

Consent Agenda

April 11, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. April 4, 2023, Minutes as read.
- B. March 2023 Vendor Publication Report.
- C. New Ownership of Special Class C Retail Liquor License, granting privileges of Special Class C Liquor License for The Westfair Association d/b/a Westfair.
- D. 5-day Permit Special Class C Retail Liquor License, granting privileges of 5-day Special Class C Retail Liquor License/Outdoor service for Kanesville Riders Honor Guard, Inc. d/b/a Kanesville Riders Honor Guard.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to approve and authorize the Chairman to sign Secondary Roads Budget and County Five Year Program for Department of Transportation submittal.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve and authorize the Chairman to sign Final Voucher for project STBG-SWAP-CO78(205) - - FG-78 for M47 resurfacing.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to accept Courthouse signage proposal from Metal Logos.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Miller, to approve the FY 23/24 employee's Vision Insurance; Dental Insurance; and Long-Term Disability.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the FY 23/24 employee's Life/AD&D insurance and Voluntary Life Benefit.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the FY 23/24 employee's health insurance.

UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Board will hold a Town Hall meeting this evening in Oakland from 6:30 – 8:00 P.M at the Oakland Community Building.

Discussion only. No action taken.

5. RECEIVED/FILED

A. Report(s):

- 1) Recorder Fee Book for March 2023.

B. Salary Action(s):

- 1) Conservation – Employment of Roger Claussen as a Seasonal Park Aide for Botna Bend.
- 2) Conservation – Employment of Katherine Williams as an Environmental Education Intern at Hitchcock.

6. PUBLIC COMMENTS

Shawna Anderson appeared before the Board to discuss Ordinance from last week.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:03 A. M.

Brian Shea, Chairman

ATTEST:

Becky Lenihan, Finance and Tax Officer

APPROVED: April 18, 2023

PUBLISH: X

Scheduled Sessions

Melvyn Houser / Auditor

Public Hearing

Discussion regarding Compensation Board's recommendation for elected officials for FY 2023/24; and discussion regarding the Pottawattamie County Budget for FY 2023/24 approval.

ADOPTION OF BUDGET & CERTIFICATION OF TAXES
Fiscal Year July 1, 2023 - June 30, 2024

County Number: 78 County Name: POTTAWATTAMIE COUNTY Date Adopted: (entered upon adoption)

At the meeting of the Board of Supervisors of this County, held after the public hearing as required by law, on the date specified above and to the right, the proposed budget for the fiscal year listed above was adopted as summarized and attached hereto, and tax levies, as itemized below, were approved for all taxable property of this County. There is attached a Long-Term Debt Schedule (Form 703) for the debt service needs, if any.

Note: Utility Tax Replacements are estimated by subtracting the amounts produced in Column T from the amounts entered in Column P. The software performs this calculation and places the budget-year estimated Utility Tax Replacement amounts on line 11 of the Revenues Detail sheet.

Budget Basis

Table with columns: Line, UTILITY REPLACEMENT AND PROPERTY TAX DOLLARS, VALUATION WITH GAS & ELEC UTILITIES, LEVY RATE, VALUATION WITHOUT GAS & ELEC UTILITIES, PROPERTY TAXES LEVIED. Rows include A. Countywide Levies, B. All Rural Services Only Levies, C. Special District Levies, and GRAND TOTAL (A + B + C).

At a lawful meeting of the Board of Supervisors of the County indicated above, on the date indicated, the budget for fiscal year listed above, was adopted as summarized above by resolution. In addition, tax levies were voted on all taxable property of this county

Signature lines for Board Chairperson, Date, County Auditor, and Date.

COUNTY AUDITOR'S CERTIFICATION

By Electronically Certifying, I certify the budget meets all statutory obligations.

Signature and Date lines for County Auditor's Certification.

NOTICE OF PUBLIC HEARING -- PROPOSED BUDGET
Fiscal Year July 1, 2023 - June 30, 2024
County Name: POTTAWATTAMIE COUNTY County Number: 78

The County Board of Supervisors will conduct a public hearing on the proposed Fiscal Year County budget as follows:

Meeting Date: 4/18/2023 Meeting Time: 10:00 AM Meeting Location: Pottawattamie County Board of Supervisors Hearing Room 227 S 6th St, 2nd Floor Council Bluffs IA 51501

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget. This notice represents a summary of the supporting detail of revenues and expenditures on file with the County Auditor. A copy of the supporting detail will be furnished upon request.

County budgets are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult dom.iowa.gov/local-budget-appeals

Average annual percentage changes between "Actual" and "Budget" amounts for "Taxes Levied on Property", "Other County Taxes/ TIF Tax Revenues", and for each of the ten "Expenditure Classes" must be published. Expenditure classes proposing "Budget" amounts, but having no "Actual" amounts, are designated "NEW".

County Website (if available)
<https://www.pottcounty-ia.gov/>

County Telephone Number
 (712) 328-5644

		Budget 2023/2024	Re-Est 2022/2023	Actual 2021/2022	AVG Annual % CHG
REVENUES & OTHER FINANCING SOURCES					
Taxes Levied on Property	1	48,121,783	47,276,490	46,476,460	1.75
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0	
Less: Credits to Taxpayers	3	1,642,000	1,647,000	1,729,900	
Net Current Property Taxes	4	46,479,783	45,629,490	44,746,560	
Delinquent Property Tax Revenue	5	3,000	3,000	316,720	
Penalties, Interest & Costs on Taxes	6	147,000	147,000	377,915	
Other County Taxes/TIF Tax Revenues	7	8,921,944	8,526,302	9,420,528	-2.68
Intergovernmental	8	24,150,707	25,251,222	33,838,357	
Licenses & Permits	9	307,300	307,300	356,665	
Charges for Service	10	3,763,625	3,719,310	3,660,904	
Use of Money & Property	11	381,505	393,005	323,627	
Miscellaneous	12	3,611,000	3,717,201	4,129,602	
Subtotal Revenues	13	87,765,864	87,693,830	97,170,878	
Other Financing Sources:					
General Long-Term Debt Proceeds	14	0	1,822,307	20,629,668	
Operating Transfers In	15	14,887,526	10,700,992	13,290,783	
Proceeds of Fixed Asset Sales	16	0	500,000	0	
Total Revenues & Other Sources	17	102,653,390	100,717,129	131,091,329	
EXPENDITURES & OTHER FINANCING USES					
Operating:					
Public Safety and Legal Services	18	38,641,402	37,267,238	34,175,052	6.33
Physical Health and Social Services	19	5,698,375	5,647,998	4,719,564	9.88
Mental Health, ID & DD	20	0	0	3,004,514	
County Environment and Education	21	17,940,575	10,278,872	11,416,715	25.36
Roads & Transportation	22	18,527,047	16,927,020	14,917,243	11.44
Government Services to Residents	23	2,586,529	2,537,729	2,394,979	3.92
Administration	24	18,563,715	17,135,987	15,756,287	8.54
Nonprogram Current	25	0	0	0	
Debt Service	26	3,542,825	3,514,990	3,405,303	2.00
Capital Projects	27	11,162,285	11,314,995	5,257,120	45.71
Subtotal Expenditures	28	116,662,753	104,624,829	95,046,777	
Other Financing Uses:					
Operating Transfers Out	29	14,887,526	9,448,651	13,304,873	
Refunded Debt/Payments to Escrow	30	0	0	0	
Total Expenditures & Other Uses	31	131,550,279	114,073,480	108,351,650	
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses					
	32	-28,896,889	-13,356,351	22,739,679	
Beginning Fund Balance - July 1,	33	71,191,998	84,548,349	61,808,670	
Increase (Decrease) in Reserves (GAAP Budgeting)	34	0	0	0	
Fund Balance - Nonspendable	35	0	0	0	
Fund Balance - Restricted	36	14,015,187	0	52,404,053	
Fund Balance - Committed	37	0	0	0	
Fund Balance - Assigned	38	4,917,049	0	9,553,923	
Fund Balance - Unassigned	39	23,362,873	71,191,998	22,590,373	
Total Ending Fund Balance - June 30,	40	42,295,109	71,191,998	84,548,349	

Proposed property taxation by type:	Proposed tax rates per \$1,000 taxable valuation:
Countywide Levies*:	
41,661,189	
Rural Only Levies*:	Urban Areas:
6,460,594	7.56484
Special District Levies*:	Rural Areas:
0	10.93432
TIF Tax Revenues:	Any special district tax rates not included.
0	
Utility Replacement Excise Tax:	
2,435,444	

Explanation of any significant items in the budget or additional virtual meeting information:

NOTICE OF PUBLIC HEARING THE BOARD OF SUPERVISORS INTENDS TO LEVY GENERAL BASIC PROPERTY TAX RATES WHICH EXCEED STATUTORY MAXIMUMS The accompanying budget summary requires a general basic property tax rate that exceeds the maximum rate as established by the general assembly. Comparison of the proposed general basic rate with the statutory maximum 3,50000 general basic tax rate and the dollar amount of the difference between the proposed rate and the maximum rate:

Proposed General Basic Tax Rate per \$1,000 of Taxable Value:	3.69000
Maximum General Basic Tax Rate per \$1,000 of Taxable Value:	3.50000
General Basic Tax Dollars to be Generated in Excess of Maximum:	1,097,741

Major reasons for the difference between the proposed general basic tax rate and the maximum basic tax rate:
Additional revenue needed to permit the continuance of programs and services which provide substantial benefits to county residents.

NOTICE OF PUBLIC HEARING THE BOARD OF SUPERVISORS INTENDS TO LEVY RURAL BASIC PROPERTY TAX RATES WHICH EXCEED STATUTORY MAXIMUMS The accompanying budget summary requires a Rural Basic property tax rate that exceeds the maximum rate as established by the General Assembly. Comparison of the proposed general basic rate with the statutory maximum 3.95 Rural Basic tax rate and the dollar amount of the difference between the proposed rate and the maximum rate:

Proposed Rural Basic Tax Rate per \$1,000 of Taxable Value:	
Maximum Rural Basic Tax Rate per \$1,000 of Taxable Value:	3.95000
Rural Basic Tax Dollars to be Generated in Excess of Maximum:	
Major reasons for the difference between the proposed Rural Basic tax rate and the maximum basic tax rate:	

Melvyn Houser / Auditor – **Public Hearing**

**Approval of Resolution No. 21-2023, regarding
Compensation Boards recommendation for elected
officials for FY 2023/24.**

RESOLUTION NO. 21-2023

WHEREAS, the Pottawattamie County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907; and

WHEREAS, the Pottawattamie County Compensation Board met on the 19th day of December 2022 and recommended a 10% increase for all County elected officials, for the fiscal year beginning July 1, 2023.

THEREFORE, BE IT RESOLVED that the Pottawattamie County Board of Supervisors hereby reduces the Compensation Board’s recommended 10% salary increase to a 3 1/2% salary increase for all Pottawattamie County elected officials for the fiscal year beginning July 1, 2023. Said increases shall be as follows:

Elected Official	Approved Salary for FY 2023/2024
Attorney	158,312
Auditor	97,487
Recorder	97,487
Sheriff	151,500
Supervisors	52,955
Treasurer	97,487

Dated this 18th day of April, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	○	○	○	○
_____ Scott Belt	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Susan Miller	○	○	○	○
_____ Jeff Jorgensen	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

Compensation Schedule for FY 2023/2024

Elected Official	Annual Salary
Attorney	158,312
Auditor	97,487
Recorder	97,487
Treasurer	97,487
Sheriff	151,500
Supervisors	52,955
Supervisor Vice Chair, if different	
Supervisor Chair, if different	

Melvyn Houser / Auditor –
Public Hearing

**Approval of Resolution No. 22-2023, regarding
Pottawattamie County Budget for FY 2023/24.**

RESOLUTION NO. 22-2023

WHEREAS, the Board of Supervisors of Pottawattamie County, after due consideration of estimated income and expenses for Fiscal Year 2023-2024, duly published such estimates for the county budget; and

WHEREAS, the budget correctly states estimated tax dollars against all parcels of property lying within Pottawattamie County, and the income and expense breakdown for each of the ten (10) budgeting areas; and

WHEREAS, a hearing was held on Tuesday, April 18, 2023, at 10:00 AM, in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, 227 South 6th Street, Council Bluffs, Iowa; and

WHEREAS, the public had due notice of the hearing, and at the hearing due time was allowed for objections to any and all portions of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, after hearing no objections, on a motion by Supervisor _____, and a second by Supervisor _____, the Fiscal Year 2023-2024 budget was adopted.

Chairman Shea called for a roll call vote, the results being: Shea-_____; Belt-_____; Wichman-_____; Miller-_____; and Jorgensen-_____. Motion carried.

Dated this 18th day of April, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, 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"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

**Riley Gibson/Relationship Manager,
TurnKey Logistics, Representing Summit
Carbon Solutions**

Update on Summit Carbon Solutions.



IOWA

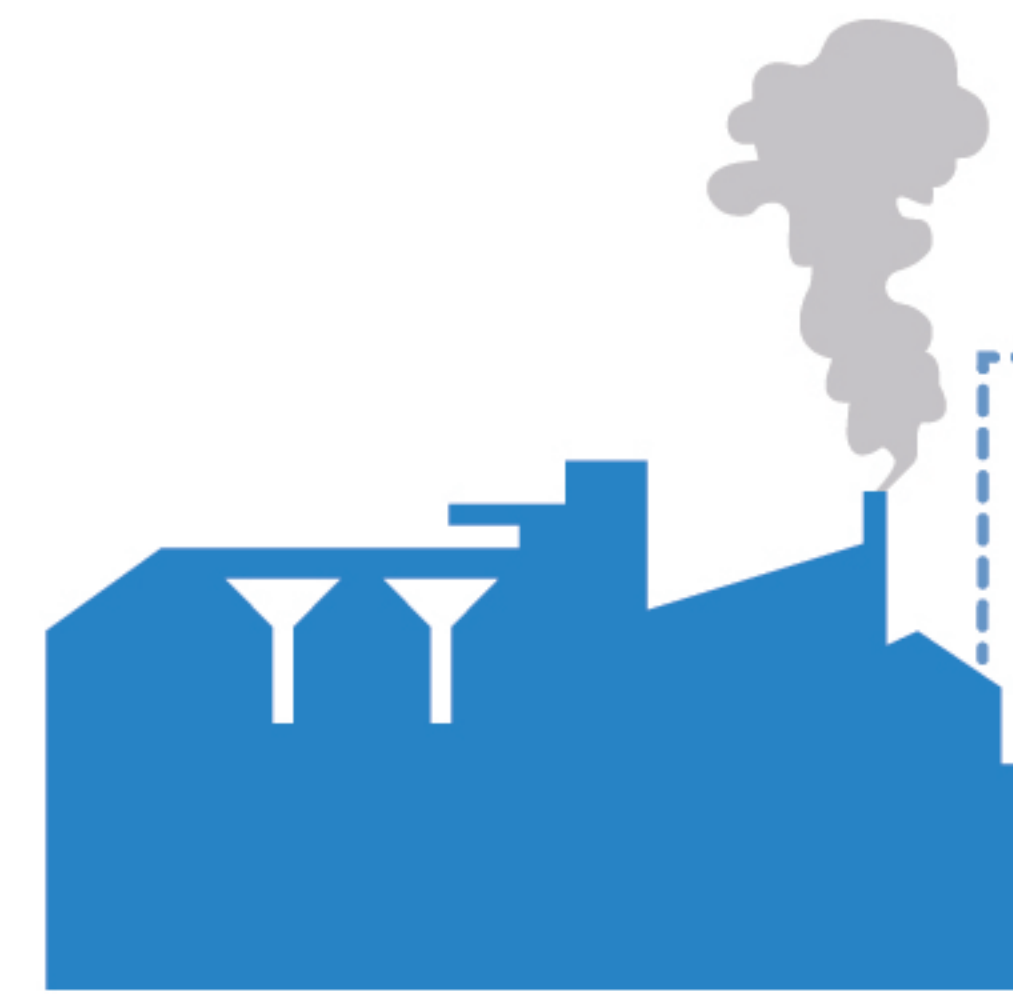
Voluntary Easement Miles Acquired

- Over 466 miles now signed
- Over 1,122 landowners have signed, equating more than 1,960 agreements executed

OVER 466 miles

Iowa Utilities Board

- Permit Application Submitted to Iowa Utilities Board January 2022 – Docket Number HLP-2021-0001
- Decision requested June 2023
- Iowa Utilities Board accepting comments at iub.iowa.gov

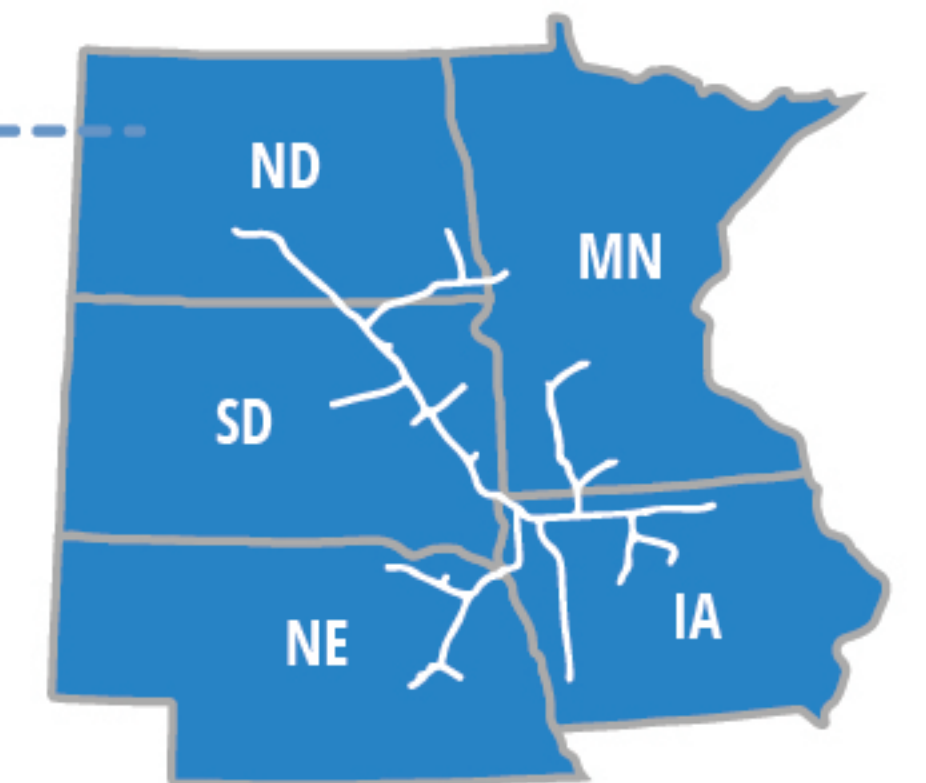


Investors

- Ethanol Plant Partners
- John Deere
- Continental Resources
- Tiger Infrastructure
- TPG Rise Climate
- Summit Agricultural Group

Partners

- 32 ethanol plants across 5 states (Nebraska, Iowa, Minnesota, North Dakota, South Dakota)
- Minnkota Power Cooperative (CO₂ storage) giving Summit Carbon Solution access to the largest of only three permitted CO₂ storage sites in the United States.



- A gas in atmospheric conditions.
- A dense phase deep underground or in a pipeline. A dense phase has the viscosity of a gas but a density closer to that of a liquid.
- Nonexplosive and noncombustible.
- Dispersed as a gas when introduced to conditions outside the pipeline.
- CO₂ pipelines have an excellent safety record exceeding pipelines that carry other materials.
- Transported at ambient temperature that does not affect the surrounding soil.

Pipeline Transport Is Critical to Carbon Capture & Storage

Transporting carbon dioxide by pipeline is the safest method for the large volumes of CO₂ that will be captured and permanently stored. With more than 5,000 miles of infrastructure currently operating in the United States, carbon dioxide pipelines have an excellent safety record.

Carbon capture and storage utilizes longstanding technology that is safe for landowners and communities.

- CO₂ capture is already deployed at more than 40 ethanol plants.
- There are 5,000 miles of existing CO₂ pipelines in the United States regulated by the Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA).
- Captured CO₂ is permanently and safely stored deep underground based on EPA standards.

Pipelines Are Highly Regulated

Stringent requirements for the safe design, construction, and operation of CO₂ pipelines have been established by the DOT PHMSA. Additionally, constructing the Summit Carbon Solutions system requires permits from the following entities:

- | | |
|--|--|
| State: | Federal: |
| <ul style="list-style-type: none"> • Iowa Utilities Board • Iowa Department of Natural Resources (DNR) | <ul style="list-style-type: none"> • United States Army Corps of Engineers • United States Fish and Wildlife |

Summit Carbon Solutions is working with landowners, community leaders, stakeholders, and more with respect, honesty, and transparency to obtain the necessary rights from the landowners for any proposed temporary and permanent easements.

Summit Carbon Solution's Pipeline is Overbuilt for Safety

Summit Carbon Solutions' pipeline will be built beyond federal specifications in these ways:

- PHMSA - 195.248 Pipeline Location - requires 3ft depth below ground level. Summit Carbon Solutions will be at 4ft minimum depth.
- PHMSA - 195.210 Pipeline Location - requires 50ft setback from all dwellings. Summit Carbon Solutions is designing the pipeline that far exceeds the minimum setback.
- PHMSA - 195.250 Clearance Between Pipe and Underground Structures – Any new pipe must be at least 12" away from any other underground pipe or structure. Summit Carbon Solutions' best practice is 24".
- PHMSA 49 CFR Part 195 defines minimum requirements like the spacing between block valves, which is no more than 20 miles apart and in some cases less for Summit Carbon Solutions' pipeline.

Summit Carbon Solutions will employ a computer based, computational leak detection system that continuously monitors the operation of the pipeline from a manned control center. Similar leak detection systems are currently being utilized in the operation of numerous pipelines across the United States. Data will be continuously collected from pressure sensors, flowmeters, and temperature sensors installed along the pipeline and used to identify abnormal operating conditions. In the unlikely event of a leak, the system will provide information necessary to locate the leak, isolate the pipeline segment, and mitigate risk.

Community Investment

Summit Carbon Solutions is looking to invest and volunteer in local communities. If there is somewhere we can invest in your community, please contact Kaylee Langrell 501-581-3348 or Kaylee.langrell@tkl360.com

Contact Information

For Emergency Management Questions:
ROD DILLON
Director of Regulatory Compliance
rdillon@summitcarbon.com
515-531-2624

For More Project Information or Interviews:
JESSE HARRIS
Director of Public Affairs
jharris@summitcarbon.com
515-240-2104



Why are pipelines considered one of the safest modes of transportation?

CO₂ Pipelines have been in use for over 40 years and today there are over 5,000 miles of active CO₂ pipeline in the United States. 40 years later, there have been zero fatalities related to CO₂ pipelines. According to a recent study funded by the US Department of Energy, risks associated with CO₂ pipelines were significantly less than those of other pipelines.

See a few of the Federal Regulations provided by PHMSA, a branch of the Department of Transportation, below:

FEDERAL REGULATIONS PROVIDED BY PHMSA



1. 49-CFR 195 Transportation of Hazardous Liquids by Pipeline

Prescribes Safety Standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide.

Summit Carbon Solutions - Will be regulated by PHMSA, a federal government agency.

2. 195.112 New Pipe

Pipe must be made of carbon steel and low alloy-high strength.

Summit Carbon Solutions - The entire pipeline will be manufactured out of low alloy-high strength carbon steel.

3. 195.440(d) Public Awareness

The operator's program must specifically include provisions to educate the public, appropriate government organizations and persons engaged in excavation.

Summit Carbon Solutions - Public awareness of the Summit Carbon Solutions project has already begun with over 1,750 meetings with policymakers, economic development leaders, Native American Organizations, etc. and over 100 public meetings, open houses, and regulatory events. Commitment to public awareness will continue into the future.

4. 195.250 Clearance Between Pipe and Underground Structures

Any pipe installed underground must have at least 12" of clearance between the outside of the pipe and the extremity of any other underground structure excluding drainage tile.

Summit Carbon Solutions - Best practice is to have 24" between the extremity of any other underground structure.

5. 195.412 Inspection of Rights-of-Way and Crossings Under Navigable Waters

Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way.

Summit Carbon Solutions - Standard practice will be to use aerial imagery at least every 2 weeks to visually inspect right-of-way conditions.

6. 195.452(j)(4) Assessment Intervals

An Operator must establish five-year intervals, not to exceed 68 months, for continually assessing the line pipe's integrity.

Summit Carbon Solutions - Will perform pipeline integrity evaluation, primarily through in-line inspection tools, periodically within five-year periods.

7. 195.260(c) Valves: Location

For newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as that term is defined at 195.2, that are installed after April 10, 2023, valve spacing must not exceed 15 miles for pipeline segments that could affect or are in HCAs, as defined in 195.450, and 20 miles for pipeline segments that could not affect HCAs.

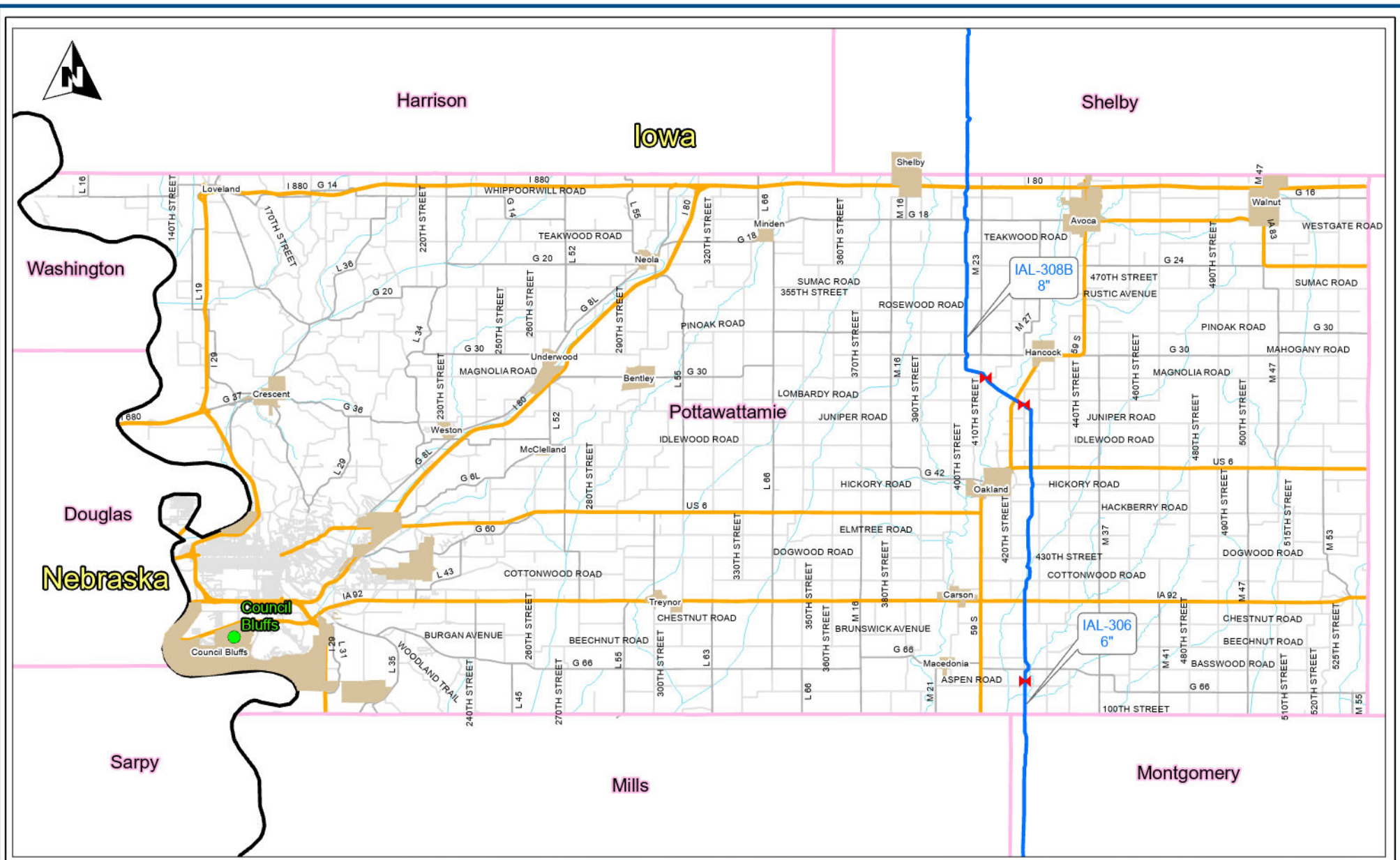
Summit Carbon Solutions - Adhering to a new safety requirement instituted in 2022, there will be no more than 20 miles between valves, resulting in no point on the pipe being farther than 10 miles from a valve.

Existing Pipelines in Iowa



There are 3.3 million miles of pipeline in operation in the US today. Pipelines do not inhibit expansion of communities and studies show that they do not devalue properties.

Landowners can rest assured that all pipelines in the US are highly regulated and Summit Carbon Solutions plans to follow, and in some cases, go above and beyond the regulations that are required at the federal level.



- Participating Ethanol Plant
- County Seat
- Mainline Valve
- Pump Station
- Highly Populated Areas
- State Boundary
- County Boundary
- Route
- Primary Road
- Secondary Road
- Local Road
- Railroad
- River

**25.26 MILES OF ANTICIPATED PIPELINE
POTTAWATTAMIE COUNTY IOWA**

Pipeline centerline is based on the 04/03/2023 route.

*Pottawattamie County Iowa
Pipeline Mileage Overview*

COUNTY: POTTAWATTAMIE		DRAWN BY: CC	
STATE: IOWA		CHECKED BY:	
REV. NO.:	REVISION	DATE	
0	ISSUED FOR REVIEW	2022-09-28	
PRELIMINARY ROUTE SUBJECT TO CHANGE			
DATE: 4/03	PROJECTION: NAD 83		

**SUMMIT
CARBON
SOLUTIONS**

DWG:
SHEET: 1

Becky Lenihan/Tax & Finance
Officer, Auditor's Office

**Discussion and/or decision to approve and authorize
Board to sign Resolution No. 23-2023 entitled:
RESOLUTION for Transfer from Rural Services Fund to
Secondary Roads Fund.**

Maria Sieck / Administrator,
Public Health and Matt Wyant
/ Director, Planning and
Development

**Discussion and/or decision to sign the lease extension
with Heartland Properties for the Public Health Clinic at
600 S. 4th Street.**

Lease – Business Property Amendment

This Second Amendment to “Lease – Business Property” made and entered into this __ day of _____, 20__ by and between **3312 W Broadway Properties, LLC** (Lessor), and **Pottawattamie County**, (Lessee)

WITNESSETH THAT:

WHEREAS, Lessor and Lessee hereto entered into a **Lease – Business Property** which covers premises located at **600 S 4th Street Suite 100**, City of Council Bluffs, Iowa commencing **July 2nd, 2018**. and a **First Amendment to Lease - Business Property** dated as of **April 9th, 2019**, the “Lease” for the premises.

WHEREAS, Lessor and Lessee both wish to modify and amend the Lease agreement.

NOW, THEREFORE, in consideration of the agreement herein contained it is hereby agreed to amend the Lease Agreement as follows:

1. Term

The lease term will be extended by an additional one (1) year, with the new lease termination date to be August 31st, 2024.

2. Base Rent

For the period from September 1st, 2023 to August 31st, 2024, \$1,623.65 per month

3. Except as herein specifically modified and amended, the Lease Agreement shall remain in full force and effect and unaltered hereby.

IN WITNESS WHEREOF, the parties hereto have caused this Lease Amendment to be duly executed the day and year first above written.

Lessor: 3312 W Broadway Properties, LLC., an Iowa Limited Liability Company

By:  _____

John Jerkovich, Member

Lessee: Pottawattamie County

By: _____

Matt Wyant / Director,
Planning and Development

Discussion and/or decision to sign Memorandum of Understanding between the West Pottawattamie ISU Extension and Outreach and Pottawattamie County Division of Public Health for FY23/24.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
WEST POTTAWATTAMIE ISU EXTENSION AND OUTREACH
AND
POTTAWATTAMIE COUNTY DIVISION OF PUBLIC HEALTH**

This Memorandum of Understanding (MOU) is made and entered into by and between West Pottawattamie ISU Extension and Outreach, (hereinafter "Contractor") and Pottawattamie County Division of Public Health, (hereinafter "County").

1. Purpose. To provide financial support for the Speak Up Be Safe! (SUBS) program for schools in Pottawattamie County; to educate youth and prevent child abuse.

2. Term. The term of this Agreement shall be July 1, 2023 to June 30, 2024. Either party may terminate their participation in this agreement with 30 days written notice to the other party prior to the termination date. This agreement may also be terminated or modified in the event that adequate funds are not appropriated or available.

3. Scope. The Contractor agrees to provide the Speak Up Be Safe! program in Pottawattamie County schools, employ educators for the SUBS program and to communicate with the County of the program activities.

4. Relationship of the Parties. No separate entity or agency is created by this Agreement. The Contractor shall perform the services hereunder as an independent contractor and not as an agent or employee of the County.

5. Fees. The County will support the Speak Up Be Safe! program through June 30, 2024 by providing \$15,000 annually.

6. Changes. Any amendments to this MOU must be made in writing signed by the Contractor and the County.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date set out below.

CONTRACTOR



Michael Cooley, Chairman
West Pottawattamie ISU Extension



Date

POTTAWATTAMIE COUNTY

Brian Shea, Chairman
Board of Supervisors

Date

Other Business

Sam Arkfeld/Captain,
Communications Center

Update on the 911 Center.

Committee Appointments

Update from Board members on Committee meetings from the past week.

Public Comments

Study Session

Matt Wyant / Director,
Planning and Development

**Study session on adding distilleries to the
Pottawattamie County, Iowa Zoning Ordinance.**

Chapter 8

Marked Up

Ordinance:

POTTAWATTAMIE COUNTY, IOWA

ZONING ORDINANCE

INDEX

Chapter_8_001_	General_Provisions
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.070 FENCE, SIGHT-OBSCURING: A fence or planting arranged in such a way as to obstruct vision. (*Ordinance #81-6/10-01-81*)

.080 Fermented Beverage Production Facility: A facility whose primary purpose is to produce fermented beverages, including, but not limited to, wineries, breweries, distilleries, and cideries.

.090 Fermented Beverage Production Facility, on Farm: A fermented beverage production facility located on a working farm, where a portion of the inputs to the production process are grown on site. An on farm fermented beverage production facility may include a tasting room and sales area, and may provide tours of the production area.

8.002.080 **G**

.010 GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the *building*. (*Ordinance #81-6/10-01-81*)

.020 GRAIN ELEVATOR: A *structure* or group of *structures* whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain. (*Ordinance #81-6/10-01-81*)

.030 GARAGE, PRIVATE: An *accessory building* designed or used for the storage of motor vehicles owned and used by the occupants of the *building* to which it is accessory. (*Ordinance #81-6/10-01-81*)

.040 GARAGE, COMMERCIAL: A *building* or portion thereof, other than a *private garage*, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles. (*Ordinance #81-6/10-01-81*)

8.002.090 **H**

.010 HIGHWAY: An officially designated federal or state numbered highway, or other major *street* or road designated by the County as a thoroughfare. (*Ordinance #81-6/10-01-81*)

.020 HOTEL: A *building* in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradiction to a *boarding house* or *lodging house*. (*Ordinance #81-6/10-01-81*)

8.002.100 **I**

.010 INOPERABLE MOTOR VEHICLE: Any motor vehicle or portion thereof which does not have a current license or has one of the following conditions: parts have been removed for re-use, salvage or sale or the vehicle has been incapable of operating or has not been operated under its own power for more than thirty (30) days or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or which in any other way constitutes a threat to the health and safety of

public, if the seller, at the time of the sale, is not engaged for profit in the business of selling vehicles and/or equipment, so long as such offering, display or sales are not conducted in excess of one (1) vehicle and/or piece of equipment at a time and no more than six (6) times in a calendar year. Any other sales shall constitute a commercial use not permitted in an "A" or "R" zoning district. (Ordinance #2015-05/12-18-2015)

8.002.240

W

.010 WIND TURBINE GENERATOR, COMMERCIAL AND NON-COMMERCIAL: A device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is connected to the electrical transmission or local distribution grid.

.01 Blade. An element of a Wind Turbine Generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

.02 Wind Tower. The support structure, above grade, that supports the nacelle and rotor assembly.

.03 Tower Foundation. The Tower support structure, above and/or below grade that supports the entire weight of the Wind Turbine Generator.

.04 Total Height. The height from grade to the highest vertical point of the swept arc. In the case of a Wind Turbine Generator with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the Wind Turbine Generator.

.05 Substation. An electrical construction designed to collect and modify electrical energy produced by the Wind Farm.

.020 WIND FARM, COMMERCIAL: One or more Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid. Commercial Wind Farms shall include but are not limited to Commercial Wind Turbine Generators, operations and maintenance *buildings*, meteorological towers, electrical collector systems, communications, roads and Substations.

.030 WIND FARM, NON-COMMERCIAL: One or more Non-Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid for the sole purpose of serving no more than one (1) dwelling and the associated *accessory structures*.

~~.040 WINERY: An agricultural processing facility that produces wine from fruit or fruit juices under the criteria established by the State of Iowa for Native Wines. (Ordinance #2011-01/6/17/11)~~

8.002.260

Y

- .02 No Non-Commercial Wind Turbine Generator shall be located closer than a distance equal to the Total Height of the Generator to an occupied dwelling, a property line, or a utility easement. (Ordinance #2009-06/06-05-09)
- .03 With respect to a Wind Turbine Generator all setback and separation distances shall be defined relative to the nearest surface of the Wind Turbine Generator as measured at grade. (Ordinance #2008-07/06-06-08)
- .04 No Wind Turbine Generator within a Non-Commercial Wind Farm shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said wind turbine will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the Wind Turbine Generator and associated equipment will not interfere with emergency communication transmissions shall be at the applicant's expense. (Ordinance #2008-07/06-06-08)
- .05 A Non-Commercial Wind Turbine Generator shall not be placed on a parcel of land or lot which is less than one (1) acre in size. (Ordinance #2009-06/06-05-09)

8.004.250

Fermented Beverage Production Facility, on Farm ~~WINERY~~: The following provisions shall apply to ~~vineyards~~ breweries, cideries, distilleries and wineries, along with the various associated structures and uses: ~~(Ordinance #2011-01/6-17-11)~~

- .01 Purposes: The purpose of the ~~vineyard~~ fermented beverage production facility, on farm shall be to grow a portion of the inputs for the production process ~~fruits to be processed into wine~~. The primary purpose of the fermented beverage production facility, on farm ~~winery~~ shall be to process inputs ~~fruit~~ grown on the property owned by the owner of the fermented beverage production facility ~~winery~~, who shall be allowed to process imported fruits and to ferment imported juices, in accordance with Iowa Alcoholic Beverage Division Permitting ~~Native Wine~~ license. (Ordinance #2011-01/6-17-11)
- .02 General Provisions: The following general provisions shall apply to fermented beverage production facilities, on farm ~~vineyards and wineries~~: (Ordinance #2011-01/6-17-11)
 - A. Fermented beverage production facilities, on farm ~~Wineries~~ shall include those areas of a structure where inputs ~~grapes~~ are crushed, fermented or pressed, where bulk beverages ~~wine~~ are stored in tanks or barrels, or where fermenting ~~winery~~ operations such as racking, filtering, blending, or bottling of beverages ~~wines~~ are carried out, and on-site case goods storage. (Ordinance #2011-01/6-17-11)
 - B. Picnic areas and playgrounds shall be allowed provided they are subordinate to the fermented beverage production area ~~winery~~ and tasting room. (Ordinance #2011-01/6-17-11)
 - C. Retail sales of merchandise, art, and pre-packaged food items shall be allowed within the tasting facility or retail sales area of the fermented beverage production facility, on farm ~~wine~~ and shall not be under any

circumstances located in a separate structure from that of the tasting room or retail sales area of the beverages~~wine~~. Sale of fermented beverage~~non-wine~~ merchandise shall be subordinate to beverage~~wine~~ sales. (Ordinance #2011-01/6-17-11)

.02 Tasting Facilities (~~Ordinance #2011-01/6-17-11~~)

A. Subordinate to fermented beverage production area~~Winery~~: Tasting facilities shall be clearly related and subordinate to the primary operation of the fermented beverage production facility~~winery~~. The primary focus of the tasting facility shall be the marketing and sale of the fermented beverages~~wine and grape or~~ fruit products processed, vintaged, ~~and~~ bottled at the facility~~winery~~. Snack foods that are consumed during beverage~~wine~~ tasting are allowed. (~~Ordinance #2011-01/6-17-11~~)

B. Fermented beverage sales~~Wine Sales~~: Retail and wholesale sales of fermented beverages~~wine~~ shall include those processed, vintaged, or bottled by the winery operator ~~and other Iowa Native Wines~~, subject to the provisions of the Iowa Alcoholic Beverage Division Permit~~Native Wine~~ license. (~~Ordinance #2011-01/6-17-11~~)

C. Marketing: Tasting facilities include any marketing activities sponsored by a fermented beverage production~~winery~~ facility, on farm intended for the promotion and sale of the facility's products. Activities at a marketing event may include, but are not limited to: (~~Ordinance #2011-01/6-17-11~~)

1. Live music events; provided however that concerts, an event which includes more than one facility, or facility rental events, shall be considered Special Events as described in Subsection .03. (~~Ordinance #2011-01/6-17-11~~)

2. Input Grape~~growing and fermenting~~wine making~~promotional~~ activities. (~~Ordinance #2011-01/6-17-11~~)

3. Meetings of groups of individuals and businesses formally organized in support of fermented beverages, for example Iowa Distillers Alliance, ~~for example Western Iowa Grape Growers Association, to support and promote wineries.~~ (~~Ordinance #2011-01/6-17-11~~)

4. Food may be served at marketing events. (~~Ordinance #2011-01/6-17-11~~)

.03 Special Events: Special events are activities that are not the tasting and marketing events described in Subsection .02.C above. Special Event are typically activities where the property owner is compensated for the use of the site or facilities, or by an admission fee, for activities such as but not limited to weddings, parties, company picnics, birthdays, reunions, or concerts. (~~Ordinance #2011-01/6-17-11~~)

A. Number Permitted: Special events are limited to a total of 30 days per calendar year. (Ordinance #2011-01/6-17-11)

B. Capacity Limitation: (Ordinance #2011-01/6-17-11)

Events that have less than 25 persons in attendance shall not be considered Special Events and shall not count against the total number of events allowed. (Ordinance #2011-01/6-17-11)

All Special Events are limited to 300 persons. In the case where a Special Event may be held on multiple consecutive days, capacity limitations shall be counted on a per day basis. (Ordinance #2011-01/6-17-11)

In zoning *districts* where allowed, events held with an attendance of greater than 300 persons shall be processed as a separate per event approval for "Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses". (Ordinance #2011-01/6-17-11)

C. Existing Special Events: Any special events scheduled prior to the effective date of this section (8.004.250) shall be allowed to be held during the ensuing calendar year provided it is documented with the *Development Director* that said special event was contractually arranged in writing or publicly advertised prior to said effective date. Said documentation shall be presented to the *Development Director* within thirty (30) days of the effective date of this section. (Ordinance #2011-01/6-17-11)

D. Special Events to be held on an ongoing basis from year to year with a capacity of 26 to 300 persons shall be processed as single *conditional use* permit, addressing the general concept of the events and shall not be limited to a specific number of Special Events per year other than the limitation of the number of events and capacity stipulated in this Section (8.004.250.03). Annual renewal of *conditional use* permits shall not generally be required for Special Events unless circumstances exist that in the opinion of the *Board* warrants a periodic review. (Ordinance #2011-01/6-17-11)

.04 Dining Facilities: Dining facilities are an establishment where food is prepared and served to the public in an established indoor seating area. The dining facility must be subordinate to the Fermented Beverage Production Facility, on Farmwinery. (Ordinance #2011-01/6-17-11)

.05 All areas constructed to accommodate the public shall be subject to the Pottawattamie County Building Codes. Areas of the facility utilized for the production and storage of Fermented beverageswine shall be considered agricultural exempt from the County Building Codes. Said agricultural exempt facilities are required to obtain State Electrical Permits. (Ordinance #2011-01/6-17-11)

~~.06 Orchards and Cider Mills: The same standards and limitation established for wineries shall apply to cider mill facilities, except for those that deal with~~

specifications on the production and licensing required for wine. In all other cases,
wine and cider shall be interchangeable. (Ordinance #2011-01/6-17-11)

CHAPTER 8.010
AGRICULTURAL PRODUCTION DISTRICT

8.010.010 INTENT: The Class A-2 District is intended to preserve the land best suited for *agricultural* production by protecting prime *agricultural* lands in farmable tracts from the encroachment of scattered residential, commercial and industrial development; to promote efficiency and economy in the delivery of public services by restricting non-farm development in unincorporated areas of the *County*, which are without existing or planned services, and to encourage development in areas where services are provided or can efficiently be provided. (*Ordinance #2007-01/03-09-07*)

8.010.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-2 District:

- .01 Any customary *agricultural* use. (*Ordinance #2004-14/07-01-04*)
- .02 *Construction and demolition waste disposal sites*, subject to approval of the Iowa Department of Natural Resources and the *County Board*. (*Ordinance #2015-05/12-18-2015*)
- .03 *Demolition rubble waste disposal sites*, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (*Ordinance #2004-14/07-01-04*)
- .04 Sanitary landfills, such to approval by the Iowa Department of Natural Resources and the *County Board*, provided that no such use or structure shall be located closer than one thousand three hundred twenty (1,320) feet to any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. (*Ordinance #2004-14/07-01-04*)
- .05 *Single-family dwellings*, at a maximum density of two (2) *dwellings* per quarter-quarter section. (*Ordinance #2015-05/12-18-2015*)
- .06 Tower with a height not exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- .07 Fermented beverage production facility, on farm~~Vineyard, winery and tasting facilities~~, subject to the provisions of Section 8.004.250. (*Ordinance #2011-01/6-17-11*)
- .08 *Wind Farms*, both commercial and non-commercial, subject to the requirements of 8.004.230 and 8.004.240. (*Ordinance #2008-02/06-06-08*)

8.010.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class A-2 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. (*Ordinance #2004-14/07-01-04*)
- .02 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from

CHAPTER 8.012
RIVER FRONT AND AGRICULTURAL PRODUCTION DISTRICT

8.012.010 INTENT: The A-3 District is intended to limit development within the Missouri River bottomlands. Areas within this district are almost entirely encompassed by the 100-year flood plain of the Missouri River and its associated tributaries and drainage basins. Few *dwellings* exist in this region and those that are extant are located on isolated high grounds above the base flood elevation, or are older *dwellings* constructed prior to the adoption of modern flood plain maps and regulations. Primary uses of these lands has historically been cultivated croplands, as the topography of the region is predominantly level. Flooding, wetness and high shrink-swell potential of area soils severely limit development and it is the intent of this District to limit additional development to isolated areas, either natural or man-made, that are elevated above the base flood elevation. (*Ordinance #2004-14/07-01-04*)

8.012.020 PRINCIPAL USES: The following principal uses shall be permitted in a Class A-3 District. (*Ordinance #2004-14/07-01-04*)

.01 Any customary agricultural use. (*Ordinance #2004-14/07-01-04*)

.02 Single-family dwellings, at a maximum density of one (1) *dwelling* per each quarter-quarter section. (*Ordinance #2004-14/07-01-04*)

.03 Towers with a height not exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)

.04 ~~Vineyard, winery and tasting~~ Fermented beverage production facilities, on farm subject to the provisions of Section 8.004.250. (*Ordinance #2011-01/6-17-11*)

.05 Water conservation works including water supply works, flood control and watershed protection works, fish and game hatcheries and preserves, etc. (*Ordinance #2004-14/07-01-04*)

.06 Wind Farms, both commercial and non-commercial, subject to the requirements of 8.004.230 and 8.004.240 respectively. (*Ordinance #2008-07/06-06-08*)

8.012.030 *CONDITIONAL USES*: The following *conditional uses* shall be permitted in a Class A-3 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #2004-14/07-01-04*)

.01 Extraction pits, subject to the provisions of Chapter 8.065. Further provided that no such use shall be located closer than five hundred (500) feet from any Class "R" District or platted residential subdivision, or *dwelling* other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the Ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended parallel to such other uses, but such extension shall not become closer than such other uses. (*Ordinance #2015-05/12-18-2015*)

CHAPTER 8.014
LOESS HILLS DISTRICT

- 8.014.010 INTENT: The Class A-4 District is intended to preserve the unique natural and environment characteristics of the Loess Hills' rare soils and topographic region of western Pottawattamie County, Iowa and at the same time allow for appropriate types and scales of development. Primary uses of these lands has historically been grasslands with significant regions cultivated for farming, as well as many farm *dwelling*s and non-farm households adjacent or having access to hard surfaced street. (*Ordinance #2015-05/12-18-2015*)
- 8.014.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-4 District: (*Ordinance #2004-14/07-01-04*)
- .01 Any customary *agricultural* use. (*Ordinance #2004-14/07-01-04*)
 - .02 Single-family dwellings, at a density of two (2) per quarter-quarter section, when not a part of a minor, major or cluster subdivision. (*Ordinance #2004-14/07-01-04*)
 - .03 Platted major subdivisions and cluster subdivisions for single-family dwellings, when located on a hard surfaced street. (*Ordinance #2017-03/07/06/2017*)
 - .04 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. (*Ordinance #2018-04/05-10-18*)
 - .05 ~~Vineyard, winery and tasting~~ Fermented beverage production facilities, on farm subject to the provisions of Section 8.004.250. (~~*Ordinance #2011-01/6-17-11*~~)
- 8.014.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class A-4 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #2004-14/07-01-04*)
- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. (*Ordinance #2004-14/07-01-04*)
 - .02 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from any property line, and further provided that any new cemetery shall contain an area of five (5) acres or more. (*Ordinance #2004-14/07-01-04*)
 - .03 Churches and other places of worship, including parish houses and Sunday school buildings. (*Ordinance #2004-14/07-01-04*)
 - .04 Commercial activities, similar in scope to the following, provided the property shall be located along and have direct access to hard surfaced streets or official bituminous roads. (*Ordinance #2018-04/05-10-18*)
 - A. Antique/Used Furniture Shops.
 - B. Art shops and galleries.

CHAPTER 8.015
AGRICULTURAL-URBAN TRANSITIONAL DISTRICT

8.015.010 INTENT: The R-1 District is intended to provide the opportunity for the continued development of non-farm *dwelling*s and rural subdivisions in the rural unincorporated areas. (*Ordinance #2007-01/03-09-07*)

8.015.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-1 District:

- .01 Any customary *agricultural uses*. (*Ordinance #2004-14/07-01-04*)
- .02 Churches and other places of worship, including parish houses and Sunday school buildings. (*Ordinance #2004-14/07-01-04*)
- .03 *Family homes*. (*Ordinance #2004-14/07-01-04*)
- .04 Platted major subdivisions for single-family dwellings, when located on a hard surfaced street.
- .05 Platted minor subdivisions for *single-family dwellings*, when located on a *hard surfaced street or an official bituminous road*. . (*Ordinance #2018-04/05-10-18*)
- .06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. (*Ordinance #2004-14/07-01-04*)
- .07 Public schools and private schools having equivalent curriculum. (*Ordinance #2004-14/07-01-04*)
- .08 *Single-family dwellings*, at a maximum density of three (3) *dwelling*s per quarter-quarter section, when not a part of a minor or major subdivision. (*Ordinance #2004-14/07-01-04*)
- .09 *Towers* with a height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- .10 ~~Vineyard, winery and tasting~~ Fermented beverage production facilities, on farm subject to the provisions of Section 8.004.250. (*Ordinance #2011-01/6-17-11*)

8.015.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #2004-14/07-01-04*)

- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. (*Ordinance #2015-05/12-18-2015*)
- .02 *Commercial stables, riding academies and clubs*. (*Ordinance #2015-05/12-18-2015*)
- .03 *Day care nurseries and nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash

CHAPTER 8.020
URBAN TRANSITIONAL DISTRICT

- 8.020.010 INTENT: The Class R-2 District is intended to provide for single-family residential areas at suburban densities. It is intended that this district shall provide residential areas which combines certain of the advantages of both urban and rural locations by limiting the concentration of development and by permitting limited number of animals to be kept on the premises. (*Ordinance #2007-01/03-09-07*)
- 8.020.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-2 District:
- .01 Any customary agricultural use. (*Ordinance #2004-14/07-01-04*)
 - .02 Churches and other places of worship, including parish houses and Sunday school buildings. (*Ordinance #81-6/10-01-81*)
 - .03 *Family homes*. (*Ordinance #2004-14/07-01-04*)
 - .04 Platted major subdivisions for *single-family dwellings*, when located on a hard surfaced street. (*Ordinance #2017-03/07/06/2017*)
 - .05 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. (*Ordinance #2018-04/05-10-18*)
 - .06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. (*Ordinance #81-6/10-01-81*)
 - .07 Public schools and private schools having equivalent curriculum. (*Ordinance #81-6/10-01-81*)
 - .08 *Single-family dwellings*, at a maximum density of three (3) dwellings per quarter-quarter section, when not a part of a minor or major subdivision. (*Ordinance #2004-14/07-01-04*)
 - .09 *Towers* with height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
 - .10 ~~Vineyard, winery and tasting facilities, Fermented beverage production facility, on farm~~ subject to the provisions of Section 8.004.250. (~~Ordinance #2011-01/6-17-11~~)
- 8.020.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-2 District, when authorized in accordance with the requirements of Chapter 8.096:
- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200.
 - .02 *Day care nurseries* and *nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. (*Ordinance #81-6/10-01-81*)

CHAPTER 8.045
HIGHWAY COMMERCIAL DISTRICT

- 8.045.010 INTENT: The Class C-1 District is intended to provide for travel-related businesses and services in rural areas of the County along major highways where controlled access to the highway is afforded for the convenience and safety of the highway user by the provisions of frontage roads, interchanges and channelized intersections. Properties shall be located along or have direct access to hard surfaced streets. (*Ordinance #2015-05/12-18-2015*)
- 8.045.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class C-1 District: (*Ordinance #81-6/10-01-81*)
- .01 Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. (*Ordinance #81-6/10-01-81*)
 - .02 Convenience stores, including package foods and picnic supplies, souvenirs, novelties, toiletries, and similar merchandise. (*Ordinance #81-6/10-01-81*)
 - .03 Garages for general motor vehicle repair, but not including major body and fender work, and overall painting and upholstering. (*Ordinance #81-6/10-01-81*)
 - .04 Governmental structures and uses including fire stations, libraries, police stations, post offices, substations, and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effects. (*Ordinance #81-6/10-01-81*)
 - .05 Motels and motor hotels, but only when serviced with public or common water and sewer facilities. (*Ordinance #81-6/10-01-81*)
 - .06 Fermented beverage production facilities, Restaurants, cafes, and drive-in eating and dining places. (*Ordinance #81-6/10-01-81*)
 - .07 Service stations, including dispensing of diesel fuels and complete truck service. (*Ordinance #81-6/10-01-81*)
 - .08 Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. (*Ordinance #2003-12/10-03-03*)
 - .09 Towers with a height not exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
 - .10 Transformer stations, booster stations and utility stations; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices. (*Ordinance #81-6/10-01-81*)
 - .11 Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site. (*Ordinance #81-6/10-01-81*)

- C. Employment agencies. (*Ordinance #81-6/10-01-81*)
- D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and *buildings*, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)

.06 F

- A. Feed and seed stores, whose products shall be stored and sold in packaged form only. (*Ordinance #81-6/10-01-81*)
- B. Florist stores. (*Ordinance #81-6/10-01-81*)
- C. Frozen food lockers for storage and retail sales only, excluding slaughtering. (*Ordinance #81-6/10-01-81*)
- D. Furniture and appliance stores, including incidental repair and upholstery. (*Ordinance #81-6/10-01-81*)

~~D.E.~~ Fermented beverage production facilities

.07 G

- A. *Garages* for general motor vehicle repair, but not including major body and fender work, and overall painting and upholstery. (*Ordinance #81-6/10-01-81*)
- B. Garden shops and supply stores, and nurseries, provided that all equipment, supplies and merchandise, other than plants, shall be kept within a completely enclosed *building* or under a lathed structure and further provided that fertilizer of any type shall be stored and sold in packaged form only. (*Ordinance #81-6/10-01-81*)
- C. Gift, novelty and souvenir shops. (*Ordinance #81-6/10-01-81*)
- D. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope of effect. (*Ordinance #81-6/10-01-81*)

~~E.F.~~ Grocery stores, delicatessens and supermarkets, including convenience stores. (*Ordinance #81-6/10-01-81*)

.08 H

- A. Hardware stores. (*Ordinance #81-6/10-01-81*)
- B. Hobby, craft and art supply stores. (*Ordinance #81-6/10-01-81*)
- C. Home furnishings and decorating stores. (*Ordinance #81-6/10-01-81*)

- D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings. (*Ordinance #81-6/10-01-81*)
 - E. Exterminator sales. (*Ordinance #81-6/10-01-81*)
- .06 F
- A. Feed and seed sales and storage, including grain elevators. (*Ordinance #81-6/10-01-81*)
 - B. Frozen food lockers, excluding any slaughtering. (*Ordinance #81-6/10-01-81*)
 - C. Furniture warehouses and van services. (*Ordinance #81-6/10-01-81*)
 - D. *Fermented beverage production facility*
- .07 G
- A. Garages for general motor vehicle repair, including major body and fender work, and overall painting and upholstery, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. (*Ordinance #81-6/10-01-81*)
 - B. Garden supply shops and nurseries. (*Ordinance #81-6/10-01-81*)
 - C. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effect. (*Ordinance #81-6/10-01-81*)
- .08 H
- .09 I
- A. Ice manufacturing and cold storage plants. (*Ordinance #81-6/10-01-81*)
- .10 J
- .11 K
- .12 L
- A. Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious, or offensive conditions. (*Ordinance #81-6/10-01-81*)

FOR OFFICE USE ONLY: RECEIPT # _____

POTTAWATTAMIE COUNTY, IOWA
ZONING TEXT AMENDMENT APPLICATION

PROPERTY OWNER	Name	Matriarch Manor, LLC		
	Mailing Address	Street	18389 Sunnydale Rd	City, State, Zip
	Contact Information <i>(Best Way to Contact)</i>	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input checked="" type="checkbox"/>
REPRESENTED BY	Name	Doreen Blakely		
	Mailing Address	Street	18389 Sunnydale Rd	City, St, Zip
	Contact Information <i>(Best Way to Contact)</i>	Email <input type="checkbox"/>		Work # <input type="checkbox"/> Cellular <input checked="" type="checkbox"/>
PROPOSED AMENDMENT	Proposed Text	<input checked="" type="checkbox"/> Per Attachment. Destination to include: • Distillery • Venue • Dog Park • Glamping See attached		
	Reason for Proposed Change	<input checked="" type="checkbox"/> Per Attachment No code exists in State nor Pottawattamie County.		

ATTACHMENTS
ATTACHED TO THIS APPLICATION IS THE FOLLOWING DOCUMENTATION AND/OR ATTACHMENTS:

- | | | |
|--|-----------------------------------|-----------------------------|
| A. Supporting Documentation | Attached <input type="checkbox"/> | NA <input type="checkbox"/> |
| B. Filing Fee-Checks are to be made payable to "Pottawattamie County Treasurer". | <input type="checkbox"/> | <input type="checkbox"/> |

Please make be certain that you want to proceed with this project when you submit your application. The fees that you submit are not refundable once the application is submitted.

SIGNATURE

THE FACTS I HAVE PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		
Applicant	Signature	Date
	Type or Print Name	

Closed Session