

Consent Agenda

December 28th, 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 second by Shea, to approve:

- A. December 21, 2021, Minutes as read.

UNANIMOUS VOTE Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Shea, to open Public Hearing on first Consideration Ordinance No. 2021-10, an Ordinance to amend Chapter 5.30, Flood Plain Management.

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

Motion by Wichman, second by Shea, to close Public Hearing.

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

Motion by Wichman, second by Schultz, to approve first consideration of Ordinance No. 2021-10, AN ORDINANCE to amend Chapter 5.30, Flood Plain Management and set date of Second Consideration for January 3, 2022 at 10 AM.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve and authorize Board of Supervisors to sign Resolution No. 123-2021 entitled: RESOLUTION Authorizing tax increment financing extension for the City of Underwood.

RESOLUTION NO. 123-2021

RESOLUTION AUTHORIZING TAX INCREMENT FINANCING EXTENSION FOR THE CITY OF UNDERWOOD

WHEREAS, the City of Underwood, Iowa (the "City") is in the process of establishing the Fieldcrest Phase 4 Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa which includes the real property described on Exhibit A hereto (the "Property"); and

WHEREAS, project development needs with respect to the Property will require that the City use incremental property tax revenues, as provided for in Section 403.19 of the code of Iowa, received with respect to the Property to pay the costs of the construction of public infrastructure improvements thereon necessary for the development of a housing subdivision in the Urban Renewal Area; and

WHEREAS, Section 403.22 of the Code of Iowa prohibits cities from collecting incremental property tax revenues for this type of project for more than eleven years without the express consent of any affected county and school district; and

WHEREAS, the City Council of the City has requested that the Board of Supervisors of Pottawattamie County, Iowa approve this resolution in order to allow the City to use incremental property tax revenues from the Property for five additional fiscal years, as provided by law;

NOW, THEREFORE, it is resolved by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

Section 1. Pursuant to Section 403.22 of the Code of Iowa, this Board of Supervisors hereby approves the use by the City of Underwood, Iowa, of future incremental property tax revenues produced with respect to the Property, for a total period of up to sixteen fiscal years.

Section 2. The County Auditor is hereby directed to forward an executed copy of this Resolution to the City Council of the City of Underwood.

Dated this 28th day of December, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Scott A. 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

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

Motion by Schultz, second by Shea, to approve and authorize Board of Supervisors to sign **Resolution No. 124-2021** entitled: Resolution Declaring Pottawattamie County, Iowa to be a Second Amendment County.

RESOLUTION NO. 124-2021

RESOLUTION DECLARING POTTAWATTAMIE COUNTY, IOWA TO BE A SECOND AMENDMENT COUNTY

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment of the United States Constitution, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.”; and
WHEREAS, the right of the people to keep and bear arms for the defense of life, liberty, and property is regarded as an inalienable right by the people of Pottawattamie County, Iowa; and
WHEREAS, the people of Pottawattamie County, Iowa derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Pottawattamie County using all types of firearms allowable under the United States Constitution and the laws of the State of Iowa; and
WHEREAS, the Pottawattamie County Board of Supervisors was elected to represent the citizens of Pottawattamie County, and have sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and
WHEREAS, Iowa State Senators and State Representatives have also sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and
WHEREAS, legislation is currently being considered and expected to be proposed by both the Iowa State Legislature and the Federal Legislature that potentially seeks to infringe on the constitutionally protected right of citizens to keep and bear arms; and
WHEREAS, it is desirable to declare that Pottawattamie County is a Second Amendment County, as Pottawattamie County opposes the enactment of any legislation that would infringe upon the constitutional right of the people of Pottawattamie County to keep and bear arms.
NOW, THEREFORE, BE IT RESOLVED that the Pottawattamie County Board of Supervisors, State of Iowa, hereby declares Pottawattamie County to be a Second Amendment County, and hereby states its opposition to the enactment of any legislation that would infringe upon the constitutional right of the people of Pottawattamie County to keep and bear arms.

Dated this 28th day of December, 2021.

ROLL CALL VOTE

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

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

Motion by Wichman, second by Schultz , to approve and authorize Board Chairman to sign, the STBG-SWAP-CO78(205)—FG-78 DOT funding agreement.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to open Public Hearing to approve and authorize plan specifications and form of contract and total estimated costs for the proposed Secondary Roads Operation Center project.

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

Motion by Wichman, second by Shea, to close Public Hearing.

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

Motion by Shea, second by Schultz, to accept resignation letters of Veteran Affairs Commissioners William Dooley and Ellen Fritz.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to appoint Brad Powell and David Hazelwood as full members of the Veteran Affairs Commission to serve the remainder of the vacated terms ending June 30, 2022.
UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Wichman, to approve 28E Agreement between Pottawattamie County, Iowa; West Pottawattamie soil and water conservation district; and East Pottawattamie soil and water conservation district for the funding, of the Full-time Conservation Education Coordinator Position.
UNANIMOUS VOTE. Motion Carried.

3. RECEIVED/FILED

- A. Salary Actions
 - 1) Sheriff – Payroll status change for Jaron Neumann.
 - 2) Communications – Payroll status change for Logan Brown.
- B. Reports
 - 1) Recorder Fee Book for November 2021
 - 2) Sheriff’s Report of Fees Disbursed and Collected for November 2021

4. BUDGET STUDY SESSIONS

The Board held Budget Study Sessions with the following department heads: Nick Jedlicka /Veteran Affair Director, Suzanne Watson / Community Service Director, Andy Brown / Sheriff, Jeff Thuhlen / Chief Deputy Sheriff, Bob Anderson / Communications, Mark Schoemaker / Conservation Director. Discussion only. No action taken.

5. CLOSED SESSION

Motion by Wichman, second by Schultz, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on personnel matters.

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

6. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:20 P.M.

Scott A. Belt, Chairman

ATTEST: _____
Melvyn Houser, Pottawattamie County Auditor

APPROVED: January 3, 2022
PUBLISH: X

December 30th, 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. SCHEDULED SESSIONS

Motion by Shea, second by Grobe, to approve and authorize Board of Supervisors to sign **Resolution No. 125-2021** entitled: RESOLUTION authorizing purchase of property and designating Board Chair as authorized representative to sign necessary document to effectuate said purchase.

RESOLUTION NO. 125-2021

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AND DESIGNATING THE BOARD CHAIR AS THE AUTHORIZED REPRESENTATIVE TO SIGN ANY NECESSARY DOCUMENTS TO EFFECTUATE SAID PURCHASE.

WHEREAS, on December 21, 2021, the Pottawattamie County Board of Supervisors met in closed session to discuss the potential purchase of property from Korby and Samantha Fleischer and Double Diamond, Inc., specifically:

Assessor Parcel #764411400004 (17026 Snowhill Lane, ski resort);

Assessor Parcel #764412300002 (5.75 acres, triangle parcel);

Assessor Parcel #764412300006 (17034 Snowhill Lane);

Assessor Parcel #764412300010 (3.05 acres, Snowhill Lane roadway);

Assessor Parcel #764411400006 (1.43 acres);

Assessor Parcel #764412300008 (17019 Snowhill Lane); and

Substantially all business assets of the business presently being operated as the Mt. Crescent Ski Area.

WHEREAS, on December 21, 2021, following the abovementioned closed session, the Pottawattamie County Board of Supervisors went back into open session and authorized the County to enter into the purchase agreement discussed in closed session.

WHEREAS, on or about December 22, 2021, Korby Fleischer (individually and as sole shareholder of Double Diamond, Inc.) and Samantha Fleischer signed the abovementioned purchase agreement creating a legally binding contract for the sale of the abovementioned property.

WHEREAS, a copy of the abovementioned purchase agreement is attached hereto as Exhibit A to this Resolution.

WHEREAS, the purchase of this property is in the best interest of Pottawattamie County and will be used to expand the county park system for the enjoyment of all citizens of, and visitors to, Pottawattamie County.

THEREFORE, BE IT RESOLVED by the Pottawattamie County Board of Supervisors that:

1. The Pottawattamie County Board of Supervisors is authorized to purchase the abovementioned property on behalf of Pottawattamie County.
2. Board Chair Scott Belt is designated as the Authorized Representative of the Pottawattamie County Board of Supervisors and is empowered to sign any and all documents necessary to effectuate said purchase.

Dated this 30th day of December, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. 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				
_____	○	○	○	○
Brian Shea				

ATTEST: _____
 Matt Wilber, County Attorney

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

2. ADJOURN

Motion by Shea, second by Wichman, to adjourn meeting.
 UNANIMOUS VOTE. Motion Carried.
 THE BOARD ADJOURNED SUBJECT TO CALL AT 10:04 A.M.

 Scott A. Belt, Chairman

ATTEST: _____
 Matt Wilber, Pottawattamie County Attorney

APPROVED: January 3, 2022
 PUBLISH: X

Scheduled Sessions

**Election of Board Chair and Chair Pro-
Tem for 2022.**

**Matt Wyant / Director, Planning &
Development**

Public Hearing and second
consideration of Ordinance No. 2021-
10, An Ordinance to amend Chapter
5.30, Flood Plain Management.

RECORDER'S COVER SHEET

Prepared by:

Pottawattamie County Office of Planning and Development
223 South 6th Street, Suite 4
Council Bluffs, IA 51501-4245
(712) 328-5792

Return Document to:

Pottawattamie County Office of Planning and Development
223 South 6th Street, Suite 4
Council Bluffs, IA 51501-4245
(712) 328-5792

Document Title:

Pottawattamie County
Ordinance #2021-10

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2021-10**

AN ORDINANCE to amend the following in Chapter 5.30, Flood Plain Management:

- * Section 5.30.031 by adding the following definitions: .01 FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years, .02 APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.,.04 BASE FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event., .15 FLOOD INSURANCE STUDY – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations., .21 HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure., and .24 MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use., 34 SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.
- * Renumber subsections in 5.30.031 to accommodate the definition additions.
- * Section 5.30.041.04 by adding subsection D. Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 500-year flood; and that the structure, below the 500-year flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 500-year flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.
- * Amend the Section 5.30.041.11 to provide:
 - .11 Accessory Structures to Residential Uses:
 - A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the 100-year flood elevation must be constructed of flood-resistant materials.
- (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood elevation.
- (6) The structure's walls shall include openings that satisfy the provisions of Section 4, 51.30.041.04A of this Ordinance.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE
COUNTY, IOWA**

SECTION 1 - REPEAL OF CONFLICTING ORDINANCES: That Section 3, 5.30.031, Definitions, is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 3, 5.30.031, Definitions, Flood Plain Management:

5.30.031 Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

.01 FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

.02 APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

.03 BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

.04 BASE FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

- .05 BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- .06 DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- .07 EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".
- .08 EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.
- .09 EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- .10 FACTORY-BUILT HOME - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Chapter factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- .11 FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- .12 FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- .13 FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- .14 FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- .15 FLOOD INSURANCE STUDY – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

- .16 FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.
- .17 FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
- .18 FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- .19 FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- .20 FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- .21 HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- .22 HISTORIC STRUCTURE - Any structure that is:
 - a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
- .23 LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
 - a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 5.30.041.04.A of this Chapter and

- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

- .24 MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
- .25 MINOR PROJECTS – Small development activities (except for filling, grading and excavating) valued at less than \$500.
- .26 NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after April 4, 1983.
- .27 NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.
- .28 ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
- .29 RECREATIONAL VEHICLE - A vehicle which is:
 - a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and

- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- .30 ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building or floodplain development permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - c. Basement sealing;
 - d. Repairing or replacing damaged or broken window panes;
 - e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
- .31 SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.
- .32 START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- .33 STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
- .34 SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for

which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

.35 SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after April 4, 1983 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

.36 VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.

.37 VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

SECTION 3 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Subsection, to be codified as Section 5.30.041.04.D., Maximum Damage Potential Development, Flood Plain Management:

- D. Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 500-year flood; and that the structure, below the 500-year flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 500-year flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

SECTION 4 - REPEAL OF CONFLICTING ORDINANCES: That Section 4, 5.30.041.11, Accessory Structures, is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 5 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 4, 5.30.041.11, Accessory Structures to Residential Uses:

.11 Accessory Structures to Residential Uses:

- A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
- (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the 100-year flood elevation must be constructed of flood-resistant materials.
 - (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
 - (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood elevation.
 - (6) The structure's walls shall include openings that satisfy the provisions of Section 4, 5.30.041.04A of this Ordinance.

SECTION 14 - SEVERABILITY: If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 15 - EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED January 3rd, 2022.

ROLL CALL VOTE
AYE **NAY** **ABSTAIN** **ABSENT**

Scott Belt, Chairman

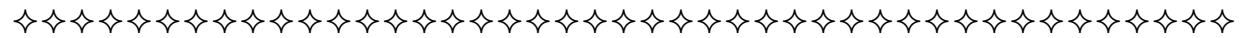
Justin Schultz

Lynn Grobe

Brian Shea

Tim Wichman

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa



NOTICE OF PUBLIC HEARING PUBLISHED:	December 23, 2021
BOARD OF SUPERVISORS PUBLIC HEARING:	December 28, 2021
FIRST CONSIDERATION:	December 28, 2021
SECOND CONSIDERATION:	January 3, 2022
PUBLICATION:	January 13, 2022
RECORD:	January 14, 2022

CHAPTER 5.30
FLOOD PLAIN MANAGEMENT

SECTION 1 – STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

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- 5.30.011 **STATUTORY AUTHORIZATION:** The Legislature of the State of Iowa has in Chapter 331, Code of Iowa, as amended, delegated the power to counties to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.
- 5.30.012 **FINDINGS OF FACT:**
- .01 The flood hazard areas of Pottawattamie County, Iowa are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
- .02 These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.
- 5.30.013 **STATEMENT OF PURPOSE:**
It is the purpose of this Chapter to protect and preserve the rights, privileges and property of Pottawattamie County, Iowa and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 5.30.012.01 of this Chapter with provisions designed to:
- .01 Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- .02 Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- .03 Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- .04 Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

SECTION 2 – GENERAL PROVISIONS

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- 5.30.021 **LANDS TO WHICH CHAPTER APPLY:** The provisions of this Chapter shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Maps (FIRM), dated April 16, 2013 which were prepared as part of the Pottawattamie County, Iowa, Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Pottawattamie County, Iowa, Insurance Study is hereby adopted by reference and is made a part of this Chapter for the purpose of administering flood plain management regulations.

- 5.30.022 COMPLIANCE: No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter.
- 5.30.023 ABROGATION AND GREATER RESTRICTIONS: It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
- 5.30.024 INTERPRETATION: In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- 5.30.025 WARNING AND DISCLAIMER OF LIABILITY: The standards required by this Chapter are considered reasonable for regulatory purposes. This Chapter does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This Chapter shall not create liability on the part of Pottawattamie County, Iowa, or any officer or employee thereof for any flood damages that from reliance on this Chapter or any administrative decision lawfully made there under.
- 5.30.026 SEVERABILITY: If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SECTION 3 - DEFINITIONS

- 5.30.031 Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.
- .01 FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years. (Ordinance #2021-10/01-03-2022)
- .02 APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. (Ordinance #2021-10/01-03-2022)
- .03 BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- .04 BASE FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event. (Ordinance #2021-10/01-03-2022)
- .05 BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- .06 DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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- .07 EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".
- .08 EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.
- .09 EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- .10 FACTORY-BUILT HOME - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Chapter factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- .11 FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- .12 FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- .13 FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- .14 FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- .15 FLOOD INSURANCE STUDY – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. (Ordinance #2021-10/01-03-2022)
- .16 FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.
- .17 FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
- .18 FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- .19 FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

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.20 FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

.21 HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Ordinance #2021-10/01-03-2022)

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.22 HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

.23 LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 5.30.041.04.A of this Chapter and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

.24 MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use. (Ordinance #2021-10/01-03-2022)

.25 MINOR PROJECTS – Small development activities (except for filling, grading and excavating) valued at less than \$500.

.26 NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after April 4, 1983.

- .27 NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.
- .28 ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
- .29 RECREATIONAL VEHICLE - A vehicle which is:
- a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- .30 ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building or floodplain development permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - c. Basement sealing;
 - d. Repairing or replacing damaged or broken window panes;
 - e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
- .31 SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.
- .32 START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

.33 STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

.34 SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. (Ordinance #2021-10/01-03-2022)

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.35 SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after April 4, 1983 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

.36 VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.

.37 VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

SECTION 4 – FLOOD PLAIN MANAGEMENT STANDARDS

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5.30.041 **GENERAL FLOOD PLAIN STANDARDS:** All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

.01 All development within the areas of significant flood hazard shall:

- A. Be consistent with the need to minimize flood damage.
- B. Use construction methods and practices that will minimize flood damage.

- C. Use construction materials and utility equipment that are resistant to flood damage.
- D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

.02 Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the County Board of Supervisors, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new and substantially improved residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

.03 Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

.04 All new and substantially improved structures:

A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

The enclosed areas below the "lowest floor" (not including basements) shall be used solely for parking vehicles, limited low damage storage and/or access to the building.

The property owner shall complete, sign and record with the Pottawattamie County Recorder's Office, the Pottawattamie County Non-Conversion Agreement furnished by the Administrator.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) elevated or floorproofed to at least one (1) foot above the 100-year flood level.

D. Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 500-year flood; and that the structure, below the 500-year flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 500-year flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations. (Ordinance #2021-10/01-03-2022)

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.05 Factory-built homes:

- A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
- B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

.06 Utility and Sanitary Systems:

- A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
- C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
- D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

.07 Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be

subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

- .08 Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- .09 Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- .10 Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.

.11 Accessory Structures to Residential Uses(Ordinance #2021-10/01-03-2022):

A. Detached garages, sheds, and similar structures that are incidental accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the 100-year flood elevation must be constructed of flood-resistant materials.
- (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood elevation.
- (6) The structure's walls shall include openings that satisfy the provisions of Section 4, 51.30.041.04A of this Ordinance.

- ~~(1) The structure shall not be used for human habitation.~~
- ~~(2) The structure shall be designed to have low flood damage potential.~~
- ~~(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.~~

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~~(4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.~~

~~(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.~~

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

.12 Recreational Vehicles

A. Recreational vehicles are exempt from the requirements of Section 5.30.041.05 of this Chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 5.30.041.05 of this Chapter regarding anchoring and elevation of factory-built homes.

.13 Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

5.30.042 **SPECIAL FLOODWAY PROVISIONS:** In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

.01 No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

.02 All uses within the floodway shall:

A. Be consistent with the need to minimize flood damage.

B. Use construction methods and practices that will minimize flood damage.

C. Use construction materials and utility equipment that are resistant to flood damage.

- .03 No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- .04 Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- .05 Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- .06 Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
- .07 Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- .08 Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- .09 Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

5.30.043 SPECIAL PROVISIONS FOR SHALLOW FLOODING AREAS: In addition to the General Flood Plain Standards, uses within shallow flooding areas must meet the following applicable standards.

- .01 In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map (FIRM), the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.
- .02 In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.
- .03 In shallow flooding areas designated as either an AO or AH on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide water away from structures.

SECTION 5 - ADMINISTRATION

5.30.051 APPOINTMENT, DUTIES AND RESPONSIBILITIES OF FLOOD PLAIN ADMINISTRATOR:

- .01 The Director of Planning and Development of Pottawattamie County, Iowa, is hereby appointed to implement and administer the provisions of this Chapter and will herein be referred to as the Administrator.
- .02 Duties of the Administrator shall include, but not necessarily be limited to the following:
 - A. Review all flood plain development permit applications to assure that the provisions of this Chapter will be satisfied.

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- B. Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
- C. Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures.
- D. Record and maintain a record of the elevation (in relation to North American Vertical datum) to which all new or substantially improved structures have been floodproofed.
- E. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
- F. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Chapter.

5.30.052 FLOOD PLAIN DEVELOPMENT PERMIT:

- .01 Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- .02 Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - A. Description of the work to be covered by the permit for which application is to be made.
 - B. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - C. Indication of the use or occupancy for which the proposed work is intended.
 - D. Elevation of the 100-year flood.
 - E. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - F. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - G. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Chapter.
- .03 Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this Chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Supervisors.

- .04 Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Chapter, prior to the use or occupancy of any structure.

5.30.053 Variance

- .01 The County Board of Supervisors may authorize upon request in specific cases such variances from the terms of this Chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.
- A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- .02 Factors Upon Which the Decision of the Board of Supervisors Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Chapter and:
- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept on to other land or downstream to the injury of others.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - E. The importance of the services provided by the proposed facility to the County.
 - F. The requirements of the facility for a flood plain location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
 - L. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - M. Such other factors which are relevant to the purpose of this Chapter.
- .03 Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Chapter. Such conditions may include, but not necessarily be limited to:
- A. Modification of waste disposal and water supply facilities.
 - B. Limitation of periods of use and operation.
 - C. Imposition of operational controls, sureties, and deed restrictions.
 - D. Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Chapter.
 - E. Floodproofing measures.

SECTION 6 – NONCONFORMING USES

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5.30.061 A structure or the use of a structure or premises which was lawful before August 9, 1993 or amendment of this Chapter, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:

- .01 If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Chapter.

.02 Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

5.30.062 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

SECTION 7 – PENALTIES FOR VIOLATION

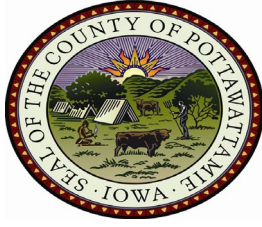
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5.30.071 The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75.

SECTION 8 - AMENDMENTS

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5.30.081 The regulations and standards set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.



Pottawattamie County Office of Planning and Development

TO: Pottawattamie County Board of Supervisors
FROM: Pam Kalstrup
DATE: December 24, 2021
RE: Ordinance #2021-10 – Flood Plain Management

Bill Cappuchio, Floodplain Management Engineer, Iowa DNR, conducted a Community Assistance Visit (CAV), which occurs every 5 years.

The CAV is a visit to a community by a FEMA staff member or staff of a State agency on behalf of FEMA that serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain, an inspection of community permit files, and meetings with local staff.

Mr. Cappuchio reviewed the County's Flood Plain Management regulations and per his directive, the County is required to make some amendments.

Jana Lemrick/Director, HR

**Discussion and/or decision to approve
appointment of Jana Lemrick as Title VI
Coordinator.**

John Rasmussen / County Engineer

Discussion and/or decision to approve and authorize Board to sign Resolution No. 06-2022 entitled: Resolution Authorizing the County Engineer to close Secondary Roads for construction and/or maintenance.

RESOLUTION NO. 06-2022

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

WHEREAS, Section 306.41 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, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the 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 3rd day of January, 2022, 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 2022-2023, and any approved supplements thereto.”

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

Dated this 3rd day of January, 2022.

ROLL CALL VOTE

	AYE		NAY		ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Scott A. Belt						
_____	<input type="radio"/>	<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"/>	<input type="radio"/>	
Lynn Grobe						
_____	<input type="radio"/>	<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"/>	<input type="radio"/>	
Brian Shea						

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

John Rasmussen / County Engineer

Discussion and/or decision to approve and authorize Board to sign Resolution No. 07-2022 entitled: Resolution Authorizing the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems.

RESOLUTION NO. 07-2022

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 3rd day of January, 2022, 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 2022.

Dated this 3rd day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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

RECOMMENDED: _____
Pottawattamie County Engineer

John Rasmussen / County Engineer

Discussion and/or decision to approve and authorize Board to sign Resolution No. 08-2022 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.

Other Business

Adopt Robert's Rules of Order

Establish Policy on Board Sessions

**Discussion and/or decision to approve
and authorize Board to sign Resolution
No. 01-2022 entitled: Resolution
pertaining to the payment of County
bills.**

RESOLUTION NO. 01-2022

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 are 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 3rd Day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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

**Discussion and/or decision to approve
and authorize Board to sign Resolution
No. 02-2022 entitled: Resolution
authorizing the Auditor to destroy
county vouchers on or before January
1, 2012.**

RESOLUTION NO. 02-2022

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2012; 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, 2012.

Dated this 3rd Day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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

**Discussion and/or decision to approve
and authorize Board to sign Resolution
No. 03-2022 entitled: Resolution
approval of Deputy Appointments.**

RESOLUTION NO. 03-2022

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
Andrew Moats, First Deputy
- Sheriff** Jeff Theulen, Chief Deputy
- Treasurer** Jamie Smothers, First Deputy
Heather Ausdemore, First Deputy

Dated this 3rd Day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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

Discussion and/or decision to approve and authorize Board to sign Resolution No. 04-2022 entitled: Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County.

RESOLUTION NO. 04-2022

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 2021-2022.

RECAPITULATION

TELEPHONE – TELEGRAPH	\$ 10,582,707
RAILROADS	\$ 75,276,765
PIPELINE	\$ 76,500,169
TOTAL FOR COUNTY	\$ 162,359,641

Dated this 3rd Day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
<hr/> Scott A. Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

500E088 UTILITY ASSESSMENT FOR COUNTY OF POTTAWATTAMIE

RECAPITULATION

TELEPHONE-TELEGRPH	10,582,706.71
RAILROADS	75,276,765.39 ✓
PIPELINE	76,500,168.97
TOTAL COUNTY	162,359,641.07 X ok

Discussion and/or decision to approve and authorize Board to sign Resolution No. 05-2022 entitled: Construction Evaluation Resolution relating to the construction of a confinement feeding operation.

RESOLUTION NO. 05-2022

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, 2022, and January 31, 2023, 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 3rd day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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

**Approval of Official Newspapers for
Pottawattamie County for 2022.**

Discussion and/or decision on Legal Holidays for 2022

Approval of Federal Standard Mileage Rate for 2022.



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- [IRS Guidance](#)
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Issue Number: IR-2021-251

Inside This Issue

IRS issues standard mileage rates for 2022

IR-2021-251, Dec. 17, 2021

WASHINGTON — The Internal Revenue Service today issued the 2022 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2022, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:


- 58.5 cents per mile driven for business use, up 2.5 cents from the rate for 2021,
- 18 cents per mile driven for medical, or moving purposes for qualified active-duty members of the Armed Forces, up 2 cents from the rate for 2021 and
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2021.

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see [Moving Expenses for Members of the Armed Forces](#).

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate but must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses. Leased vehicles must use the standard mileage rate method for the

<p>Contact My Local Office</p> <p>Filing Options</p> <p>Forms & Instructions</p> <p>Frequently Asked Questions</p> <p>News</p> <p>Taxpayer Advocate</p> <p>Where to File</p> <p>IRS Social Media</p> <hr/>	<p>entire lease period (including renewals) if the standard mileage rate is chosen.</p> <p>Notice 22-03, contains the optional 2022 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2022 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.</p> <p>Back to Top</p> <div style="text-align: center;">  </div> <hr/> <p>Thank you for subscribing to the IRS Newswire, an IRS e-mail service.</p> <p>If you know someone who might want to subscribe to this mailing list, please forward this message to them so they can subscribe.</p> <p>This message was distributed automatically from the mailing list IRS Newswire. Please Do Not Reply To This Message.</p>
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**Discussion and/or decision of
appointment to Southwest Iowa Region
Mental Health & Disability Services
Board for 2022.**

**Discussion and/or decision of
appointment to the Fourth Judicial
District Department of Correctional
Services Board of Directors for 2022.**

**Discussion and/or decision of
appointment of representatives to the
IGHCP Board for 2022.**

**Discussion and/or decision of
appointment of MAPA representative.**

Discussion and/or decision on monthly stipend amount for Elected Official's mobile cellular usage for 2022.

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