

**November 15, 2022**

**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M. All members present. Chairman Wichman presiding.

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

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

- A. November 8, 2022, Minutes as read.
- B. New Class C Liquor License, granting privileges of Class C Liquor License/Outdoor Service/Sunday Service for Pottawattamie County Conservation Board d/b/a Crescent Ridge Ski and Recreation Area, Honey Creek.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Schultz, second by Belt, to canvass General Election 2022, and to authorize Auditor to pay election costs.

UNANIMOUS VOTE. Motion Carried.

District Court Judge Maggie Popp Reyes appeared to swear in Elected Official Andrew Moats, Recorder.

Motion by Shea, second by Schultz, to open Public Hearing on disposal of county property. The public hearing will remain open until November 22, 2022.

**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. 70-2022** entitled: A RESOLUTION FOR CONSTRUCTION AGREEMENT BETWEEN THE CITY OF UNDERWOOD AND POTTAWATTAMIE COUNTY FOR A SECONDARY ROAD EXTENSION PROJECT.

**RESOLUTION NO. 70-2022**

**A RESOLUTION FOR CONSTRUCTION AGREEMENT BETWEEN THE CITY OF UNDERWOOD AND POTTAWATTAMIE COUNTY FOR A SECONDARY ROAD EXTENSION PROJECT.**

Consenting to and approving the plans for the improvement of the extension of Secondary Road G30 (Magnolia Road) and the Mosquito Creek Bridge within the Corporate Limits of the City of Underwood, Iowa ("City").

**WHEREAS**, Pottawattamie County proposes to improve Magnolia Road within the City of Underwood, Iowa in accordance with plans filed in the office of the Clerk of said City as follows:

Remove and replace pavement and reconstruct the Mosquito Creek Bridge to support turn lanes as necessitated by the current and future developments ("Project") and,

**WHEREAS**, the City has informed itself as to the proposed improvements and,

**WHEREAS**, the City recognizes the County will develop the project and the City supports the proposed improvements, the Jack Links Expansion, and grant applications made by the County for this project and,

**WHEREAS**, the City will receive City Bridge Funds for the Mosquito Creek Bridge (FHWA #288730) and those funds will be incorporated into the Project as applicable by the grant requirements and conditions and,

**WHEREAS**, either the City or the County may apply for and receive grant funding for the Project and those funds are to be utilized by the County as the lead agency insofar as these funds meet the intent and purpose of the proposed Project.

**NOW, THEREFORE, BE IT RESOLVED** by the said Council of the City of Underwood and Pottawattamie County hereby agree to approve the plans for the said project and consents to the proposed Project with the County as the Lead Agency. The City agrees that:

1. The City will take such legal steps and procedures to a conclusion such legal action and/or proceedings as are now or may hereafter be required.
2. To legally establish the grade lines of the street in accordance with and as shown by the Project plans, and to cause any damage accruing therefrom to be determined and paid pursuant to Iowa Code Section 364.15.
3. To take such steps as may be necessary to secure the consent to the removal of any trees that may interfere with the construction of the Project.

4. To remove existing and prevent future encroachments and obstructions upon streets or highways covered by the Project.
5. To remove or cause to be removed without expense to the County all water hydrants, curb boxes, electric cables, poles parking meters, traffic signals, and any other facilities or obstructions which interfere with the construction of the Project.
6. All above ground utilities shall be placed as close to the right of way line as practical.
7. Since this project may be partly financed with Federal-aid funds, the grant of which requires that he Iowa Department of Transportation (Iowa DOT) and the County comply with federal laws and regulations with respect thereto, the City agrees to take such action as may be necessary to comply with such federal laws and regulations. (Approval of the plans by the City satisfies the requirements of this paragraph.)
8. The City further agrees that within the limits of the proposed surfacing and for one foot outside thereof where the City or utility companies may be digging ditches prior to the proposed surfacing, the City will require that all backfilling and compaction of ditches shall be made in accordance with the Iowa DOT’s current Standard Specifications. The work will be subject to the approval of the County.
9. The City will, by ordinance, prohibit or restrict diagonal parking throughout the Project.

Upon completion of the Project, the City agrees that:

1. Any changes in the physical features of the Project will be authorized only after approval has been secured from the County.
2. The City will furnish and erect all traffic signage and signaling in accordance with the current Manual on Uniform Traffic Control Devices.
3. All traffic signage and signaling shall be approved by the County before placement.

**Dated this 15 day of November 2022.**

ROLL CALL VOTE

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

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

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

**Dated this 8 day of November, 2022.**

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Robert Dose	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jim Pingel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Josh Madsen

	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Royce Forbush				

	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
JW Tiarks				

SIGNATURE: \_\_\_\_\_

Dennis Bardsley, Mayor

ATTEST: \_\_\_\_\_

Cindy Sorlien, City Administrator/Clerk

Roll Call Vote: **AYES: Dose, Pingel, Madsen, Tiarks. ABSENT: Forbush. Motion Carried.**

Motion by Shea, second by Grobe, to approve and authorize Board to sign **Resolution No. 71-2022** entitled: A RESOLUTION ENDORSING AN APPLICATION FOR RISE PROGRAM FUNDING TO SUPPORT APPLICABLE LOCAL DEVELOPMENT BY RECONSTRUCT PORTIONS OF MAGNOLIA ROAD WITHIN THE CITY AND COUNTY JURISDICTIONS.

**RESOLUTION NO. 71 – 2022**

**A RESOLUTION ENDORSING AN APPLICATION FOR RISE PROGRAM FUNDING TO SUPPORT APPLICABLE LOCAL DEVELOPMENT BY RECONSTRUCT PORTIONS OF MAGNOLIA ROAD WITHIN THE CITY AND COUNTY JURISDICTIONS.**

**WHEREAS**, the Iowa Department of Transportation (“DOT”) sponsors a program called Revitalize Iowa’s Sound Economy (“RISE”) which was created to promote economic development in Iowa through the establishment, construction, improvement and maintenance of roads and streets; and

**WHEREAS**, Pottawattamie County and the City of Underwood have concurrent jurisdiction of portions of Magnolia Road and Resolution XX-XXXX designates Pottawattamie County as the lead agency for this project; and

**WHEREAS**, the City of Underwood and Pottawattamie County desires to improve Magnolia Road with a two way left turn lane (TWLTL); and Railroad Highway Intersection to improve truck turning movements, visibility and safety; and

**WHEREAS**, the improvements to Magnolia Road, Railroad Highway Intersection and the Mosquito Creek Bridge are estimated to cost \$5,500,000 and qualify in whole or in part as an eligible expense under the DOT RISE Program; and

**WHEREAS**, Pottawattamie County will request RISE funds from the DOT in an amount of \$2,750,000; and

**WHEREAS**, the RISE Program requires matching funds in the amount of \$2,750,000 of which will be guaranteed in whole or part by Pottawattamie County after the application of the City of Underwood’s City Bridge Fund Grant award for the Mosquito Creek Bridge; and

**WHEREAS**, the Project will support traffic and future expansion of 161 acres of land for industrial development for Link Snacks Inc., as well as support and encourage the future development of 94.71 acres of land North of Magnolia Road; and

**WHEREAS**, the proposed improvements on Magnolia Road will continue to be dedicated to public use and adequately maintained after the improvements are made; and

**WHEREAS**, the road improvements constructed under this project will be the jurisdictional responsibility of Pottawattamie County and the City of Underwood as provided for in Iowa Code Section 306; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF UNDERWOOD** to hereby endorse the RISE application to fund the improvements on Magnolia Road.

**Dated this 15 day of November 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.**

Dated this 8 day of November, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Robert Dose				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jim Pingel				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Josh Madsen				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Royce Forbush				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
JW Tiarks				

SIGNATURE: \_\_\_\_\_  
Dennis Bardsley, Mayor

ATTEST: \_\_\_\_\_  
Cindy Sorlien, City Administrator/Clerk

Roll Call Vote: **AYES: Dose, Pingel, Madsen, Tiarks. ABSENT: Forbush. Motion Carried.**

**3. OTHER BUSINESS**

Motion by Schultz, second by Shea, to approve the following applications made to the Assessor’s Office: Homestead (154 recommend allowed, 0 recommend disallowed), Military (21 recommend allowed, 0 recommend disallowed), Disabled Veteran Homestead (4 recommend allowed, 1 recommend disallowed), Family Farm (9 recommend allowed, 0 recommend disallowed).  
UNANIMOUS VOTE. Motion Carried.

**4. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Recorder – Payroll status change for Andrew Moats and Marilyn Hebing.
  - 2) Sheriff – Payroll status change for Jennifer Geronimo.
  - 3) Conservation – Employment of Addison Huegli as a Hospitality and Guest Services worker.
- B. Report(s):
  - 1) Recorder Fee Book for October 2022.

**5. PUBLIC COMMENTS**

No Public Comments.

**6. CLOSED SESSION**

Motion by Belt, second by Schultz, to go into Closed Session pursuant to Iowa Code §21.5(1)(i), for discussion and/or decision on personnel matters.  
**Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.**

Motion by Shea, second by Belt, 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 11:04 A.M.

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Tim Wichman, Chairman

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

APPROVED: November 22, 2022  
PUBLISH: X