02-19

JANUARY 2, 2019 MET IN REGULAR SESSION The Board of Supervisors met in regular session at 9:00 AM. All members present.

2. SCHEDULED SESSIONS

District Court Judge Maggie Popp Reyes appeared to swear in the following elected officials: Lea Voss, Treasurer; Scott A. Belt, Board of Supervisor; Justin Schultz, Board of Supervisor; Lynn Grobe, Board of Supervisor; Mark A. Brandenburg, Recorder. County Attorney Matt Wilber was not present, as he was out of town, but will be sworn in by Judge Reyes when he returns to the office.

Motion by Drake, second by Belt, to appoint Melvyn Houser, County Auditor, as Temporary Chairperson for the election of a new Board Chairman and Chairman Pro-Tem for the year 2019. UNANIMOUS VOTE. Motion carried.

Houser announced nominations are now in order for the office of Chairman for 2019.

Tim Wichman was nominated by Scott Belt.

There being no further nominations, Melvyn Houser, Temporary Chairman, declared it ceased. The Board proceeded to vote as follows:

Wichman;
Wichman;
Wichman;
Wichman; and
Wichman.

Tim Wichman was elected Chairman for 2019.

Houser announced nominations are now in order for the office of Chairperson Pro-Tem for 2019.

Schultz was nominated by Drake.

There being no further nominations, Melvyn Houser, Temporary Chairman, declared it ceased. The Board proceeded to vote as follows:

Drake voted for	Schultz;
Grobe voted for	Schultz;
Schultz voted for	Schultz;
Belt voted for	Schultz; and
Wichman voted for	Schultz.

Schultz was elected Chairman Pro-Tem for 2019.

Thereupon, Melvyn Houser, Temporary Chairman, turned the meeting over to Chairman Wichman.

Discussion was held with Jason Slack, Director of Buildings and Grounds, and other various Department Heads concerning the parking assignments for the vacated parking along the east alley inner radius vacated by the Council Bluffs Police Department. A Motion was made by Drake to assign Communications eleven parking spots, there was no second to the motion, and said Motion died. Chairman Wichman directed Slack to assign the parking spots at his discretion.

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 06-2019**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

RESOLUTION NO. 06-2019

RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.

WHEREAS, Section 306.42 of the Code of Iowa, 2002, provides that "The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, reconstruction of highway closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor,"

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 2nd day of January, 2019, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved "Pottawattamie County Secondary Road Construction Program for the fiscal year 2019-2020, and any approved supplements thereto."

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Tim Wichman	0	0	0	0
Scott Belt	0	0	0	0
Justin Schultz	0	0	0	0
Marilyn Jo Drake	0	0	0	0
Lynn Grobe	0	0	0	0
ATTEST:				
Melvyn Houser, County Auditor				

Dated this 2nd day of January, 2019.

RECOMMENDED: _____

Pottawattamie County Engineer

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Drake, second by Belt, to approve and authorize Board to sign **Resolution No. 07-2019**, entitled: Resolution to Authorize the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems. Said Resolution is set out as follows:

RESOLUTION NO. 07-2019

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK ON THE FARM TO MARKET AND FEDERAL AID SYSTEMS.

WHEREAS, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm to Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, and Federal Aid contract construction work,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 2nd day of January, 2019, that said County Engineer John A. Rasmussen, be and is hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to Market and Federal Aid construction projects in Pottawattamie County for the year 2019.

Dated this 2nd day of January, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Tim Wichman	0	0	0	0
Scott Belt	0	0	0	0
Justin Schultz	0	0	0	0
Marilyn Jo Drake	0	0	0	0
Lynn Grobe	0	0	0	0

ATTEST:

Melvyn Houser, County Auditor

RECOMMENDED:

Pottawattamie County Engineer

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 08-2019**, entitled: Resolution to Authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight Upon Pottawattamie County Secondary Roads. Said Resolution is set out as follows:

RESOLUTION NO. 08-2019

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.

WHEREAS, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

WHEREAS, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 2nd day of January, 2019, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer Jacob Ferro, Assistant Engineer Lisa Keierleber, Assistant Engineer Kristina R. Hauger, Assistant to the Engineer

Dated this 2nd day of January, 2019.

AYE NAY ABSTAIN ABSENT Ο Ο Ο Ο Tim Wichman 0 0 0 0 Scott Belt Ο Ο Ο Ο Justin Schultz Ο 0 Ο 0 Marilyn Jo Drake Ο Ο Ο \cap Lynn Grobe ATTEST: Melvyn Houser, County Auditor

ROLL CALL VOTE

RECOMMENDED:

Pottawattamie County Engineer

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Belt, second by Schultz, to approve request pursuant to Iowa Code Section 445.60 for refund of erroneous property taxes paid on parcels 754424477013 and 754424431012. UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Schultz, to approve the appointments to the Loess Hills Alliance Board for 2019 as follows: Mark Shoemaker, Jeff Franco, and Scott Belt as primary appointment for the Board of Supervisors, and Lynn Grobe as alternate appointment for the Board of Supervisors. UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Schultz, to approve funding support for the Emergency Operations Center project, to remodel the Council Bluffs Community Hall into the Pottawattamie County Joint Emergency Operations Center. Said amount of approved funding by the County is \$140,000.00. UNANIMOUS VOTE. Motion carried.

3. OTHER BUSINESS

Motion by Belt, second by Drake, to adopt Robert's Rules of Order as written rules of parliamentary procedures for transaction of business in meetings, except when it conflicts with the Code of Iowa. UNANIMOUS VOTE. Motion carried.

Motion by Grobe, second by Schultz, to establish a policy that the Board of Supervisors' regular sessions will be held every Tuesday, at 10:00 AM. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Grobe, to approve and authorize Board to sign **Resolution No. 01-2019**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:

RESOLUTION NO. 01-2019

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

FIRST:

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee is terminated upon certification of the officer under which such compensation has been earned.

SECOND:

For transportation of persons transferred at the County's expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

THIRD:

For Clerk of Court's certified bills for payment of Grand Jury.

FOURTH:

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

Dated this 2nd day of January, 2019.

ROLL CALL VOTE ABSTAIN ABSENT AYE NAY Ο Ο 0 0 Tim Wichman Ο Ο Ο Ο Scott. Belt Ο Ο Ο Ο Justin Schultz 0 Ο 0 0 Marilyn Jo Drake Ο Ο Ο 0 Lynn Grobe ATTEST:

Melvyn Houser, County Auditor

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 02-2019**, a Resolution pertaining to the Auditor destroying county vouchers and canceled county warrants which have been on file for more than ten years. Said Resolution is set out as follows:

RESOLUTION NO. 02-2019

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2009; and

WHEREAS, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2009.

Dated this 2nd day of January, 2019.

ROLL CALL VOTE ABSTAIN ABSENT AYE NAY Ο Ο Ο Ο Tim Wichman Ο Ο Ο Ο Scott Belt Ο \cap \cap \cap Justin Schultz Ο Ο Ο Ο Marilyn Jo Drake 0 Ο Ο Ο Lynn Grobe ATTEST:

Melvyn Houser, County Auditor

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Drake, second by Schultz, to approve and authorize Board to sign **Resolution No. 03-2019**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

RESOLUTION NO. 03-2019

RESOLUTION APPOINTING DEPUTIES

WHEREAS, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

WHEREAS, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

WHEREAS, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

Attorney	Jon Jacobmeier, Chief Deputy
Auditor	Kristin M. Everett, First Deputy
	Linda Swolley, First Deputy, Real Estate
	Kristy Hassay, Second Deputy, Real Estate
Recorder	Lynn Herrington, First Deputy
Sheriff	Rob Ambrose, Chief Deputy
Treasurer	Jamie Smothers, First Deputy

Dated this 2nd day of January, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
TI' TAT'	0	0	0	0
Tim Wichman	0	0	0	0

Scott Belt

42-08

	0	0	0	0
Justin Schultz	0	0	0	0
Marilyn Jo Drake	0	0	0	0
Lynn Grobe				
ATTEST:				
Melvyn Houser, County Auditor				

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Drake, second by Belt, to approve and authorize Board to sign **Resolution No. 04-2019**, a Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County. Said Resolution is set out as follows:

RESOLUTION NO. 04-2019

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2019-2020.

RECAPITULATION

TELEPHONE – TELEGRAPH	\$ 30,531,942.56
RAILROADS	\$ 67,850,974.56
PIPELINE	\$ 62,834,701.84
TOTAL FOR COUNTY	\$ 161,217,618.96

Dated this 2nd day of January, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
	0	0	0	0
Tim Wichman	0	0	0	0
Scott Belt	0	0	0	0
Justin Schultz	0	0	0	0
Marilyn Jo Drake	0	0	0	0
Lynn Grobe				
ATTEST:				

Melvyn Houser, County Auditor

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 05-2019**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

RESOLUTION NO. 05-2019

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a "Construction Evaluation Resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2019, and January 31, 2020, and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

Dated this 2nd day of January, 2019.

	ROLL CALL VOTE			ΓΕ
	AYE	NAY	ABSTAIN	ABSENT
	0	0	0	0
Tim Wichman	0	0	0	0
Scott Belt	0	0	0	0
Justin Schultz	0	0	0	0
Marilyn Jo Drake	0	0	0	0
Lynn Grobe				
ATTEST:				

Melvyn Houser, County Auditor

Roll Call Vote: AYES: Wichman, Belt, Schultz, Drake, Grobe. Motion carried.

Motion by Schultz, second by Grobe, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2019 year: The Herald-Oakland, Gazette Reporter-Neola; The Avoca Journal Herald-Avoca; and The Daily Nonpareil-Council Bluffs. The County shall pay no more than Iowa Code allows for legal publications in these newspapers. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Grobe, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2019, as per Code of Iowa, Section 33.1:

NEW YEAR'S DAY	JANUARY 1, 2019	TUESDAY
MARTIN LUTHER KING, JR. DAY	JANUARY 21, 2019	MONDAY
PRESIDENT'S DAY	FEBRUARY 18, 2019	MONDAY
MEMORIAL DAY	MAY 27, 2019	MONDAY

INDEPENDENCE DAY LABOR DAY VETERAN'S DAY THANKSGIVING DAY LIEU OF LINCOLN'S BIRTHDAY CHRISTMAS NEW YEAR'S DAY 2020 JULY 4, 2019THURSDAYSEPTEMBER 2, 2019MONDAYNOVEMBER 11, 2019MONDAYNOVEMBER 28, 2019THURSDAYNOVEMBER 29, 2019FRIDAYDECEMBER 25, 2019WEDNESDAYJANUARY 1, 2020WEDNESDAY

UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Schultz, to approve Federal Standard Mileage Rate for 2019, at 58¢ per mile. UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Grobe, to approve appointments of Drake as first representative, and Belt as second representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2019. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Grobe, to approve appointments of Belt as first representative, and Schultz as second representative to the Fourth Judicial District Department of Correctional Services Board of Directors for 2019. UNANIMOUS VOTE. Motion carried.

Motion by Schultz, second by Drake, to approve appointments of Belt as first representative, and Mike Williams as second representative to IGHCP Board for 2019. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Grobe, to approve appointments of Schultz, as first representative, and Belt, as second representative to MAPA. UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Drake, to approve stipend amount of 60% for Elected Officials' mobile cellular usage for 2019. UNANIMOUS VOTE. Motion carried.

Motion by Schultz, second by Belt, to approve Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/Outdoor Service/Sunday Sales for Mile A Way Hall and Tavern, LLC, d/b/a Mile A Way Hall & Tavern, Council Bluffs. UNANIMOUS VOTE. Motion carried.

4. **RECEIVED/FILED**

A. Salary Actions:

- 1. Jail Payroll Status Change of Miles Cleveland, Tim Curry, Shannon Holman, Matt Odonnell, Bill Wilson, Chris Bradford.
- B. Reports:
 - 1. Sheriff's Report of Fees Disbursed and Collected for November 2018.

Motion by Schultz, second by Belt, to set aside agenda for budget update and information from Finance Officer Becky Belt. UNANIMOUS VOTE. Motion carried.

5. ADJOURN

Motion by Belt, second by Schultz, to adjourn meeting. UNANIMOUS VOTE. Motion carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:23 AM.

Tim Wichman, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 8, 2019 PUBLISH: X