

# **Consent Agenda**

**December 12, 2023****MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:45 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 Miller, and second by Jorgensen, to approve:

- A. December 5, 2023, Minutes as read.
- B. November 2023 Vendor Publication Report.
- C. Sheriff – Employment of Joseph Jennings, Noah Hahn, and Lucas Budrow as Deputy Sheriffs.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Wichman, second by Belt, to canvass City of Avoca, and to authorize Auditor to pay election costs.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to open Public Hearing on **Ordinance No. 2023 -06**, and Ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code by adding a definition of Agricultural Experiences to Section 8.002.020 A and amending Agricultural Uses Exempt Section 8.001.050 and setting date of Second Consideration.

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

The following citizens appeared before the Board and spoke in favor of Ordinance No. 2023 -06, and Ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code by adding a definition of Agricultural Experiences to Section 8.002.020 A and amending Agricultural Uses Exempt Section 8.001.050 – Heath Hoppes, John Piniarski, Nate Kleffman, Doreen Blakely, and Quetin Carritt.

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

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

Motion by Wichman, second by Jorgensen, to approve First Consideration of **Ordinance No. 2023-06**, an Ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code by adding a definition of Agricultural Experiences to Section 8.002.020 A and amending Agricultural Uses Exempt Section 8.001.050, and to set the date for Second Consideration for December 19<sup>th</sup>, 2023, at 10:00 A.M.

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

Motion by Wichman, second by Miller, to approve funding request for Western Iowa Development Association in the amount of \$50,000 for FY 24/25 from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve funding request and letter of intent for the Pottawattamie County Fair Association in the amount of \$125,000.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to have Snyder and Associates work on a contract for the County to be the inspector on the CO2 pipeline.

UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

Motion by Belt, second by Jorgensen, to approve Application for Use of Pottawattamie County Grounds for the Veteran Affairs Building for the Iowa Veterans Foundation (FY24 Scheduled Meetings).

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve updates to the Rules and Application for Use of Pottawattamie County Property to three years.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, and second by Belt, to approve pay range increase for Environmental Education Position in Conservation to be \$13.00 - \$15.00 per hour.

UNANIMOUS VOTE. Motion Carried.

#### 4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Discussion only. No action taken.

#### 5. RECEIVED/FILED

##### A. Report(s):

- 1) Sheriff Report of Fees Disbursed and Collected for October 2023.
- 2) Annual Urban Renewal Report, Fiscal Year 2022-2023.
- 3) HB – 718 Mailing Approximate 51,000 statements.

##### B. Salary Action(s):

- 1) Conservation – Employment of Saul Rodriguez and Amelia Chapdelaine as Chair Lift Operators.
- 2) Conservation – Employment of Blaine Hamilton as a Chair Lift Attendant.
- 3) Conservation – Employment of Brody Applegate, Jacqueline Aguilar, Gretchen Livingston, Zachary Hardy, Joseph Brunow, Anthony Diaz-Gomez, Alex Graeve, Mariah Varguez, and Simone Goodwin as Rental Shop Team Members.
- 4) Conservation – Employment of Clayton Bohnenkamp, Jayce Mussack, Daulton Garrison, Cason Wickersham, Christian Leland, Melissa Gates, Maximillian Leland, and Harper Turgeon as Kitchen Staff Team Members.
- 5) Conservation – Employment of Luis Perez, Scott Miller, Luz Buss, John Skinner, Kevin Hess, Tanner Sasse, Courtney Rohnstock, and Colby Laughhunn, Lauren Hargreaves, Christopher Jackson, William Spagnotti, and Isabel Livingston as Ski/Snowboard Instructors.
- 6) Conservation – Employment of Mary Graeve, Makenzie Stephens and Gracie Goodwin as Hospitality and Guest Service Workers.
- 7) Conservation – Employment of Charles Starkovich as a Snowmaking Team Member.
- 8) Conservation – Employment of Jake Hamilton as a Cleaning and Support Team Member.
- 9) Conservation – Employment of Kylie Elbin as a Social Media Strategist & Content Creator Intern.
- 10) Attorney – Payroll status change for Lyndze Thompson.
- 11) Community Services – Payroll status change for Kristina Richey.

#### 6. PUBLIC COMMENTS

The following individuals appeared before the Board:

Doreen Blakely

#### 7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:47 A. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: December 19, 2023

PUBLISH: X

# **Scheduled Sessions**

# **Matt Wyant/Director, Planning and Development**

**Second Consideration of Ordinance No. 2023-06  
entitled: An ordinance to amend Chapter 8 “Zoning  
Ordinance” of the Pottawattamie County, Iowa Code,  
Code by adding a definition of Agricultural Experiences  
to Section 8.002.020 A and amending Agricultural Uses  
Exempt Section 8.001.050;and to adopt Ordinance No.  
2023-06 in law.**

## **RECORDER'S COVER SHEET**

Prepared by:

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

Return Document to:

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

Document Title:

Pottawattamie County  
Ordinance #2023-06

**POTTAWATTAMIE COUNTY, IOWA**  
**ORDINANCE NO. 2023-06**

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

- Repeal a definition for AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities. If the tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes. and replace with a definition for AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities.
  
- Add a definition for AGRICULTURAL EXPERIENCES: Any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.
  
- Repeal Section 8.001.050 AGRICULTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.
  - .01 No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
  
  - .02 If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
  
  - .03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

and replace with Section 8.001.050 AGRICULTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no

regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

- .01 No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
- .02 Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes.
- .03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
- .04 The factors which may be considered when determining whether land or structures are primarily used for agricultural purposes include, but are not limited to: the number of acres used for agricultural activities, the nature of those activities, the financial input by the owner or occupant, the role of the occupant in the agricultural activities, the time spent engaged in these activities, and the income derived from agricultural activities.
- .05 No conditional use permit, special use permit, special exception, or variance shall be required for agricultural experiences on property of which the primary use is agricultural production.

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

**SECTION 1 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing a definition for AGRICULTURE and replacing it thereto with the following new definition, to be codified as Section 8.002.020 A .030, definition of AGRICULTURE:

8.002.020 A

.030 The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities.



**SECTION 2 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding a NEW definition for AGRICULTURAL EXPERIENCES, to be codified as Section 8.002.020 A .035, definition of AGRICULTURAL EXPERIENCES:

8.002.020 A

.035 AGRICULTURAL EXPERIENCES: Any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

**SECTION 3a – REPEAL OF CONFLICTING ORDINANCES:** That Section 8.001.050 AGRICULTURAL USES EXEMPT 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 8.001.050, as follows:

8.001.050 AGRICULTURAL USES EXEMPT

In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

- .01 No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
- .02 Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes.
- .03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
- .04 The factors which may be considered when determining whether land or structures are primarily used for agricultural purposes include, but are not limited to: the number of acres used for agricultural activities, the nature of those activities, the financial input by the owner or occupant, the role of

the occupant in the agricultural activities, the time spent engaged in these activities, and the income derived from agricultural activities.

.05 No conditional use permit, special use permit, special exception, or variance shall be required for agricultural experiences on property of which the primary use is agricultural production.

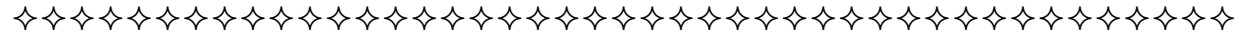
**SECTION 4 - SEVERABILITY:** That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 5 - 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:	December 7, 2023
PUBLIC HEARING:	December 12, 2023
FIRST CONSIDERATION:	December 12, 2023
SECOND CONSIDERATION:	December 19, 2023
PUBLICATION:	December 28, 2023
RECORD:	December 29, 2023

**Melvyn Houser/Auditor**  
**and/or Matt Wyant/Director,**  
**Planning and Development**

**Discussion and/or decision to transition the Liquor License permits from the Auditor's office to the Planning and Development department.**

**David Bayer/Chief Information**  
**Officer, Information**  
**Technology**

**Discussion and/or decision to approve and authorize  
Board Chairman to sign Agreement with City of Avoca  
Police Department for computer purchase.**

November 15, 2023

City of Avoca Police Department  
201 N Elm Street  
Avoca, IA 51521

**Re: City of Avoca Police Department-County IT Purchase Agreement**

Dear City of Avoca Official:

The Pottawattamie County Information Technology Department (PCIT) will purchase a computer for the Avoca Police Department (APD). The computer and maintenance costs total \$5,284.71. PCIT will invoice APD annually \$1,056.42 for 5 years starting in January 2024 and continuing until January 2028.

Changes. The City may request changes to the fee amounts listed above as long as the total of \$5,284.71 is met within the 5-year time period.

Termination. This agreement is terminated once the full payment has been met.

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

Warranty and Liability. The County makes no specific warranty for the IT services contemplated by this Agreement. The County assumes no other duties, responsibilities, or liability as to the City's IT resources other than the services provided in this Agreement.

Indemnity. The City agrees to defend, hold harmless and indemnify the County and County IT staff against any and all claims, liability or damages arising out the County's performance of its responsibilities under this Agreement.

Please execute this Agreement in the area provided below and return a signed copy to my attention.

Sincerely,

David Bayer  
Chief Information Officer  
Pottawattamie County, Iowa  
POTTAWATTAMIE COUNTY, IOWA

By: \_\_\_\_\_  
Brian Shea, Chairman  
Pottawattamie County Board of Supervisors

Certification of Avoca PD: I have read, understand and agree to the conditions outlined in this Agreement. By my signature below, I verify that I am authorized to sign on behalf of the City of Avoca Police Department

CITY OF AVOCA POLICE DEPARTMENT

By:  \_\_\_\_\_

Title: Chief of Police  
On Behalf of the City of Avoca Police Department

Date: 12/11/2023

# **Jason Slack/Director, Buildings and Grounds**

**Discussion and/or decision to remove tree from  
Parcel #744412380001.**





Certified Arborist: Justin

Date: 12/8/23

# HUGHES Tree Service

## Trusted Tree Care!

402-558-8198 • www.HughesTree.com

PO Box 6781 • Omaha, NE 68106

Name: Pottawattamie Court House (Jason Slack)

Address: 22756<sup>th</sup> St

City: \_\_\_\_\_ St: 19 Zip: 51501

Phone: (712) 310-5257 Cell: (\_\_\_\_) \_\_\_\_\_

E-mail: jason.slack@pottcounty-ia.gov Acct: N44597



Nebraska's first accredited tree care company



- Pruning
- Tree Removal
- Fertilizing
- Plant Health Care
- Tree Planting
- Cabling
- Stump Grinding
- Consultation
- Mulching
- Other: \_\_\_\_\_

### DESCRIPTION OF WORK:

Service address: 802 Wright Road CB 19 51501

Removal of Rear Ash & rear Maple  
- north of chainlink fence and powerlines  
- west of building/condo

removal cut flush and haul away \$2000

Stump grinding

\$ 150	1 Ash
\$ 200	1 Maple
\$ 175	2 Stumps (old) by driveway in back

### SPECIAL CONDITIONS OR EQUIPMENT:

Ang

TOTAL COST: \$ 2525

Total Due on Completion. Please see reverse side of form for terms and conditions.

### SITE MAP

Service Drop:  Yes  No

Assist:  Yes  No

### Satisfaction Guaranteed

If you are not satisfied with our service, Hughes' Tree Service will continue working until you are pleased.

Customer's Signature Authorizing Work:

X

Please return signed copy.

**Konfrst Tree Service**  
1501 Avenue P  
Council Bluffs, IA 51501 US  
(402)813-5821  
wayne.konfrst@gmail.com



## Estimate

### ADDRESS

Pottawattamie County  
Attn: Jason Slack  
227 South 6th Street  
Council Bluffs, IA 51501

ESTIMATE # 1673

DATE 12/07/2023

DATE	ACTIVITY	AMOUNT
	Land Parcel located between 802 Wright Rd and Lake shore condos on Wright Rd, Lake Manawa	3,150.00T
	(1) Ash tree remove to ground level, as low as possible, roughly 6" above ground	
	(1) Silver Maple remove to ground level, as low as possible final height of stump/trunk will depend on neighboring fence	
	haul away all brush and logs, clean work areas *does not include stump grinding *will need access to lawn for equipment such as man lift and skid loader, some lawn damage may occur *price estimate is for winter months only (before leaves develop in spring)	

PAYMENT IS DUE WITHIN 21 DAYS OF JOB COMPLETION

SUBTOTAL

3,150.00

TAX

220.50

TOTAL

**\$3,370.50**

Accepted By

Accepted Date

# Tree Musketeers LLC

Tree Musketeers LLC  
504 Forest Drive  
Council Bluffs IA 51503

blrhvac@hotmail.com  
P: 712-355-0095

## INVOICE

Invoice No.: 1026  
Invoice Date: 12/10/2023  
Due Date: Bid

**BILL TO:** Pottawattamie County  
Wright Road Property  
Council Bluffs Ia 51501

**SHIP TO:**  
NA

QTY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Cut and remove large maple tree		\$2,700.00
2	Cut and remove large ash tree		\$1,000.00
3	grind stumps near chain fence		\$1,000.00

#REF!

Thank you for your business!

SHIPPING

TOTAL

\$4,700.00



# INVOICE

## Kathy's Tree & Stump Removal

2037 23rd Ave  
Kathy Goff / Brandi Hanson  
(712) 322-8888 (Phone)  
(712) 310-0054 (Cell)  
crndyhansn@gmail.com  
(712) 322-8888  
null  
null  
kathygoff70@gmail.com  
null  
2037 23rd Ave

<b>Bill to</b>	Building & Grounds Pottawattamie County 227 south 6th street job address VFA Council Bluffs	<b>Invoice #</b>	INV153
		<b>Date</b>	12/01/2023
		<b>Terms</b>	30 days
		<b>Due Date</b>	12/31/2023

Description	Quantity	Rate	Amount
1 large Maple Tree removed and wood hauled away and stump grinded out.	1	\$4,500.00	\$4,500.00
1 ash tree remove and grind stump haul away	1	\$1,800.00	\$1,800.00

Thank you for your business.	Subtotal	\$6,300.00
	Tax(0.0%)	\$0.00
	Total	\$6300.00
	Paid	\$0.00
	<b>Balance Due</b>	<b>\$6300.00</b>

**Other Business**

# **Jana Lemrick/Director, Human Resources**

**Discussion and/or decision to approve pay range  
increase for Natural Areas Management Intern Position  
in Conservation.**

# **Jana Lemrick/Director, Human Resources**

**Discussion and/or decision to approve pay range  
increase for Natural Areas Management Intern, Crew  
Lead, Position in Conservation.**

# Committee Appointments

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



**Received/Filed**

# Public Comments

**Closed Session**

# **BUDGET STUDY SESSIONS**

# Study Session

Ordinance No.2023-05 to amend Chapter 8 "Zoning Ordinance" by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03).