

**March 23, 2021**

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Belt presiding.

PLEDGE OF ALLEGIANCE

**1. CONSENT AGENDA**

After discussion was held by the Board, a Motion was made by Wichman and seconded by Shea to approve:

A. March 16, 2021, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion made by Wichman, seconded by Shea, to approve appointment of Susan Lorkovic to the Board of Health for a term of 3 years. UNANIMOUS VOTE. Motion Carried.

After Discussion was held by the Board, a motion by Schultz, second by Shea to approve first consideration of **Ordinance No. 2021-03** entitled: An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Pottawattamie County Industrial Park Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa; and to set Second Consideration for March 30<sup>th</sup> at 10:00 A.M..

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried**

Motion by Schultz, second by Wichman, to approve and authorize Board to sign **Resolution No. 20-2021** entitled: RESOLUTION FOR ESTABLISHING OFFICIAL BITUMINOUS ROADS.

**RESOLUTION No. 20-2021**

**RESOLUTION FOR ESTABLISHING OFFICIAL BITUMINOUS ROADS**

**WHEREAS**, the Pottawattamie County, Iowa, Board of Supervisors, amended the Pottawattamie County, Iowa, Zoning Ordinance by adopting Ordinance #2015-05, effective December 18, 2015; and

**WHEREAS**, Section 8.002.200.150 defines “hardsurfaced street” as a street which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, County or state regulations or a street that the surfacing has been prepared and treated with a bituminous coating and designated by the County Board in a Resolution as an Official Bituminous Road; and

**WHEREAS**, the Board of Supervisors in conjunction with the County Engineer has reviewed the current Pottawattamie County, Iowa, Secondary Road System Roads and has determined that only certain roads are sufficiently improved with a bituminous product that warrants allowing residential development to take place along;

**NOW, THEREFORE, BE IT RESOLVED**, by the Pottawattamie County, Iowa, Board of Supervisors, that the following County Roads be classified as “Official Bituminous (Sealcoat, Blacktop, Asphalt) Roads ” for the purpose of satisfying Section 8.002.200.150 of the Pottawattamie County, Iowa, Zoning Ordinance:

Road Name	From	To
Chestnut Road	Pioneer Trail	230 <sup>th</sup> Street

PASSED and APPROVED this 23<sup>rd</sup> day of March, 2021

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried

Motion by Shea, second by Grobe, to approve and authorize Board to sign **Resolution No. 21-2021** entitled: RESOLUTION TO CHANGE THE ROADWAY NAME OF WHITETAILE LANE TO WHITE OAK LANE AND TO ADD THE ROADWAY NAMES OF PORTLAND STREET, NORTH 193<sup>RD</sup> CIRCLE AND SOUTH 193<sup>RD</sup> CIRCLE.

PLANNING AND ZONING  
RESOLUTION NO. 21-2021

WHEREAS, Pottawattamie County adopted a Uniform Rural Address System Ordinance, which became effective March 17, 1993; and

WHEREAS, whereas Section 7.30.040 of said Ordinance stipulates that "Updates (to the Rural Address Map) to include new roadway names shall require approval through the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that Rural Address Map be updated to change the following roadway name:

<u>Current Street Name</u>	<u>Township</u>	<u>New Street Name</u>	<u>Address Range</u>
Whitetail Ln	Rockford	White Oak Lane	16700-16979

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that Rural Address Map be updated to include the following roadway names:

<u>Established through</u>	<u>Township</u>	<u>Street Name</u>	<u>Address Range</u>
I-29/I-80 Industrial Park	Lewis	Portland Street	19250 to 19425
I-29/I-80 Industrial Park	Lewis	North 193 <sup>rd</sup> Circle	13500 to 13599
I-29/I-80 Industrial Park	Lewis	South 193 <sup>rd</sup> Circle	13600 to 13699

PASSED AND APPROVED March 23<sup>rd</sup>, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Scott Belt, Chairman

_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tim Wichman				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lynn Grobe				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Justin Schultz				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea				

Attest: \_\_\_\_\_  
Melvyn Houser, County Auditor  
Pottawattamie County, Iowa

RECORD: After Passage

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried**

Motion by Shea, second by Wichman, to approve and authorize Board to sign **Resolution No. 22-2021** entitled: RESOLUTION SETTING A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE AN AMENDED DEVELOPMENT AGREEMENT WITH ARMSTRONG INVESTMENTS, LLC, INCLUDING TAX INCREMENT PAYMENTS.

**RESOLUTION NO. 22-2021**

**Resolution Setting a Date of Meeting at which it is Proposed to Approve an Amended Development Agreement with Armstrong Investments, LLC, Including Tax Increment Payments**

**WHEREAS**, Pottawattamie County, Iowa (the “County”), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Pottawattamie County Industrial Park Urban Renewal Area (the “Urban Renewal Area”); and

**WHEREAS**, this Board is in the process of adopting an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal of and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

**WHEREAS**, the County has previously entered into a certain development agreement (the “Original Agreement”) with Armstrong Investments, LLC (the “Developer”) in connection with the construction of public infrastructure and the platting and marketing of lots necessary for the development of an industrial park; and

**WHEREAS**, the County and the Developer now propose to amend the Original Agreement in order to (1) provide for incremental property tax payments to be made to the Developer in an amount not to exceed \$200,000 under the authority of Section 403.9(1) of the Code of Iowa; and (2) make other related changes; and

**WHEREAS**, it is necessary to set a date for a public hearing on an amended Development Agreement (the “Amended Agreement”) and the proposal to provide the incremental property tax payments thereunder, pursuant to Section 403.9 of the Code of Iowa;

**NOW THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

**Section 1.** This Board shall meet on April 13, 2021, at 10:00 A.M., electronically and/or at the Pottawattamie County Courthouse, Council Bluffs, Iowa, at which time and place proceedings will be instituted and action taken to approve the Amended Agreement and to authorize incremental property tax payments to the Developer.

**Section 2.** The County Auditor is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four (4) days and not more than twenty (20) days before the date of said meeting in a legal newspaper of general circulation in the County. Said notice shall be in substantially the following form:

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NOTICE OF MEETING FOR APPROVAL OF AMENDED DEVELOPMENT AGREEMENT WITH ARMSTRONG INVESTMENTS, LLC AND AUTHORIZATION OF TAX INCREMENT PAYMENTS

The Board of Supervisors of Pottawattamie County, Iowa, will meet at the Pottawattamie County Board of Supervisor’s Hearing Room, Council Bluffs, Iowa, on April 13, 2021, at 10:00 A.M., at which time and place proceedings will be instituted and action taken to approve an amended Development Agreement (the “Amended Agreement”) between the County and Armstrong Investments, LLC (the “Developer”) in connection with the construction of public infrastructure and the platting and marketing of lots necessary for the development of an industrial park on certain real property in the Pottawattamie County Industrial Park Urban Renewal Area, which Amended Agreement (1) provides for incremental property tax payments to be made to the Developer in an amount not to exceed \$200,000; and (2) makes other related changes.

As authorized by Section 403.9 of the Code of Iowa, the commitment of the County to make incremental property tax payments to the Developer under the Amended Agreement will not be a general obligation of the County, but such incremental property tax payments will be payable solely and only from incremental property tax revenues generated within the Pottawattamie County Industrial Park Urban Renewal Area. Some or all of the payments under the Amended Agreement may be made subject to annual appropriation by the Board of Supervisors.

Due to federal and state government recommendations in response to COVID-19 pandemic conditions, the meeting can alternatively be accessed via YouTube and teleconference, which will be accessible at the following:

*<https://www.youtube.com/channel/UCeP9ZQIBgMpuSyOprlyMl6g>*

*Telephone Conference Call: (712) 328-5848*

In addition to electronic access, written comments may be filed or made prior to the meeting and will be recorded in the minutes.

At the meeting, the Board will receive oral or written objections from any resident or property owner of the County. Thereafter, the Board may, at the meeting or at an adjournment thereof, take additional action to approve the Amended Agreement or may abandon the proposal.

This notice is given by order of the Board of Supervisors of Pottawattamie County, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Melvyn Houser  
County Auditor

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**Section 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**PASSED and APPROVED this 23rd day of March, 2021**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Scott Belt, Chairman				

_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried**

Motion by Wichman, second by Schultz, to approve and authorize Board to sign **Resolution No. 23-2021** entitled: RESOLUTION SETTING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO INCUR NON-CURRENT DEBT.

**RESOLUTION NO. 23-2021**

**Resolution Setting Date for a Public Hearing on the Proposal to Incur Non-Current Debt**

**WHEREAS**, the Board of Supervisors of Pottawattamie County, Iowa (the “County”), has established the Pottawattamie County Industrial Park Urban Renewal Area (the “Urban Renewal Area”) and intends to establish the Pottawattamie County Industrial Park Urban Renewal Area Tax Increment Revenue Fund (the “Tax Increment Fund”) in connection therewith; and

**WHEREAS**, the County has proposed to undertake the construction of certain public infrastructure improvements, including street and storm water drainage improvements, necessary for the development of an industrial park (the “Industrial Park Infrastructure Project”) as an urban renewal project in the Urban Renewal Area; and

**WHEREAS**, it has been proposed that the County facilitate an internal advance of fund in an amount not to exceed \$540,000 (the “Advance”) for the purposes of paying a portion of costs of the Industrial Park Infrastructure Project; and

**WHEREAS**, pursuant to Section 331.479 of the Code of Iowa, it is now necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to approve the Advance and to give notice thereof as required by such law;

**NOW, THEREFORE**, Be It Resolved by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

**Section 1.** This Board will meet electronically and/or at the Pottawattamie County Courthouse, Council Bluffs, Iowa, on April 13, 2021, at 10:00 A.M., at which time and place a hearing will be held and proceedings will be instituted and action taken to approve the Advance.

**Section 2.** The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Pottawattamie County, which publication shall be not less than four (4) and not more than twenty (20) days before the date set for the hearing.

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NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS FOR THE  
INCURRENCE OF NONCURRENT DEBT IN A PRINCIPAL AMOUNT NOT TO  
EXCEED \$540,000

(NONCURRENT DEBT)

The Board of Supervisors of Pottawattamie County, Iowa (the “County”), will meet on April 13, 2021, at the Pottawattamie County Board of Supervisor’s Hearing Room, Council Bluffs, Iowa, at 10:00

A.M., for the purpose of instituting proceedings and taking action on a proposal to incur noncurrent debt (the "Noncurrent Debt") in a principal amount not to exceed \$540,000 for the purpose of paying a portion of the costs of the construction of certain public infrastructure improvements, including street and storm water drainage improvements, necessary for the development of an industrial park (the "Industrial Park Infrastructure Project"). The Industrial Park Infrastructure Project is being undertaken as an urban renewal project in the County's Pottawattamie County Industrial Park Urban Renewal Area.

Due to federal and state government recommendations in response to COVID-19 pandemic conditions, the meeting can alternatively be accessed via YouTube and teleconference, which will be accessible at the following:

<https://www.youtube.com/channel/UCeP9ZQIBgMpuSyOprlyMl6g>

**Telephone Conference Call: (712) 328-5848**

In addition to electronic access, written comments may be filed or made prior to the meeting and will be recorded in the minutes.

At the time and place set forth herein, oral or written objections may be filed or made to the proposal to incur the Noncurrent Debt. After receiving objections, the County may determine to incur the Noncurrent Debt.

The Noncurrent Debt will be in the form of an internal advance (the "Internal Advance") of funds from the County's Impact Fund for the payment of costs of the Industrial Park Infrastructure Project and shall be repaid in one or more annual installments on or before June 1, 2034. The Noncurrent Debt will be incurred pursuant to authority contained in Chapter 403 and in Section 331.478 and Section 331.479 of the Code of Iowa.

By order of the Board of Supervisors of Pottawattamie County, Iowa.

Melvyn Houser  
County Auditor

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**Section 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** This resolution shall be in full force and effect immediately upon its approval and adoption, as provided by law.

**PASSED and APPROVED this 23<sup>rd</sup> day of March, 2021**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott Belt, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

**Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried**

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz, to deny CRC 48R – Change Storage Room in Comm. Center 013 to an office. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Shea, to deny CRC 37 R – Structured Cabling Installation from Comm. Center to Server Room. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Shea to deny CRC 43R2 – Paint Stairwell S-1 & 2<sup>nd</sup> Floor Elevator Door. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz to approve Addition of Access Control to Door 034; Court Security Control Room. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz to approve Quote and funding of Window Coverings for the B-Wing and 911 Spaces. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz to approve Naming of the new conference rooms in the B-Wing: Goldfinch Conference Room, Wild Rose Conference Room, and Bur Oak Multi-Purpose Room. UNANIMOUS VOTE. Motion Carried.

### **3. OTHER BUSINESS**

Motion made by Shea, seconded by Grobe, to approve appointment of Ron Tekippe to the Magistrate Appointing Commission for a term of 6 years. UNANIMOUS VOTE. Motion Carried.

Motion made by Wichman, seconded by Shea, to approve reappointment of Lea Voss to the Board of Health for a term of 3 years and reappoint Dr. Michael Guzman to the Board of Health for a term of 1 year. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Wichman to approve job description for Volunteer and Facilities Coordinator. UNANIMOUS VOTE. Motion Carried.

Discussion was held on the American Rescue Plan Act of 2021 and its effect on the County. Discussion only. No action taken.

### **4. RECEIVED/FILED**

#### **A. Salary Actions:**

- 1) Juvenile Detention – Employment of Justin Cox, John Fabian, Jacklyn Moore as Part-Time Youth Corrections Worker
- 2) Sheriff – Payroll Status Change of Nick Amdor, Nathan Brensel, Josh Harker

## 5. CLOSED SESSION

Motion by Schultz, second by Shea, to go into Closed Session pursuant Iowa Code 21.5(1)(j), for discussion and/or decision on the purchase or sale of particular real estate.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried

Motion by Wichman, second by Shea, to go out of Closed Session.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried

Outside of Closed Session, a Motion was made by Wichman, second by Schultz, to authorize Chairman to sign purchase agreement for property discussed in closed session.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried

Motion by Schultz, second by Shea, to go into Closed Session pursuant Iowa Code 21.5(1)(j), for discussion and/or decision on the purchase or sale of particular real estate.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried

Motion by Shea, second by Grobe, to go out of Closed Session.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried

## 6. SCHEDULED SESSIONS

A Capital Improvements Workshop was held. Discussion only. No action taken.

## 7. ADJOURN

Motion by Grobe, second by Shea, to adjourn meeting.

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:00 P.M.

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Scott Belt, Chairman

ATTEST:

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Melvyn Houser, Pottawattamie County Auditor

APPROVED: March 30, 2021

PUBLISH: X