

Consent Agenda

October 11, 2022

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

Motion by Shea, second by Belt, to set Public Hearing for a new levy district for November 17 to be held at the Rand Center in Missouri Valley at 11:00 A.M.

UNANIMOUS VOTE. Motion Carried.

1. CONSENT AGENDA

After discussion was held by the Board, a motion was made by Schultz, and second by Shea, to approve:

- A. October 4, 2022, Minutes as read.
- B. New Class C Native Wine Permit (On-Premises), granting privileges of Class C Wine / Sunday Sales to Besch Enterprises d/b/a Honey Creek Vinery.
- C. September 2022 Vendor Publication Report.

2. SCHEDULED SESSIONS

Motion by Shea, second by Belt, to open Public Hearing on disposal of county-owned property under Iowa Code Section 331.361, legally described as: A parcel of land located in Lots 2, 3, 4, 5 and 6 of Block 12 of Hyatt's Subdivision, and also a part of closed 8th Avenue, all in Council Bluffs, Iowa, more particularly described as follows: Beginning at the NE corner of Lot 1, Block 15 of said Hyatt's Subdivision, thence S90°00'W 76.8 ft. along the north line of said Lot 1, thence N10°20 ½'E 107.1 ft. to a point on the north line of Lot 6 of said Block 12, then N19°21'E 169.6 ft. to a point on the east line of Lot 2 of said Block 12, thence S0°17 1.2'E 265.3 ft. along the east lines of said Lots 2, 3, 4, 5 and 6 to the NE corner of Lot 1 of said Block 15, the Point of Beginning, said parcel contains 11,604 sq. ft., more or less all located in Pottawattamie County, Iowa (commonly referred to as 600 9th Ave)

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

Motion by Shea, second by Belt, to close public hearing.

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

Motion by Shea, second by Schultz, to approve and authorize Board to sign **Resolution No. 65-2022** to authorize disposal of county-owned property under Iowa Code Section 331.361, legally described as: A parcel of land located in Lots 2, 3, 4, 5 and 6 of Block 12 of Hyatt's Subdivision, and also a part of closed 8th Avenue, all in Council Bluffs, Iowa, more particularly described as follows: Beginning at the NE corner of Lot 1, Block 15 of said Hyatt's Subdivision, thence S90°00'W 76.8 ft. along the north line of said Lot 1, thence N10°20 ½'E 107.1 ft. to a point on the north line of Lot 6 of said Block 12, then N19°21'E 169.6 ft. to a point on the east line of Lot 2 of said Block 12, thence S0°17 1.2'E 265.3 ft. along the east lines of said Lots 2, 3, 4, 5 and 6 to the NE corner of Lot 1 of said Block 15, the Point of Beginning, said parcel contains 11,604 sq. ft., more or less all located in Pottawattamie County, Iowa (commonly referred to as 600 9th Ave).

RESOLUTION NO. 65-2022

A RESOLUTION AUTHORIZING DISPOSAL OF AN INTEREST IN COUNTY-OWNED PROPERTY AS PROVIDED UNDER IOWA CODE SECTION 331.361

WHEREAS, the Board of Supervisors has provided legal notice of and set a public hearing for the disposal of an interest in county-owned property described below; and

WHEREAS, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of certain county-owned property and to allow the property to be transferred; and

WHEREAS, Pottawattamie County, Iowa acquired title to the property by virtue of a state land grant dated March 22, 1985 and filed for record in the Pottawattamie County Recorder's Office in Book 85, Page 18015; and

WHEREAS, Heartland Family Service has been occupying the property for purposes of providing transitional housing for individuals with a mental illness either leaving incarceration or experiencing homelessness; and

WHEREAS, mental illness and street homelessness are serious issues facing Pottawattamie County; and

WHEREAS, the provision of transitional housing to these individuals serves an important public purpose; and

WHEREAS, the property is nearing the end of its useful life; and

WHEREAS, the property will soon require substantial renovation and repair expenses at an estimated cost of \$2,381,604; and

WHEREAS, Heartland Family Service has expressed interest in obtaining title and ownership of said property from Pottawattamie County, Iowa, for rehabilitation of the property and continued use of the property for transitional housing; and

WHEREAS, the assessed value of said property in 2021 was found to be \$410,900 and Heartland Family Service is willing to purchase said property for that sum with a forgivable promissory note.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board of Supervisors does hereby authorize the disposal of Pottawattamie County, Iowa’s interest in the property commonly referred to as 600 9th Avenue, and legally described as follows:

A parcel of land located in Lots 2, 3, 4, 5 and 6 of Block 12 of Hyatt’s Subdivision, and also a part of closed 8th Avenue, all in Council Bluffs, Iowa, more particularly described as follows:

Beginning at the NE corner of Lot 1, Block 15 of said Hyatt’s Subdivision, thence S90°00’W 76.8 ft. along the north line of said Lot 1, thence N10°20 ½’E 107.1 ft. to a point on the north line of Lot 6 of said Block 12, then N19°21’E 169.6 ft. to a point on the east line of Lot 2 of said Block 12, thence S0°17 1.2’E 265.3 ft. along the east lines of said Lots 2, 3, 4, 5 and 6 to the NE corner of Lot 1 of said Block 15, the Point of Beginning, said parcel contains 11,604 sq. ft., more or less.

BE IT FURTHER RESOLVED that the terms of the disposal are as set forth above.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized, empowered and directed to cause all appropriate legal documents to be prepared, duly executed, and recorded along with this Resolution and the Proof of Publication of the “Notice of Public Hearing”.

Dated this 11th day of October, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tim Wichman, Chairman				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scott Belt				
_____	<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: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Schultz, second by Shea, to approve and authorize Board to sign Amendment to Agreement for Service between MAPA and Pottawattamie County for flood property acquisitions.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Grobe, to approve and authorize Board to sign **Resolution No. 66-2022** entitled: **ASBESTOS SURVEY AND MONITORING OF ABATEMENT 2019 FLOOD.**

RESOLUTION 66-2022
ASBESTOS SURVEY AND MONITORING OF ABATEMENT
2019 FLOOD

WHEREAS, as a result of the flooding of 2019, Pottawattamie County has applied to FEMA under its §403 Essential Assistance Program for funding of demolition work. Funding is anticipated from FEMA, the State of Iowa and the County.

WHEREAS, the County requires asbestos removal to be performed for the purpose of preparing structures for demolition in connection with the above identified project; and

WHEREAS, the County requires an asbestos survey identifying asbestos containing material (ACM) and monitoring of asbestos removal; and

WHEREAS, Terracon Consultants, Inc. (contractor) certifies to be an individual licensed by, or an entity permitted by Iowa Workforce Development to perform asbestos surveys, is an Iowa registered Contractor, is qualified and willing to perform the work required in accordance with standards and criteria hereinafter set forth, and pursuant to the terms provisions and conditions hereof, and

WHEREAS, Request for Bids (RFB) Notice to Bidders was published in the The Nonpareil on September 2, 2022 and individual written RFB Notice to Bidders were mailed on August 31, 2022 to various asbestos survey and monitoring companies licensed by the State of Iowa from the region surrounding the County, and

WHEREAS, said bids were required to be submitted to Pottawattamie County, Iowa, on or before September 30, 2022, and

WHEREAS, Pottawattamie County received three (3) quotes, and have opened said quotes on October 3, 2022, and

WHEREAS, the County has determined that Terracon Consultants, Inc. has submitted the lowest and most responsive and responsible submittal and who has best met the submittal criteria as set out in the RFB, and

WHEREAS, Pottawattamie County, Iowa, is interested in continuing forward and having the work described in said RFB completed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors that the contract to perform the said Asbestos Surveying and Monitoring of Abatement work for Pottawattamie County, Iowa, as outlined in the said RFB is hereby awarded to Terracon Consultants, Inc. in the total amount of \$6,400.00, and that the Board is authorized to execute said Contract with this contractor and that the contractor is hereby given "Notice to Proceed", after having submitted the Certificate of Insurance required by the RFB to the County through the Planning Director.

Dated this 11 day of October 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Tim Wichman, Chairman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

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

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

Motion by Shea, second by Belt, to approve and authorize Board to sign **Resolution No. 67-2022** entitled: **REAL ESTATE ACQUISITION LEGAL SERVICES 2019 FLOOD.**

**RESOLUTION 67-2022
REAL ESTATE ACQUISITION LEGAL SERVICES
2019 FLOOD**

WHEREAS, as a result of the flooding of 2019, Pottawattamie County has applied to FEMA under its §403 Essential Assistance Program for funding of demolition work. Funding is anticipated from FEMA, the State of Iowa and the County.

WHEREAS, the County requires legal services to be performed for the purpose of preparing structures for demolition in connection with the above identified project; and

WHEREAS, Petersen Law PLLC (contractor) certifies to be permitted to practice law in Iowa as established in Chapter 31 of the Iowa Court Rules, is qualified and willing to perform the work required in accordance with standards and criteria hereinafter set forth, and pursuant to the terms provisions and conditions hereof, and

WHEREAS, Request for Bids (RFB) Notice to Bidders was published in the The Nonpareil on September 2, 2022 and individual written RFB Notice to Bidders were mailed on August 31, 2022 to law firms permitted to practice law in Iowa from the region surrounding the County, and

WHEREAS, said bids were required to be submitted to Pottawattamie County, Iowa, on or before September 30, 2022, and

WHEREAS, Pottawattamie County received two (2) quotes, and have opened said quotes on September 30, 2022, and

WHEREAS, the County has determined that Petersen Law PLLC has submitted the lowest and most responsive and responsible submittal and who has best met the submittal criteria as set out in the RFB, and

WHEREAS, Pottawattamie County, Iowa, is interested in continuing forward and having the work described in said RFB completed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors that the contract to perform the said Legal Services work for Pottawattamie County, Iowa, as outlined in the said RFB is hereby awarded to Petersen Law PLLC in the total amount of \$22,700.00, and that the Board is authorized to execute said Contract with this contractor and that the contractor is hereby given "Notice to Proceed", after having submitted the Certificate of Insurance required by the RFB to the County through the Planning Director.

Dated this 11 day of October, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Tim Wichman, Chairman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

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

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

Motion by Shea, second by Grobe, to award bid to Prairie Construction Company for construction of the Pottawattamie County Roads Operation Center in the amount of \$8,896,000.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Melvyn Houser/Auditor appeared before the Board to discuss what date to Canvass for the General Election date shall be November 15 at 9:00 A.M.

Discussion only. No Action taken.

Motion by Shea, second by Belt, to approve Job Description for Front Office Manager, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Job Description for Hospitality and Guest Services, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to approve Job Description for Cleaning and Support Team Member, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Belt, to approve Job Description for Kitchen Manager, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Belt, to approve Job Description for Kitchen Staff Team, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Job Description for Kitchen Staff Team Member, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to approve Job Description for Rental Shop Manager, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Belt, to approve Job Description for Rental Shop Team Lead, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Job Description for Rental Shop Team Member, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Belt, to approve Job Description for Ticket Agent, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to approve Job Description for Snowmaking Team Lead, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Job Description for Snowmaking Team Member, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Job Description for Chair Lift Operator, and the posting of said position.

UNANIMOUS VOTE. Motion Carried.

4. RECEIVED/FILED

A. Salary Action(s):

- 1) SWI Juvenile Detention Center – Payroll status change for Sean Sahl.

B. Out of State Travel Notification:

- 1) Jail – Out of State Travel Notification for Steve Winchell, Kayla Smeal, Megan Albers, and Shannon Holman.

C. Reports:

- 1) Recorder Fee Book for September 2022.

5. PUBLIC COMMENTS

No Public Comments.

6. CLOSED SESSION

Motion by Shea, second by Schultz, to go into Closed Session pursuant to Iowa Code §21.5(1)(c), for discussion and/or decision on pending or potential litigation.

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

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

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

Motion by Shea, second by Schultz, to go into Closed Session pursuant to Iowa Code §21.5(3), for discussion and/or decision on labor negotiations/collective bargaining.

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

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

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

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:50 P.M.

Tim Wichman, Chairman

ATTEST: _____
Melvyn Houser, Pottawattamie County Auditor

APPROVED: October 18, 2022

PUBLISH: X

Scheduled Sessions

**Matt Wyant/Director, Planning and
Development and/or Pam
Kalstrup/Coordinator, Zoning & Land Use,
Planning and Development**

Public Hearing and First Consideration of Ordinance No. 2022-06, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa by changing the district designation of approximately 12.92 acres from a Class A-2 (Agricultural Production) to a Class C-2 (General Commercial) District; and setting date for Second Consideration.

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 #2022-06

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2022-06**

AN ORDINANCE to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 12.92 acres from a Class A-2 (Agricultural Production) District to a Class C-2 (General Commercial) District.

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

SECTION 1 - AMENDMENTS: That the Official Zoning Map, as adopted by reference in Section 8.003.020 of the Pottawattamie County, Iowa, Zoning Ordinance, be and the same is hereby amended by changing the district designation from its present designation of a Class A-2 (Agricultural Production) District to a Class C-2 (General Commercial) District of certain real estate, as shown on the attached plat and which is legally described as follows:

21-77-39 S 1/2 NW NE EXC W4.9' AC & EXC HWY

SECTION 2 - SEVERABILITY: That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 3 - REPEAL OF CONFLICTING ORDINANCES: That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4 - EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED.

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

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



NOTICE OF PUBLIC HEARING PUBLISHED:	October 13, 2022
BOARD OF SUPERVISORS PUBLIC HEARING:	October 18, 2022
FIRST CONSIDERATION:	October 18, 2022
SECOND CONSIDERATION:	October 25, 2022
PUBLICATION:	November 3, 2022
RECORD:	November 4, 2022

TO: Board of Supervisors
FROM: Matt Wyant
DATE: October 13, 2022

RE: #ZMA-2022-04

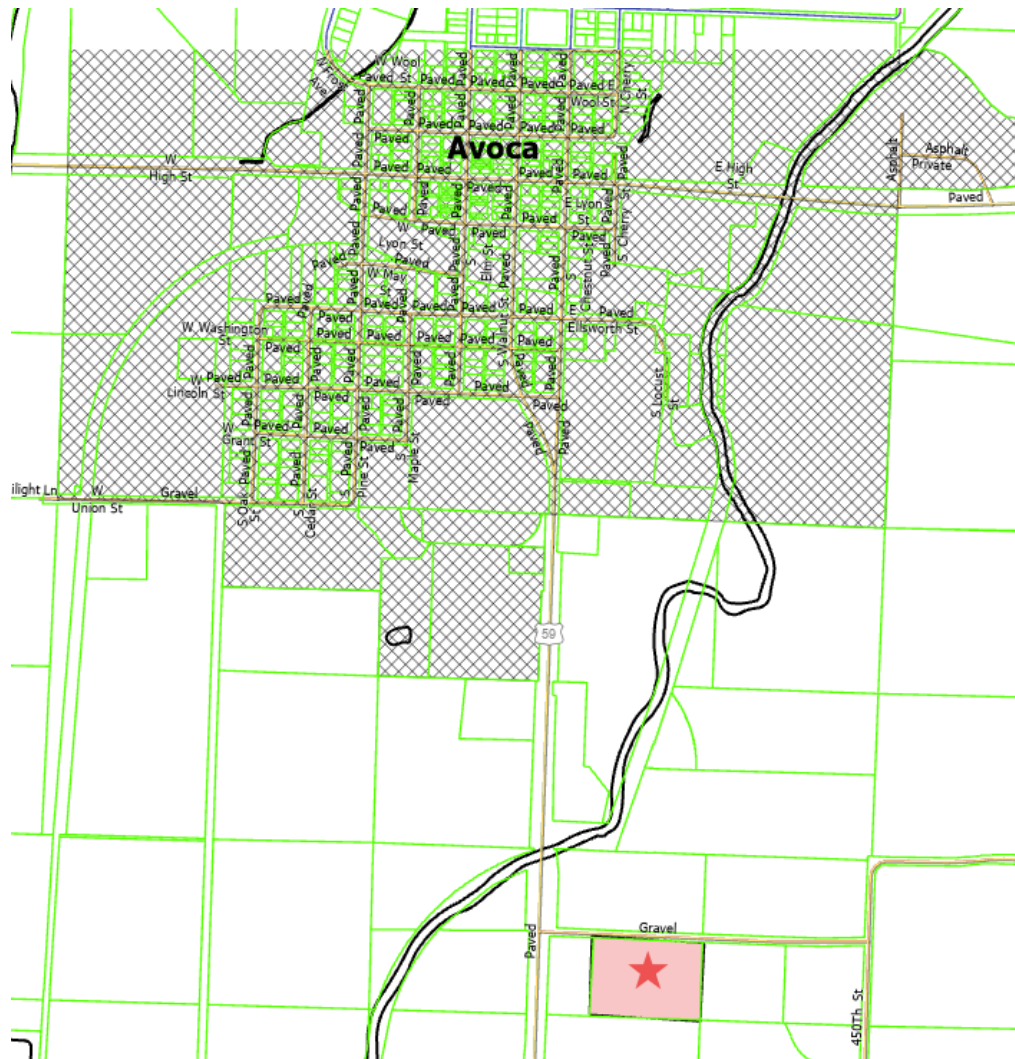
REQUEST: Zoning Map Amendment to reclassify approximately 12.92 acres from a Class A-2 (Agricultural Production) to a Class C-2 (General Commercial).

LOCATION: Knox Township

450th St

21-77-39 S1/2 NW NE EXC W4.9' AC & EXC HWY

The subject property is located approximately ½ t to the city limits of Avoca on 450th St.



PROPERTY OWNER: Second Van Houweling Property LLC dba Van Wall

**GENERAL
INFORMATION:**

The applicants have requested that approximately 12.92 acres, which are currently zoned A-2 (Agricultural Production) District, be rezoned to C-2 (General Commercial). They own the parcel adjacent to the west of the subject property which consists of approximately 4.89 acres. It is zoned C-2 and is doing business as Van Wall (John Deere dealer). That property was zoned C-2 in 1971.



**APPLICANT'S
NARRATIVE:**

We are planning a shop expansion to the east of our current building which is located on Parcel 773921200002. This parcel is zoned as commercial. This expansion will impede into the line on parcel 773921200003. This parcel is currently zoned as Agricultural. In anticipation of this expansion and future building permit submission, we would like to combine both parcels and be zoned as commercial.

I am not able to attend meetings on the 3rd Mondays of the month as I serve on the Boyer Valley School board as president and this is when our meetings are scheduled. A representative from Van Wall will attend the meeting in my place.

Feel free to call me ahead of the meeting on my cell phone 712-210-1604.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Puck'.

Steve Puck

Van Wall

AREA REVIEW:

The properties in the immediate area are a mixture of agricultural ground and larger rural acreages.



SITE REVIEW:

The parcel is currently undeveloped.

LAND USE PLAN:

This proposed Zoning Map Amendment aligns with the Comprehensive and Land Use Plan.

COMMERCIAL AREAS

Future commercial land uses in rural Pottawattamie County will include, highway commercial, commercial recreational, and Loess Hills Commercial Overlay District. Highway commercial land use should be located within 2-miles of Council

Bluffs and ½-mile of each of the communities, and in limited instances be considered at the junctions of major highways or at interchanges along Interstate 29, 80 and 680 in rural Pottawattamie County. Development should be limited to commercial types capable of meeting the needs of local highway motorists. This would include such types as gasoline convenience shops, truck and freight terminals and farm implement sales and service.

To encourage limited opportunities for commercial land use that would enhance the social-economic aspects of local recreation and product opportunities related to tourism, a commercial recreational and Loess Hills Commercial Overlay District will be utilized. The commercial recreational use will include services related to recreational opportunities such as the bike trails, water trails, and county parks. The Loess Hills Commercial Overlay District allows limited opportunities for commercial land use that would enhance the social-economic aspects of the Loess Hills. The District would be in close proximity to the Lincoln Highway Scenic Byway with the intent of this use to encourage limited commercial development associated with locally made or grown products that would include such types as arts, craftsmanship, foods, wine, and produce.

ROADS & TRAFFIC: Access to the subject property is gained from 450th Street, a gravel county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 50 vehicles per day.

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the majority of the property as being in a Zone A-Areas of 1% annual chance of flooding. New construction must comply with the floodplain management ordinance.



COMMISSION

RECOMMENDATION: On September 19, 2022 the Planning Commission conducted their public hearing on this request and made the following recommendation:

Motion: to recommend that the request of Second Van Houweling Property LLC dba Van Wall, as filed under Case #ZMA-2022-03, be approved as submitted.

Motion by: B. Larson.

Second by: Chapman.

Vote: Ayes –Silkworth, Leaders, B. Larson, Chapman. Motion Carried

**Discussion with the City of Macedonia and Hancock
regarding small town needs.**

Other Business

Maria Sieck/Administrator, Public Health

Discussion and/or decision to approve County funding of flu shots for part-time employees.

Received/Filed

Public Comments

Closed Session

Budget Study Session