

Consent Agenda

April 25, 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 Miller, to approve:

- A. April 18, 2023, Minutes as read.
- B. Attorney – Employment of Stephanie Price as a Legal Assistant – Victim Witness Coordinator.
- C. Secondary Roads – Employment of Brandon Jones as a Truck Driver/Laborer.
- D. Change of Ownership Class C Retail Liquor License (LC), granting privileges of Class C Retail Liquor License (LC); Outdoor Service for B Enterprises L.L.C. d/b/a Quail Run Golf Course.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Belt, second by Jorgensen, to approve and sign Proclamation designating the week of April 23 – 29, 2023 as National Library Week.

**National Library Week
2023 Proclamation**

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life;

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships.

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs;

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that the Pottawattamie County Board of Supervisors proclaim National Library Week, April 23-29, 2023. During this week, we encourage all residents to visit their library to explore the wealth of resources available.

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				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

ATTEST: _____
 Melvyn Houser, County Auditor

Roll Call Vote: **AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.**

Motion by Wichman, second by Miller, to approve and authorize Board Chairman to sign the Lockton Consulting Agreement for June 1, 2023 – May 31, 2024.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve tax suspension pursuant to Iowa Code Section 427.9, for property located at 907 Ave O, Carter Lake, Iowa.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve and authorize Board Chairman to sign Change Order #006 for re-routing sanitary sewer.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve and authorize Board Chairman to award Courthouse Parking Lot Reconstruction Project Contract with Meco-Henne in the amount of \$816,582.90.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 24-2023** entitled: Resolution for project FM-C078(207) –55-78 awarding OMG Midwest, LLC.

RESOLUTION 24-2023

WHEREAS, the Board of Supervisors, hereafter referred to as “the Board”, believes project FM-CO78(207)—55-78, hereafter referred to as “the project” is in the best interest of Pottawattamie County, Iowa, and the residents thereof. The project is defined as L66 Hot Mix Asphalt Pavement Replacement; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Pottawattamie County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from OMG Midwest, Inc. D/B/A Omni Engineering, Inc. in the amount of \$756,594.59 and awards the associated contract to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of the Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, John A. Rasmussen, the County Engineer for Pottawattamie County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Dated at Pottawattamie, Iowa, this 25th day of April, 2023.

	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: _____
Dixie Wilson, Finance & Tax Office, Auditor’s Office

Recommended: _____
Pottawattamie County Engineer

Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

After discussion, the Board tabled the New Class C Retail Liquor License for Schneckloth Properties, LLC d/b/a The Acres Venue, for property located at 21264 Homestead Ave.
Discussion only. No action taken.

3. OTHER BUSINESS

Jana Lemrick/Director, Human Resources and Garfield Coleman/Risk Manager appeared before the Board to present Jacob Head/Safety Coordinator with recognition for completing NACO High Performance Leadership Academy.
Discussion only. No action taken.

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign Local 2364 American Federation of State, County, and Municipal Employees (AFSCME) Courthouse Employees Wage Reopener Agreement, effective July 1, 2023, through June 30, 2024.
UNANIMOUS VOTE. Motion carried.

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign Local 2364 American Federation of State, County, and Municipal Employees (AFSCME) 911 Employees Wage Reopener Agreement, effective July 1, 2023, through June 30, 2024.
UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign Memorandum of Understanding Between Pottawattamie County and the American Federation of State, County, and Municipal Employees (AFSCME) Local 2364-911 Agreement for the employees of the Pottawattamie County Communications Center, effective July 1, 2023, through June 30, 2025.
UNANIMOUS VOTE. Motion carried.

Motion by Miller, second by Jorgensen, to approve and authorize Board Chairman to sign Local 2364 American Federation of State, County, and Municipal Employees (AFSCME) Roads Employees Wage Reopener Agreement, effective July 1, 2023, through June 30, 2025.
UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign General Drivers and Helpers Local No. 554 Affiliate of the International Brotherhood of Teamsters (Detention Officer) Union Contract, effective July 1, 2023, through June 30, 2024.
UNANIMOUS VOTE. motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.
Discussion only. No action taken.

5. RECEIVED/FILED

A. Salary Action(s):

- 1) Sheriff – Payroll status change for Matthew Owens.
- 2) Conservation – Payroll status change for Samuel Raine.
- 3) SWI Juvenile Detention Center – Payroll status change for Teagan Brown and Tobi Brich.

6. PUBLIC COMMENTS

Jan Pellant appeared before the Board to invite the Board to Labor Union event on April 28th at 6 P.M. at Bayliss Park for International Workers Day.

7. STUDY SESSION

Mark Shoemaker/Director, Conservation and Jeff Franco/Deputy Director, Conservation appeared before the Board to discuss park updates.

Discussion only. No action taken.

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:36 P. M

Brian Shea, Chairman

ATTEST:

Dixie Wilson, Finance and Tax Officer, Auditor's Office

APPROVED: May 2, 2023

PUBLISH: X

Scheduled Sessions

Matt Wyant/Director, Planning and Development

Public Hearing and First Consideration of Ordinance No. 2023-02, and ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code; and setting date of Second Consideration.

TO: Board of Supervisors
 FROM: Matt Wyant
 DATE: April 27, 2023
 RE: Case #ZTA-2023-01

APPLICANT: Matriarch Manor LLC

REPRESENTED BY: Doreen Blakely

REQUEST: Zoning Text Amendment requested by a citizen of Pottawattamie County, Iowa in reference to distillery, venue, dog park and glamping.

Matriarch Manor's Application:

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	Council Bluffs IA 51503
	Contact Information <input type="checkbox"/> Best Way to Contact	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input checked="" type="checkbox"/>	4029811262
REPRESENTED BY	Name	Doreen Blakely			
	Mailing Address	Street	18389 Sunnydale Rd	City, St, Zip	CB IA 51503
	Contact Information <input type="checkbox"/> Best Way to Contact	Email <input type="checkbox"/>		Home # <input type="checkbox"/> Cellular <input checked="" type="checkbox"/>	4029811262
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
 B. Filing Fee-Checks are to be made payable to "Pottawattamie County Treasurer".

Attached NA

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	<i>Doreen Blakely</i>	Date	2/20/23
	Type or Print Name	Doreen Blakely		

COMMISSION

RECOMMENDATION: On March 20, 2023 the Planning Commission conducted their public hearing on this request and made the following recommendation:

Motion: to recommend that the request of Matriarch Manor LLC (Doreen Blakely) for Zoning Text Amendment requested by a citizen of Pottawattamie County, Iowa in reference to distillery be approved and Zoning Text Amendment in reference to venue, dog park and glamping be denied as filed under Case #ZTA-2023-01, be **approved by the Board of Supervisors**.

Motion by: Leaders.

Second by: Chapman.

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

POTTAWATTAMIE COUNTY, IOWA

ZONING ORDINANCE

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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

- .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 FarmWINERY: 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 farmwinery shall be to process inputs~~fruit~~ grown on the property owned by 8.0the owner of the fermented beverage production facility, on farmwinery, 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 farmWineries shall include those areas of a structure where inputs~~grapes~~ are crushed, fermented or pressed, where bulk beverages~~wine~~ are~~is~~ 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 beverageswine. Sale of fermented beverage~~non-wine~~ merchandise shall be subordinate to beverageswine 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, distilled, vintaged, and~~or~~ bottled at the facility~~winery~~. Snack foods that are consumed during beverageswine 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, distilled, 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~~

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 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

- 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 composting facilities, subject to approval of the Iowa Department of Natural Resources standards and administrative rules. (*Ordinance #2004-14/07-01-04*)
 - .05 *Commercial kennels* and veterinary hospitals or clinics, provided that no such *structure* or exercising runway shall be located closer than two hundred (200) feet from 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*)
 - .06 *Commercial stables, riding academies and clubs.* (*Ordinance #2015-05/12-18-2015*)
 - .07 *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 #2004-14/07-01-04*)
 - .08 *Demolition rubble waste disposal sites*, which such disposal site may 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*)
 - .09 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*)
 - .10 Fertilizer and/or agricultural chemical blending and storage facilities. (*Ordinance #2006-06/06-02-06*)
 - .11 Governmental *structures* and uses, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. (*Ordinance #2004-14/07-01-04*)
 - .12 Portable sawmills and related facilities required for obtaining, processing, storing and transporting timber at their point of origin; provided the 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*)

- .13 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres. (*Ordinance #2015-05/12-18-2015*)
- .14 Public schools and colleges, and private schools and colleges having equivalent curriculum. (*Ordinance #2004-14/07-01-04*)
- .15 Rural enterprise businesses, subject to the provisions of 8.004.165. (*Ordinance #2004-14/07-01-04*)
- .16 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) 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*)
- .17 Special events and dining facilities at vineyards/wineriesfermented beverage production facility, on farm, subject to the provisions of Section 8.004.250. (*Ordinance #2011-01/6-17-11*)
- .18 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 #2004-14/07-01-04*)
- .19 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and setback may be waived by the *Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. (*Ordinance #2007-09/10-12-07*)
- .20 Towers with a height exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)

8.010.040 ACCESSORY USES: Accessory uses shall be permitted in a Class A-2 District as specified in Section 8.004.085: (*Ordinance #2015-05/12-18-2015*)

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*)

- .02 Governmental structures and uses other than sanitary landfills, or uses similar in their scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #2004-14/07-01-04)*
- .03 Race tracks, strips or trails used for racing of horses and motorized vehicles. *(Ordinance #2015-05/12-18-2015)*
- .04 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) 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 Special events and dining facilities at fermented beverage production facility, on farm/vineyards/wineries, subject to the provisions of Section 8.004.250. *(Ordinance #2011-01/6-17-11)*
- .06 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)*
- .07 Towers with a height exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*
- .08 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*
- .09 Rural enterprise businesses. *(Ordinance #2004-14/07-01-04)*
- .10 Commercial kennels and veterinary hospitals or clinics, provided that no such structure or exercising runway shall be located closer than two hundred (200) feet from any Class "R" District or platted residential subdivision or dwelling other than that of the lessee or owner of the site. *(Ordinance #2020-01)*

8.012.040 ACCESSORY USES: Accessory uses shall be permitted in a Class A-3 District as specified in Section 8.004.085. *(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.

- C. Bakery.
 - D. Bicycle Stores, sales, rental and repair.
 - E. Indoor recreational activities.
 - F. Book, flower and gift shops.
 - G. Health Clubs, Gymnasiums.
 - H. Miniature golf and small recreational establishments.
 - I. Museums.
 - J. Offices, business and professional.
 - K. Restaurants, with a bar, lounge or tavern attached thereto provided that the tavern shall occupy no more than 25% of the total floor area of the total building dedicated to both uses.
 - L. Outdoor recreational complexes, excluding off-highway vehicle parks.
- .05 Commercial kennels and veterinary hospitals or clinics, provided that no such *structure* or exercising runway shall be located closer than two hundred (200) feet from 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*)
 - .06 *Commercial stables, riding academies and clubs.* (*Ordinance #2015-05/12-18-2015*)
 - .07 *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 #2004-14/07-01-04*)
 - .08 *Demolition rubble waste disposal sites*, provided that such disposal site shall be limited to areas where the demolition rubble waste is placed for the bona fide purpose of erosion stabilization. (*Ordinance #2015-05/12-18-2015*)
 - .09 Governmental *structures* and uses, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. (*Ordinance #2004-14/07-01-04*)
 - .10 Public schools and colleges, and private schools and colleges having equivalent curriculum. (*Ordinance #2004-14/07-01-04*)

- .11 Rural enterprise businesses, subject to the provisions of Chapter 8.004.165. (Ordinance #2004-14/07-01-04)
- .12 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) 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)
- .13 Special events and dining facilities at fermented beverage production facility, on farm vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)
- .14 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)
- .15 Towers, subject to the requirements of Section 8.004.220. (Ordinance #2007-09/10-12-07)
- .16 Transformer stations, booster stations and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties. (Ordinance #2007-09/10-12-07)
- .17 Wind Farms, non-commercial, subject to the requirements of 8.004.240. (Ordinance #2008-07/06-06-08)
- .18 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.(Ordinance#2016-02/05-20-2016)

8.014.040 ACCESSORY USES: Accessory uses shall be permitted in a Class A-4 District as specified in Section 8.004.085.

8.014.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class A-4 District. (Ordinance #2004-14/07-01-04)

8.014.060 HEIGHT REQUIREMENT: No maximum height is established for *buildings and structures* in a Class A-4 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and elevation assistance, and

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 8.015
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) *dwellings* 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

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 #2004-14/07-01-04)

- .04 Governmental structures and uses other than sanitary landfills or uses similar in their scope or effects, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
- .05 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres. (Ordinance #2015-05/12-18-2015)
- .06 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. (Ordinance #2004-14/07-01-04)
- .07 Roadside stands for the sale of *agricultural* produce grown on the site, but only when adequate *off-street parking* is provided. (Ordinance #2004-14/07-01-04)
- .08 Rural enterprise businesses, subject to the provisions of Chapter 8.004.165. (Ordinance #2004-14/07-01-04)
- .09 Special events and dining facilities at fermented beverage production facility, on farm/vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)
- .10 Towers with a height exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. (Ordinance #2007-09/10-12-07)
- .11 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. (Ordinance #2007-09/10-12-07)
- .12 Wind Farms, non-commercial, subject to the requirements of 8.004.240. (Ordinance #2008-07/06-06-08)

8.015.040 ACCESSORY USES: Accessory uses shall be permitted in a Class R-1 District as specified in Section 8.004.085. (Ordinance #2015-05/12-18-2015)

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*)

- .03 Governmental structures and uses other than sanitary landfills, or uses similar in their scope or effects, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. (*Ordinance #81-6/10-01-81*)
- .04 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres. (*Ordinance #2015-05/12-18-2015*)
- .05 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. (*Ordinance #81-6/10-01-81*)
- .06 Roadside stands for the sale of *agricultural* produce grown on the site, but only when adequate *off-street parking* is provided. (*Ordinance #81-6/10-01-81*)
- .07 Rural enterprise businesses, subject to the provisions of Chapter 8.004.165. (*Ordinance #2004-14/07-01-04*)
- .08 Special events and dining facilities at fermented beverage production facility, on farm vineyards/wineries, subject to the provisions of Section 8.004.250. (*Ordinance #2011-01/6-17-11*)
- .09 Transformer stations, booster stations, and utility stations; when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbance. The minimum lot area and front yard setback may be waived by the *Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. (*Ordinance #2007-09/10-12-07*)
- .10 *Towers* with a height exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- .11 Wind Farms, non-commercial, subject to the requirements of 8.004.240. (*Ordinance #2008-07/06-06-08*)
- .12 Commercial activities, similar in scope to the following, provided the property shall be located along and have direct access to a hard surfaced road or an official bituminous road: (*Ordinance #2018-04/05-10-18*)
 - A. Antique/Used Furniture Shops.
 - B. Art shops and galleries.
 - C. Bakery.

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 upholstery. (*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*)

8.045.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class C-1 District, when authorized in accordance with the requirements in Chapter 8.096: (*Ordinance #81-6/10-01-81*)

.01 Body and fender repair shops, including overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. (*Ordinance #81-6/10-01-81*)

.02 Cocktail lounges, provided they are operated as incidental and subordinate activities in motels and restaurants. (*Ordinance #81-6/10-01-81*)

.03 Transmitting stations and towers with a height exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)

.04 *Fermented beverage production facilities.*

8.045.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class C-1 District: (*Ordinance #81-6/10-01-81*)

.01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal or conditional uses*, unless otherwise excluded. (*Ordinance #81-6/10-01-81*)

.02 Display signs, subject to the provisions of Chapter 8.090. (*Ordinance #81-6/10-01-81*)

.03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090. (*Ordinance #2015-05/12-18-2015*)

.04 Outdoor storage of material or merchandise incidental to a permitted use, but not to exceed forty (40) percent of the building floor area used for such use. (*Ordinance #2015-05/12-18-2015*)

.05 Private parking facilities including garages, carports, and other parking spaces. (*Ordinance #2015-05/12-18-2015*)

.06 Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they all shall be disassembled and removed at the end of the authorized period each year. (*Ordinance #81-6/10-01-81*)

8.045.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class C-1 District. (*Ordinance #81-6/10-01-81*)

8.045.060 **HEIGHT REQUIREMENTS:** The maximum height of buildings and structures in a Class C-1 District shall be thirty-five (35) feet or two (2) stories, whichever is lower. (*Ordinance #81-6/10-01-81*)

CHAPTER 8.050
GENERAL COMMERCIAL DISTRICT

8.050.010 INTENT: The Class C-2 District is intended primarily to provide for those business and commercial establishments serving the general retail shopping needs of those persons living in the unincorporated areas of the County. Properties shall be located along or have direct access to hard surfaced streets. (*Ordinance #2015-05/12-18-2015*)

8.050.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class C-2 District: (*Ordinance #81-6/10-01-81*)

.01 A

- A. Antique shops. (*Ordinance #81-6/10-01-81*)
- B. Apparel and shoe stores. (*Ordinance #81-6/10-01-81*)
- C. Art galleries. (*Ordinance #81-6/10-01-81*)
- D. Auditoriums, exhibition halls, or other public assembly rooms. (*Ordinance #81-6/10-01-81*)
- E. Automobile and other vehicle parts and supply stores. (*Ordinance #81-6/10-01-81*)
- F. 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*)
- G. Automobile, boat, farm implement and equipment, motorcycle, *mobile home*, trailer and truck sales, rental and service. (*Ordinance #81-6/10-01-81*)

.02 B

- A. Bakeries and bakery outlets-retail sales only. (*Ordinance #81-6/10-01-81*)
- B. Banks, savings and loan associations, lending agencies, and similar financial institutions including drive-in banks. (*Ordinance #81-6/10-01-81*)
- C. Barber shops and beauty shops. (*Ordinance #81-6/10-01-81*)
- D. Bars, cocktail lounges, nightclubs and *taverns*, 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*)
- E. Bicycle shops, sales and repairs. (*Ordinance #81-6/10-01-81*)
- F. Bookstores including newsstands, magazine stores and rental libraries. (*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 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.

.07 G

- A. *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*)
- 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*)

CHAPTER 8.055
LIMITED INDUSTRIAL DISTRICT

8.055.010 INTENT: The Class I-1 District is intended primarily to provide for those activities and used of a limited industrial nature which are either free of objectionable influences in their operations and appearance or which can, through the use of appropriate abatement devices, readily prevent or control any such objectionable be influences. Land requirements for most limited industrial uses generally dictates its application along major streets and highways, railroad lines, and other major transportation corridors of the County which generally lie close to commercial and industrial districts. (*Ordinance #2015-05/12-18-2015*)

8.055.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class I-1 District: (*Ordinance #81-6/10-01-81*)

.01 A

- A. Auction halls, barns and yards. (*Ordinance #81-6/10-01-81*)
- B. Automobile and other vehicle parts and supply stores. (*Ordinance #81-6/10-01-81*)
- C. 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*)
- D. Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service. (*Ordinance #81-6/10-01-81*)

.02 B

- A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for effective precipitation or recovery of dust. (*Ordinance #81-6/10-01-81*)
- B. Bakeries, other than those whose products are sold at retail only on the premises. (*Ordinance #81-6/10-01-81*)
- C. Bottling plants. (*Ordinance #81-6/10-01-81*)
- D. Business and professional offices. (*Ordinance #81-6/10-01-81*)

.03 C

- A. Carpenter and cabinet making shops. (*Ordinance #81-6/10-01-81*)
- B. Catering establishments. (*Ordinance #81-6/10-01-81*)
- C. Circus, carnivals or similar transient enterprises; provided such structures or buildings shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)

- D. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred (100) degrees Fahrenheit. (*Ordinance #81-6/10-01-81*)
 - .E. Coal, coke or wood yards. (*Ordinance #81-6/10-01-81*)
 - F. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities. (*Ordinance #81-6/10-01-81*)
 - G. Commercial parking lots and structures for passenger vehicles in accordance with the provisions of Chapter 8.080. (*Ordinance #81-6/10-01-81*)
 - H. Commercial storage warehouses and mini-warehouses. (*Ordinance #81-6/10-01-81*)
 - I. Concrete mixing plants, and concrete product manufacturing; provided no residential street shall be used for delivery trucks for ingress to or egress from the plant. (*Ordinance #81-6/10-01-81*)
 - J. Contractor's equipment storage yards, including storage yards for commercial vehicles. (*Ordinance #81-6/10-01-81*)
 - K. Convenience stores, including package foods and picnic supplies. (*Ordinance #81-6/10-01-81*)
 - L. Cooperage works. (*Ordinance #81-6/10-01-81*)
 - M. Creameries, including wholesale manufacturing of ice cream. (*Ordinance #81-6/10-01-81*)
- .04 D
- A. *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 #88-15/12-06-88*)
 - B. Drive-in theaters. (*Ordinance #81-6/10-01-81*)
- .05 E
- A. Egg and poultry stores, excluding any slaughtering eviscerating or plucking. (*Ordinance #81-6/10-01-81*)
 - B. Electrical repair shops. (*Ordinance #81-6/10-01-81*)
 - C. Enameling, lacquering or japanning. (*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*)

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 #2023-02

POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-02

AN ORDINANCE to amend the following Chapter 8, Pottawattamie County, Iowa Zoning Ordinance:

- Delete the definition of a winery as an agricultural processing facility that produces wine from fruit or fruit juices under the criteria established by the State of Iowa for Native Wines;
- Add a definition for a Fermented Beverage Production Facility: A facility whose primary purpose is to produce fermented beverages, including, but not limited to, wineries, breweries, distilleries, and cideries.
- Add a definition for a 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.
- Repeal Subsection 8.004.250 Winery and replace with Section 8.004.250 Fermented Beverage Production Facility, on Farm
- Amend by replacing all references to wineries and vineyards with fermented beverage production facility, on farm
- Add Section 8.045.0230.04 06 Fermented beverage production facilities
- Add Section 8.050.020.06F-E. Fermented beverage production facilities
- Add Section 8.055.020.06F-D. Fermented beverage production facilities

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

SECTION 1 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new definitions, to be codified as Section 8.002.070 F.080, definition of Fermented Beverage Production Facility:

8.002.070 F

.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.

SECTION 2 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new definitions, to be codified as Section 8.002.070 F.090, definition of Fermented Beverage Production Facility:

8.002.070 F

.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.

SECTION 3a – REPEAL OF CONFLICTING ORDINANCES: That Section 8.004.250 is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 3b - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.004.250, as follows:

8.004.250 Fermented Beverage Production Facility, on Farm: The following provisions shall apply to breweries, cideries, distilleries and wineries, along with the various associated structures and uses:

.01 Purposes: The purpose of the fermented beverage production facility, on farm shall be to grow a portion of the inputs for the production process. The primary purpose of the fermented beverage production facility, on farm shall be to process inputs grown on the property owned by the owner of the fermented beverage production facility, on farm, who shall be allowed to process imported fruits and to ferment imported juices, in accordance with Iowa Alcoholic Beverage Division Permitting.

.02 General Provisions: The following general provisions shall apply to fermented beverage production facilities, on farm:

A. Fermented beverage production facilities, on farm shall include those areas of a structure where inputs are crushed, fermented or pressed, where bulk beverages are stored in tanks or barrels, or where fermenting operations such as racking, filtering, blending, or bottling of beverages are carried out, and on-site case goods storage.

B. Picnic areas and playgrounds shall be allowed provided they are subordinate to the fermented beverage production area and tasting room.

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 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. Sale of fermented beverage merchandise shall be subordinate to beverage sales.

.02 Tasting Facilities

A. Subordinate to fermented beverage production area: Tasting facilities shall be clearly related and subordinate to the primary operation of the fermented beverage production

facility. The primary focus of the tasting facility shall be the marketing and sale of the fermented beverages or fruit products processed, distilled, vintaged, and bottled at the facility. Snack foods that are consumed during beverage tasting are allowed.

- B. Fermented beverage sales: Retail and wholesale sales of fermented beverages shall include those processed, distilled, vintaged, or bottled by the operator subject to the provisions of the Iowa Alcoholic Beverage Division Permit.
- C. Marketing: Tasting facilities include any marketing activities sponsored by a fermented beverage production 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:
 - 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.
 - 2. Input growing and fermenting promotional activities.
 - 3. Meetings of groups of individuals and businesses formally organized in support of fermented beverages, for example Iowa Distillers Alliance.
 - 4. Food may be served at marketing events.

.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.

B. Capacity Limitation:

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.

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.

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”.

- 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.
 - 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.
- .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 Farm.
- .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 beverages shall be considered agricultural exempt from the County Building Codes. Said agricultural exempt facilities are required to obtain State Electrical Permits.

SECTION 4 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Fermented beverage production facilities thereto the following new Section, to be codified as Section 8.045.030.04, Conditional Use in the C-1 (Highway Commercial) District:

8.045.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class C-1 District, when authorized in accordance with the requirements of Chapter 8.096:

.04 Fermented beverage production facilities.

SECTION 5 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.050.020.06 F- E., Principal Use in the C-2 (General Commercial) District:

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

.06 F

E. Fermented beverage production facilities 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.

SECTION 5 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.055.020.06 F- D., Principal Use in the I-1 (Limited Industrial) District:

8.055.020 PRINCIPAL USES: The following principal uses shall be permitted in a Class I-1 District.

.06 F

D. Fermented beverage production facility.

SECTION 6 - 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 7 - EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED _____, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Susan Miller	<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: April 27, 2023
 PUBLIC HEARING: May 2, 2023
 FIRST CONSIDERATION: May 2, 2023
 SECOND CONSIDERATION: May 9, 2023
 PUBLICATION: May 18, 2023
 RECORD: May 19, 2023

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

**Discussion and/or decision to approve and sign
Proclamation designating the month of May 2023 as
Mental Health Awareness Month.**

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

PROCLAMATION

MENTAL HEALTH AWARENESS MONTH – MAY 2023

WHEREAS, Each year millions of Americans face the reality of living with a mental illness and Mental Health Awareness month is observed annually in May to increase understanding of mental health and its impact on individuals and communities.

WHEREAS, The Douglas County Health Department, Pottawattamie County Division of Public Health, Sarpy/Cass Health Department and The Wellbeing Partners formed the Regional Health Council (RHC) and adopted a regional approach to public health issues affecting our residents, as prioritized and identified by the Community Health Assessment data.

WHEREAS, The Southwest Iowa Mental Health and Disability Services Region collaborates with the Regional Health Council to fulfill their mission "to provide a responsive and welcoming system of support for overall mental wellness."

WHEREAS, The RHC developed the WhatMakeUs campaign to end mental health stigma, and along with community partners, together, pledge to increase awareness and understanding of mental health stigma.

WHEREAS, Over half of the people across Cass, Douglas, Sarpy, and Pottawattamie counties have experienced a mental health condition, and about 40% report they would hide this from friends and family.

WHEREAS, Reducing the stigma of mental health encourages people to ask for support and seek help when needed.

WHEREAS, We acknowledge the need for appropriate and accessible mental health resources and pledge to amplify existing resources in our area.

WHEREAS, With treatment, those with mental health conditions can recover and lead full and productive lives.

NOW THEREFORE, BE IT RESOLVED, that The Pottawattamie County Board of Supervisors, does hereby declare May 2023 as Mental Health Awareness Month and *encourages all citizens, community agencies, organizations, businesses, and schools within Pottawattamie County to increase awareness and understanding of mental health, the steps that our citizens can take to protect their mental health, and the need for appropriate, accessible services and support for all people with mental health conditions and their family members.*

Approved this 2nd day of May, 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

John Rasmussen/Engineer

**Discussion and/or decision to approve and authorize
the Board to sign Entry Level Driver Training Grant
Agreement.**

**Iowa Workforce Development
Future Ready Iowa
Entry Level Driver Training Program
Grant Agreement**

Grant Agreement No.

2023-036 Pottawattamie County Entry-Level Driver Training
--

Agency of the State (hereafter “Agency” or “IWD”)

Name / Principal Address of Agency: Iowa Workforce Development 1000 E. Grand Ave. Des Moines, IA 50319	Agency Contact Name / Address: Micheal Cockrum 15260 Truman Street Ottumwa, IA 52501 Phone: 641-684-5401, ext. 40027 Email: micheal.cockrum@iwd.iowa.gov
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Subrecipient (hereafter “Subrecipient”)

Name / Principal Address of Grantee: County of Pottawattamie Kristina Treantos 227 South 6th Street Council Bluffs, IA 51501 Phone: 712-328-5608 Email: tina.treantos@pottcounty-ia.gov	Grantee Tax ID: 42-6004433 Grantee Sam.Gov Unique ID: DDUNWJQV8113
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Award Information

Start Date: January 1, 2023	End Date: October 31, 2024
Purpose: The purpose of the Iowa Entry-Level Driver Training Program is to provide funding to reimburse Iowa-based employers, employer consortiums, and non-profits that provide Entry-Level Driver Training (ELDT) either in-house or through partnership with third-party certified training providers located in Iowa.	
Source of Funds: American Rescue Plan Act (ARPA) Pub L. No. 117-2, Section 9901 Coronavirus State and Local Fiscal Recovery Funds	
Assistance Listing Number: 21.027	

1. **SUBRECIPIENT.** "Subrecipient" means the employer described above, which must be an Iowa business, employer consortium, or non-profit who employs Iowa CDL drivers. Subrecipients may provide ELDT for prospective employees whose position will require that the employee apply for a Class A or B CDL, upgrade an existing CDL from Class B to Class A, and/or add a hazardous materials, passenger, or school bus endorsement. To be eligible for reimbursement, applicant must provide documentation that each driver has their driver training certification uploaded to the Training Provider Registry and have passed the CDL exam within thirty (30) days of their last day of training. If the driver fails the first exam attempt, the applicant must show that the driver has taken and passed their exam within fourteen (14) days of their first failed attempt to be eligible for reimbursement. The Subrecipient, as a non-federal entity carrying out a federal award on behalf of the State of Iowa, shall be considered a subrecipient as defined in the Uniform Guidance (2 C.F.R. Part 200) and is subject to the policy requirements placed upon subrecipients by regulations including, but not limited to, the Uniform Guidance and 31 C.F.R. 35.

2. **AWARD PERIOD.** The first cohort training program must include at least two participants and be scheduled to begin within four months of receipt of this fully executed contract agreement. Each cohort must be completed within a 60-day time period from the start date. Programs may contain multiple cohorts with certifying a minimum of two (2) new or upgraded drivers per cohort. No costs incurred prior to January 1, 2023, or after October 31, 2024, are eligible. All receipts, reimbursement requests, proof of payment, and reporting documents must be claimed by sending to IWD by December 2, 2024, or remaining award funds are forfeited.

Awardees must provide a detailed report of the progress of the project and the use of funds on a quarterly basis, beginning from the date the Memorandum of Understanding between the applicant and the State is fully executed. Quarterly reports will be due:

Quarter	Due Date
1 st and 2 nd 2023 (January 1 – June 30)	July 10, 2023
3 rd 2023 (July 1 – September 30)	October 10, 2023
4 th 2023 (October 1 – December 31)	January 10, 2024
1 st 2024 (January 1 – March 31)	April 10, 2024
2 nd 2024 (April 1 – June 30)	July 10, 2024
3 rd 2024 (July 1 – September 30)	October 10, 2024
Final Report	December 2, 2024

3. **PAYMENT.** Total payment of funds under this Agreement shall not exceed \$35,000 for costs directly attributed to the program as shown in the approved application, unless modified by written amendment of this Agreement. The above is not all-inclusive of

Subrecipient's obligations but is for summary purposes only. Subrecipient's complete obligations are defined by the approved application, the Notice of Funding Opportunity, this Agreement with any written amendments, and all applicable federal, state, or local laws or administrative rules. Funds will only be released to the subrecipient once performance reporting requirements are verified by IWD.

4. PAYMENT SCHEDULE. Funds are administered as reimbursement only on a quarterly basis and no advance payment options are available. Reimbursements will be made only after all quarterly reporting documents have been submitted and requirements are satisfied.
5. REIMBURSEMENTS. Reimbursements should be submitted on a quarterly basis and will only be made after all quarterly reporting documents have been submitted and approved, and all reimbursement requirements are satisfied. Reimbursement requests must include invoices, receipts, expenditures, proof of payment, as well as any clarifying statements to document how the funds were spent and certify the funds were used in accordance with the grant application and grant program.

All final documentation for reimbursement and reports shall be submitted no later than December 2, 2024, or remaining award funds are forfeited.

Documentation to be submitted with requests for funds must include:

- Name and address of the vendor.
- A clear description of what was purchased or contracted.
- The date of purchase.
- The total amount, including shipping and handling, taxes, and other charges
- Proof of payment – which includes the name of the subrecipient, name and address of the vendor, payment date, amount paid which should match the receipt or invoice, and proof that the payment has cleared the bank (check images of front and back of canceled check, credit card statement or bank statement).
- For instructor net wages, required documentation includes either an invoice or timesheet that includes the employee ID, total hours worked clearly showing hours spent as instruction, and signature from employee and person approving the timesheet. Required proof of payment includes payroll report/register that matches the timesheet, shows pay rate and taxes, and shows net pay received.
- For transportation costs, required documentation includes employee name, address to and from destination, and use of IRS mileage rate of 62.5 cents per mile in the calculation.
- For administrative costs, required documentation includes timesheet that includes employee ID, total hours worked, and signature from employee and

person approving the timesheet. Required proof of payment includes payroll report/register that matches the timesheet, shows pay rate and taxes, and shows net pay received. We also need a narrative and calculation to show how much of the person's time was spent on the program.

- For proof of wage payments, required documentation includes timesheet that includes employee ID, total hours worked, and signature from employee and person approving the timesheet. Required proof of payment includes payroll report/register that matches the timesheet, shows pay rate and taxes, and shows net pay received.

The Subrecipient shall retain all records relating to project cost, including supporting documents, through December 31, 2032, and will make such records and documents available to Iowa Department of Workforce Development personnel upon request for audit.

6. USE OF FUNDS.

- a) The Subrecipient understands and agrees that the funds disbursed under this award may only be used for the purposes set forth in section 602(c) of the Social Security Act (the Act) and U.S. Treasury's implementing regulations and interpretive guidance.
- b) The Subrecipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
- c) As a condition of receiving the funds appropriated, the subrecipient shall testify upon the request of any committee or subcommittee of the State of Iowa General Assembly regarding the expenditures of such funds.

All funds requested should provide justification for the costs, receipt or invoice, and proof of payment (as described above). The majority of the funds requested should closely match the program priorities as submitted on your budget/application. Eligible use of grant funds include:

- ELDT Tuition for an Iowa-based, third-party training provider, up to \$2,500 per driver licensed in the state of Iowa or neighboring border state (See *Note* provided in the Purpose Statement for eligibility)
- If providing in-house training, net wage reimbursement for instructors providing the in-house training (up to \$2,500 per driver)
- Curriculum and supplies for in-house training - textbooks, workbooks, curriculum software
- Staff wage expense to train a new instructor – net wages only

- Expenses to cover the FMCSA trainer certification if the Iowa-based business is not currently a certified trainer, up to \$10,000
- General maintenance and supplies necessary to conduct in-house training – vehicle(s) dedicated ONLY for training use and skills pad related to this award (up to 25% of eligible amount reimbursed per driver) including:
 - Initial measuring and striping the site on concrete and/or measuring and inserting markers in gravel
 - Interval remeasuring for correct course measurements
 - Regular snow removal
 - Paint maintenance
 - Signage
 - Lighting replacements and/or repairs
 - Fencing replacements and/or repairs
 - General or routine dedicated training vehicle(s) maintenance
 - Fuel charges for dedicated training vehicle(s) (tracked on mileage report provided by IWD)

Funds are administered as reimbursement only and no advance payment options are available. Employers who use the funds to cover the outlined costs cannot also charge employees for those same costs.

7. REPAYMENT OBLIGATION. In the event any funds are deferred or disallowed as a result of any audit or expended in violation of this Agreement or the laws applicable to the expenditure of such funds, the Subrecipient shall be liable to IWD for the full amount of any ineligible amount and for all related penalties incurred. If IWD determines at any time, whether through monitoring, audit, closeout procedures or by other means, that the Subrecipient has received Award funds or used Award funds which are unallowable under the terms of this Agreement or applicable laws, the Subrecipient will be notified of the questioned uses and given an opportunity to justify questioned uses. If it is IWD's final determination that costs previously paid by IWD are unallowable under the terms of the Agreement, the expenditures will be disallowed, and the Subrecipient shall immediately repay to IWD any and all disallowed costs.
8. SAM.GOV REGISTRATION. Subrecipients are required to provide IWD with their active SAM.gov unique identification code. The SAM.gov unique identification code needs to be renewed annually and remain active through December 2026.
9. PROCUREMENT POLICY. Subrecipient is required to provide a copy of their procurement policy to IWD along with the return of this executed agreement. A procurement policy template will be provided upon request; however, it is the successful applicant's

responsibility to consult with qualified and knowledgeable legal counsel to determine any specific rules or requirements that apply to their individual circumstances.

10. PROJECT REPORTING. Subrecipients will be required to submit a Quarterly Narrative Progress Report each quarter, and a final report to IWD on specific grant activities funded with this award.

The report will summarize project activities, outcomes and other deliverables of the project, including but not limited to:

- Demographic information of participants including home city and state
- Information on the third-party training provider including name, city, and state (if applicable)
- Total participant enrollment
- Total number of participants actively enrolled
- Total participants completing training
- Wage information before and after completing the training
- Total number of participants exiting the program without completing training
- Number of participants passing licensure exam on the first attempt
- Number of participants passing licensure exam on the second attempt
- Length of time per training
- Total number of participants attaining an industry-recognized credential
- Number of new and upgraded certified drivers by certification/endorsement type

This report may also include progress of the project award and details relating to the key performance indicators, lessons learned and ongoing plan for sustainability. Successful applicants will also be required to provide measurements tools and metrics used to determine the success of the program.

11. RESTRICTIONS. The financial assistance provided pursuant to this contract is for the exclusive benefit of the Subrecipient and for the performance of the work described in this Agreement and in the proposal approved by IWD. Subrecipient shall not grant, loan, or further convey the financial assistance provided pursuant to this Agreement, to any other parties.

12. DEFAULT. The occurrence of any one or more of the following events shall constitute cause for IWD to declare the Subrecipient in default of its obligations under this Agreement:
 - Non-performance, repeated failure to provide complete reporting or sufficient expense documentation;
 - Subrecipient work product and services fail to conform with the terms of the proposal and any and all attachments;

- A material breach of any term of this Agreement;
- Failure to disclose a conflict of interest to IWD and receive IWD's approval of the conflict of interest and mitigating measures; or
- Utilizing Award proceeds for purposes not described in the proposal approved by IWD.

IWD shall issue a written notice of default providing therein a fifteen (15) day period during which the Subrecipient shall have an opportunity to cure, provided that cure is possible and feasible.

13. TERMINATION. This Agreement may be terminated:

- By either party, without cause, after thirty (30) days' written notice prior to the dispersal of any funds from IWD;
- Immediately, if Subrecipient fails to timely cure a default;
- Immediately, as a result of the termination or reduction of funding to IWD or if IWD is no longer authorized to engage in activities or conduct business under this Agreement;
- Immediately, if Subrecipient violates State of Iowa Conflict of Interest laws;
- Immediately, if Subrecipient is unable to carry out the project goals as provided on Subrecipient's approved application and budget; or
- Immediately, upon written mutual agreement by all parties to terminate the Agreement.

14. REMEDY UPON TERMINATION. In the event of termination of this Agreement, IWD shall be under no further obligation to disburse further payments. In the event of the termination of this agreement, funding provided without required sufficient expense documentation is to be returned to IWD within sixty (60) days of official notification of termination.

15. ASSIGNMENT AND DELEGATION. The Subrecipient shall not assign, transfer, or convey, in whole or in part, this Agreement. For the purpose of construing this clause, a transfer of a controlling interest in the Subrecipient shall be considered an assignment. The Subrecipient shall not delegate any of its obligations or duties under this Agreement without the prior written consent of IWD. The Subrecipient shall not assign, pledge as collateral, grant a security interest in, create a lien against, or otherwise encumber, any payments that may or will be made to the Subrecipient under this Agreement.

16. COMPLIANCE WITH LAWS AND REGULATIONS; DECLARATION OF THE SUBRECIPIENT. The Subrecipient shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations and orders. The Subrecipient declares that it has complied with all federal, state, and local laws regarding business permits and licenses that may be required to carry out the work to be performed under this Agreement. Subrecipient

further understands that SLFRF requires specific reporting and performance guidelines, including the SLFRF Final Rule which can be found at (31 C.F.R. 35) which can be located at <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf> and <https://www.federalregister.gov/documents/2022/01/27/2022-00292/coronavirus-state-and-local-fiscal-recovery-funds/>.

a) Federal regulations applicable to this award include, without limitation, the following:

i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.

ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25 and pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.

iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.

iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180 including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.

v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.

vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.

vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.

b) Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:

i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;

ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and

v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

17. FALSE STATEMENTS. The Subrecipient understands that false statements or claims made in connection with this award is a violation of federal criminal law and may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

18. PROTECTION FOR WHISTLEBLOWERS

a) In accordance with 41 U.S.C. § 4712, subrecipients may not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to any of the list of persons or entities provided below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

b) The list of persons and entities referenced in the paragraph above includes the following:

- i. A member of Congress or a representative of a committee of Congress;
- ii. An Inspector General;
- iii. The Government Accountability Office;
- iv. A Treasury employee responsible for contract or grant oversight or management;
- v. An authorized official of the Department of Justice or other law enforcement agency;

- vi. A court or grand jury; and/or
- vii. A management official or other employee of the subrecipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

c) The Subrecipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

19. COMPLIANCE WITH EEO/AA PROVISIONS. The Subrecipient shall comply with the provisions of federal, state, and local laws, rules, and executive orders to ensure that no employee, applicant for employment, or other person involved with a program for which the funds are disbursed is discriminated against on the basis of race, religion, color, age, sex, sexual orientation, gender identity, national origin, or disability. Failure to comply with this provision shall be considered a material breach of this Agreement

20. INDEMNIFICATION AGAINST LOSS OR DAMAGE. The Subrecipient agrees to indemnify and hold harmless the State of Iowa and its officers, appointed and elected officials, board and commission members, employees, volunteers, and agents (collectively the “Indemnified Parties”), from any and all costs, expenses, losses, claims, damages, liabilities, settlements, and judgments including, without limitation, the reasonable value of the time spent by the Attorney General’s Office, and the costs, expenses, and attorneys’ fees of other counsel retained by the Indemnified Parties directly or indirectly related to, resulting from, or arising out of this Agreement, including but not limited to any claims related to, resulting from or arising out of any material breach of this Agreement; any negligent, intentional or wrongful act or omission of the Subrecipient or any agent or subcontractor utilized or employed by the Subrecipient; the Subrecipient performance or attempted performance of this Agreement, including performance or attempted performance by any agent or subcontractor utilized or employed by the Subrecipient; any failure by the Subrecipient to make all reports, payments, and withholdings required by federal and state law with respect to social security, employee income and other taxes, fees or costs required by federal, state, or local laws; or any violation of any rights of any third party. The Subrecipient’s duties and obligations under this section shall survive the termination of this Agreement and shall apply to all acts or omissions taken or made by Subrecipient in connection with the performance of this Agreement, regardless of the date any potential claim is made or discovered by IWD or any other Indemnified Party. The Subrecipient’s duties and obligations under this section shall not apply to acts or omissions taken or made by IWD in connection with IWD’s performance of this Agreement.

21. RIGHT TO REVIEW AND OBSERVE AND ACCESS TO RECORDS. IWD shall have the right to review and observe, at any time, completed works or works in progress related to the

Agreement. The Subrecipient shall permit IWD or its agents to access and examine, audit, excerpt, and transcribe any directly pertinent books, documents, reports, papers, and records of the Subrecipient relating to orders, invoices, or payments or any other documentation or materials pertaining to this Agreement. Upon the request of IWD, the Subrecipient shall deliver to IWD, or its agents said documentation or materials.

22. PUBLIC RECORDS AND RECORDS RETENTION. All records submitted to or inspected by IWD regarding this Agreement, including this Agreement, may be public records and are subject to the Open Records Law in Iowa Code Chapter 22. All records of the Subrecipient relating to this Agreement shall be retained through December 31, 2032.
23. PUBLICATIONS. Any Publications produced with funds from this subaward must display the following language: "This project [is being] [was] supported, in whole or in part, by the federal award number 21027 awarded to the State of Iowa by the U.S. Department of the Treasury."
24. SURVIVAL OF AGREEMENT. If any portion of this Agreement is held to be invalid or unenforceable, the remainder shall be valid and enforceable.
25. GOVERNING LAW. This Agreement shall be interpreted in accordance with the laws of the State of Iowa, and any action relating to the Agreement shall only be commenced in the Iowa District Court for Polk County or the United States District Court for the Southern District of Iowa.
26. FINAL AUTHORITY. The decision of IWD shall be binding on the Subrecipient. IWD shall have the final authority to assess whether the Subrecipient has complied with the terms of this Agreement. Any decision by IWD shall be deemed Final Agency Action pursuant to Iowa Code Chapter 17A, the Iowa Administrative Procedure Act.
27. LEGISLATIVE, ADMINISTRATIVE, AND POLICY CHANGES. The Subrecipient expressly acknowledges that the Program is subject to legislative, administrative, and policy change(s) by the federal, state, or local governments. Should any such governmental unit enact, promulgate, or adopt laws, regulations, rules, or policies which alter or in any way affect the Program or the Project, the Subrecipient shall not hold IWD liable in any manner for the resulting changes. IWD shall use its best efforts to provide thirty (30) days' written notice to the Subrecipient of any such change. During the thirty (30) day period, the parties shall meet and make a good faith effort to agree upon amendments to the Agreement to address the change(s). If the parties are unable to agree upon amendments to the Agreement, the Agreement shall be terminated. Nothing in this paragraph shall affect or impair IWD's right to terminate the Agreement pursuant to the termination provisions.

28. WRITING REQUIRED. No change, modification, or termination of any of the terms, provisions or conditions of this Agreement shall be effective unless made in writing and signed by the parties. No change shall be made, either unilaterally or by agreement of the parties, that conflicts with Iowa Code or applicable administrative rules.
29. THIRD-PARTY BENEFICIARIES. There are no third-party beneficiaries to this Agreement. This Agreement is intended only to benefit the State of Iowa and the Subrecipient.
30. JOINT AND SEVERAL LIABILITY. If the Subrecipient is a joint entity consisting of more than one individual, partnership, corporation, or other business organization, all such entities shall be jointly and severally responsible for carrying out the activities and obligations of this Agreement and liable for any default of activities and obligations.
31. WAIVER. Except as specifically provided for in a waiver signed by duly authorized representatives of IWD and the Subrecipient, failure by either party at any time to require performance by the other party or to claim a breach of any provision of the Agreement shall not be construed as affecting any subsequent right to require performance or to claim a breach.
32. CONFLICT OF INTEREST. The Subrecipient represents, warrants, and covenants that no relationship that is or may be deemed to be a conflict of interest exists or will exist during the Agreement period between the Subrecipient and IWD. The provisions of Iowa Code Chapter 68B shall apply to this Agreement. If IWD determines that a conflict of interest existed or currently exists, IWD may terminate this Agreement pursuant to Paragraph 13 of this Agreement, and the Subrecipient shall be liable for any excess costs to IWD as a result of the conflict of interest. The Subrecipient shall establish safeguards to prevent employees, consultants, or members of governing bodies from using their positions for purposes that are, or give the appearance of being, motivated by the desire for private gain for themselves or others with whom they have family, business, or other ties. The Subrecipient shall report any potential, real, or apparent conflict of interest to IWD.
33. SUBRECIPIENT CONFLICT OF INTEREST. The Subrecipient understands and agrees it must maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict-of-interest policy is applicable to each activity funded under this award. Subrecipients must disclose in writing to IWD, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112. Subrecipients must complete the Conflict-of-Interest Disclosure Form in Appendix A. Subrecipients must submit any mitigating measures taken to avoid the conflict of interest to IWD for approval if they intend to pay another company owned by Subrecipient or any company Subrecipient has an interest in, or a family member and/or family member's company for services, rent, or other items using grant funds. If Subrecipient fails to disclose a conflict

of interest, they will receive a notice of default pursuant to paragraph 12 of the Agreement and have fifteen (15) days to cure.

34. IMMUNITY FROM LIABILITY. Every person who is a party to the Agreement is hereby notified and agrees that the State of Iowa, IWD, and all of its/their employees, agents, successors, and assigns are immune from liability for Subrecipient and/or its subrecipients or subcontractors' activities involving third parties and arising from the Agreement. Pursuant to Iowa Code Chapter 669, IWD and the State of Iowa are self-insured against all risks and hazards related to this Agreement. No separate fund has been established to provide self-insurance, and the State of Iowa is not obligated to establish any such fund during the term of this Agreement.
35. NONAGENCY. The Subrecipient, its employees, agents, and any subcontractors performing under this Agreement are not employees or agents of the State of Iowa or any agency, division or department of the State of Iowa simply by virtue of work performed pursuant to this Agreement. Neither the Subrecipient nor its employees shall be considered employees of IWD or the State of Iowa for federal or state tax purposes simply by virtue of work performed pursuant to this Agreement.
36. HEADINGS OR CAPTIONS. The paragraph headings or captions used in this Agreement are for identification purposes only and do not limit or construe the contents of the paragraphs.
37. INCREASING SEAT BELT USE IN THE UNITED STATES. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 8, 1997), Subrecipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
38. REDUCING TEXT MESSAGING WHILE DRIVING. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 1, 2009), Subrecipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Subrecipient should establish workplace safety policies to decrease accidents caused by distracted drivers.
39. INTEGRATION. This Agreement contains the entire understanding between the Subrecipient and IWD and any representations that may have been made before or after the signing of this Agreement, which are not contained herein, are nonbinding, void, and of no effect. Neither of the parties has relied on any such prior representation in entering into this Agreement. The Parties agree to the terms and conditions of this Agreement, and upon placing their signatures, have hereby caused this Agreement to be executed.

40. SINGLE AUDIT REQUIREMENT. All non-federal entities that spend more than \$750,000 in federal awards during the entity's fiscal year, including ARPA funds, must have a single or program-specific audit conducted for that year compliant with 2 C.F.R. 200 Subpart F. This audit must cover the compliance of the entity with Federal statutes, regulations, and the terms and conditions of the federal award, as well as the fair presentation of the entity's financial statements, pursuant to the Uniform Guidance (2 C.F.R. part 200).

IOWA WORKFORCE DEVELOPMENT:

Beth Townsend, Director, Iowa Workforce Development

Date

COUNTY OF POTTAWATTAMIE:

Signature

Date

WITNESS:

Signature

Date

Appendix A
IOWA WORKFORCE DEVELOPMENT
CONFLICT OF INTEREST DISCLOSURE FORM

Awardees shall avoid any real, potential or apparent conflicts of interest established in the federal guidelines, state laws and policies, of all transactions using grant funds. Conflicts of interest include payments for services, rent or work to another company owned by Subrecipient or any company Subrecipient has an interest in, a family member of Subrecipient, or a friend of Subrecipient.

By signing this Conflict-of-Interest Disclosure Form, I acknowledge that I have read and understand the Conflict-of-Interest provisions in sections 32 and 33 of the Master Agreement.

I acknowledge and understand that all real, perceived, potential, or apparent conflicts of interest shall be disclosed to Iowa Workforce Development (IWD).

i. Does the Subrecipient have a real, perceived, potential, or apparent conflict of interest?
 YES NO

ii. If yes, what is the conflict of interest?

iii. If yes, what mitigating measures has the Subrecipient taken to avoid the conflict of interest?

COUNTY OF POTTAWATTAMIE:

Signature

Date

Print Name

John Rasmussen/Engineer

**Discussion and/or decision to approve and authorize
the Board to sign Resolution No. 31-2023 entitled:
Resolution Updating Procurement Policy Addendum.**

RESOLUTION NO. 31 - 2023

County of Pottawattamie - PROCUREMENT POLICY Addendum

PURPOSE

This procurement policy is an addendum to the County of Pottawattamie Procurement Policy adopted on March 16, 2009. The purpose of this procurement policy addendum is to ensure that sound business judgement is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable federal and state law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition. These procedures will ensure that all solicitations incorporate clear and accurate descriptions of the technical requirements for the goods or services being procured. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply.

APPLICATION

This procurement policy addendum only applies to the procurement of all supplies, equipment, and construction and services of and for the County of Pottawattamie that include any federal program funding. The Procurement Policy adopted on March 16, 2009 is still effective but applies exclusively to non-federal funding. In regards to any such federal programs, all procurement will be done in accordance with 2 CFR; Part 200. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply. For the purposes of this procurement policy addendum, when federal requirements conflict with local or state requirements, the federal requirement, or most restrictive requirement will be followed.

2CFR Part 200 may be found here: www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1

POLICY

METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein:

(a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

- A. Micro-Purchase Procedures 200.320(f)
- i. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold - \$10,000 (200.67).
 - ii. To the extent practicable, must distribute micro-purchases equitably among qualified suppliers.
 - iii. May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- B. Small Purchase Procedures 200.320(b)
- i. Are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the simplified acquisition threshold - \$250,000 (200.88).
 - ii. Price or rate quotations are to be obtained from an "adequate number" of qualified sources.
- C. Sealed Bidding (formal advertising) 200.320(c)
- i. Lowest priced, responsive, responsible, bidder WINS.
 - ii. The preferred method for construction when sealed bidding is "feasible", which is when certain conditions are present.
 - iii. Bids must be solicited from an "adequate number of known suppliers", providing them sufficient response time before date for the opening of bids.
 - iv. Bids will be opened at the time and place prescribed in the invitation for bids.
 - v. Must publicly advertise the invitation for bids.
 - vi. Bids must be opened publicly.
 - vii. Other procedural requirements at 200.320(c)(2).
- D. Competitive Proposals 200.320(d)

- i. Used when conditions are not appropriate for the use of sealed bids.
- ii. The appropriate method when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract is awarded.
- iii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with *price* and other factors considered.
- iv. Requests for proposals *must be publicized* and identify all evaluation factors and their relative importance.
- v. Proposals must be solicited from an adequate number of qualified sources.
- vi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract.

E. Noncompetitive Proposals 200.320(f)

- i. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - a. **One Source:** the item is available only from a single source.
 - b. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation.
 - c. **Awarding Agency Approval:** the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
 - d. **Inadequate Competition:** after the solicitation of a number of sources, competition is determined inadequate

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS (200.321)

- A. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- B. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING (200.323)

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. The County of Pottawattamie shall perform some form of cost/price analysis for every procurement action, including contract modifications, amendments, or change orders. The County of Pottawattamie shall make an independent estimate prior to receiving a bid or proposal.
- C. The County of Pottawattamie shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. In determining a fair and reasonable profit, the County of Pottawattamie must consider the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance and the industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

The County of Pottawattamie shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (200.324)

- (a) The County of Pottawattamie must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.
- (b) The County of Pottawattamie must make available upon request, for the Federal awarding agency or pass-through entity preprocurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) The County of Pottawattamie's procurement procedures or operation fails to comply with the procurement standards in this Part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The County of Pottawattamie is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.
 - (1) The County of Pottawattamie may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (2) The County of Pottawattamie may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the County of Pottawattamie that it is complying with these standards. The County of Pottawattamie must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

AWARDED CONTRACTS

- A. The County of Pottawattamie will not award a contract to a party listed as debarred, suspended, or otherwise excluded in the System for Award Management (SAM). www.sam.gov (200.213)
- B. Contracts awarded shall contain the applicable contract provisions described in 2 CFR 200.326 and Appendix II to Part 200.
- C. The County of Pottawattamie will maintain written standards of conduct covering conflicts of interest and must provide for disciplinary action to be applied for violations of such standards as defined in 2 CFR 200.318 (c) (1).

No officer, employee, or agent of the County of Pottawattamie shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

The employee, officer, or agent; Any member of his/her immediate family; His/her partner; or An organization which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

The County of Pottawattamie officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

To the extent permitted by federal, state, or local law or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the County of Pottawattamie's officers, employees, or agents.

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

Recommended: _____
Pottawattamie County Engineer

John Rasmussen/Engineer

**Discussion and/or decision to set public bid opening for
project L-2023(RCB)-73-78 on May 16, at 10:00 A.M.**

Other Business

Sam Arkfeld/Captain,
Communications Center

**Discussion and/or decision to approve and authorize
the hiring of a previous dispatcher at a Step 3 on the
301 Pay Scale.**

Jana Lemrick/Director, Human **Resources**

Discussion and/or decision to approve and authorize Board to sign Memorandum of Understanding Between Pottawattamie County and the American Federation of State, County and Municipal Employees (AFSCME), Local 2364-911 Agreement for the employees of the Pottawattamie County Communications Center, 12 Hour Shifts effective July 1, 2023, through June 30,2025.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
POTTAWATTAMIE COUNTY
AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES (AFSCME)
LOCAL 2364-911**

Pottawattamie County and the American Federation of State, County and Municipal Employees (AFSCME) (hereinafter the “Bargaining Unit”) are parties to a Collective-Bargaining Agreement and have agreed to certain terms and conditions for employees of the Pottawattamie County Communications Center covered under the contract.

It is agreed between the parties that this memorandum of understanding will be effective July 1, 2023-June 30, 2025.

HOURS OF WORK

Section 1

This is intended to set forth the normal work week and work schedule but shall not be construed as a guarantee of hours of work per day or per week or days of work per week.

The normal work week for Employees, other than Employees working a continuous shift, shall consist of forty (40) hours, Monday through Friday, and the normal work schedule shall be eight (8) hours.

The minimal work schedule for Employees working a continuous shift shall commence on a date to be set by the employer, in agreement with the union, and thereafter shall continue the following schedule to wit:

1. Continuous Employees will be divided into four (4) teams:
 - a. Two (2) teams (A and B) working a shift from 0600 until 1800 each duty day
 - b. Two (2) teams (C and D) working a shift from 1800 until 0600 each duty day.
 1. Week # 1 – A and C Teams – three (3) 12 (twelve) hour shifts consisting of Monday, Tuesday and Friday on their respective team’s hours.
 2. Week # 2 – A and C Teams – Four (4) 12 (twelve) hour shifts consisting of Saturday, Sunday, Wednesday and Thursday on their respective team hours.

3. Following the two-week work schedule the work schedule will repeat itself every two (2) weeks.
 4. Week # 1 – B and D Teams – three (3) twelve (12) hour shifts consisting of Monday, Tuesday and Friday on their respective team's hours.
 5. Week # 2 – B and D Teams – Four (4) twelve (12) hour shifts consisting of Saturday, Sunday, Wednesday and Thursday on their respective team's hours.
 6. Following the two-week work schedule the work schedule will repeat itself every two (2) weeks.
2. Both parties agree that to comply with the Fair Labor Standards Act, continuous shift employees will be paid thirty-six (36) hours of regular pay for the three (3) day work week and forty (40) hours of regular pay and eight (8) hours of overtime pay for the four (4) day work week. The Employer recognizes continuous employees working a thirty-six (36) hour work week as full-time Employees for this Union Agreement and the County Employee Handbook.
 3. No Employee shall be required or ordered to work beyond sixteen (16) hours in any shift.
 4. Employees shall report to their duty assignments and remain there until the end of their shifts or until relieve by his/her shift supervisor or acting supervisor.
 - a. Employees unable to report for duty shall notify the employer as soon as possible.
 - b. Employees shall receive, when possible, a thirty (30) minute lunch period and two (2) fifteen (15) minute breaks. The thirty (30) minute lunch period shall be a paid lunch period for continuous shift Employees. When staffing permits, Employees may combine the paid lunch break and the two (2) fifteen (15) minute breaks.
 - c. In the event the center only has minimum staffing, the Employees may take their break in the break room as time permits. Minimum staffing requirements are determined by center administration. It is understood that due to the nature of a telecommunicator's work that there may be times that require no lunch or shortened break periods.
 5. Employees requesting time off during the thirty-six (36) hour will apply paid time off in a traditional manner. Employees taking time off during the forty-eight (48) hour week will be subject to the following:
 - a. To take off all forty-eight (48) hours off, an employee must submit a paid time off request for the full forty-eight (48) hours.
 - b. If an employee works less than forty-eight (48) hours, the following applies:
 - i. Employees are paid for the hours they physically work. If an employee works less than forty-eight (48) hours, they are paid overtime on any

physical hours worked over forty (40) and straight time for any hours that were paid out using PTO.

- ii. Physical hours are considered hours worked in the communication center including trade time, but not including any paid leave.
- iii. Employees who work more than twelve (12) hours in any workday are still paid at the premium overtime wage listed in Article 8, Section 6.

SO AGREED this ____ day of _____ 2023

Pottawattamie County Board
Of Supervisors Chairman

AFSCME/IA Council 61

Committee Appointments

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

Received/Filed

Secondary Roads Non-Union Scale FY24

Pay Grade		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
201	Hourly	18.98	19.45	19.94	20.44	20.95	21.47	22.01	22.56
	Biweekly	1,518.10	1,556.05	1,594.95	1,634.83	1,675.70	1,717.59	1,760.53	1,804.54
	Annual	39,470.60	40,457.37	41,468.80	42,505.52	43,568.16	44,657.36	45,773.80	46,918.14
202	Hourly	19.74	20.24	20.74	21.26	21.79	22.34	22.90	23.47
	Biweekly	1,579.45	1,618.94	1,659.41	1,700.90	1,743.42	1,787.00	1,831.68	1,877.47
	Annual	41,065.75	42,092.39	43,144.70	44,223.32	45,328.90	46,462.13	47,623.68	48,814.27
203	Hourly	20.63	21.14	21.67	22.21	22.77	23.34	23.92	24.52
	Biweekly	1,650.08	1,691.33	1,733.61	1,776.95	1,821.38	1,866.91	1,913.58	1,961.42
	Annual	42,902.02	43,974.57	45,073.94	46,200.79	47,355.81	48,539.70	49,753.19	50,997.02
204	Hourly	21.31	21.85	22.39	22.95	23.53	24.11	24.72	25.33
	Biweekly	1,705.01	1,747.63	1,791.33	1,836.11	1,882.01	1,929.06	1,977.29	2,026.72
	Annual	44,330.24	45,438.49	46,574.45	47,738.82	48,932.29	50,155.59	51,409.48	52,694.72
205	Hourly	22.32	22.88	23.45	24.04	24.64	25.25	25.88	26.53
	Biweekly	1,785.62	1,830.26	1,876.02	1,922.92	1,970.99	2,020.27	2,070.77	2,122.54
	Annual	46,426.18	47,586.84	48,776.51	49,995.92	51,245.82	52,526.97	53,840.14	55,186.14
206	Hourly	23.22	23.80	24.40	25.01	25.63	26.27	26.93	27.60
	Biweekly	1,857.68	1,904.12	1,951.72	2,000.51	2,050.53	2,101.79	2,154.33	2,208.19
	Annual	48,299.55	49,507.04	50,744.72	52,013.34	53,313.67	54,646.51	56,012.68	57,412.99
207	Hourly	24.09	24.69	25.31	25.94	26.59	27.25	27.93	28.63
	Biweekly	1,926.87	1,975.05	2,024.42	2,075.03	2,126.91	2,180.08	2,234.58	2,290.45
	Annual	50,098.73	51,351.20	52,634.98	53,950.85	55,299.63	56,682.12	58,099.17	59,551.65
208	Hourly	25.34	25.98	26.63	27.29	27.97	28.67	29.39	30.13
	Biweekly	2,027.46	2,078.15	2,130.10	2,183.36	2,237.94	2,293.89	2,351.24	2,410.02
	Annual	52,714.03	54,031.88	55,382.68	56,767.24	58,186.43	59,641.09	61,132.11	62,660.42
209	Hourly	27.95	28.65	29.36	30.10	30.85	31.62	32.41	33.22
	Biweekly	2,235.77	2,291.67	2,348.96	2,407.68	2,467.88	2,529.57	2,592.81	2,657.63
	Annual	58,130.11	59,583.36	61,072.95	62,599.77	64,164.76	65,768.88	67,413.10	69,098.43
210	Hourly	28.94	29.66	30.40	31.16	31.94	32.74	33.56	34.40
	Biweekly	2,314.96	2,372.83	2,432.15	2,492.96	2,555.28	2,619.16	2,684.64	2,751.76
	Annual	60,188.96	61,693.68	63,236.03	64,816.93	66,437.35	68,098.28	69,800.74	71,545.76
211	Hourly	30.28	31.04	31.82	32.61	33.43	34.26	35.12	36.00
	Biweekly	2,422.68	2,483.25	2,545.33	2,608.96	2,674.19	2,741.04	2,809.57	2,879.81
	Annual	62,989.74	64,564.48	66,178.60	67,833.06	69,528.89	71,267.11	73,048.79	74,875.01
212	Hourly	31.38	32.16	32.97	33.79	34.64	35.50	36.39	37.30
	Biweekly	2,510.43	2,573.19	2,637.52	2,703.46	2,771.04	2,840.32	2,911.33	2,984.11
	Annual	65,271.17	66,902.95	68,575.52	70,289.91	72,047.16	73,848.34	75,694.55	77,586.91
213	Hourly	32.68	33.50	34.34	35.20	36.08	36.98	37.90	38.85
	Biweekly	2,614.59	2,679.95	2,746.95	2,815.62	2,886.01	2,958.16	3,032.12	3,107.92
	Annual	67,979.21	69,678.69	71,420.66	73,206.18	75,036.33	76,912.24	78,835.04	80,805.92

Secondary Roads Non-Union Scale FY24

Pay Grade		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
214	Hourly	32.41	33.23	34.06	34.91	35.78	36.67	37.59	38.53
	Biweekly	2,593.18	2,658.01	2,724.46	2,792.57	2,862.39	2,933.95	3,007.30	3,082.48
	Annual	67,422.76	69,108.33	70,836.04	72,606.94	74,422.12	76,282.67	78,189.74	80,144.48
215	Hourly	35.90	36.80	37.72	38.66	39.63	40.62	41.63	42.68
	Biweekly	2,872.12	2,943.92	3,017.52	3,092.96	3,170.28	3,249.54	3,330.78	3,414.05
	Annual	74,675.12	76,542.00	78,455.55	80,416.93	82,427.36	84,488.04	86,600.24	88,765.25
216	Hourly	37.11	38.04	38.99	39.97	40.97	41.99	43.04	44.12
	Biweekly	2,969.14	3,043.37	3,119.45	3,197.44	3,277.38	3,359.31	3,443.29	3,529.38
	Annual	77,197.67	79,127.62	81,105.81	83,133.45	85,211.79	87,342.08	89,525.64	91,763.78
217	Hourly	38.18	39.14	40.12	41.12	42.15	43.20	44.28	45.39
	Biweekly	3,054.75	3,131.12	3,209.40	3,289.63	3,371.87	3,456.17	3,542.57	3,631.14
	Annual	79,423.46	81,409.05	83,444.27	85,530.38	87,668.64	89,860.36	92,106.86	94,409.54
218	Hourly	44.03	45.14	46.26	47.42	48.61	49.82	51.07	52.34
	Biweekly	3,522.73	3,610.80	3,701.07	3,793.60	3,888.44	3,985.65	4,085.29	4,187.42
	Annual	91,591.09	93,880.87	96,227.89	98,633.59	101,099.43	103,626.91	106,217.58	108,873.02

Office of **Nº 045295**
Pottawattamie County Treasurer

4/26/23 for March 2023

Date

Received from Pottawattamie County
Sheriffs office

Payor Pottawattamie County Sheriffs
office

Amount Sixty Eight Thousand Five Hundred
one Dollars & ³⁷/₁₀₀ — \$ 68,501.37

Account to be credited See below

Descriptions of funds See below

Received by Km

Date received 4/26/23

March 1, 2023

Pottawattamie County Sheriffs Office

Total	Description	Line Item
\$0.00	Bank Interest	0001-4-05-1060-600000-000
\$2,350.00	Weapon Permits	0001-1-05-1060-441000-000
\$66,151.37	Civil Fees	0001-1-05-1060-440000-000
\$0.00	Outstanding Checks	0001-1-05-1060-820000-000
\$68,501.37	Total Deposit	
	\$22,233.94	total check #222988
	\$46,267.43	total check #222989
	\$68,501.37	total deposit

Pottawattamie County Sheriff's Office

Report of Fees Disbursed for

03/01/2023 - 04/02/2023

I Andy Brown, Sheriff of Pottawattamie County IA., do hereby certify that the following is a correct statement of fees disbursed by me from my office for the period 03/01/2023 - 04/02/2023.

Disbursements:

Paid to Others:

Refunds; Publication; Sales; Com 628,079.05

Subtotal 628,079.05

Paid to Treasurer:

Service Fees - Notary Fees; Copy Fees 52,276.57

Postage 5,756.06

Transport - Officer Expenses 3,931.03

Mileage Amount 3,822.71

Report Amount 190.00

County - Weapon Permit Amount 2,350.00

Other - Subpoena 175.00

Subtotal 68,501.37

Total 696,580.42

The above information is respectfully submitted on 4/24/2023



Andy Brown
Pottawattamie County, IA

Pottawattamie County Sheriff's Office

Report of Fees Collected for

03/01/2023 - 04/02/2023

I Andy Brown, Sheriff of Pottawattamie County IA., do hereby certify that the following is a correct statement of fees collected by me in my office for the period 03/01/2023 - 04/02/2023.

Receipts:

Service Fees - Notary Fees; Copy Fees	56,266.45
Postage	6,249.81
Transport - Officer Expenses	3,931.03
Mileage Amount	3,858.71
Report Amount	170.00
County - Weapon Permit Amount	6,660.00
State - Weapon Permit Amount	1,635.00
Refunds; Publication; Sales; Com	865,321.32
Other - Subpoena	175.00
Unapplied	101.50
Total	944,368.82

The above information is respectfully submitted on 4/24/2023



Andy Brown
Pottawattamie County, IA

Public Comments