisor's Minutes,

KOCH BROTHERS, DES MOINES C-089-X H-0192-1

	Total Budget	Adopted Amendment	Total After Amend.
Mental Health, MR & DD	2,045,841		2,045,841
COunty Environment & Education	579,787		579,787
Roads & Transportation	4,042,500		4,042,500
Government Services to Residents	403,738	38,000	441,738
Administration	913,375		913,375
Nonprogram Current	11,947		11,947
Capital Projects	2,341,628		2,341,628
Subtotal Expenditures	12,211,030	38,000	12,249,030
Other Financing Uses:			
Operating Transfers Out	1,241,700		1,241,700
Total Expenditures & Other Uses	13,452,730	38,000	13,490,730
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	(941,744)	(3,600)	(945,344)
Beginning Fund Balance - July 1	2,284,155		2,284,155
Fund Balance - Unreserved/Undesignated	1,342,411	(3,600)	1,338,811
Total Ending Fund Balance - June 30	1,342,411	(3,600)	1,388,811
/S/ Steven Koeneke, Chairperson		/S/ Sharon McCrabb, County Auditor	

All ayes.

This being the date set by publication on OCtober 12, 2004 to hold a public hearing to discuss the grading and paving on 260th Avenue between U.S. 20 and IA 38, Steve Koeneke opened the hearing at 1:30 p.m.

Doug Huber asked Mark Nahra what would be done with some of the property to be purchased from him.

Mark assured him that it would be planted to native prairie grass.

The public hearing was closed at 1:45 p.m.

This being the date set by publication for the first reading of Ordinance #24, entitled "An Ordinance Relating To A Prohibition Against Loitering Or Prowling", the Board reviewed the Ordinance.

Motion made by Helmrichs, seconded by Skinner and carried to replace Warrant #8371 in the amount of $87.19 to Midwest Business Products. The warrant was evidentally lost. All ayes.

Motion made by Skinner, seconded by Helmrichs to accept the offer from Golden Church in the amount of $976.81 for vacated Right-of-Way on 190th Avenue. Skinner and Koeneke voted aye; Helmrichs abstained.

Larry Berger of Spear Financial addressed the Board on the progress of hiring a bonding attorney in regards to the TIF area at Lake Delhi. He urged the Board of Supervisors to do it as soon as possible so they can complete the process of a TIF area before the end of the year.

Mark Nahra, County Engineer, gave the Board an update of Secondary Road projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Steven L. Koeneke, Chairman

Judy Zehr, Deputy Auditor

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October 25, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Mark Nahra, Larry Woellert, Dave Gudenkauf and two members of the media. Steve Koeneke, Chairperson, called the meeting to order.

Motion made by Skinner, seconded by Helmrichs and carried that the following county employees be allowed to attend their respective meetings: Sharon McCrabb to attend a Department of Management meeting in Des Moines on November 16, 2004; Karol Boies and Pam Klein to attend an ISAC meeting in Des Moines on 11-15-04; Mark Nahra to attend an ISAC meeting in Des Moines on 11-15-04 and a Highway Resources Board meeting in Ames on October 29, 2004; Shirley Helmrichs to attend a BFD Empowerment meeting in Independence on 10-26-04; Steve Koeneke to attend a Department of Corrections meeting in Council Bluffs on October 26th through 29th, 2004. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the following claims be allowed for payment:

	General Basic Fund	
Iowa Telecom	phone service	$193.60
MCI Comm. Service	phone service	9.56
Aquila	utility service	167.00
Alliant Energy	utility service	531.86
U. S. Post Office	postage	151.00
[illegible]	[illegible]	32.00

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Supervisors

in case of Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 5th day of October A.D. 2004, and the last on the 5th day of October A.D. 2004

Publication fee, $ 9.83

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 5th day of October A.D. 2004

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

NOTARIAL SEAL IOWA
LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10/26/05

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the second and final consideration of County Ordinance No. 24 entitled "AN ORDINANCE RELATING TO A PROHIBITION AGAINST LOITERING OR PROWLING" at its regular meeting at 1:15 p.m., October 25, 2004, in the Supervisors' Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's office.

Summary: No persons shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity and penalties for violations.

Sharon McCrabb
Delaware County Auditor
P40

Supervisor's Minutes,

PASSED AND ADOPTED THIS 25th DAY OF OCTOBER, 2004.

/S/ Steven L. Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

The first public hearing on Ordinance 2, 3 and 17 (Area Service "B" Road Ordinance, An Ordinance to Establish the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of this County's Secondary Roads During the Winter Months and Area Service "C" Road Ordinance, respectively) was held. The County Engineer explained the ordinances were to update the old ordinances and bring them in line with current Iowa Code.

There were no comments and the public hearing was closed.

Motion made by Skinner, seconded by Helmrichs and carried that the 2nd reading of the above three ordinances be set for November 8, 2004 at 1:15 p.m. All ayes.

Mark Nahra, County Engineer, gave the Board an update of the secondary road projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Steven L. Koeneke, Chairperson

Sharon McCrabb, Auditor

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November 1, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Steve Koeneke, Chairperson, called the meeting to order. Also present were Henry Brunsman, Larry Woellert, Dave Gudenkauf, Donna Boss, Mark Nahra and three members of the media.

Motion made by Helmrichs, seconded by Skinner and carried that the following county officials be allowed to attend their respective meetings: Mark Nahra and Craig Davis to attend the Iowa County Engineer's Annual meeting in Ames on December 7th through 9th; Mark Nahra to attend a Three R Safety meeting in Ames on December 1, 2004; Steve Koeneke to attend a Department of Corrections Executive meeting in Waterloo on December 5, 2004. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following claims be allowed for payment along with the payroll of 10-29-04 of $112,830.64 through warrants #10034 - #10147:

	General Basic Fund	
Wal Mart	office supplies	$48.06
Mastercard	supplies	797.41

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the "Application for Approval of Underground Construction on Delaware County Right-of-Way" for IPL/Alliant Energy for rebuilding 6 spans, etc. .01 miles South from Delhi and for Iowa Telecom for a buried cable .10 miles West from 210th Avenue on 102nd Street be approved. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following Right of Way Contracts for the 180th Street bridge project be approved: Kenneth and Paula A. Pasker - $652.00; Victor H. Ross and Joyce K. Ross for a total of $1,577.50 (including trees and pasture). All ayes.

Donna Boss, Economic Development Director, presented a resolution for the enterprise zone commission in order for Henderson Manfacturing, Inc. to receive certain benefits from the State for their expansion project.

Motion made by Helmrichs, seconded by Skinner and carried that the following resolution be approved:

RESOLUTION NUMBER 1

RESOLUTION OF THE DELAWARE COUNTY ENTERPRISE ZONE COMMISSION (hereinafter referred to as the "Commission") APPROVING HENDERSON ENTERPRISES, INC. APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT (hereby referred to as the "Department") FOR THE PURPOSES OF RECEIVING BENEFITS UNDER THE ENTERPRISE ZONE PROGRAM as described in 2003 Iowa Code Sections 15E.191 through 15E.196 and all subsequent amendments (hereinafter referred to as the "EZ Program" or the "Act")

WHEREAS, Henderson Enterprises, Inc. proposes to expand a facility in Manchester, Iowa, Delaware County, Enterprise Zone Number 3 (hereafter referred to as the "EZ") to receive benefits authorized under the Enterprise Zone (EZ)Program; and

WHEREAS, Henderson Enterprises, Inc. has submitted an application to the Commission demonstrating that it meets the requirements of the EZ Program; and

WHEREAS, Henderson Enterprises, Inc. has provided the Commission with information meeting the requirements of the Act and applicable rules of Chapter 261 of the Iowa Administrative Code and

WHEREAS, The Commission has reviewed the Henderson Enterprises, Inc., application and all supporting documents.

NOW THEREFORE BE IT RESOLVED BY THE DELAWARE COUNTY ENTERPRISE ZONE COMMISSION, that

PASSED AND ADOPTED THIS 25th DAY OF OCTOBER, 2004.

/S/ Steven L. Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

The first public hearing on Ordinance 2, 3 and 17 (Area Service "B" Road Ordinance, An Ordinance to Establish the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of this County's Secondary Roads During the Winter Months and Area Service "C" Road Ordinance, respectively) was held. The County Engineer explained the ordinances were to update the old ordinances and bring them in line with current Iowa Code.

There were no comments and the public hearing was closed.

Motion made by Skinner, seconded by Helmrichs and carried that the 2nd reading of the above three ordinances be set for November 8, 2004 at 1:15 p.m. All ayes.

Mark Nahra, County Engineer, gave the Board an update of the secondary road projects.

There being no further business, this meeting adjourned. These minutes were read and approved.

Steven L. Koeneke, Chairperson

Sharon McCrabb, Auditor

****

November 1, 2004
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Steve Koeneke, Chairperson, called the meeting to order. Also present were Henry Brunsman, Larry Woellert, Dave Gudenkauf, Donna Boss, Mark Nahra and three members of the media.

Motion made by Helmrichs, seconded by Skinner and carried that the following county officials be allowed to attend their respective meetings: Mark Nahra and Craig Davis to attend the Iowa County Engineer's Annual meeting in Ames on December 7th through 9th; Mark Nahra to attend a Three R Safety meeting in Ames on December 1, 2004; Steve Koeneke to attend a Department of Corrections Executive meeting in Waterloo on December 5, 2004. All ayes.

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	General Basic Fund	
Wal Mart	office supplies	$48.06
Mastercard	supplies	797.41

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the "Application for Approval of Underground Construction on Delaware County Right-of-Way" for IPL/Alliant Energy for rebuilding 6 spans, etc. .01 miles South from Delhi and for Iowa Telecom for a buried cable .10 miles West from 210th Avenue on 102nd Street be approved. All ayes.

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Donna Boss, Economic Development Director, presented a resolution for the enterprise zone commission in order for Henderson Manfacturing, Inc. to receive certain benefits from the State for their expansion project.

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WHEREAS, Henderson Enterprises, Inc. proposes to expand a facility in Manchester, Iowa, Delaware County, Enterprise Zone Number 3 (hereafter referred to as the "EZ") to receive benefits authorized under the Enterprise Zone (EZ)Program; and

WHEREAS, Henderson Enterprises, Inc. has submitted an application to the Commission demonstrating that it meets the requirements of the EZ Program; and

WHEREAS, Henderson Enterprises, Inc. has provided the Commission with information meeting the requirements of the Act and applicable rules of Chapter 261 of the Iowa Administrative Code and

WHEREAS, The Commission has reviewed the Henderson Enterprises, Inc., application and all supporting documents.

NOW THEREFORE BE IT RESOLVED BY THE DELAWARE COUNTY ENTERPRISE ZONE COMMISSION, that

STATE OF IOWA, Delaware County-ss.

I, Brian W. Cook being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del. Co. Supervisors

in case of County Ordinance No. 24

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 2nd day of November A.D. 20 04, and the last on the 2nd day of November A.D. 20 04

Publication fee, $ 44.23

Brian W. Cook

Subscribed by Brian W. Cook and by him sworn to before me, a notary public in and of Delaware County, Iowa this 2nd day of November A.D. 20 04

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

NOTARIAL SEAL IOWA
LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 11/1/05

COUNTY ORDINANCE NO. 24
AN ORDINANCE RELATING TO A PROHIBITION
AGAINST LOITERING OR PROWLING

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. Loitering or Prowling Prohibited.

a. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity.

b. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object.

c. Unless flight by the person or other circumstances makes it impracticable, a police officer or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

Section 2. Obstruction of Traffic by Loitering.

a. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, in any public place within the county or a town in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, alleys, sidewalks, street crossings or bridges, or other public persons by persons passing along or over the same.

Section 3. Loitering in Public Places.

a. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly for public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

Section 4. Penalty.

a. Any person that violates any section of this ordinance shall be assessed a fine of not less than $50.00 nor more than $500.00, and may be imprisoned in the county jail for a term not to exceed thirty (30) days. In addition, the person shall be responsible for the criminal penalty surcharge required by Iowa Code Section 911.2 and any other surcharge imposed by county ordinance or resolution which shall not be considered part of the county's penalty. The person shall also be responsible for the costs of prosecution and in the event of a default of payment of said fine, surcharge and costs of prosecution, he/she may be imprisoned in the county jail until said financial obligations are paid, but not to exceed thirty (30) days for each violation.

Section 5. Severability.

a. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or in any section, provision or part, not adjudged invalid or unconstitutional.

Section 6. Effective Date.

a. This ordinance shall become effective after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED THIS 25 DAY OF OCTOBER, 2004.

/S/ Steven L. Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST:
/S/ Sharon McCrabb, County Auditor

P44

Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning November 2, 2004, and ending Same, 20___.

PRINTERS FEES: $ 45.14

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 1st day of December, 2004.

Cathy S Harris
Notary Public

NOTARIAL SEAL IOWA
CATHY S HARRIS
COMMISSION NUMBER 731078
MY COMMISSION EXPIRES
OCTOBER 19, 2007

LEGAL NOTICE

AN ORDINANCE RELATING TO A PROHIBITION AGAINST LOITERING OR PROWLING

Be it ordained by the Board of Supervisors of Delaware County, Iowa:

Section 1. Loitering or Prowling Prohibited.

a. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity.

b. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object.

c. Unless flight by the person or other circumstances makes it impracticable, a police officer or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her to identify himself/herself and explain his/here presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

Section 2. Obstruction of Traffic by Loitering.

a. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, in any public place within the county or a town in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, alleys, sidewalks, street crossings or bridges, or other public persons by persons passing along or over the same.

Section 3. Loitering in Public Places.

a. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly for public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

Section 4. Penalty

a. Any person that violates any section of this ordinance shall be assessed a fine of not less than $50.00 nor more than $500.00, and may be imprisoned in the county jail for a term not to exceed thirty (30) days. In addition, the person shall be responsible for the criminal penalty surcharge required by Iowa Code Section 911.2 and any other surcharge imposed by county ordinance or resolution which shall not be considered part of the county's penalty. The person shall also be responsible for the costs of prosecution and in the event of a default of payment of said fine, surcharge and costs of prosecution, he/she may be imprisoned in the county jail until said financial obligations are paid, but not to exceed thirty (30) days for each violation.

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a. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or in any section, provision or part, not adjudged invalid or unconstitutional.

Section 6. Effective Date.

a. This ordinance shall become effective after final passage, approval and publication as provided in Chapter 331.302, Code of Iowa.

PASSED AND ADOPTED THIS 25th DAY OF OCTOBER, 2004.

Steven L. Koeneke, Chairperson
Delaware County Board of Supervisors

ATTEST:
Sharon McCrabb, County Auditor