

January 3, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. December 27, 2022, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Grobe, to adjourn Sine Die. Motion Carried.

Tim Wichman, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 10, 2023

PUBLISH: X

January 3, 2023

MET IN REGULAR SESSION

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

2. SCHEDULED SESSIONS

District Court Judge Maggie Popp Reyes appeared to swear in the following elected officials: Scott Belt, Board of Supervisors, Susan Miller, Board of Supervisors, Jeff Jorgensen, Board of Supervisors, Lea Voss, Treasurer, Matt Wilber, Attorney and Andrew Moats, Recorder.

Motion by Shea, second by Belt, to appoint Melvyn Houser, County Auditor, as Temporary Chairperson for the election of a new Board Chairman and Chairman Pro-Tem for the year 2023.

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

Houser announced nominations are now in order for the office of Chairman for 2023.

Shea was nominated by Wichman.

There being no further nominations, Houser declared it ceased. The Board proceeded to vote as follows:

Wichman voted for Shea;

Shea voted for Shea;

Belt voted for Shea;

Miller voted for Shea; and

Jorgensen voted for Shea.

Shea was elected Chairman for 2023.

Houser announced nominations are now in order for the office of Chairperson Pro-Tem for 2023.

Belt was nominated by Wichman.

There being no further nominations, Melvyn Houser, County Auditor, declared it ceased. The Board proceeded to vote as follows:

Wichman voted for Belt;

Shea voted for Belt;

Belt voted for Belt;

Miller voted for Belt; and

Jorgensen voted for Belt.

Belt was elected Chairman Pro-Tem for 2023.

Thereupon, Houser, Temporary Chairperson, turned the meeting over to Chairman Brian Shea.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 06-2023**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

RESOLUTION NO. 06-2023

RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.

WHEREAS, Section 306.41 of the Code of Iowa, 2002, provides that “The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any

person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor,”

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved “Pottawattamie County Secondary Road Construction Program for the fiscal year 2023-2024, and any approved supplements thereto.”

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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"/>
_____ Scott Belt	<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

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 07-2023**, entitled: Resolution to Authorize the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems. Said Resolution is set out as follows:

RESOLUTION NO. 07-2023

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ADMINISTER AND MANAGE CONTRACTS FOR THE SECONDARY ROADS DEPARTMENT, CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK USING LOCAL, FARM TO MARKET, AND FEDERAL AID FUNDS.

WHEREAS, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm-to-Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, as well as, Local and Federally funded contract construction work,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that said County Engineer John A. Rasmussen, be hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to administer and manage contracts for the Secondary Roads Department, execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications utilizing Local, Farm-to-

Market and Federally funded construction projects for the Secondary Roads Department in Pottawattamie County for the year 2023.

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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"/>
_____ Scott Belt	<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

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 08-2023**, entitled: Resolution to Authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight Upon Pottawattamie County Secondary Roads. Said Resolution is set out as follows:

RESOLUTION NO. 08-2023

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.

WHEREAS, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

WHEREAS, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer
Mike Bonnet, Program Administrator
Kristina R. Treantos, Operations Administrator

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

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

_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Belt, second by Jorgensen, to sign contract to purchase additional Right of Way from Patrick E and Doris A Montang in the amount of \$1,380.00.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to sign contract to purchase additional Right of Way from Eric G and Nicole L Thomsen in the amount of \$5,012.00.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to sign contract to purchase additional Right of Way from Jeffrey and Julieann Karloff in the amount of \$8,118.00.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to sign contract to purchase additional Right of Way from CMRS, LLC in the amount of \$15,602.00.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to sign contract to purchase additional Right of Way from Brandt Land Company in the amount of \$11,936.00.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to sign Leasehold Interest Contract to Kelby Vorthman in the amount of \$100.00.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to sign Leasehold Interest Contract to Tom Heitman as a donation.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Jorgensen, second by Belt, to adopt Robert’s Rules of Order as written rules of parliamentary procedures for transaction of business in meetings, except when it conflicts with the Code of Iowa.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to establish a policy that the Board of Supervisors’ regular sessions will be held on the following day(s): Tuesday at 10:00 A..M. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 01-2023**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:
RESOLUTION NO. 01-2023

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

FIRST:

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee are terminated upon certification of the officer under which such compensation has been earned.

SECOND:

For transportation of persons transferred at the County’s expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

THIRD:

For Clerk of Court’s certified bills for payment of Grand Jury.

FOURTH:

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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"/>
_____ Scott Belt	<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

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 02-2023**, a Resolution pertaining to the Auditor destroying county vouchers and canceled county warrants which have been on file for more than ten years. Said Resolution is set out as follows:

RESOLUTION NO. 02-2023

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2013; and

WHEREAS, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2013.

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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"/>

_____	<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"/>
Susan Miller				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jeff Jorgensen				

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 03-2023**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

RESOLUTION NO. 03-2023

RESOLUTION APPOINTING DEPUTIES

WHEREAS, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

WHEREAS, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

WHEREAS, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

- | | |
|------------------|---|
| Attorney | Jon Jacobmeier, Chief Deputy |
| Auditor | Kristin M. Everett, First Deputy
Linda Swolley, First Deputy, Real Estate
Kristy Hassay, Second Deputy, Real Estate |
| Recorder | Lynn Herrington, First Deputy |
| Sheriff | Jeff Theulen, Chief Deputy |
| Treasurer | Jamie Smothers, First Deputy
Heather Ausdemore, First Deputy |

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

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

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 04-2023**, a Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County. Said Resolution is set out as follows:

RESOLUTION NO. 04-2023

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2023-2024.

RECAPITULATION	
RAILROADS	\$ 80,214,174.97
PIPELINE	\$ 84,796,613.30
 TOTAL FOR COUNTY	 \$ 165,010,788.27

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 05-2023**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

**RESOLUTION NO. 05-2023
CONSTRUCTION EVALUATION RESOLUTION**

WHEREAS, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a “Construction Evaluation Resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2023, and January 31, 2024, and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board’s

recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2023 year: The Herald-Oakland, The Avoca Journal Herald-Avoca; and The Daily Nonpareil-Council Bluffs. The County shall pay no more than Iowa Code allows for legal publications in these newspapers.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2023, as per Code of Iowa, Section 33.1:

MARTIN LUTHER KING, JR. DAY	JANUARY 16, 2023
PRESIDENT’S DAY	FEBRUARY 20, 2023
MEMORIAL DAY	MAY 29, 2023
INDEPENDENCE DAY	JULY 4, 2023
LABOR DAY	SEPTEMBER 4, 2023
VETERAN’S DAY (observed)	NOVEMBER 10, 2023
THANKSGIVING DAY	NOVEMBER 23, 2023
LIEU OF LINCOLN’S BIRTHDAY	NOVEMBER 24, 2023
CHRISTMAS	DECEMBER 25, 2023
NEW YEAR’S DAY 2023	JANUARY 1, 2024

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve Federal Standard Mileage Rate for 2023, at 65.5¢ per mile.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve Wichman as first representative, and Jorgensen as second representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Wichman, to approve appointment of Belt as first representative, and Miller as second representative to the Fourth Judicial District Department of Correctional Services Board of Directors for 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve appointment of Belt as first representative, and Jorgensen as second representative to IGHCP Board for 2023.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve appointment of Miller as first representative, and Shea as second representative to MAPA for 2023.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve reimbursement amount of \$50 per month for Elected Officials' mobile cellular usage for 2023.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve appointment of Jana Lemrick as Title VI Coordinator.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller to approve precinct election official compensation as follows:
Precinct Chairperson: \$250 per election and \$8 per hour for election training sessions.
Precinct Officials: \$200 per election and \$8 per hour for election training sessions. Officials serving a half a day \$100, anything less than half of day is paid at \$8 per hour.
Special Precinct Election Board, Result Couriers, Health Care Facility Board, Post-Election Audit, Satellite workers, extra Help in the Office: \$15 per hour. Mileage is paid per Board of Supervisors yearly approved amount.
UNANIMOUS VOTE. Motion Carried.

4. REPRESENTATIVE APPOINTMENTS

A. Discussion and review of Board Members' assignments to 2023 Representative Appointments.

	Primary:	Secondary:
Advance SW Iowa Corp	_____	_____
Council Bluffs Airport Authority	_____	_____
Conservation Board	_____	_____
E911 Board	_____	_____
East Pott Soil and Water Conserv.	_____	_____
EMA Board	_____	_____
Golden Hills RC&D	_____	_____
Hungry Canyons	_____	_____
Loess Hills Alliance Board	_____	_____
PACE	_____	_____
712 Initiative	_____	_____
Pott County Trails	_____	_____
Promise Partners	_____	_____
SW Iowa Juvenile Services	_____	_____
SWIPCO/SWITA	_____	_____
Veteran Affairs	_____	_____
Public Health	_____	_____
West Central Community Action	_____	_____
West Pott Soil and Water Conserv.	_____	_____
WIDA	_____	_____
Workforce Investments Board	_____	_____
Pott County Quarterly Dept. Head	_____	_____
Pott County Operations Committee	_____	_____
Pott County Wellness Committee	_____	_____
Pott County Tourism	_____	_____

Discussion only. No Action Taken.

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Sheriff – Payroll Status Change for Brandy Paulson.
 - 2) Conservation – Employment of William Spagnotti and Christopher Jackson as a Ski/Snowboard Instructors.
 - 3) Conservation – Employment of Luz Buss as a Kitchen Staff Team Member.
 - 4) Conservation – Payroll/status change for Matt Smith and Kallie Larson.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:35 A. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 10, 2023

PUBLISH: X

January 10, 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 Miller, and second by Jorgensen, to approve:

- A. January 3, 2023, Minutes as read.
- B. Treasurer – Employment of Mandy Puterbaugh as a Clerk II - Treasurer.
- C. December 2022 Vendor Publication.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Riley Gibson/Relationship Manager, TurnKey Logistics, representing Summit Carbon Solutions appeared before the Board to give a presentation to the Board on the project update for Summit Carbon Solution pipeline.

Discussion only. No Action Taken.

Board Meeting as Trustees of Coulthard Levee District and C & R Levee District

Motion by Belt, second by Wichman, to approve minutes from December 20, 2022, Coulthard Levee District, and the C & R Levee District Meeting.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve the invoice from the Bolton & Menk Inc. for the C & R Levee District in the amount of \$58,148.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to accept and approve the highest offer for the purchase of the Caledonia Shop in the amount \$79,225.

AYES: Shea, Belt, Wichman, Jorgensen. NAYS: Miller. Motion Carried

Motion by Wichman, second by Jorgensen, to approve **Resolution No. 09-2023** for the sale of the Caledonia Shop and authorize the Chairman to sign closing documents.

RESOLUTION NO 09-2023

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

WHEREAS, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

Caledonia Shop; 15021 490th Street, Griswold, Iowa

Legal Description: A parcel of land located in part of the SW1/4 SW1/4 of Section 5, Township 74 North, Range 38 West of the 5th Principal Meridian, Pottawattamie County, Iowa, said parcel being more fully as follows: Commencing at the Southwest Corner of said Section 5; thence S88°43'34"E along the South line of said SW1/4 SW1/4 a distance of 162.00 feet to the Point of Beginning; thence continuing S88°43'34"E along said South Line a distance of 153.00 feet; thence N00°22'55"E a distance of 185.00 feet; thence N88°43'34"W a distance of 285.30 feet; thence S00°22'55"W a distance of 155.00 feet; thence S88°43'34"E a distance of 132.00 feet; thence S00°22'55"W a distance of 30 feet to the Point of Beginning.

and,

WHEREAS, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of these county-owned parcels; and,

WHEREAS, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and no longer serve the needs of the Secondary Roads Department; and,

WHEREAS, these properties will be listed and sold by Real Estate Agent to private buyers; or be gifted or be sold to an Iowa Governmental Subdivision at the appraised value as determined by the Board. The expenses incurred by any sale will be at the buyer’s cost; and,

WHEREAS, the highest responsible offer has been submitted, presented, and determined; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board of Supervisors does hereby authorize the disposal of Pottawattamie County, Iowa’s interest in the aforementioned properties by sale to the highest responsible offer.

BE IT FURTHER RESOLVED The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed.

Dated this 10th day of January, 2023.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Wichman, second by Miller, to approve Beaver Control claim form and to have the parks Arrowhead, Botna Bend, and Hitchcock confirm the harvest and collect claim form. Payment will be made from County Gaming Fund at a rate of \$25 per beaver not to exceed \$5,000 per trapping season which is November 5, 2022, thru April 15, 2023.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Discussion was held by the Board to approve assignments to 2023 Representative Meetings as follows:

	<u>Primary:</u>	<u>Secondary:</u>
Advance SW Iowa Corp	Wichman	Shea
Council Bluffs Airport Authority	Belt	Jorgensen
Conservation Board	Wichman	Shea
E911 Board	Shea	Miller
East Pott Soil and Water Conserv.	Wichman	Miller
EMA Board	Shea	Miller
Golden Hills RC&D	Miller	Jorgensen
Hungry Canyons	Jorgensen	
Iowa West Racing	Belt	Miller
Loess Hills Alliance Board	Shea	Jorgensen
PACE	Jorgensen	Miller
712 Initiative	Miller	Belt
Pott County Trails	Shea	Jorgensen
Promise Partners	Belt	Miller
SW Iowa Juvenile Services	Jorgensen	Miller
SWIPCO/SWITA	Miller	
Veteran Affairs	Jorgensen	Shea
Public Health	Shea	Belt
West Central Community Action	Jorgensen	Shea

West Pott Soil and Water Conserv.	Wichman	Belt
WIDA	Miller	Shea
Workforce Investments Board	Belt	Shea
Pott County Quarterly Dept. Head	Shea	Wichman
Pott County Operations Committee	Shea	Belt
Pott County Wellness Committee	Wichman	Miller
Pott County Tourism	Jorgensen	Shea

Motion by Miller, second by Belt, to change Public Comment Policy from 2 minutes to 3 minutes for Public Comments.

UNANIMOUS VOTE. Motion Carried.

4. RECEIVED/FILED

A. Salary Action(s):

- 1) Jail – Payroll Status Change for Miles Cleveland, Tim Curry, Stephanie Ford, and Kayla Smeal.
- 2) Conservation – Employment of Xavier Yarges as a Chair Lift Operator.
- 3) Conservation – Employment of Harrison Snith as a Rental Shop Team Member.

B. Out of State Travel Notification:

- 1) Jail – Out of State Travel Notification for Kayla Smeal and Mark Smith.

5. PUBLIC COMMENTS

Jared Hershberger with Apex Clean Energy appeared before the Board to give them information about Prairie Bluffs Wind project.

6. CLOSED SESSIONS

Motion by Belt, second by Jorgensen, to go into Closed Session pursuant to Iowa Code §21.5(1)(c), for pending or potential litigation.

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

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

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

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

7. BUDGET STUDY SESSION

- 1) Treasurer
- 2) Medical Examiner
- 3) GIS
- 4) DHS
- 5) Recorder

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:33 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 24, 2023

PUBLISH: X

January 17, 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 Wichman, to approve:

- A. January 10, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Pottawattamie Conservation Foundation appeared before the Board for a presentation of funds for the Ferguson Estate land acquisition at Hitchcock Nature Center in the amount of \$125,000. Discussion only. No action taken.

Drew Kamp and Alicia Frieze from the Council Bluffs Area Chamber of Commerce appeared before the Board to give a presentation on Workforce Development efforts. Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve **Resolution No. 10-2023** for the sale of the Walnut Shop and to authorize the Chairman to sign closing documents.

RESOLUTION NO. 10-2023

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

WHEREAS, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

Walnut Shop; 705 Oak Street, Walnut, Iowa

Legal Description: Briefly described as the east 382 feet of the west 407 feet in the south ½ of the south ½ in the northwest, northeast southwest in 9-77-38, Walnut Town in Pottawattamie County, Iowa

and,

WHEREAS, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of this county-owned parcel; and,

WHEREAS, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and the Walnut Shop no longer serves the needs of the Secondary Roads Department; and,

WHEREAS, this property is to be sold to the City of Walnut, an Iowa Governmental Subdivision, at the appraised value with the expenses incurred by the sale at the buyer’s cost; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board hereby authorizes the disposal of Pottawattamie County, Iowa’s interest in the Walnut Shop by sale to the City of Walnut.

BE IT FURTHER RESOLVED The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed.

Dated this 17th day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○

Brain Shea, Chairman

Scott Belt

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 Belt, to approve **Resolution No. 11-2023** for the sale of the Hancock Shop and authorize the Chairman to sign closing documents.

RESOLUTION NO. 11-2023

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

WHEREAS, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

Hancock Shop; 217 North Main Street, Hancock, Iowa

Legal Description: Lots 7 through 9, and Lot 6, except the east 12’ in Block 2, Original town of Hancock, Pottawattamie County, Iowa

and,

WHEREAS, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of this county-owned parcel; and,

WHEREAS, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and the Hancock Shop no longer serves the needs of the Secondary Roads Department; and,

WHEREAS, this property is to be sold to the City of Hancock, an Iowa Governmental Subdivision, at the appraised value with the expenses incurred by the sale at the buyer’s cost; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board hereby authorizes the disposal of Pottawattamie County, Iowa’s interest in the Hancock Shop by sale to the City of Hancock.

BE IT FURTHER RESOLVED The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed.

Dated this 17th day of January, 2023.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Recorder to execute Media Conversion Contract with Fidlar Technologies in the amount of \$48,430.72 to be paid from Gaming Fund.
UNANIMOUS VOTE. Motion Carried.

Andrew Moats, County Recorder and Peggy Becker, Interim Administrator, Veteran Affairs appeared before the Board to discuss a lease for a copier for the Avoca Courthouse.
Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve allotment for Veteran Affairs Commissioner pay which took effect in July of 2019 from \$25 to \$50.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to authorize Board Chairman to sign FEMA CRS Community Annual Recertification and Progress Report form.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve the following appointments for the Board of Health Dr. Shawn Jones and DVM Amber Strohbehn both for a term 3 years (2026).
UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Belt, and second by Wichman, to approve Pottawattamie County Treasurer's Semi-Annual Report for 7/1/2022 – 12/31/2022.
UNANIMOUS VOTE. Motion Carried.

4. RECEIVED/FILED

A. Salary Action(s):

- 1) Conservation – Payroll status change for Taylor Hill and Jordyn Reimer.
- 2) Sheriff – Payroll status change for Megan Wirt, Jeremy Harker, Kurt Ferguson, Jim Harvey, Teresa Schultz, and Travis Kephart.
- 3) Conservation – Employment of Mikayla Yanovich and Nathan Hunt as a Ski/Snowboard Instructors.
- 4) Conservation – Employment of Mallory Kjeldgaard as a Ticket Agent.
- 5) Conservation – Employment of Jack Jaffe as a Rental Shop Team Member.

B. Report (s):

- 1) Recorder Fee Book for December 2022.

5. PUBLIC COMMENTS

No Public Comments.

6. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

7. BUDGET STUDY SESSION

- 1) Buildings and Grounds
- 2) Conservation/Bike Trail
- 3) Animal Control
- 4) Environmental Health
- 5) Planning
- 6) Public Health

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:41 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 24, 2023

PUBLISH: X

January 24, 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. Amended January 10, 2023, Minutes as read.
- B. January 17, 2023, Minutes as read.
- C. Treasurer – Employment of Ellen Coats as a Clerk II - Treasurer.
- D. Jail – Employment of Nelson Valle-Milan as a Detention Officer.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Mark Eckman/Executive Director, Council Bluffs Convention & Visitors Bureau appeared before the Board to give an update on Pottawattamie Tourism.

Discussion only. No Action Taken.

Kari Rose/Director, Eckles Memorial Library, Antonia Krupicka-Smith/Director, Council Bluffs Public Library, and Serena Riesgaard/Director, Avoca Public Library, appeared before the Board to give a presentation regarding countywide public library and to request funding request revision.

Discussion only. No action taken.

3. OTHER BUSINESS

Motion by Belt, second by Jorgensen to approve pay range of the Seasonal Park Aide position to \$15-\$17 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. Salary Action(s):**

- 1) Conservation – Employment of Luis Perez and Jacob Raine as a Chair Lift Operators.
- 2) Conservation – Employment of Dofiniza Bicaba and Scott Miller as Ski/Snowboard Instructors.
- 3) Conservation – Employment of Quinn Boland as a Snowmaking Team Member.
- 4) Conservation – Employment of Caleb Wilson and Zachary Hardy as a Rental Shop Team Members.
- 5) Conservation – Payroll status change for Peyton Bell and Amy Graeve.
- 6) SWI Juvenile Detention – Employment of Christian Jasek as a Part-Time Youth Corrections Worker.
- 7) Conservation – Employment of Keely Prusia as a Seasonal Marketing Intern.

6. PUBLIC COMMENTS

Donna Rhubottom appeared before the Board to Curtail Eminent Domain for Co2 Pipeline.

Geri Frederiksen appeared before the Board and supports SF101.

Lorene White Bliss appeared before the Board also in support of SF101.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

8. BUDGET STUDY SESSION

- 1) Attorney
- 2) Veteran Affairs
- 3) IT
- 4) Sheriff
- 5) Jail
- 6) 911

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:24 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 31, 2023

PUBLISH: X

January 25, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 11:00 A.M. All members present. Chairman Shea presiding.

1. SCHEDULED SESSIONS

The Board of Supervisors and Jana Lemrick/Director, Human Resources conducted interviews for the Veteran Affairs Commissioner vacancies.

2. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:30 P. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: January 31, 2023

PUBLISH: X

January 31, 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 Wichman, and second by Miller, to approve:

- A. January 24, 2023, Minutes as read.
- B. January 25, 2023, Minutes as read.
- C. Publication of Pottawattamie County Salary Listing for 2022.
- D. Sheriff's Office – Employment of Brianna Jones as an Office Clerk.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Belt, second by Miller, to open Public Hearing on **Ordinance No. 2023-01**, an Ordinance to Adopt a Code of Ordinances for Pottawattamie County, Iowa.

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

Motion by Miller, second by Belt, 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. 2023-01**, an Ordinance to Adopt a Code of Ordinances for Pottawattamie County, Iowa; and to set date for Second Consideration for February 7, 2023, at 10 A.M.

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

Paula Hazlewood, Shalimar Mazetis, Niki Ferguson, and Holly Benson Muller from Advance Southwest Iowa Corporation appeared before the Board to give a presentation and provide an update on Advance Southwest Iowa corporation 2022 review. Discussion only. No action taken.

Tom Kallman/Manager, Regional Water appeared before the Board to give an update on the rural water extension to Pioneer Trail. Discussion only. No action taken.

Motion by Wichman, second by Belt, to sign contract to purchase additional Right of Way from Iowa Natural Heritage Foundation in the amount of \$199,000.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to sign contract to purchase additional Right of Way parcel 1A, from James R and Monica A Hughes in the amount of \$22,732.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to sign contract to purchase additional Right of Way parcel 1B, from James R and Monica A Hughes in the amount of \$295.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to sign contract to purchase additional Right of Way parcel 1C, from James R and Monica A Hughes in the amount of \$19,447.00.

UNANIMOUS VOTE. Motion Carried.

Jason Slack/Director, Buildings and Grounds appeared before the Board to discuss Courthouse Parking Lot Reconstruction plans. Discussion only. No action taken.

Motion by Wichman, second by Miller, to approve change order #1 Courthouse AHU Replacement Project in the amount of \$13,001.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve change order #2 Courthouse AHU Replacement Project in the amount of \$8,534.

UNANIMOUS VOTE. Motion Carried.

Jason Slack/Director, Building and Grounds appeared before the Board to give an update on the Courthouse Addition Project. Discussion only. No action taken.

Motion by Belt, second by Miller, to approve setting time and place for a public hearing on an amendment to the FY 2022/23 budget for February 21, 2023, at 10 A.M.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Miller, to approve and authorize Board Chairman to sign lease agreement with Bishop Business for lease of copier for Avoca Courthouse.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following appointment for the Zoning Board of Adjustment: Karen Andersen for a 5-year term ending on December 31, 2027.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve the following appointment for the Zoning Board of Appeals: Austin Kay for a 5-year term ending on December 31, 2027.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following appointments for the Planning Commission: Justin Schultz, Brett Larson, and Delores Silkworth all for a 5-year term ending on December 31, 2027.
UNANIMOUS VOTE. Motion Carried.

Matt Wyant/Director, Planning and Development appeared before the Board to discuss funding for furniture for new courthouse addition.
Discussion only. No action taken.

Motion by Wichman, second by Belt, to approve the pay for the Kitchen Manager position to \$18 per hour.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve Pottawattamie County 2023 Insurance Renewal with Smith Davis.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following appointments to the Veteran Affairs Commission: Holly Collins, Dan Kinney, and James Murray with 2-year terms expiring on June 30, 2025 and Ex-Officio Lynn Grobe and Andrew Dewey with 2 year terms expiring on June 30, 2025.
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) Conservation – Employment of Eiress Jones as a Hospitality and Guest Services worker.
- 2) Conservation – Employment of Jeanette Augustyn as a Ski/Snowboard Instructor.
- 3) Conservation – Payroll status changes for Steve Leland, Clayton Bohnenkamp, Christian Leland, Maximillian Leland, Nathan Carver, Joey Eisan, Charles Foote, and Clarence Sliger.
- 4) Jail – Payroll status change for Patricia Briles.
- 5) Attorney – Payroll status changes for Jon Jacobmeier, Lyndze Thompson, Hope Rodarte, Angela Christiansen, Christine Circo, and Jennifer Wallner.

B. Report (s):

- 1) Sheriff Report of Fees Disbursed and Collected for December 2022.

C. Out of State Travel Notification:

- 1) Sheriff – Out of State Travel Notification for Jeremy Petersen, Aaron Soucie, Marc Freeman, Josh Harker, and Zach Norman.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5(1)(j) for discussion and/or decision on purchase or sale of particular real estate.

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

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

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

8. BUDGET STUDY SESSION

- 1) Thriving Family Alliance
- 2) WIC
- 3) General Assistance
- 4) CD Treatment
- 5) Community Services
- 6) Human Resources/Risk
- 7) Secondary Roads
- 8) Auditor
- 9) Board of Supervisors

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:55 P. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: February 7, 2023

PUBLISH: X

February 7, 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 Miller, and seconded by Jorgensen, to approve:

- A. January 31, 2023, Minutes as read.
- B. Sheriff – Employment of Matthew Owens as a Road Deputy.
- C. Sheriff – Employment of Barbara Hilton as a Part-time Entry Security Personnel.
- D. January 2023 Vendor Publication Report.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Lynn Dittmer, Director of Redevelopment, 712 Initiative appeared before the Board to give an update on the 712 Initiative.

Discussion only. No action taken.

Motion by Wichman, second by Belt, to approve and authorize Chairman to sign amended Final Plat Schmidt's Creek Phase II.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve and authorize Board to sign **Resolution No. 12-2023**, entitled: Resolution to amend the Secondary Roads County Five Year Program (CYFP). Said Resolution is set out as follows:

RESOLUTION TO REVISE THE 2023 COUNTY FIVE YEAR PROGRAM (CYFP)**RESOLUTION NO. 12-2023**

Whereas, unforeseen circumstances have arisen since adoption of the approved Secondary Road Construction Program (CYFP) and previous revisions requiring changes to the sequence, funding, and timing of the proposed work plan, and

Whereas, the Board of Supervisors of Pottawattamie County, Iowa, in accordance with Iowa Code Section 309.22 may initiate and recommend modifications per Iowa Code 309.23 and Iowa Department of Transportation Instructional Memorandum 2.050.

Therefore, be it resolved, the Board of Supervisors shall amend the County Five Year Program with the following changes:

Accomplishment Year:

TPMS No.	Project Location	Type of Work	Accomplishment Year (\$1000)
32553	On 390 th Street, S34 T76 R40	Bridge Replacement	220
52927	On 400 th Street, S11 T24 R40	Box Culvert	215
47271	240 th Street Paving	HMA Paving	1,000
52716	Dumfries Avenue Paving	HMA Paving	1,000
52963	On Beechnut Rd, S13 T74 R41	Bridge Replacement	260
51168	On Truman Ave, S14 T77 R38	Bridge Replacement	260

1st Priority Year:

Project No.	Project Location	Type of Work	Accomplishment Year (\$1000)
47266	Magnolia Road, 260 th E 1 Mile	Bridge/PCC Paving	5,500

Dated this 7th day of February 2023.

ROLL CALL VOTE

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

ATTEST: _____
 Melvyn Houser, County Auditor

Recommended: _____
 Pottawattamie County Engineer

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

Motion by Belt, second by Miller, to approve and authorize Board to sign 28E Cooperative Agreement for participation in Rebuilding American Infrastructure and Sustainability and Equity (RAISE) Grant. UNANIMOUS VOTE. Motion Carried.

Jason Slack/Director, Buildings and Grounds appeared before the board to discuss the Courthouse Parking Lot Reconstruction Project Preliminary Option of cost; and on pay to park or free parking. Discussion only. No action taken.

3. OTHER BUSINESS

Motion by Belt, second by Jorgensen, to approve the pay for the Chair Lift Operator position to \$13- \$15 per hour. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve and authorize Board to sign Farm Lease with Hanson Brothers Land and Livestock LLC for property described as: Crescent TWP 22-76-44 G/L 1 W1/2 NW S of Ditch EXC RR UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve the following reappointment for the Conservation Board: Jerry Mathiasen. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve the following appointment for the Conservation Board: Melissa Head as Ex-officio member. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve the following applications made to the Assessor’s Office: Homestead (186 recommend allowed, 11 recommend disallowed), Military (21 recommend allowed, 2 recommend disallowed), Disabled Veteran Homestead (7 recommend allowed, 0 recommend disallowed), Family Farm (10 recommend allowed, 0 recommend disallowed). 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) Conservation – Employment of Joel Carrillo as a Ski and Snowboard Instructor.
- 2) Conservation – Payroll status changes for Christopher Getsfred, Warren Summers, Elliot Coziahr, Howard Roorda, Samuel Raine, and Terry Friis.
- 3) Community Services -Payroll status change for Ashley Gray and Amy Jobe.

B. Report (s):

- 1) Recorder Fee Book for January 2023.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

8. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:50 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: February 14, 2023

PUBLISH: X

February 14, 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 Miller, and second by Belt, to approve:

- A. February 7, 2023, Minutes as read.
- B. Renewal of Class C Liquor License, granting privileges of Class C Liquor License/Sunday Service for Palace Event Center, LLC d/b/a Palace Event Center, Treynor.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to approve Second Consideration of **Ordinance No. 2023-01**, an Ordinance to Adopt a Code of Ordinances for Pottawattamie County, Iowa; and to adopt Ordinance No. 2023-01 into law.

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-01**

AN ORDINANCE to adopt a Code of Ordinances for Pottawattamie County, Iowa.

WHEREAS, Section 331.302(10.a.), Code of Iowa, requires that the Board of Supervisors shall compile a Code of Ordinances at least once every five years;

WHEREAS, the Board of Supervisors has compiled a Code of Ordinances containing all County Ordinances in effect; and

WHEREAS, the Board of Supervisors has determined that said proposed Code should be adopted as the County Code of Pottawattamie County, Iowa.

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

SECTION 1- ADOPTION OF CODE: That the Ordinances of Pottawattamie County, Iowa, of a general and permanent nature as codified in the volume entitled “Pottawattamie County, Iowa, County Code”, as compiled and edited, are ordained as general ordinances and are adopted as and shall constitute the County Code of Pottawattamie County, 2023, to be hereinafter referred to and cited as the “Pottawattamie County, Iowa, County Code (2023)”.

SECTION 2 - CODIFICATION OF EXISTING ORDINANCES: That all existing County Ordinances, as amended, shall be codified or adopted as follows:

Ordinance #97-04	OSI Tax Exemption Ordinance
Ordinance #97-05	OSI TIF Ordinance
Ordinance #97-11	Schmitz Tax Exemption Ordinance
Ordinance #97-12	CBEC TIF Ordinance
Ordinance #99-06	Van Horn Tax Exemption Ordinance
Ordinance #99-15	OSI TIF Amendment #1
Ordinance #2000-02	Bent Tree TIF Ordinance
Ordinance #2008-08	Special Valuation of Wind Conversion Property
Ordinance#2017-05	Residency Requirement for Pott. Co. Sheriff Office
Ordinance#2021-03	Industrial Park Urban Renewal TIF Ordinance
Ordinance#2021-05	Heartland Ridge Subdivision TIF Ordinance
Chapter 1.10	Code of Conduct
Chapter 1.20	Procurement Policy
Chapter 1.30	Accepting and Reporting of Gifts
Chapter 1.40	Local Option Sales and Service Tax
Chapter 1.45	Voting Precincts
Chapter 1.50	Schedule of Fees

Chapter 1.75	Violations and Penalties
Chapter 1.85	Tap-On Recovery Fees
Chapter 1.95	Tax Sale Certificate
Chapter 3.10	Drug Paraphernalia
Chapter 3.15	Civil Emergencies
Chapter 3.20	Conservation Board Lands Rules and Regulations
Chapter 3.30	Motor Vehicles
Chapter 3.40	Discharging Firearms within 1000' of School Property
Chapter 3.50	Animal Control
Chapter 3.55	Sexually Oriented Businesses
Chapter 3.60	High-Risk Sexual Conduct
Chapter 3.80	Disorderly House
Chapter 3.90	Jail Loitering
Chapter 4.10	Veteran's Assistance Program
Chapter 5C	Requirements for Properly Plugging Abandoned Wells
Chapter 5.05	Sanitary Landfill and Waste Incinerator Siting
Chapter 5.10	Hazardous Substances
Chapter 5.25	Yard Waste Separation
Chapter 5.30	Floodplain Management
Chapter 5.40	Illegal Dumping
Chapter 5.50	Onsite Wastewater Treatment and Disposal Systems
Chapter 5.60	Private Water Wells
Chapter 7.05	Courthouse Parking
Chapter 7.10	Driving on Levees
Chapter 7.20	Road Classifications
Chapter 7.25	Jake Brake
Chapter 7.30	Uniform Rural Address System
Chapter 7.40	Entrance Permits
Chapter 7.50	Winter Parking Restrictions
Chapter 7.60	Secondary Roads Snow & Ice Clearance
Chapter 8	Zoning Ordinance
Chapter 9	Subdivision Ordinance
Chapter 10	Building Code
Chapter 11	Industrial Property Tax Value Added Exemption
Chapter 12	All-Terrain and Off-Road Vehicles

SECTION 3 - 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 4 - REPEAL OF CONFLICTING ORDINANCES: That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5 - EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED February 14, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<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"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: _____
Becky Lenihan, Finance & Tax Officer

Pottawattamie County, Iowa

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

Motion by Wichman, second by Belt to approve and authorize Chairman to sign HMGP amendment.
UNANIMOUS VOTE. Motion Carried.

Deb Masker from Southwest Iowa Leadership Academy appeared before the Board to give a presentation and provide an update on the 2023 Southwest Iowa Leadership Academy Retreat and potential funding by the County.

Discussion only. No action taken.

Lucy Hough/Prevention Coordinator, Iowa State Extension and Outreach appeared before the Board to give an update on the Speak Up Be Safe program.

Discussion only. No action taken.

Cara Morgan/Executive Director, Golden Hills appeared before the Board to present on activities with Golden Hills.

Discussion only. No action taken.

Motion by Miller, second by Jorgensen, to approve funding request for Golden Hills, in the amount of \$15,000 from gaming for FY 23-24.

UNANIMOUS VOTE. Motion Carried.

Thomas Roberts/General Manager, Harrah's and Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to discuss the Renewal of Iowa West Racing Association and Harrah's Operating Agreement.

Discussion only. No action taken.

Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to present Iowa West's new strategic plan.

Discussion only. No action taken.

Motion by Wichman, second by Belt to participate in the new opioid settlements.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 14-2023**, entitled: A RESOLUTION TO WITHDRAW FROM THE ARTICLES OF AGREEMENT WHICH FORMED THE WORKFORCE DEVELOPMENT CHIEF ELECTED OFFICIAL CONSORTIUM FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014 to pursue disbanding the 28E formed for the workforce services.

RESOLUTION NO. 14-2023

A RESOLUTION TO WITHDRAW FROM THE ARTICLES OF AGREEMENT WHICH FORMED THE WORKFORCE DEVELOPMENT CHIEF ELECTED OFFICIAL CONSORTIUM FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014

WHEREAS, Pottawattamie County previously signed a resolution to approve the Articles of Agreement creating the Workforce Development Chief Elected Official Consortium (CEO) together with 17 other counties in western and southwestern Iowa, known as the "Western Iowa Workforce Development Area" or WILWDA; and,

WHEREAS, this 28E Agreement was filed with the Iowa Secretary of State on July 7, 2020 and assigned filing number M512796; and,

WHEREAS, Article 13 of the Agreement allows counties, at their sole option, to withdraw from the Agreement at least 90 days prior to the beginning of the fiscal year (April 1 or any year); and,

WHEREAS, at their meeting on January 20, 2023, the CEO Board discussed the 28E Agreement, weighing the roles and responsibilities of counties as a result of the Agreement and impacts to services offered to their citizens both under the agreement and in absence of the Agreement; and,

WHEREAS, the CEO Board voted 11-0 at this meeting, after this discussion, to dissolve the 28E Agreement.

NOW, THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors that:

1. It does hereby invoke Article 13 of the Articles of Agreement which formed the Workforce Development Chief Elected Official Consortium for the Workforce Innovation and Opportunity Act of 2014 and withdraws from the Agreement at the end of the day June 30, 2023.
2. It understands and is its intention withdrawal of the Agreement by all 18 counties will terminate the Agreement.

Passed and approved this 14th day of February 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain Shea, Chairman	<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"/>
_____ Scott Belt	<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: _____
Becky Lenihan, Finance & Tax Officer

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

Motion by Miller to rescind Ex-officio to the Conservation Board.
Motion failed for lack of Second.

Motion by Wichman, second by Miller, to approve moving ahead on parking lot regulations to include Kiosk in the center. Team to put parameters together.
Roll Call Vote: AYES: Belt, Wichman, Miller, Jorgensen. NAYS: Shea. Motion Carried.

Motion by Belt, second by Jorgensen, to set date and time for Max Levy to be March 7, 2023 at 10:00 A.M. and to approve publication request.
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) Jail – Payroll status change for Carrie Savage.
 - 2) Communications – Payroll status change for Eric Wallner.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

Motion by Wichman, second by Miller, to go out of Closed Session.

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

8. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:19 P. M.

Brian Shea, Chairman

ATTEST:

Becky Lenihan, Finance and Tax Officer

APPROVED: February 21, 2023

PUBLISH: X

February 21, 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. February 14, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to open public hearing on Pottawattamie County’s amendment to current county budget for fiscal year 2022-23.

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

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

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 15-2023**, a Resolution to Approve Pottawattamie County’s amendment to current county budget for fiscal year 2022-23. Said Resolution is set out as follows:

RESOLUTION NO. 15 -2023

WHEREAS, there were necessary expenses incurred in several county departments, causing the budget of that department to exceed 100% of costs; and

WHEREAS, the Public Health, Medical Examiner, Board Supervisors, and Planning have exceeded their Budget due to said necessary expenditures; and

WHEREAS, the Amendment to the Fiscal Year 2022/23 Budget for the Public Health, Roads, Board Supervisors, Conservation, Planning and Non-Departmental shall be substantially as follows:

DEPT #	Revenue Amount	Expense Amount
Board of Supervisors - 01		\$ 210,000
Total		\$ 210,000
Roads - 20		\$ 675,000
Total		\$ 675,000
Conservation - 22	\$ 152,300	\$ 82,300
Total	\$ 152,300	\$ 82,300
Public Health - 23	\$ 368,387	\$ 246,976
Total	\$ 368,387	\$ 246,976
Non-Departmental - 99		\$ 440,866
Total	\$ -	\$ 440,866
	\$ 520,687	\$ 1,655,142

WHEREAS, the Board of Supervisors desires to allow those expenditures, and no tax increase will occur due to these expenditures; and

WHEREAS, the public had due notice of the Budget Amendment Hearing held on February 21,2023, and at the hearing, due time was allowed for objections to any and all portions of the amended budget.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Pottawattamie County, hereby amends the Fiscal Year 2022/23 budget.

Dated this 21st day of February, 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 J. Houser, County Auditor

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

Danna Kehm/CEO, Pottawattamie Arts, Culture & Entertainment appeared before the Board to give an update on PACE and programming for the county. Discussion only. No action taken.

Motion by Wichman, second by Miller, to approve and authorize Board to sign **Resolution No. 15-2023**, a Resolution of Support for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application.

RESOLUTION NO. 16-2023

In Support of the Joint RAISE Grant Agreement and Letter of Support for the 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project.

WHEREAS, Pottawattamie County, Iowa bridge FHWA number: 288730 has been identified as being part of a joint Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project, and

WHEREAS, it is desired by and in the interest of Pottawattamie County to participate fully in the RAISE project activities as a Sub-recipient and provide all requisite information necessary to bring to completion all project phases through final completion, and

WHEREAS, we are in support of Clay County providing Lead – recipient roles and duties, and

WHEREAS, we understand and accept the Sub-recipient roles and responsibilities as defined in the "28E Cooperative Agreement for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project", and

WHEREAS, each County Bridge Sponsor as shown in Section 4, paragraph A-I shall be responsible for all local matching funds and accepts any costs exceeding the funds requested in the RAISE Grant application for their respective structure.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Pottawattamie County, Iowa hereby approves and directs the Chair to sign this Letter of Support for the 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project and the 28E Cooperative Agreement for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project, and to provide all pertinent correspondence and project information to:

Attn: William Rabenberg,

P.E. Clay County Engineer
 300 W 4th Street #5
 Spencer, IA 51301-3806
 (712)-262-2825

Adopted this 21st day of February 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain 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

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

Motion by Miller, second by Belt, to approve project plans for FM-C078(208)- - 55-78 for G30 paving. UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve project plans for L-2023(RCB)- 73-78 for 400th Street culvert replacement project. UNANIMOUS VOTE. Motion Carried.

Jamie Petersen/Coordinator, GIS appeared before the Board to discuss Broadband internet coverage and Empower Rural Iowa Broadband Grant Program award area map of Pottawattamie County. Discussion only. No action taken

3. OTHER BUSINESS

Motion by Belt, second by Miller, to postpone for 2 weeks **Resolution No. 13-2023**, a Resolution to appoint a representative to the Southern Iowa Regional Housing Authority Board of Commissioners.

Motion by Wichman, second by Miller, to approve funding for Southwest Iowa Leadership Academy in the amount of \$2,500 to be paid from the gaming fund. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve affirmative action plan. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve bringing the EBS trust account current and to fund a surplus in the EBS trust account based on 2.5% of the average premium disbursed by Wellmark for July 2021 – June 2022 (Average = \$615,782.91). 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) Conservation – Employment of Ben Beiermann as a Natural Areas Management Intern.
- 2) Conservation – Payroll status change for Steven Fox and Luke Buss.

B. Out of State Travel Notification:

- 1) Public Health – Out of State Travel Notification for Candy Heyer and Jason Kuehnhold.

6. PUBLIC COMMENTS

Shawna Anderson appeared before the Board to talk about the public hearing concerning the amendment to current county budget for fiscal year 2022-23.

7. CLOSED SESSIONS

Motion by Wichman, second by Jorgensen, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

8. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:40 P. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: February 28, 2023

PUBLISH: X

February 28, 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 Miller, and second by Belt, to approve:

- A. February 21, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Matt Wyant/Director, Planning and Development and Maria Sieck/Administrator, Public Health appeared before the Board to recognize Barb Lee for her service on the Board of Health.

Discussion only. No action taken.

Rachel Hamilton/CEO, Marne Elk Horn Telephone Company appeared before the Board to discuss the permit to bury utilities for Marne Elk Horn Telephone Company.

Discussion only. No action taken.

Jason Slack/Director, Buildings and Grounds appeared before the Board to discuss the Courthouse Renovation Commissioning Report Review.

Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve Jail Chiller Replacement Project Commissioning proposal in the amount of \$39,500, funded from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve Public Health Building Commissioning proposal in the amount of \$26,650, funded from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve change order #12, flagpole removal a credit of \$1,858.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve change order #5, Parking Lot Electrical Conduits not to exceed \$23,458.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve funds for a radio project in the amount of \$186,583.

\$120,000 from ARPA and \$66,583 from gaming to be reimbursed by EMA.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Belt, to approve appointment of Tracy Nosekabel/Environmental Health Coordinator, as County Weed Commissioner.

UNANIMOUS VOTE. Motion Carried.

Motion made by Wichman, second by Miller, to approve and authorize Board to sign **Resolution No. 17-2023** entitled: Resolution for the Destruction of Noxious Weeds.

**RESOLUTION NO. 17-2023
RESOLUTION FOR THE DESTRUCTION OF NOXIOUS WEEDS**

NOTICE TO ALL PROPERTY OWNERS AND THOSE IN CONTROL THEREOF: You are hereby notified that the Board of Supervisors of Pottawattamie County, Iowa, did on the 28th day of February, 2023, pass the following resolution:

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that pursuant to the provisions of Chapter 317.14, Code of Iowa, it is hereby ordered:

- 1. That each person in possession or control of all noxious weeds thereon as defined in this Chapter, at such times each year and in such a manner as shall prevent said weeds from blooming or coming to maturity, and shall keep lands free from such growth of any other weeds, as shall render the streets and highways adjoining said land unsafe for public travel. Noxious weeds shall be controlled, cut or otherwise destroyed between April 1 and November 15, 2023, as is necessary to prevent seed production.

PRIMARY NOXIOUS WEEDS:

- (1) Quack grass,
- (2) Perennial sow thistle,
- (3) Canada thistle,
- (4) Bull thistle,
- (5) European morning glory or field bindweed,
- (6) Horse nettle,
- (7) Leafy spurge,
- (8) Perennial pepper-grass,
- (9) Russian knapweed,
- (10) Buckthorn,
- (11) All species of thistles belonging in the genera of Cirsium and Carduus.
- (12) Palmer amaranth,

SECONDARY NOXIOUS WEEDS:

- (1) Butterprint annual,
- (2) Cocklebur annual,
- (3) Wild mustard annual,
- (4) Wild carrot biennial,
- (5) Buckhorn,
- (6) Sheep sorrel,
- (7) Sour dock perennial,
- (8) Smooth dock,
- (9) Poison hemlock,
- (10) Multiflora rose,
- (12) Puncture vine,
- (13) Teasel biennial
- (14) Shattercane

- 2. That each owner and each person in possession or control of any land in Pottawattamie County, Iowa, infested with any Primary and Secondary Noxious Weed, and all other species of thistles belonging to the genera of Cirsium and Carduus, shall adopt or enter into a program of weed destruction, and treatment of control, described by the Weed Commissioner, which in five years may be expected to destroy and will immediately keep under control such infestation of said noxious weeds.
- 3. That all weeds other than noxious weeds on all county trunk and local county roads between the fence line thereof, shall be destroyed and controlled by the adjoining property owner, to prevent seed production.
- 4. That if the owners or persons in possession or control of any land in Pottawattamie County fails to comply with the foregoing order, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the land and their owners thereof.
- 5. That the County Auditor be and is hereby directed to cause notice of this making and entering of the foregoing order shall be given by one publication in each of the official newspapers of the County.

DATED THIS 28 DAY OF February 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Scott Belt	<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 J. Houser, County Auditor

Roll Call Vote: **AYES: Shea, Belt, Wichman, Miller, Jorgensen. 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) Jail – Payroll status change for Kandi Ploen.
- 2) Conservation – Payroll status change for Riah Leland.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

Motion by Wichman, second by Miller, to go out of Closed Session.

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

Motion by Miller, second by Belt, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

Motion by Wichman, second by Miller, to go out of Closed Session.

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

8. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:17 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: March 7, 2023

PUBLISH: X

March 7, 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. February 28, 2023, Minutes as read.
- B. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial/Outdoor service for NW Pottawattamie County Golf Association, Inc. d/b/a Quail Run Country Club, Neola.
- C. New Ownership of Class C Liquor License (LC) (Commercial) , granting privileges of Class C Liquor License (LC)/Outdoor Service for Prairie Crossing Vineyard and Winer, LLC d/b/a Prairie Crossing Winery, Treynor.
- D. Renewal of Class C Liquor License, granting privileges of Class C Liquor License (LC)/Outdoor Service/Sunday Sales for Grand Mac LLC d/b/a Mile A Way Hall & Tavern, Council Bluffs.
- E. Renewal of Class C Liquor License, granting privileges of Class C Liquor License (LC)/Outdoor Service for BT Links LLC d/b/a Bent Tree Golf Club, Council Bluffs.
- F. Renewal of Class B Native Wine Liquor License, granting privileges of Class B Native Wine Liquor License/Sunday Sales for Olive Branch Inc d/b/a Olive Branch, Council Bluffs.
- G. February 2023 Vendor Publication Report.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open public hearing on Pottawattamie County's Maximum Property Tax Levy for Fiscal Year Ending June 30, 2024.

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

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

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

Motion by Wichman, second by Miller, to approve and authorize Board to sign **Resolution No. 18-2023**, a Resolution to Approve Pottawattamie County's Maximum Property Tax Levy for Fiscal Year Ending June 30, 2024. Said Resolution is set out as follows:

RESOLUTION NO. 18-2023

A Resolution Approving Pottawattamie County's Property Tax Levy for Fiscal Year Ending June 30, 2024.

WHEREAS, the Pottawattamie County Board of Supervisors have considered the proposed fiscal year ending June 30, 2024, County maximum property tax dollars for the affected levy total; and

WHEREAS, a notice concerning the proposed County maximum property tax dollars was published as required and posted on the Pottawattamie County web site and social media accounts, where applicable; and

WHEREAS, a public hearing concerning the proposed Pottawattamie County maximum property tax dollars was held on March 7, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Pottawattamie County Board of Supervisors that the maximum property tax dollars for the affected tax levies for fiscal year ending June 30, 2024, shall not exceed the following total:

Total maximum levy for affected property tax levies for General Services \$41,616,001; and for Rural Services \$6,880,242.

The maximum property tax dollars requested in the total maximum levy for the affected property tax levies for fiscal year ending June 30, 2024, does represent greater than 102% of the maximum property tax dollars requested for current fiscal year ending June 30, 2023.

Dated this 7th day of March, 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

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

Motion by Wichman, second by Belt, to approve the Public Health Administrator to sign the 5-year agreement with Patagonia Health for electronic medical records.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve final payment and authorize Chairman to sign final voucher to Jensen Construction Company for Project BRS-SWAP-CO78(195)—FF-78.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Jana Lemrick/Director, Human Resources appeared before the Board to discuss the appointment of a representative to the Southern Iowa Regional Housing Authority (SIRHA) Board of Commissioners. Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Report(s):
 - 1) Sheriff’s Report of Fees Disbursed and Collected for January 2023.
 - 2) Recorder Fee Book for February 2023.
- B. Salary Action(s):
 - 1) Communications – Payroll status change for Elizabeth Sanders.

6. PUBLIC COMMENTS

Donna Dykstra appeared before the Board to discuss how bids are received.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

Motion by Wichman, second by Jorgensen, to go out of Closed Session.

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

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:32 A. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: March 14, 2023

PUBLISH: X

March 14, 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. March 7, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

John Thomas/Director, Hungry Canyons Alliance, appeared before the Board to give a presentation on the Hungry Canyons Alliance program.

Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to move forward on development of an agreement for funding of road in Stoneybrook housing addition up to \$420,000 from impact funds.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve proposal for storage area fencing and to accept Acreage Fences quote for 8' fence for \$37,808.91.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve up to \$12,000 for shelving for storage areas.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve quote for window coverings from Craftsman Windows in the amount of \$6,476 for Courthouse addition.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Miller, to approve updated IT Support Definition Policy.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve the Workforce Development contract for FY24 in the amount of \$50,000.

UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Discussion only. No action taken.

5. PUBLIC COMMENTS

No Public Comments.

6. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 21.5(1)(j) for discussion and/or decision on purchase or sale of particular real estate.

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

Motion by Wichman, second by Miller, to go out of Closed Session.

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

Motion by Jorgensen, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

7. BUDGET STUDY SESSION

Becky Lenihan/Tax and Finance Officer, Auditor’s Office, appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:33 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: March 21, 2023

PUBLISH: X

March 21, 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 Jorgensen, and second by Miller, to approve:

- A. March 14, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Miller, to approve setting the date and time for the public hearing on the FY 2023-24 Budget for Tuesday, April 18, 2023, at 10:00 A.M.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve **Resolution No. 19-2023** for the sale of the Avoca Shop and authorize the Chairman to sign closing documents.

RESOLUTION No. 19-2023

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

WHEREAS, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

Avoca Shop; 358 Elm Street, Avoca, Iowa

Legal Description: Lots 1,2, and 3 in Block 19 Original Town of Avoca, Pottawattamie County, Iowa, and,

WHEREAS, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of this county-owned parcel; and,

WHEREAS, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and no longer serve the needs of the Secondary Roads Department; and,

WHEREAS, this property will be listed and sold by Real Estate Agent to private buyers; and,

WHEREAS, the highest responsible offer has been submitted, presented, and determined; and,

WHEREAS, an offer of \$77,500.00 has been made by Keanan Martin with no inspections, no contingencies, all expenses paid by the buyer, \$1,000.00 deposit and closing tentatively on March 27, 2023.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board of Supervisors does hereby authorize the disposal of Pottawattamie County, Iowa’s interest in the aforementioned property by sale to the highest responsible offer.

BE IT FURTHER RESOLVED The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed. The Chairman is authorized to sign all closing documents on behalf of the Board and Pottawattamie County.

Dated this 21st day of March, 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				

ATTEST: _____
 Melvyn Houser, County Auditor

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

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve invoice for \$600.00 from ISAC to support the Soil Compaction Study by Iowa State University to be paid from gaming.
 UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve appointment of Debra Redmon as the representative to the Southern Iowa Regional Housing Authority (SIRHA) Board of Commissioners.
 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’s Office – Payroll status change for Mallory Totusek.
 - 2) Conservation – Payroll status change for Hollie Larson.
 - 3) Jail – Payroll status change for Makenzie Ayers.
 - 4) Conservation – Employment of William Onate and Zackary Rouse as Seasonal Park Aide.

6. PUBLIC COMMENTS

Lisa Lima appeared before the Board to invite the Board to attend Pipeline Town Hall meeting in Oakland.

7. CLOSED SESSIONS

Motion by Jorgensen, second by Miller, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

Motion by Miller, second by Jorgensen , to go into Closed Session pursuant to Iowa Code §21.5(1)(c) for pending or potential litigation.

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

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

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

8. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session.
 Discussion only. No action taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:50 P.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: March 28, 2023

PUBLISH: X

March 28, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:05 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. March 21, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to provide an update and discuss the 2023 Award Cycle 1.
Discussion only. No action taken.

Motion by Belt, second by Jorgensen, to support the Treynor Optimist and to have Board Chairman sign letter of support to be used for Treynor Optimist Club Impact grant request for the Can Kennel.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve and authorize Board to sign corrected **Resolution No. 15-2023**, because of a clerical error and replacement of erroneous version with corrected version.

RESOLUTION NO. 15 -2023

WHEREAS, there were necessary expenses incurred in several county departments, causing the budget of that department to exceed 100% of costs; and

WHEREAS, the Public Health, Roads, Board Supervisors, Conservation and Non-Departmental have exceeded their Budget due to said necessary expenditures; and

WHEREAS, the Amendment to the Fiscal Year 2022/23 Budget for the Public Health, Roads, Board Supervisors, Conservation, and Non-Departmental shall be substantially as follows:

DEPT #	Revenue Amount	Expense Amount
Board of Supervisors - 01		\$ 210,000
Total		\$ 210,000
Roads - 20		\$ 675,000
Total		\$ 675,000
Conservation - 22	\$ 152,300	\$ 82,300
Total	\$ 152,300	\$ 82,300
Public Health - 23	\$ 368,387	\$ 246,976
Total	\$ 368,387	\$ 246,976
Non-Departmental - 99		\$ 440,866
Total	\$ -	\$ 440,866
	\$ 520,687	\$ 1,655,142

WHEREAS, the Board of Supervisors desires to allow those expenditures, and no tax increase will occur due to these expenditures; and

WHEREAS, the public had due notice of the Budget Amendment Hearing held on February 21,2023, and at the hearing, due time was allowed for objections to any and all portions of the amended budget.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Pottawattamie County, hereby amends the Fiscal Year 2022/23 budget.

Dated this 28th day of March, 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 J. Houser, County Auditor

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

Motion by Wichman, second by Belt, to approve and authorize Board to sign ARPA forgivable loan agreements with the small towns.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve and authorize Board to sign Resolution No. 13-2023, a Resolution to appointing Debra Redmon to the Southern Iowa Regional Housing Authority (SIRHA) Board of Commissioners with a three-year term ending on April 9, 2026.

RESOLUTION NO. 13-2023

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF Pottawattamie, Iowa.

That the Board of Supervisors of the County of Pottawattamie, Iowa hereby make the following resolution.

WHEREAS, a resolution has been passed and adopted entitled "Resolution Approving and Authorizing the Execution of a Certain Joint Exercise of Powers Agreement for the Purpose of Creating a Multi-County Housing Authority."

NOW, THEREFORE, Pursuant to the provision of Chapter 28, Code of Iowa, and by virtue of our office as Supervisors, we hereby appoint Debra Redmon.

For three years, as the one (1) person to serve as Commissioner of the Southern Iowa Regional Hosing /authority, representing the County of Pottawattamie, Iowa, and to serve for the number of years appearing after his/her name, repetitively, from the ninth day of April 2023.

IN WITNESS WHEREOF, I have hereunto signed my name as Chairman of the Board of Supervisors of the County of Pottawattamie, Iowa and caused the official corporate seal of said County of Pottawattamie, Iowa to be attached hereto this 28th day of March 2023.

Dated this 28th day of March 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

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

Lea Voss, Mark Shoemaker, Matt Wilber, and Jamie Petersen appeared before the Board for employee recognition from ISAC for their years of service with the County.
Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.
Board will hold a Town Hall meeting in Oakland on Tuesday, April 11 from 6:30 – 8:00 P.M at the Oakland Community Building.
Discussion only. No action taken.

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Communications – Payroll status change for Torie Brummett, Abby Fredrich, and Elizabeth Sanders.
 - 2) Public Health – Payroll status change for Madhumitha Mohanraj.
- B. Out of State Travel Notification:
 - 1) Communications – Out of State Travel Notification for Merissa Cox and Alicia Cotten.
- C. Report(s):
 - 1) Sheriff’s Report of Fees Disbursed and Collected for February 2023.

6. PUBLIC COMMENTS

Geri Frederiksen appeared before the Board urging the Board to attend the meeting in Oakland concerning the Pipelines.

7. CLOSED SESSIONS

Motion by Wichman, second by Jorgensen, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

8. BUDGET STUDY SESSION

- A. Matt Wyant/Director, Planning and Development – Budget study session to include Public Health, Environmental Health, Animal Control, and Planning.
Discussion only. No action taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:23 P. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: April 4, 2023

PUBLISH: X

April 4, 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. March 28, 2023, Minutes as read.
- B. Jail - Employment of David Moritz as a Detention Officer.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Wichman, second by Belt, to approve and sign Proclamation designating the month of April 2023 as Child Abuse Prevention Month.

**POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS
PROCLAMATION
CHILD ABUSE PREVENTION MONTH – APRIL 2023**

WHEREAS, our children are our most valuable resource and provide hope for the future; and

WHEREAS, child abuse and neglect can have long-term effects that have lasting consequences for victims and affect every segment of our community; and

WHEREAS, together we can support safe, healthy families in our community by partnering to protect children; finding solutions with input and action from everyone; and

WHEREAS, communities must make every effort to support every child to have a great childhood and ensure families have the support needed to raise their children in safe, nurturing environments;

WHEREAS, we can promote the well-being of children and families, build resilience, and help to heal trauma.

NOW, THEREFORE, we, Pottawattamie County Board of Supervisors, do hereby proclaim April 2023 as Child Abuse Prevention Month and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

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
Pottawattamie County, Iowa

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

Westfair Board Members appeared before the Board to discuss the capital projects that they are currently working on.

Discussion only. No action taken.

Tom Kallman/Manager, Regional Water appeared before the Board to discuss additional funds for water extension to Pioneer Trail.
Discussion only. No action taken.

Motion by Belt, second by Miller, to sign contract to purchase additional Right of Way from Joseph and Paula Lariviere in the amount of \$478.24 for project L02023(RC78) – 73-78.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to sign contract to purchase additional Right of Way from David and Darlene Pilling in the amount of \$623.05 for project L02023(RC78) – 73-78.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 20-2023**, entitled: RESOLUTION TO PROCEED BY EMINENT DOMAIN PURSUANT TO IOWA CODE §6B.2C TO CONDEMN REAL ESTATE IN POTTAWATTAMIE COUNTY, IOWA FOR THE PURPOSES OF CONSTRUCTING ROAD IMPROVEMENTS ON DUMFRIES AVENUE FROM ASPEN ROAD TO PIONEER TRAIL.

RESOLUTION NO. 20-2023

RESOLUTION TO PROCEED BY EMINENT DOMAIN PURSUANT TO IOWA CODE §6B.2C TO CONDEMN REAL ESTATE IN POTTAWATTAMIE COUNTY, IOWA FOR THE PURPOSES OF CONSTRUCTING ROAD IMPROVEMENTS ON DUMFRIES AVENUE FROM ASPEN ROAD TO PIONEER TRAIL

WHEREAS the County has implemented plans to upgrade and pave Dumfries Avenue from Aspen Road to Pioneer Trail in Pottawattamie County, Iowa; and

WHEREAS there is a reasonable expectation that the County will be able to achieve its public purpose and comply with all applicable standards for the same; and

WHEREAS the laws of the State of Iowa require the passage of a resolution by the County prior to its implementation of eminent domain by condemnation proceeding pursuant to the Iowa Code; and

WHEREAS a Temporary Easement for purposes of roadway improvement and construction, and a Permanent Easement for roadway purposes, is required to achieve the goals of the public improvement project; and

WHEREAS the County has unsuccessfully attempted to negotiate the voluntary sale of property necessary for the completion of the project prior to initiating eminent domain proceedings.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa that the County approves proceeding by eminent domain pursuant to the laws of the State of Iowa to condemn the property owned by Henry C. Brandt, Jr., Linda Brandt, Jane Triptow, Barbara Frederick, and Vic Frederick legally described as:

A portion of Section 24, Township 74 North, Range 43 West in Pottawattamie County, Iowa, more specifically described in the Permanent Easement Plat and Temporary Easement exhibits attached to this Resolution.

PASSED AND APPROVED this 4th day of April, 2023.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

Recommended: _____
Pottawattamie County Engineer

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

3. OTHER BUSINESS

Motion by Wichman, second by Miller, to approve updated IT Computer Replacement Policy.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve pay for Victim Witness Coordinator.
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.
Board will hold a Town Hall meeting in Oakland on Tuesday, April 11 from 6:30 – 8:00 P.M at the
Oakland Community Building.
Discussion only. No action taken.

5. RECEIVED/FILED

- A. Salary Action(s):
- 1) Sheriff – Payroll status change for Anthony Leick, Tanner Frain, and Marc Freeman.
 - 2) Jail – Payroll status change for Cory Allen, and Camsley Hovey.
 - 3) Conservation – Employment of Charles Foote as a Seasonal Park Aide at Arrowhead.

6. PUBLIC COMMENTS

Sue Jungman appeared before the Board to discuss her concerns on the World Health Organization, who will be in charge of Global Health. Worried that other Countries will dictate our Health processes.

7. CLOSED SESSION

Motion by Wichman, second by Jorgensen, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

8. BUDGET STUDY SESSION

- A. Jana Lemrick/ Director, Human Resources and Matt Wyant/Director, Planning and Development – Budget study session.
Discussion only. No action taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:46 P. M

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: April 11, 2023
PUBLISH: X

April 11, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

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

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

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

UNANIMOUS VOTE. Motion Carried.

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

UNANIMOUS VOTE. Motion Carried.

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

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

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

UNANIMOUS VOTE. Motion Carried.

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

UNANIMOUS VOTE. Motion Carried.

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

UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

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

Discussion only. No action taken.

5. RECEIVED/FILED

A. Report(s):

- 1) Recorder Fee Book for March 2023.

B. Salary Action(s):

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

6. PUBLIC COMMENTS

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

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

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

Brian Shea, Chairman

ATTEST:

Becky Lenihan, Finance and Tax Officer

APPROVED: April 18, 2023

PUBLISH: X

April 18, 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 Miller, and second by Jorgensen , to approve:

- A. April 11, 2023, Minutes as read.
- B. Buildings and Grounds – Employment of Josh Funkhouser as a Maintenance Worker II.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open Public Hearing on discussion regarding Compensation Board’s recommendations for elected officials for FY 2023/24; and discussion regarding the Pottawattamie County Budget for FY 2023/24.

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

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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign Resolution No. 21-2023, regarding Compensation Board’s recommendations for elected officials for FY 2023/24. Resolution No. 21-2023 is laid out as follows:

RESOLUTION NO. 21-2023

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

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

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

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

Dated this 18th day of April, 2023.

ROLL CALL VOTE

AYE NAY ABSTAIN ABSENT

○ ○ ○ ○

Brian Shea, Chairman

_____	<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				

ATTEST: _____

Melvyn Houser, County Auditor

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 22-2023**, regarding Pottawattamie County Budget for FY 2023/24. **Resolution No. 22 -2023** is laid out as follows:

RESOLUTION NO. 22-2023

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

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

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

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

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

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

Dated this 18th day of April, 2023.

ROLL CALL VOTE

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

ATTEST: _____

Melvyn Houser, County Auditor

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

Riley Gibson/Relationship Manager, TurnKey Logistics, representing Summit Carbon Solutions appeared before the Board to give a presentation on the project update for Summit Carbon Solution pipeline. Discussion only. No action taken.

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 23-2023** entitled: RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND.

RESOLUTION NO. 23-2023

RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND.

WHEREAS, it is desired to transfer money from the Rural Services Fund to Secondary Roads Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$2,650,000 is ordered to be transferred from Rural Services Fund to Secondary Roads Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 18th Day of April, 2023.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Wichman, second by Jorgensen, to approve and authorize Chairman to sign Lease – Business Property Amendment between Heartland Properties, LLC, and Pottawattamie County for the Public Health Clinic, located at 600 S 4th Street, Suite 100 in Council Bluffs from September 1, 2023 – August 31, 2024.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve and authorize Chairman to sign Memorandum of Understanding between the West Pottawattamie ISU Extension and Outreach and Pottawattamie County Division of Public Health to provide support for the ‘Speak Up Be Safe’ program by providing \$15,000 for FY23/24.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Sam Arkfeld/Captain, Communications Center, appeared before the Board to give an update on the 911 Center. Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED**A. Salary Action(s):**

- 1) Public Health-Animal Control – Payroll status change for Tim Walton.

6. PUBLIC COMMENTS

No Public Comments.

7. STUDY SESSION

Matt Wyant/Director, Planning and Development, appeared before the Board to discuss adding distilleries to the Pottawattamie County, Iowa Zoning Ordinance.
Discussion only. No action taken.

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:45 P. M

Brian Shea, Chairman

ATTEST:

Becky Lenihan, Finance and Tax Officer, Auditor's Office

APPROVED: April 25, 2023

PUBLISH: X

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

May 2, 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 Miller, and second by Belt, to approve:

- A. April 25, 2023, Minutes as read.
- B. Public Health – Employment of Nora Evans as a Public Health Nurse II.
- C. Renewal of Class E Liquor License (LE) granting privileges of Class E Liquor License (LE) to Kum & Go LC d/b/a Kum & Go #23, Neola.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Belt, to open Public Hearing on First Consideration of **Ordinance No. 2023-02**, an ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code; and setting date of Second Consideration.

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

Sarah Simmons; 1403 Oak Park; appeared before the Board opposed to the distillery. She purchased the lot next door, and the distillery should not be in rural residential.

Paul Casson; 105 Sunset Drive; appeared before the Board opposed to distillery because of traffic.

Keith Simmons; 1403 Oak Park; appeared before the Board opposed to distillery. It should be a commercial business.

Doreen Blakely; 18389 Sunnysdale; appeared before the Board, owner of Matriarch Manor, LLC this is a small batch facility it is isolated by crop land and has bees to raise Honey.

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

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

Motion by Wichman, second by Miller, to postpone **Ordinance No. 2023-02**, an ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code for further Study of Ordinance.
UNANIMOUS VOTE.

Motion made by Wichman, second by Miller, 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
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<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"/>
_____	<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"/>
_____	<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"/>
_____	<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

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

Motion by Wichman, second by Belt, to approve and authorize Board Chairman to sign Entry Level Driver Training Grant agreement.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board Chairman 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)

- vi. Used when conditions are not appropriate for the use of sealed bids.
- vii. 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.
- viii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with *price* and other factors considered.
- ix. Requests for proposals *must be publicized* and identify all evaluation factors and their relative importance.
- x. Proposals must be solicited from an adequate number of qualified sources.
- xi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract.

E. Noncompetitive Proposals 200.320(f)

- a. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - i. **One Source:** the item is available only from a single source.

- ii. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation.
- iii. **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.
- iv. **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

- (4) Acquisition Threshold, specifies a "brand name" product;
 - (5) 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
 - (6) 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
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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

Recommended: _____
 Pottawattamie County Engineer

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

Motion by Belt, second by Miller, to set date and time for open bids for the Pottawattamie County Secondary Roads project L-2023(RCB)-73-78 on May 16th at 10:00 A.M.
 UNANIMOUS VOTE. Motion carried.

3. OTHER BUSINESS

Motion by Miller, second by Belt, to approve the hiring of a previous dispatcher (Kena Woods) at a Step 3 on the 301 Pay Scale for the Communications Center.
 UNANIMOUS VOTE. Motion carried.

Motion by Wichman, 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, 12 Hour Shifts 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) SWI Juvenile Detention – Employment of Jaegar Erickson and Madison Ehrens as Part-Time Youth Corrections Worker.
 - 2) Conservation – Employment of Emilee McKray as a Park Ranger Intern for Botna Bend.
 - 3) Conservation – Employment of Jenna Miller as an Environmental Education Intern for Hitchcock.
 - 4) Secondary Roads – Updated nonunion step and grade table for FY24.
- B. Report(s):
 - 1) Sheriff’s Report of Fees Disbursed and Collected for March 2023.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:00 A. M.

 Brian Shea, Chairman

ATTEST: _____
 Melvyn Houser, County Auditor

APPROVED: May 9, 2023
 PUBLISH: X

May 9, 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 Miller, and second by Belt, to approve:

- A. May 2, 2023, Minutes as read.
- B. April 2023 Vendor Publication Report.
- C. Communications – Employment of Kena Woods as a Telecommunicator.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to open Public Hearing to consider disposing of real property by lease pursuant to Iowa Code Section 331.61(2).

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

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

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

Motion by Jorgensen, second by Belt, to approve disposing of real property by lease pursuant to Iowa Code Section 331.362(2).

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

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign Resolution No. 25-2023 a Resolution to enter into a Management Lease with Conservation Board for Part of the SE1/4 SE1/4 3-75-44 or 20970 Riverroad N.

RESOLUTION No. 25-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 6.09 acres and legally described as follows:

Attached to and forming a part of file number: OT109671E

Part of the SE1/4 SE1/4 in Section 3 and part of Government Lot 1 in the NE1/4 of Section 10; all in Township 75 N, Range 44 W of the 5th P.M., Pottawattamie County, Iowa; described as follows: Commencing at the Northeast corner of said Section 10, thence along the North line of Section 10 N90°00'00" W 256.1 feet to a point in a curve on the Westerly right of way of Interstate 29, thence along said right of way on a 7640 foot radius curve to the left an arc length of 81.48 feet (chord bears S34°40' 16"E - 81.48 feet) to the centerline of an existing ditch (as field located), thence along said centerline S55°04'36"W 607.34 feet, thence continue along said centerline ditch S14°23'02"W 230.26 feet to the high bank of the Missouri River, thence along said high bank the following courses: N48°05'01"W272.48 feet, N47°29'33"W 119.08 feet, thence departing said high bank line N46°30'00"E 545.16 feet to the South line of Section 3-75-44, thence N0°15' 59"W117.96 feet, thence N89°12'13"E 322.40 feet to the Westerly right of way of Interstate 29 in a curve, thence along said right of way on a 7849.44 foot radius curve to the left an arc length of 147.41 feet (chord bears S33°50' 12"E 147.41 feet) to the point of beginning, excluding any public right of way but subject to a 25 foot wide ingress-egress easement to Parcel "A" described as follows: Commencing at the Northeast corner of Section 10-75-44, thence along the North line of Section 10 N90°00'00"W 256.10 feet to a point in a curve on the Westerly right of way of Interstate 29, thence along said right of way on a 7640 foot radius curve to the left an arc length of 43.98 feet (chord bears S34°32'44"E 43.98 feet) to the centerline and point of beginning of a 25 foot wide ingress-egress easement, thence along said centerline S55°04'36"W 528.90 feet, thence continue on centerline N70°07'37"W271.35 feet to the Westerly boundary line of said

Parcel "B" and the termination point of said ingress-egress easement.

NOTE: Bearings are assumed and based upon surveys and descriptions by the D.O.T.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Management Lease with Conservation Board, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	NAY	ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<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"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 26-2023** a Resolution to enter into a Farm Lease with Lora Walter for Part of the Government Lot 1 17-76-44 or 25834 Meadowlark Loop, until May 15, 2038.

RESOLUTION No. 26-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .14 acres and legally described as follows:

A tract of land known as Parcel #20045 located in Part of Government Lot 1 of Section 17, Township 76, Range 44, Pottawattamie County, Iowa, as more particularly described in that certain Plat of Survey filed June 23, 2020, as Instrument Number 2020, Page 08115.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with Lora Walter, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Brian Shea, Chairman; Scott Belt; Tim Wichman; Susan Miller; Jeff Jorgensen.

Attest: Melvyn Houser, County Auditor

Pottawattamie County, Iowa

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 27-2023** a Resolution to enter into a Farm Lease with Randall Williams for Part of the SW1/4 SE1/4 4-76-44 or 27233 145th Street, until May 15, 2038.

RESOLUTION No. 27-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .77 acres and legally described as follows:

Starting in NW corner of SW1/4 SE1/4 Section 4, Township 76, Range 44 W, South 50' along existing county road to point of beginning. Thence South 200', thence East 200', thence North 200', thence West 200', to point of beginning, subject to easements of record, Pottawattamie County, Iowa.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as “open space” in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Randall J Williams**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Shea, Chairman				
_____	<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"/>
Tim Wichman				
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Miller				

Jeff Jorgensen

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

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

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign **Resolution No. 28-2023** a Resolution to enter into a Farm Lease with Ronald C Williams and Victoria L Williams for Part of the Government Lot 3-4-76-44 or 27265 145th Street, until May 15, 2038.

RESOLUTION No. 28-2023
RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 3.02 acres and legally described as follows:

Parcel "A"

Part of Government Lot 3 of Section 4 T76N R44W of the 5th P.M., Pottawattamie County, Iowa. Described as follows: Beginning at the Southwest Comer Government Lot 3, thence along the West line Government Lot 3 N0°01'27"E 433.20 feet, thence N89°46'23"E 256.00 feet, thence S0°01'27"W 234.20 feet, thence N89°46'23"E 104.00 feet, thence S0°01'27"W 199.00 feet to the South line Government Lot 3, thence along said line S89°46'23"W 360.00 feet to the point of beginning. Said Parcel "A" includes county road R.O.W.

NOTE: Bearings are true bearings based upon Polaris Observations on a previous survey.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as

described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Ronald C Williams and Victoria L Williams**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Shea, Chairman				
_____	<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"/>
Tim Wichman				
_____	<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"/>
Jeff Jorgensen				

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

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 29-2023** a Resolution to enter a Farm Lease with Ronald C Williams and Victoria L Williams for Part of the Government Lot 3-4-76-44 or 27377 145th Street, until May 15, 2038.

RESOLUTION No. 29-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.90 acres and legally described as follows:

A parcel land consisting of part of Government Lot 3, Section 4 and Parcel "C" of Lot 29, Auditor's Subdivision of Accretions to Sections 4, 5, and 8, all in Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the Northwest corner of Lot 29, Auditor's Subdivision of Accretions to Section 4, 5 and 8-76-44, thence along the West line of said Lot 29 S0°10'17"E 590.11 feet to the point of beginning, thence continuing along said West line of Lot 29 S0°10'17"E 300.00 feet, thence N89°46'23"E 300.00 feet, thence N0°10'17"W 300.00 feet, thence S89°46'23"W 300.00 feet to the West line of said Lot 29 and the point of beginning. The parcel described contains existing county road right of way.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Ronald C Williams and Victoria L Williams**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<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"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 30-2023** a Resolution to enter a Farm Lease with Robert Hansen for Hansen Sub Lt 2 & Part Lt 1 4-75-44 or 28119 145th Street, until May 15, 2038.

RESOLUTION No. 30-2023
RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.14 acres and legally described as follows:

Parcel "A" - A parcel of land located in part of Lot 1 of Hansen Subdivision located in part of the SW1/4 SE1/4 of Section 33, Township 77 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southwest corner of the SE1/4 of Section 33; thence N00°00'00"W along a portion of the West line of the SE1/4 a distance of 569.75 feet to the point of beginning; thence N00°00'00"W along a portion of the West line of said SE1/4 and the West line of Lot 1 of Hansen Subdivision a distance of 61.00 feet to the Southwest corner of Lot 2, Hansen Subdivision; thence S90°00'00"E along the South line of said Lot 2 a distance of 234.14 feet to the Southeast corner of said Lot 2; thence

S00°00'00"E a distance of 61.00 feet; thence N90°00'00"W a distance of 234.14 feet to the point of beginning. Said parcel excludes presently established county road right of way and is subject to all easements of record. Note: The West line of the SE1/4 of Section 33 is assumed to bear N00°00'00"W for this description.

A 6.0 foot drain tile easement located in part of Lot 1, Hansen Subdivision in the SW1/4 SE1/4 of Section 33, Township 77 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southeast corner of Parcel "A" of Lot 1, Hansen Subdivision;thence N90°00'00"W along a portion of the South line of said Parcel "A" a distance of 166.10 feet to the point of beginning; thence S20°47'01"W along the center of a 6.0 foot drain tile easement a distance of 111.60 feet. Note: The West line of the SE1/4 of Section 33 is assumed to bear N00°00'00"W for this description.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Robert D Hansen**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<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"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Brandon Garrett/Chief of Staff, City of Council Bluffs appeared before the Board to give a presentation to the Board on the Light Rail.

Discussion only. No Action Taken

Motion by Belt, second by Miller, to approve amended Secondary Roads DOT Budget to reflect County Budget amended dated February 21, 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve the Organizational Structure at the jail and the following job descriptions of Sergeants, Lieutenants, Corporals, and Certified Medication Aids.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve waiving of the delinquent taxes that were owed by Donna Rahel on the following parcels 764411200002, 764412100003, 764412100004, 764412100009, and 764412300001 from 2017-2021, now owned by the Pottawattamie County Conservation effective October 24, 2022.

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, 12 Hour Shifts effective July 1, 2023, through June 30, 2024.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve letter of support for the East Pottawattamie Soil and Water for a grant application for dry hydrants to assist with the Volunteer Fire Departments with water access.

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) WIC – Payroll status change for Luz Collins for longevity.
- 2) Conservation - Employment of Ashley Johnson and Carter Ross as Natural Areas Management Interns – Hitchcock.
- 3) SWI Juvenile Detention – Employment of Destiny Seyler as a Part-time Youth Corrections Worker.

B. Report(s):

- 1) Recorder Fee Book for April 2023.

C. Out of State Travel Notification(s):

- 1) Jail – Out of State Travel Notifications for Jon Poore and Roger Brannan.
- 2) Jail - Out of State Travel Notifications for Matt O'Donnell, Shannon Holman, and Megan Albers.

6. PUBLIC COMMENTS

Robert Wambold appeared before the Board concerned about the Transit Trolley from Omaha to Council Bluffs, wants Board to pass Resolution asking for Public Referendum.

7. CLOSED SESSION

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code §21.5(1)(c) for pending or potential litigation.

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

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

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

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:59 A. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: May 16, 2023

PUBLISH: X

May 16, 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 Miller, and second by Jorgensen, to approve:

- A. May 9, 2023, Minutes as read.
- B. Jail – Employment of Colton Schaefer as a Detention Officer.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Miller, to open Public Hearing on Ordinance No. 2023-03, and Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa

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

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

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

Motion by Belt, second by Jorgensen, to approve First Consideration of Ordinance No. 2023-03, and Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa and to set the date for Second Consideration for May 23, 2023, at 10:00 A.M.

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

Motion by Belt, second by Miller, to open bid for Project L-2023(RC78)-73-78.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve final voucher for final payment to Gus Construction, Inc for project BRS-SWAP-C078(199) – FF – 78.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve and authorize Chairman to sign a three-year (2023-2025) contract to Provide Professional Consulting Services to Pottawattamie County by Cost Advisory Services, Inc.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve changing of the Pottawattamie County Veteran Affairs to Pottawattamie County Veterans Service Office.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 37-2023**; entitled AUTHORIZATION AND SUPPORT FOR THE 712 INITIATIVE TO TRANSFER REAL ESTATE TO HABITAT FOR HUMANITY CB.

RESOLUTION NO. 37-2023

WHEREAS, on November 13, 2002, pursuant to Resolution No. 41-2002, the Pottawattamie County Board of Supervisors transferred the following property to the Pottawattamie County Development Corporation:

West ½ of Lot 12, Block 11, Bayliss First Addition and Lots 1 and 5, Auditor’s Subdivision of Lot 11, Block 11, Bayliss First Addition and Lots 1, 2 and 3, Block 2, Bayliss Second Addition to the City of Council Bluffs, Pottawattamie County, Iowa.

WHEREAS, pursuant to Resolution No. 41-2002, the purpose of that transfer was “for the development of housing to serve the developmentally disabled ...”

WHEREAS, Pottawattamie County transferred the above-described property to the Pottawattamie County Development Corporation by virtue of a Quitclaim Deed filed in the office of the Pottawattamie County Recorder on December 2, 2002, at Book 103, Page 41174.

WHEREAS, the Pottawattamie County Development Corporation is now doing business as the 712 Initiative.

WHEREAS, the 712 Initiative desires authority to transfer the above-described property to Habitat for Humanity CB for development of affordable housing.

WHEREAS, Pottawattamie County is presently in great need of additional affordable housing.

NOW THEREFORE BE IT RESOLVED:

That the Board of Supervisors does hereby authorize and support the unrestricted sale of the above-described real property by the Pottawattamie County Development Corporation (doing business as the 712 Initiative) to Habitat for Humanity CB.

BE IT FURTHER RESOLVED:

That the Board of Supervisors does hereby release the Pottawattamie County Development Corporation (doing business as the 712 Initiative) from any restriction set forth in Resolution 41-2002.

Dated this 16th 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

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 32-2023**; entitled RESOLUTION AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS UNDER THE REVENUE REPLACEMENT EXEMPTION PROVIDED FOR U.S. TREASURY’S FINAL RULE.

RESOLUTION NO. 32-2023

RESOLUTION AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS UNDER THE REVENUE REPLACEMENT EXEMPTION PROVIDED FOR U.S. TREASURY’S FINAL RULE

WHEREAS, the U.S. Treasury's Final Rule allows for up to \$10,000,000 in Revenue Replacement through a standard allowance, which may be allocated toward various government services;

WHEREAS, Pottawattamie County has chosen to utilize the standard allowance for a diverse range of government services;

WHEREAS, certain expenses have already been incurred and reported to the U.S. Treasury, while others are acknowledged within the 2022-2023 Capital Plan and will be reported as projects upon commencement of expenditures;

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors hereby authorizes the following expenditures under the ARPA standard allowance for Revenue Replacement:

1. \$1,991,045.22 for the expansion of Hitchcock Park;
2. \$1,500,000.00 as matching funds with the Iowa West Foundation for the Rural Pottawattamie County Infrastructure Collaborative (RPCIC), which has identified various **projects for small**

- 3. towns throughout Pottawattamie County;
- 4. \$1,625,000.00, with \$125,000.00 allocated to each of the 13 small towns within Pottawattamie County;
- 5. \$1,300,000.00 for the continued development of a bike trail connecting Council Bluffs and Neola;
- 6. \$3,300,000.00 for the design, right-of-way, and improvement of 240th Street, and Dumfries Avenue, from Aspen Road to Pioneer Trail. Also referred to as projects: (L-2022-(Dumfries)--73-78) and project L-2022-(240)--73-78.

Projects unable to fulfill the obligation deadline of December 31, 2024, or the deadline for expenditure of funds by December 31, 2026, as stipulated in the U.S. Treasury's Final Rule may be removed and replaced at the discretion of the Board of Supervisors through subsequent resolutions.

Dated this 16th 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

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

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 33-2023** entitled: RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO BOND SERIES 2020B DEBT FUND.

RESOLUTION NO. 33-2023

RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO BOND SERIES 2020B DEBT FUND.

WHEREAS, it is desired to transfer money from the LOST Secondary Roads Fund to Bond Series 2020B Debt Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$198,300 is ordered to be transferred from LOST Secondary Roads Fund to Bond Series 2020B Debt Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 16th Day of May, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
--	-----	-----	---------	--------

_____	○	○	○	○
Brian Shea, Chairman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Jorgensen, second by Belt, to approve and authorize Board to sign **Resolution No. 35-2023** entitled: RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO BOND SERIES 2021C DEBT FUND.

RESOLUTION NO. 35-2023

RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO BOND SERIES 2021C DEBT FUND.

WHEREAS, it is desired to transfer money from the LOST Secondary Roads Fund to Bond Series 2021C Debt Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$341,300 is ordered to be transferred from LOST Secondary Roads Fund to Bond Series 2021C Debt Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 16th Day of May, 2023.

ROLL CALL VOTE

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

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 34-2023** entitled: RESOLUTION FOR TRANSFER FROM GENERAL FUND TO BOND SERIES 2021B UR BOND FUND.

RESOLUTION NO. 34-2023

RESOLUTION FOR TRANSFER FROM GENERAL FUND TO BOND SERIES 2021B UR BOND FUND.

WHEREAS, it is desired to transfer money from the General Fund to Bond Series 2021B UR Bond Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$9,600 is ordered to be transferred from General Fund to Bond Series 2021B UR Bond Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 16th 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

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

Motion by Jorgensen, second by Miller, to approve and authorize Board to sign **Resolution No. 36-2023** entitled: RESOLUTION FOR TRANSFER FROM GENERAL FUND TO BOND SERIES 2022 BOND FUND.

RESOLUTION NO. 36-2023

RESOLUTION FOR TRANSFER FROM GENERAL FUND TO BOND SERIES 2022 BOND FUND.

WHEREAS, it is desired to transfer money from the General Fund to Bond Series 2022 Bond Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$25,386 is ordered to be transferred from General Fund to Bond Series 2022 Bond Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 16th 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

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

Motion by Belt, second by Wichman, to approve pay for Recorder Clerk II position.
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) Public Health – Payroll status change for Madhumitha Mohanraj.
- 2) Sheriff – Payroll status change for Aaron Soucie.

B. Out of State Travel Notification(s):

- 1) Jail – Out of State Travel for Todd Schlines and Shawn Jensen.
- 2) Board of Health – Out of State Travel Notification for Amber Strohhahn.
- 3) Public Health – Out of State Travel Notification for Maria Torres, Madhumitha Mohanraj, and Maria Sieck.

C. Report(s):

- 1) Sheriff’s Report of Fees Disbursed and Collected for April 2023.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:53 A. M

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: May 23, 2023
PUBLISH: X

May 23, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members except Supervisor Jorgensen 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 Belt, to approve:

- A. May 16, 2023, Minutes as read.
- B. Recorder – Employment of Brandie Slack as a Clerk II – Recorder’s Office.
- C. Emergency Management Agency – Employment of Gabriel Barney as a Deputy Director.
- D. New Iowa Retail Permit application for Cigarette/Tobacco/Nicotine/Vapor for Rolling Cigars of Heartland LLC DBA Rolling Cigars as a Retail Mobile Kiosk/Trailer.
- E. Renewal of Class C Liquor License LC, granting privileges of Class C Liquor License (LC) for Lyle Ditmars d/b/a Ditmars Orchard and Vineyard, Council Bluffs.
- F. Renewal of Class C Liquor License (LC), granting privileges of Class C Liquor License (LC)/Outdoor Service/Sunday Sales for Genevieve Stueve d/b/a Aeroplane Inn, Honey Creek.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Miller, to approve Second Consideration of Ordinance No. 2023-03, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa by changing the district designation of approximately 1.04 acres from a Class A-3 (Riverfront and Agricultural Production) to a Class I-1 (Limited Industrial) District; and to adopt Ordinance No. 2023-03 into law.

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-03**

AN ORDINANCE to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 1.04 acres from a Class A-3 (Riverfront & Ag Production) District to a Class I-1 (Limited Industrial) District.

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

SECTION 1 - AMENDMENTS: That the Official Zoning Map, as adopted by reference in Section 8.003.020 of the Pottawattamie County, Iowa, Zoning Ordinance, be and the same is hereby amended by changing the district designation from its present designation of a Class A-3 (Riverfront & Ag Production) District to a Class I-1 (Limited Industrial) District of certain real estate, as shown on the attached plat and which is legally described as follows:

LEWIS TWP 29-74-43 N445' S495' LYING E OF RD & W OF RR E1/2 NW

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

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

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

PASSED AND APPROVED May 23, 2023.

Brian Shea, Chairman

ROLL CALL VOTE			
AYE	NAY	ABSTAIN	ABSENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

_____	<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"/>
Scott Belt				
_____	<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"/>
Jeff Jorgensen				

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



NOTICE OF PUBLIC HEARING PUBLISHED: May 11, 2023
 BOARD OF SUPERVISORS PUBLIC HEARING: May 16, 2023
 FIRST CONSIDERATION: May 16, 2023
 SECOND CONSIDERATION: May 23, 2023
 PUBLICATION: June 1, 2023
 RECORD: June 2, 2023

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

Motion by Miller, second by Belt to approve request to Amend Exhibit A of the Forgivable Promissory Note Agreement between Pottawattamie County and the City of Underwood; amendment to add a portion of Bike Trail between North Street and 4th Street to Exhibit A.
 UNANIMOUS VOTE. Motion Carried.

Discussion on tax delay pursuant to Iowa Code Section 427.9, for property located at 2643 Avenue L, Council Bluffs, Iowa.
 Discussion only. No Action Taken.

Motion by Belt, second by Miller, to approve 2023 Pottawattamie County Housing Trust Fund Grant Agreement.
 UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve changes to General Assistance Manual effective June 1, 2023.
 UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 42-2023** to award contract for project number FM-C078(208) – 55-78 to Iowa Civil Contracting Inc., in the amount of \$1,151,474.22 and authorize the County Engineer to sign the contract.

RESOLUTION NO. 42-2023

**RESOLUTION AWARDING CONTRACT FOR PROJECT NUMBER
 FM-CO78(208)—55-78
 IN POTTAWATTAMIE COUNTY, IOWA, AND AUTHORIZING POTTAWATTAMIE
 COUNTY ENGINEER TO EXECUTE CONTRACT**

WHEREAS, the Pottawattamie County construction project identified as Project Number **FM-CO78(208)—55-78** (hereinafter “Project”) was let by Iowa DOT on May 16, 2023; and

WHEREAS, the Pottawattamie County Board of Supervisors has determined that Iowa Civil Contracting, Inc of Victor, Iowa is the responsible bidder submitting the lowest responsive bid (hereinafter “Low Bidder”) for the Project; and,

WHEREAS, the Pottawattamie County Board of Supervisors desires to award the contract for the Project to the above stated Low Bidder; and,

WHEREAS, construction contracts for projects let through the Iowa DOT must be signed digitally utilizing Doc Express; and,

WHEREAS, delegating the digital signature process to the Pottawattamie County Engineer will facilitate the Project by reducing the overall turn-around time for execution of the construction contract.

NOW, THEREFORE BE IT RESOLVED BY THE POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS, STATE OF IOWA:

- 1. The contract for Project Number FM-CO78(208)—55-78 is awarded to Iowa Civil Contracting, Inc., the Low Bidder of \$1,151,474.22.
2. The Pottawattamie County Engineer is authorized to digitally sign the contract documents for the Project.

Dated this 23rd Day of May, 2023.

ROLL CALL VOTE

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Brian Shea, Chairman; Scott Belt; Tim Wichman; Susan Miller; Jeff Jorgensen.

ATTEST: Melvyn Houser, County Auditor

RECOMMENDED: John Rasmussen, Engineer

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

Motion by Miller, second by Belt, to award contract and authorize Board to sign contract and bond for project L-2023(RC78—73-78 to Nelson & Rock Contracting, Inc., of Onawa, Iowa in the amount of \$331,089.25.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Miller, second by Belt, to approve and authorize Board to sign Resolution No. 38-2023 entitled: RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO SECONDARY ROADS FUND.

RESOLUTION NO. 38-2023

RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO SECONDARY ROADS FUND.

WHEREAS, it is desired to transfer money from the LOST Secondary Roads Fund to Secondary Roads Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$3,000,000 is ordered to be transferred from LOST Secondary Roads Fund to Secondary Roads Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of

these operating transfers.

Dated this 23rd 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

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

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 41-2023** entitled: RESOLUTION FOR TRANSFER FROM HITCHCOCK NATURE AREA FUND TO COUNTY CONSERVATION LAND ACQUISITION FUND.

RESOLUTION NO. 41-2023

RESOLUTION FOR TRANSFER FROM HITCHCOCK NATURE AREA FUND TO COUNTY CONSERVATION LAND ACQUISITION FUND.

WHEREAS, it is desired to transfer money from the Hitchcock Nature Area Fund to County Conservation Land Acquisition Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$437.22 is ordered to be transferred from Hitchcock Nature Area Fund to County Conservation Land Acquisition Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 23rd 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

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

Motion by Miller, second by Belt, to approve list of Compensation /Condemnation Commission for 2023. Recommendation to review annually on May 1.

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) Conservation – Employment of Joseph Goltl as an Environmental Education Intern – Hitchcock.
- 2) Conservation – Employment of Joshua Dickinson as a Natural Areas Management Intern- Hitchcock.

B. Out of State Travel(s):

- 1) Sheriff – Out of State Travel for Angie Doby, Rachel Bieghler, and Colleen Sylvis.
- 2) Sheriff – Out of State Travel for Sam Arkfeld, Jason Study, Abby Fredrich, and Becky Hermanson.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

Chairman Shea adjourned meeting at 11:05 A.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: May 30, 2023

PUBLISH: X

May 30, 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 Miller, and seconded by Jorgensen, to approve:

- A. May 23, 2023, Minutes as read.
- B. Amended Exhibit A of Forgivable Promissory Note Agreement between Pottawattamie County and the City of Underwood.
- C. Secondary Roads – Employment of Monte Isaacson as a Seasonal Mower.
- D. Communications – Employment of Tyler Wright as a Telecommunicator.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Cheri Dahlheim, Chief Investigator/Coordinator, Medical Examiner and Dr. Elliott appeared before the Board for an award from Iowa Donor Network.

Discussion only. No Action Taken.

Motion by Belt, second by Wichman, to approve Mick Gutttau appointment to the Veteran Affairs Commissioner.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve funding request from Avoca Main Street for the amount of \$3,000 to be paid from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve Board to sign Memorandum of Understanding for Enhanced Security Services between Pottawattamie County and the Iowa Department of Management, Office of Chief Information Officer (OCIO) for Cybersecurity services and software.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve tax delay pursuant to Iowa Code Section 427.9, for property located at 2643 Avenue L, Council Bluffs, Iowa.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

After discussion the Board postponed for one week the **Resolution No. 43-2023** a Resolution entitled: Resolution for Re-Appropriation between Departments awaiting more details from the State
Discussion only. No Action Taken.

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 44-2023** a Resolution entitled: Resolution for Re-Appropriation between Departments. Said Resolution is set out as follows:

RESOLUTION NO. 44-2023

RESOLUTION FOR RE-APPROPRIATION BETWEEN DEPARTMENTS

WHEREAS, it is desired to re-appropriate money from Non-Department (Department 99) to Debt Service (Department 06); and

WHEREAS, said re-appropriation is in accordance with Section 331-434(6), Code of Iowa, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

SECTION 1: The sum of \$20,740 is ordered to be re-appropriated from Non-Department (Department 99) to Debt Service (Department 06), and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of

this operating re-appropriation.

Dated this 30th 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

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

After discussion the Board postponed for one week the Rural Transit System Joint Participation Agreement with SWIPCO; agreement was missing Exhibit A.
Discussion only. No Action Taken.

After discussion the Board indicated that with the Holiday being on Tuesday, July 4th no meeting will be held. Chairman will decide if the Board will meet later in the week if Department Heads have important items that can't wait.
Discussion only.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Sherriff – Payroll status change for Anthony Kava, removed from received and filed was not included in Boards packet. Will be placed on June 6 Agenda.
 - 2) Conservation – Payroll status change for Robert Hladik and Natalie Shaw.
 - 3) Veteran Affairs – Payroll status change for Kara Behrens.
- B. Out of State Travel Notification(s):
 - 1) Sheriff – Out of State Travel for Dan Temeyer, Jim Doty, Tony Kava, and Ryan Avis.

6. PUBLIC COMMENTS

Shawna Anderson appeared before the Board to discuss more handicap spaces for the Public.

7. ADJOURN

Chairman Shea adjourned the meeting at 10:50 A.M.

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: June 6, 2023
PUBLISH: X

June 6, 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 Miller, and second by Jorgensen, to approve:

- A. May 30, 2023, Minutes as read.
- B. May 2023 Vendor Publication Report.
- C. Sheriff – Employment of Victoria Larsen as a Part-Time Entry Security Personnel.

UNANIMOUS VOTE _____

AYES:

NAYS:

ABSTAIN:

Motion Carried / Motion Denied

2. SCHEDULED SESSIONS

Jamie Watts/911 Dispatcher, AFSCME Union President appeared before the Board to discuss parking for 911 employees, will be reviewed after parking lot is complete.
Discussion only. No action taken.

Motion by Miller, second by Belt, to approve and amend Board to sign engagement letter with David Levy for updating wind and solar codes for Pottawattamie County not to exceed \$10,000.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Wichman, to approve and authorize Board to sign **Resolution No. 45-2023** a Resolution entitled: RESOLUTION TO CALL SPECIAL ELECTION. Said Resolution is set as follows:

RESOLUTION NO. 45-2023

RESOLUTION TO CALL SPECIAL ELECTION:

WHEREAS, pursuant to 331.306, Code of Iowa, petitioners may request a special election by soliciting petitions containing signatures of eligible electors of the county equal to at least 10% of the votes cast in the county for president or governor at the last general election (unless the law governing the specific type of special election contain a different, requirement), that number being 2,909.

WHEREAS, pursuant to 331.306, Code of Iowa, a petition of eligible electors of Pottawattamie County, Iowa, requesting that an election be held to choose the method of selection of Board of Supervisors' members was filed with the Pottawattamie County Auditor's Office on May 31, 2023 and accepting for filing by the Pottawattamie County Board of Supervisors on June 6, 2023; and

WHEREAS, said petition contained the names of 3,976 eligible electors of Pottawattamie County, Iowa, which number is greater than ten percent of the votes cast in Pottawattamie County, Iowa, for the office of governor at the preceding election (2,909); and

WHEREAS, no written objections were filed to said petition within five working days after said petition was accepted for filing, and said petition is therefore deemed valid;

NOW, THEREFORE , BE IT AND IT IS HEREBY RESOLVED, by the Board of Supervisors, Pottawattamie County, Iowa, that pursuant to 331.207 and 331.306, Code of Iowa, the aforementioned petition is determined to be valid, and

BE IT FURTHER RESOLVED, that a special election is hereby called for August 1, 2023 to decide the plan under which the Board of Supervisors shall be chosen.

BE IT FURTHER RESOLVED, pursuant to Section 331.207(3) Code of Iowa, the Pottawattamie County Commissioner of Elections is hereby notified to submit to the registered voters of Pottawattamie County, Iowa at the next special election, August 1, 2023, the following proposition, stated in substantially the following manner:

The individual members of the Board of Supervisors in Pottawattamie County, Iowa, shall be elected:

- Plan “one”. At large and without district residence requirement for the members.
- Plan “two”. At large but with equal-population district residence requirements for the members.
- Plan “three”. From single-member equal-population districts in which the electors of each district shall elect one member who must reside in that district.

Dated at Council Bluffs, Pottawattamie County, Iowa, this 6th day of June, 2023.

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

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, Pottawattamie County Auditor

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

3. OTHER BUSINESS

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 43-2023** a Resolution entitled: Resolution for Re-Appropriation between Departments. Said Resolution is set out as follows:

RESOLUTION NO. 43-2023

RESOLUTION FOR RE-APPROPRIATION BETWEEN DEPARTMENTS

WHEREAS, it is desired to re-appropriate money from Board of Supervisors (Department 01) to WIC (Department 48); and

WHEREAS, said re-appropriation is in accordance with Section 331-434(6), Code of Iowa, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

SECTION 1: The sum of \$16,105 is ordered to be re-appropriated from Board of Supervisors (Department 01) to WIC (Department 48), and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating re-appropriation.

Dated this 6th Day of June, 2023.

ROLL CALL VOTE

AYE NAY ABSTAIN ABSENT

_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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				

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 40-2023** entitled: RESOLUTION FOR TRANSFER FROM LIVING LOESS GROUP FUND TO COUNTY CONSERVATION LAND ACQUISITION FUND.

RESOLUTION NO. 40-2023

RESOLUTION FOR TRANSFER FROM LIVING LOESS GROUP FUND TO COUNTY CONSERVATION LAND ACQUISITION FUND.

WHEREAS, it is desired to transfer money from the Living Loess Group Fund to County Conservation Land Acquisition Fund ; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$507.30 is ordered to be transferred from Living Loess Group Fund to County Conservation Land Acquisition Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 6th Day of June, 2023.

ROLL CALL VOTE

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

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Miller, second by Belt, to approve and authorize Chairman to sign Rural Transit System Joint Participation Agreement with SWIPCO; and to approve funding request in the amount of \$6,000. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign 2023-2026 Union Contract between Pottawattamie County and Pottawattamie County Sheriff's Deputies Association.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize Board Chairman to sign contract with Western Iowa Utilities for water pipe project in the amount of \$218,960.00 for Mt. Crescent Park improvements.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign contract with Techno Alpin for pipeline cost in the amount of \$252,415.82 for Mt. Crescent Park improvements.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign contract with Techno Alpin for pump station in the amount of \$251,349.43 for Mt. Crescent Park improvements.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign contract with Techno Alpin for Snow Machine in the amount of \$250,023.60 for Mt. Crescent Park improvements.

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 Anthony Kava.
- 2) Communications – Payroll status change for Colleen Sylvis and Merissa Cox.
- 3) SWI Juvenile Detention – Payroll status change for Makenzie Olson.
- 4) SWI Juvenile Detention – Employment of Jason Hatcher and Zachary Coleman as a Part-Time Youth Corrections Worker.

B. Out of State Travel Notification(s):

- 1) Attorney – Out of State Travel Notification for Matthew Wilber.
- 2) Sheriff – Out of State Travel Notification for Brian Miller, Zach Norman, and Josh Harker.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:40 A.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: June 13, 2023

PUBLISH: X

June 13, 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

Let the minutes reflect that today's Agenda was amended yesterday afternoon to add Item 3(C) regarding a 5-day liquor permit. We require paperwork from various County departments with the permit applications, and that paperwork was not received from the County departments until after today's agenda was posted. The requested permit is for June 21 through June 25. The agenda was amended to allow discussion and decision today rather than next week (June 20) to give the license applicant sufficient time to receive the license from the Iowa Alcoholic Beverages Division.

After discussion was held by the Board, a motion was made by Belt, and second by Jorgensen to approve today's amended Agenda.

UNANIMOUS VOTE. Motion Carried.

1. CONSENT AGENDA

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

- A. June 6, 2023, Minutes as read.
- B. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Taylor Oil Company, Inc., d/b/a Taylor Quik Pik, Council Bluffs.
- C. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Casey's Marketing Company d/b/a Casey' #3204, Minden.
- D. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Casey's Marketing Company d/b/a Casey' #3205, Minden.
- E. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Kum & Go LC d/b/a Kum & Go #23, Neola.
- F. Renewal of Class E Liquor License for Casey's Marketing Company d/b/a Casey's General Store #3205, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Miller, to open Public Hearing on First Consideration of **Ordinance No. 2023-04**, an ordinance to amend Chapter 8 "Zoning Ordinance" of the Pottawattamie County, Iowa, Code; and setting date of Second Consideration.

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

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

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

Motion by Belt, second by Jorgensen, to approve First Consideration of **Ordinance No. 2023-04**, an ordinance to amend Chapter 8 "Zoning Ordinance" of the Pottawattamie County, Iowa, Code; and setting date of Second Consideration for June 20, 2023 at 10:00 A.M.

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

Mark Eckman/Executive Director and Emma Schwaller/Director of Marketing, Council Bluffs Convention & Visitors Bureau appeared before the Board to update Board on Iowa Tourism Grant. Discussion only. No action taken.

Mick Guttau appeared before the Board to be sworn in as Commissioner of the Veteran Affairs with a 2-year term expiring on June 30, 2025.

Motion by Wichman, second by Jorgensen, to approve the appointment of Office Administrator of the Veterans Services Office, Peggy Becker, and to approve the wage recommendation of \$70,038 effective July 1, 2023 .

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 46-2023** to establish a no parking zone on Hanie Avenue.

POTTAWATTAMIE COUNTY RESOLUTION NO. 46-2023

A RESOLUTION TO ESTABLISH “NO PARKING” ZONE ON WEST BOUND SHOULDER OF HANIE ROAD BETWEEN RAILROAD HIGHWAY AND HARBOR LANE.

WHEREAS, The Board of Supervisors of Pottawattamie County, Iowa are empowered under the authority of Sections 321.236 and 321.255 of the Code of Iowa to study and determine existing safety conditions and may determine the proper safety measures, and

WHEREAS, on street parking is creating a hazard to through traffic and impeding agricultural access, and

NOW, THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors that the North side of Hanie Avenue from Railroad Highway to Harbor Avenue be deemed a no parking zone.

BE IT FURTHER RESOLVED, that the Secondary Roads Department shall be responsible to erect “No Parking” signs at the following location:

1. Along the North side of Hanie Avenue from Railroad Highway Easterly approximately 475 feet to Harbor Lane.

Dated this 13th Day of June, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain 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

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

3. OTHER BUSINESS

Motion by Miller, second by Jorgensen, to approve the amended Health Insurance rates recommendation.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve to pay the difference in the cost of the amended Health Insurance rates for a one time total of \$36.97.

UNANIMOUS VOTE. Motion Carried.

After discussion, the Board postponed until June 20, 2023, to approve to hire outside counsel Deb Petersen for property line adjustment between Pottawattamie County and Historical Society of Pottawattamie County.

Motion by Belt, second by Jorgensen, to approve the 5-day Special Permit Class C Retail Liquor License/Outdoor Service for Michael Mott d/b/a Bus Events, LLC, Council Bluffs.

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) Recorder Fee Book for May 2023.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSION

Motion by Miller, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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

Motion by Jorgensen, second by Miller, to go out of Closed Session.

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

8. ADJOURN

Chairman Shea adjourned the meeting at 11:37 A.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: June 20, 2023

PUBLISH: X

June 20, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Miller attending via phone. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. June 13, 2023, Minutes as read.
- B. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Donald Rief., d/b/a DeSoto Bend Mini Mart., Missouri Valley.
- C. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Rolling Cigars of Heartland , LLC d/b/a Rolling Cigars as a Retail Mobile Kiosk/Trailer, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Jorgensen, second by Belt, to approve Second Consideration of Ordinance No. 2023-04, an Ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code; and to adopt Ordinance No. 2023-04 into law.

POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-04

AN ORDINANCE to amend Chapter 8, of Pottawattamie County, Iowa Zoning Ordinance, by adding automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service as a principal use in the I-2 (General Industrial) District.

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 Section, to be codified as Section 8.060.020.01 A. C. Principal Use in the I-2 (General Industrial) District:

8.060.020.01 A.PRINCIPAL USES: The following principal uses shall be permitted in a Class I-2 District:

- C. Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service.

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

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

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

PASSED AND APPROVED June 20, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Susan Miller

Jeff Jorgensen

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

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

Motion by Belt, second by Jorgensen, to approve to hire outside counsel Deb Petersen for property line adjustment between Pottawattamie County and Historical Society of Pottawattamie County.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 48-2023** to vacate excess Right of Way in the Town of Bentley.

RESOLUTION NO. 48-2023

WHEREAS, the following described Right of Way is held by easement and will not change the traveled portion of a road nor deny access to a road by adjoining landowners; and

WHEREAS, Iowa Code Chapter 306 provides the Board of Supervisors the power to establish, alter or vacate highways or parts thereof; and

WHEREAS, budget and liability constraints dictate the secondary road system be reduced; and

WHEREAS, it is in the best interest of Pottawattamie County to vacate the Road Right of way.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 20th day of June, 2023, that the following described road easement be vacated:

All of Central Avenue between 2nd Street and Charles Avenue, together with all of Charles Avenue between 2nd Street and Bentley Lane (also known as Main Street), together with the 20-foot alley in Block 5, all in Original Town Plat of the unincorporated Town of Bentley per town plat filed for record in Section 13, Township 76, Range 43 West of the 5th P.M., Pottawattamie County, Iowa. (Exhibit attached for informational purposes)

Note: Utilities are granted a permanent and perpetual easement for the continuance of maintaining existing facilities for such construction, reconstruction, replacement, and repair thereof as may be deemed necessary by the utilities in the future (Iowa Code 306.22, 479.17, 479.24).

Dated this 20th Day of June, 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

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

3. OTHER BUSINESS

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 47-2023** entitled: RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND.

RESOLUTION NO. 47-2023

RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND.

WHEREAS, it is desired to transfer money from the Rural Services Fund to Secondary Roads Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$1,325,000 is ordered to be transferred from Rural Services Fund to Secondary Roads Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 20th Day of June, 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

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

Jason Slack/Director, Buildings and Grounds, appeared before the Board to give an update on the ramp project for the new addition of the Courthouse. Discussion only. No action taken.

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 changes for Marc Freeman.

6. PUBLIC COMMENTS

Jim Schnoor appeared before the Board concerned about Wind Project, enforce ordinances. Do not allow variances.
Chasity Duey – Consider CSR and increase setbacks to ½ mile.

7. CLOSED SESSION

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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

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

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

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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

Motion by Miller, second by Jorgensen, to go out of Closed Session.

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

8. ADJOURN

Chairman Shea adjourned the meeting at 11:45 A.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: June 27, 2023

PUBLISH: X

June 27, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Miller attending via phone. 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. June 20, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Don Uhlig was unavailable to appear before the Board to be recognized for his 30 years of service with the Southwest Iowa Juvenile Detention Center.

Discussion only. No action taken.

Motion by Belt, second by Jorgensen, to approve and authorize Chairman to sign Law Enforcement Service Contracts between Pottawattamie County and the following: City of Avoca, City of Carson, City of Crescent, City of Hancock, City of Macedonia, City of McClelland, , City of Minden, City of Neola, City of Oakland, City of Treynor, City of Underwood, and City of Walnut.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve and authorize Chairman to sign Interlocal Agreement with OPPD to stay on the Orion radio system.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Chairman to sign Independent Contractor Physician Agreements with Dr. Thomas, Dr. Delgado, and Dr. Davis effective July 1, 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Chairman to sign HGM's amendment to cost for the change in scope associated with the addition of the ADA ramp not to exceed \$30,000.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve removing cash option in the outside parking kiosk.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Jorgensen, second by Belt, to approve Board Chairman to sign Proposal for Audio Visual upgrades for Board Hearing Room in the amount of \$86,478.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve and authorize Board to sign **Resolution No. 49-2023** entitled: Appropriation Resolution to make appropriations for each of the different officers and department for the fiscal year beginning July 1, 2023.

**RESOLUTION NO. 49-2023
APPROPRIATIONS RESOLUTION**

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, **2023**, in accordance with Section 331.434, Subsection 6, Code of Iowa.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

SECTION 1: The amounts itemized by fund and by department or office on the attached Schedule

"B" are hereby appropriated from the resources of each fund so itemized, to the department or office listed in the first column on the same line of the attached Schedule.

SECTION 2: Subject to the provisions of other County procedures and regulations, and applicable State Law, the appropriations under Section 1 shall constitute authorization for the department or officer to make expenditures or incur obligations from the itemized fund, effective **July 1, 2023**.

SECTION 3: In accordance with Section 331.437, Code of Iowa, no department or office shall expend or contract to expend any money or incur any liability or enter into the contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4: If any time during the 2023-2024 Budget Year the Auditor ascertains that the available resources of a fund for that year will be less than said fund's total appropriations, the Auditor shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5: The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers as prescribed by law or as otherwise required and determined within reasonable limits during the **2023-2024** Budget Year.

SECTION 6: All appropriations authorized in accordance with this resolution lapse, **June 30, 2024**.
Dated this 27th Day of June, 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

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

Motion by Jorgensen, second by Belt, to approve and authorize Board to sign **Resolution No. 50-2023** entitled: Setting Forth Percentage of Funding for Property Tax Credits.

RESOLUTION NO. 50-2023

Setting Forth Percentage of Funding for Property Tax Credits & Exemptions for Assessment Year 2022

Whereas, the State of Iowa has appropriated funds for fiscal year July 1, 2023 through June 30, 2024, which moneys are sufficient to fund fully the various local property tax credits /exemptions,

And, whereas, Iowa Code Section 25B.7 requires local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation,

And, whereas the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions as follows: Homestead Credit (including Disabled Veteran's Homestead Credit) 100%, Low-income, Elderly, Disabled Credit 100%, Military Exemption 100%

And, whereas the Iowa Department of Revenue and Finance has estimated the prorated percentages of funding for the affected property tax credits as follows: Agland Credit 21.71514547% and Family Farm Credit 15.46026369%,

Now, therefore, be it resolved pursuant to Iowa Code Section 25B.7 that the property tax credits/exemptions in Pottawattamie County for fiscal year July 1, 2023 through June 30, 2024 shall be funded as follows: Homestead Credit 100% Disabled Veteran’s Homestead Credit 100% Low-Income, Elderly, Disabled Credit 100% Military Exemption 100% Agland Credit 21.71514547% Family Farm Credit 15.46026369%

Dated this 27th Day of June, 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

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

Motion by Wichman, second by Jorgensen, to approve Detention Administrative Coordinator pay range, and pay for Trisha Bernhards.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve job description of Office Coordinator and pay for Kim Wickersham.
UNANIMOUS VOTE. Motion Carried.

Motion made by Wichman, second by Jorgensen, to approve and authorize Chairman to sign Employment Agreement with Engineer John Rasmussen.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve application for permit to display fireworks filed by Ryan Rogers, on July 3rd, 2023, at 15259 214th Street, Council Bluffs.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve application for permit to display fireworks filed by Conor Gillaspie, on July 3rd or July 4th, in the event of rain, at 27538 Dogwood Rd, Treynor.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve application for permit to display fireworks filed by Robert Caputo, on July 4th, at 22881 Three Bridge Rd, Council Bluffs.
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Petition:
 - 1) Petition for Secondary Road Assessment District on Honeysuckle Road.
- B. Salary Action(s):
 - 1) SWI Juvenile Detention – Payroll status change for Melissa Vanderpool.
 - 2) SWI Juvenile Detention – Employment Contract for Melissa Vanderpool.
 - 3) Communications – Payroll status change for Kena Woods.
 - 4) Human Resources – Payroll status change for Heather Shafer and Craig Carlsen.

- 5) Veterans Service Office – Payroll status change for Peggy Becker.
- 6) Public Health – Payroll status change for Alexander McGee, Rebekkah Reilich, Nora Evans, Carol Timm, Jennifer Minchew, Angela Walker, and Melissa Castro.
- 7) Conservation – Payroll status change for William Onate.
- 8) Jail – Payroll status change for Camsley Hovey.

6. PUBLIC COMMENTS

Nancy Kealy appeared before the Board to discuss Honeysuckle Road petition for Special Assessment; what if parcel is signed after the petition is signed.

Tim Kealey appeared before the Board to discuss the Honeysuckle Road petition that he is not in favor of.

7. OTHER BUSINESS

Motion made by Wichman, second by Jorgensen, to approve and authorize Chairman to sign Employment Agreements with Chief Information Officer David Bayer, Human Resource Director Jana Lemrick, Buildings and Grounds Director Jason Slack, Chief Financial Officer Mitch Kay, Planning and Development Director Matt Wyant, Community Services Director Suzanne Watson, Engineer John Rasmussen, Conservation Director Mark Shoemaker, Administrator Veterans Service Office Peggy Becker, and GIS Coordinator Jamie Petersen.

UNANIMOUS VOTE. Motion Carried.

8. ADJOURN

Chairman Shea adjourned the meeting at 11:15 A.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: July 11, 2023

PUBLISH: X

July 11, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. June 27, 2023, Minutes as read.
- B. June 2023 Vendor Publication Report.
- C. Veterans Service Office – Employment of Rebekah Adair as an Administrative Assistant.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Jorgensen to delay the petition to establish a Secondary Road Assessment District on Honeysuckle Road, from 185th Street East to the dead-end till July 25th.
AYES: Belt, Wichman, Jorgensen NAYS: Shea, Miller. Motion Carried.

Tiffany Kruienza and Spencer Pech with ISG Inc appeared before the Board to discuss the County Inspection role for the proposed CO2 pipeline project.
Discussion only. No action taken.

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign electrical contract with Midwest Mechanical for park improvements in the amount of \$522,805.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Miller, second by Belt, to approve the following applications made to the Assessor's Office: Homestead (0 recommend allowed, 31 recommend disallowed), Military (0 recommend allowed, 3 recommend disallowed), Disabled Veteran Homestead (0 recommend allowed, 0 recommend disallowed), Family Farm (0 recommend allowed, 0 recommend disallowed).
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Out of State Travel Notification(s):
 - 1) Sheriff – Out of State Travel Notification for Anthony Kava.
 - 2) Auditor – Out of State Travel Notification for Melvyn Houser.
- B. Salary Action(s):
 - 1) Jail – Payroll status change for Kayla Smeal, Corey Little, Shannon Holman and Makenzie Ayers.
 - 2) Conservation – Payroll status change for Joseph Goltl and Jenna Miller.
 - 3) Secondary Roads – Payroll status change for Kyle Schroeder, Gary Feigenbutz, and Greg Roush.
 - 4) WIC – Payroll status change for Wei Kay Eng.
 - 5) WIC – Employment of Sarah Ozanne as a Travel Dietitian.
- C. Report(s):
 - 1) Sheriff's Report of Fees Disbursed and Collected for May 2023.

6. PUBLIC COMMENTS

Shawna Anderson appeared before the Board to discuss Concerned Citizens and what they do.

Jeff Shudak appeared before the Board to discuss welding for potential pipeline.

Nancy Kealy appeared before the Board to discuss Honeysuckle and the sale of recent properties.

Tim Kealy appeared before the Board to discuss the additional cost to improve Honeysuckle for the trees, ditches, and culvert.

7. ADJOURN

Chairman Shea adjourned the meeting at 11:23 A.M.

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: July 18, 2023

PUBLISH: X

July 18, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. . All members present with Supervisor Wichman attending via phone. 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 Belt, to approve:

- A. July 11, 2023, Minutes as read.
- B. Secondary Roads – Eliminate one (1) vacant Engineer Intern position.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Josh Madsen/City Council member and Dave Powell, City of Underwood appeared before the Board to show their appreciation for the RAISE grant, John Rasmussen, and his department.
Discussion only. No action taken.

Motion by Belt, second by Miller, to approve funding for the Professional Developers of Iowa Conference in the amount of \$1,500 from Gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve pay application for partial release of retainage to Meco-Henne Construction.

UNANIMOUS VOTE. Motion Carried.

Mark Shoemaker/Director, Jeff Franco/Deputy Director, and Chad Graeve/Natural Resource Specialist, Conservation appeared before the Board to present the season summary of FY 22/23 for Mount Crescent.
Discussion only. No action taken.

Motion by Belt, second by Jorgensen, to approve Application for Use of Pottawattamie County Grounds for the Veteran Affairs Building for the VFW 11355 (Monthly Meetings), and VFW 11355 (2023 Car Show).

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

After discussion was held by the Board, a motion was made by Belt, and second by Miller, to approve Pottawattamie County Treasurer's Semi- Annual Report for 1/1/2023 – 6/30/2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 51-2023** entitled: RESOLUTION FOR RIGHT-TO-USE LEASE ASSET POLICY.

**RESOLUTION NO. 51-2023
POTTAWATTAMIE COUNTY RIGHT-TO-USE
LEASE ASSET POLICY**

WHEREAS, the Governmental Accounting Standards Board GASB Statement No. 87, "Leases", GASB Statement No.87 requires a lessee to recognize a lease liability and an intangible right-to-use lease asset.

WHEREAS, for counties reporting on the accrual basis of accounting, the cumulative effect, if any, may require a restatement of beginning net position, fund balance, or fund net position (as applicable). **This means leases in existence on June 30, 2021 will need to be reported as the beginning balance (July 1, 2021) for leases of FY2022.**

WHEREAS, a right-to-use lease asset is an intangible capital asset. The asset represents the right to use an underlying asset identified in a lease contract, as specified for a period of time. The County will recognize the intangible right-to-use lease asset when:

- (a) The contract conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an

exchange or exchange-like transaction. (GASB 87, paragraph 4)

- (b) The minimum noncancelable contract term is greater than twelve months.
- (c) The contract does not transfer ownership of the underlying asset.
- (d) The underlying asset is used to conduct county business. (This will not apply to custodial funds.)

The following leases are not GASB 87 leases and are excluded from this policy:
(GASB 87, paragraph 8)

- (a) Leases of intangible assets, including rights to explore for or to exploit natural resources such as oil, gas, and minerals and similar nonregenerative resources; licensing contracts for items such as motion picture films, video recordings, plays, manuscripts, patents and copyrights; and licensing contracts for computer software.
- (b) Leases of biological assets, including timber, living plants, and living animals.
- (c) Leases of inventory.
- (d) Contracts that meet the definition of a service concession arrangements (as specified in GASB 60, paragraph 4).
- (e) Leases of assets financed with outstanding conduit debt, unless both the underlying asset and the conduit debt are reported by the lessor.
- (f) Supply contracts, such as power purchase agreements.

THEREFORE, IT IS HEREBY RESOLVED the Pottawattamie County right-to-use lease asset capitalization threshold policy has been recommended. The policy should be approved by the Board of Supervisors. The threshold is to be consistently applied by all departments and offices of the County for financial reporting purposes and should overall capture most right-to-use lease contracts. All right-to-use lease assets at or above \$50,000.00 must be reported.

As a general rule, the threshold should be applied to individual lease contracts.

Right-to-use lease asset classifications:

The lessee is required to disclose the amount of lease assets (and the related amortization) by major classes of underlying assets, separately from other capital assets. (GASB 87, paragraph 37)

At a minimum, the following major classes of underlying lease assets will be disclosed by the County.

- Right-to-use leased land.
- Right-to-use leased buildings.
- Right-to-use leased equipment.
- Right-to-use leased improvements other than buildings.

Measurement and amortization:

Measurement: A lessee should initially measure the lease asset as the sum of the following: (GASB 87, paragraph 30)

- (a) The amount of the initial measurement of the lease right-to-use asset. (A lessee should measure the lease liability and right-to-use asset at the present value of payments expected to be made during the lease term. (GASB 87, paragraph 21)) (For the year of implementation, the lease liability and right-to-use asset should be measured as of July 1, 2021.)
- (b) Lease payments made to the lessor at or before the commencement of the lease term, less any lease incentives received from the lessor at or before the commencement of the lease term.
- (c) Initial direct costs that are ancillary charges necessary to place the lease asset into service.

Amortization: A lease asset should be amortized using the straight-line method over the shorter of the lease term or the useful life of the underlying asset (except if the lessee is reasonably certain a purchase option will be exercised). The amortization of the lease asset should be reported as amortization expense. (GASB 87, paragraph 31).

At a minimum, amortization should be calculated on a monthly basis.

Dated this 18th Day of July, 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

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

Motion by Belt, second by Miller, to approve Elections Division organization structure and to post and approve hiring of Elections Coordinator at a pay grade 15 at a rate of \$19.87-26.70.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign Memorandum of Understanding Between Pottawattamie County and the American Federation of State, County and Municipal Employee (AFSCME), Local 2364 for the employees of the Courthouse Clerks Union July 15, 2023, through June 30, 2025.
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) Recorder Fee Book for June 2023.
- B. Salary Action(s):
 - 1) Secondary Roads – Payroll status change for Ken Wilcox.
 - 2) Sheriff’s Office – Payroll status change for Cassandra Green, John Cool, Jason LeMaster, and Eric Shea.
 - 3) Public Health – Payroll status change for Jason Kuehnhold, Candy Heyer, Tani Harris, Madhu Mohanraj, Brittany McGee, Maria Torres, Jordan Ranta, and Maria Sieck.
 - 4) Planning and Development – Payroll status change for Shawn Stevens and Pam Kalstrup.
 - 5) Environmental Health – Payroll status change for Tracy Nosekabel.
 - 6) Recycle Center – Payroll status change for Tom Grobe.
 - 7) Recorder – Payroll status change for Kathy Kallas.

6. PUBLIC COMMENTS

The following appeared before the Board:
Geri Frederiksen, Riley Gibson, Shawna Anderson, Donna Rhubottom, Nancy Kealey, and Tim Kealey.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:40 A. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: July 25, 2023

PUBLISH: X

July 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 Miller, and second by Jorgensen, to approve:

- A. July 18, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Matt Wyant/Director, Planning and Development and Lee Greenwald/Attorney, Baird Holm appeared before the Board to give an update and to discuss the Wind and Solar Ordinances.
Discussion only. No action taken.

Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to provide an update and discuss the 2023 Award Cycle 2.
Discussion only. No action taken.

Motion by Belt, second by Jorgensen, to accept the petition to establish a Secondary Road Assessment District on Honeysuckle Road, from 185th Street East to the dead-end and set a Public Hearing date for August 22, 2023 at 10 A.M.

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

Snyder Associates appeared before the Board to discuss the County Inspection role for the proposed CO2 pipeline project.
Discussion only. No action taken.

3. OTHER BUSINESS

Jana Lemrick/Director, Human Resources and Garfield Coleman/Risk Manager appeared before the Board to update on Occupational Health Facility options.
Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Public Health – Payroll status change for Madhu Mohanraj.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Tim Keely and Doreen Blakely

7. SCHEDULED SESSIONS

Joe Thorton/Attorney, Smith Petersen and Jeff Miller appeared before the board to discuss grievance and personnel matters.
Decision to be made next Tuesday, August 1, 2023.
Discussion only. No action taken.

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:20 P. M

Brian Shea, Chairman

ATTEST:

Becky Lenihan, Finance and Tax Officer

APPROVED: August 1, 2023

PUBLISH: X

August 1, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Jorgensen attending via phone. 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 Belt, to approve:

- A. July 25, 2023, Minutes as read.
- B. Thriving Families Alliance – Employment of Tiffani Pinkerton as a Collaborative Director.
- C. Treasurer – Employment of Lynnette Bayer as a Clerk II.
- D. Renewal of Class E Liquor License (LE), granting privileges of Class E Liquor (LE) to Casey's Marketing Company d/b/a Casey's General Store #3204, Minden.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Belt, second by Miller, to approve and authorize Chairman to sign contract between MAPA and Pottawattamie County GIS for FY24 GIS Activities.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve letter of support for MAPA for a PROTECT Planning grant application for safety enhancements for county and city infrastructure facilities.

UNANIMOUS VOTE. Motion Carried.

Melvyn Houser/Counter Auditor appeared before the Board to provide an update on the NACo Annual Conference.

Discussion only. No action taken.

3. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Discussion only. No action taken.

4. RECEIVED/FILED

A. Salary Action(s):

- 1) Jail – Payroll status change for Mike Schleimer, Tim Adland, Teddy Gillespie, Matt O'Donnell, and Patti Amos.
- 2) Sheriff's Office – Payroll status change for Lee Volkens, Stephanie Shea-Kammerer, Doug Kelsey, Jeremy Petersen, and Anthony Leick.
- 3) Public Health – Payroll status change for Angela Walker.

B. Report(s):

- 1) Sheriff's Report of Fees Disbursed and Collected for June 2023.

5. PUBLIC COMMENTS

No Public Comments.

6. SCHEDULED SESSIONS

Motion by Belt, second by Wichman, to concur with staff recommendation for termination of Jeff Miller.

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

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:20 A. M.

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: August 8, 2023
PUBLISH: X

_____	○	○	○	○
Brian Shea, Chairman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
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 Belt , to approve Telecommunications Easement for Western Iowa Networks at the Roads Operations Center.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve and authorize Board to sign **Resolution No. 39-2023** entitled: Resolution to Establish Shop Condition and Signage at the intersection of North Street(G16) and Antique City Drive(M47).

RESOLUTION 39-2023

RESOLUTION TO ESTABLISH STOP CONDITION AND SIGNAGE

WHEREAS; The Board of Supervisors are empowered under authority of Sections 321.236, 321.255 and 321.345 of the Code of Iowa to designate any secondary road intersection under their jurisdiction as a STOP intersection and to erect STOP signs at one or more entrances to such intersections, and

WHEREAS; Pottawattamie County, Iowa and the City of Walnut, Iowa have concurrent jurisdiction over the intersection of North Street (G16) and Antique City Drive (M47) at the NW Corner, SE¼, Section 9, T77N, R38W (Layton Twp) within the corporate Limits of Walnut, Iowa, and

WHEREAS; The intersection does not have legally established STOP approaches for northbound and southbound traffic to the intersection, and

WHEREAS; The City of Walnut, Iowa has requested that STOP signs be placed at the north and south entrances of the intersection of North Avenue (G16) and Antique City Drive for the safety of the traveling public and pedestrians

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors and the City Council of Walnut, Iowa that designated STOP APPROACHES and "STOP" signs with advance warning signs be furnished and maintained by the City of Walnut, Iowa and be erected by Pottawattamie County, Iowa as identified herein.

Approved this 13th Day of July, 2023

_____ Wm. Brett Simpson, Mayor

ATTEST:

Shannon Wood, City Clerk

Dated this 8th_Day of August, 2023.

ROLL CALL VOTE

AYE NAY ABSTAIN ABSENT

_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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				

ATTEST: _____

Melvyn Houser, County Auditor

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

3. OTHER BUSINESS

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Recorder – Payroll Status change for Brandie Slack.
 - 2) Secondary Roads – Payroll Status Changes for Kristina Treantos, Brady DeYeager, and Mitch Rollins.
- B. Report(s):
 - 1) Recorder Fee Book for July 2023.
- C. Out of State Travel Notification(s)
 - 1) Communications – Out of State Travel Notifications for Rachel Bieghler, Liz Sanders, and Jill Porter.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Geri Fredricksen and Jen Pellant

7. ADJOURN

Motion by Wichman, second by Jorgensen, to adjourn meeting.
UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:00 A.M.

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: August 15, 2023
PUBLISH: X

August 15, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Shea attending via phone. Chairman Pro-Tem Belt presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. August 8, 2023, Minutes as read.
- B. Public Health/Animal Control – Employment of Alex Salak as an on-call Animal Control Officer.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Shea, second by Miller, to accept Parlay Consulting Firm proposal for Pottawattamie County Opioid Plan expiring December 31, 2024.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to set date and time to open bids for the Pottawattamie County Secondary Road FY24 Bridge Materials on September 19, 2023, at 10:00 A.M.

UNANIMOUS VOTE. Motion Carried.

Motion made by Wichman, second by Shea, to approve and authorize Board to sign **Resolution No. 55-2023** entitled: A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF POTTAWATTAMIE AND CITY OF COUNCIL BLUFFS WITH RESPECT TO THE 2023 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD.

RESOLUTION NO. 55-2023

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF POTTAWATTAMIE AND CITY OF COUNCIL BLUFFS WITH RESPECT TO THE 2023 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD.

WHEREAS, the Justice Assistance Grant (JAG) Program has funds available to award the County and City; and

WHEREAS, the heads of both law enforcement agencies have determined the best way to utilize said funds and agree that the proposed use is in the best interest of the public.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa, that the Chairman of the Board is hereby authorized and directed to sign the Interlocal Agreement between the County and City for use of the 2023 JAG funds.

Dated this 15th Day of August, 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

○ ○ ○ ○

ATTEST: _____
Melvyn Houser, County Auditor

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

3. OTHER BUSINESS

Motion by Wichman, second by Miller, to approve pay for the Certified Medication Aide candidate to start at a step 10 of the 511 pay grade, \$23.00/hr.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve signing the letter form agreement with HGM for architectural and engineering services for a maintenance building at 1400 Big Lake Road in the amount of \$44,000.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve the purchase of a pre-engineered building for the Jail Maintenance Division at 1400 Big Lake Road not to exceed \$99,500.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve paving an area for the garbage dumpster on the North side of the Courthouse in the amount of \$7,293.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve Website Development Proposal with Neapolitan Labs for county website refresh for \$50,000 for the project and \$9,000 annually for support.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve job description and pay for the Chair Lift Attendant at Mt. Crescent to \$13 -15 per hour.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve job description and pay for the Hospitality and Guest Services Worker \$13 - 15 per hour at Mt. Crescent.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve pay ranges for the following positions at Mt. Crescent: Kitchen Manager, Kitchen Staff Team Lead, Kitchen Staff Team Member, Chair Lift Operator, Rental Shop Manager, Rental Shop Team Lead, Rental Shop Team Member, Snowmaking Team Lead, Snowmaking Team Member, and Sports School Coordinator to raise pay by up to \$4 per hour from last year.
UNANIMOUS VOTE. Motion Carried.

Jana Lemrick appeared before the Board to recognize David Bayer, Chief Information Officer and Dixie Wilson, Account Technician for completing NACO High Performance Leadership Academy.
Discussion only. No Action Taken.

Motion by Wichman, second by Jorgensen, to approve the following applications made to the Assessor's Office: Homestead (approximately 5,600 recommend allowed, 28 recommend disallowed), Military (135 recommend allowed, 15 recommend disallowed), Disabled Veteran Homestead (35 recommend allowed, 1 recommend disallowed), Family Farm (25 recommend allowed, 0 recommend disallowed).
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’s Office – Payroll Status Change for Douglas Kelsey
 - 2) Buildings & Grounds – Payroll Status Changes for Benjamin Shudak and Daniel Sampson.
 - 3) Information Technology – Payroll Status Change for Kellie Newell.
 - 4) Environmental Health – Payroll Status Change for Thomas Grobe.
 - 5) SWI Juvenile Detention – Employment of Bobby Levering as the Assistant Director.
- B. Out of State Travel Notification(s):
- 1) Sheriff – Out of State Travel Notification for Adam Fields.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

Motion by Wichman, second by Miller, to adjourn meeting.
UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:56 A. M

Scott Belt, Chairman Pro-Tem

ATTEST:

Melvyn Houser, County Auditor

APPROVED: August 22, 2023

PUBLISH: X

August 22, 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

Motion by Wichman, and second by Miller to remove item 5. A2 from the Received and Filed section of the agenda.

UNANIMOUS VOTE. Motion Carried.

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

A. August 15, 2023, Minutes as read.

B. Salary Action(s)

1) Auditor – Employment of Joshua Weesner as Election Coordinator.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open Public Hearing for consideration and establishment of a Secondary Road Assessment District on Honeysuckle Road, from 185th Street East to the dead end. The Board may take action to reject, approve, continue, set final hearing date, or modify the Honeysuckle Special Assessment proposal as a result of the Public Hearing.

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

The following citizens appeared before the Board and spoke in support of the Honeysuckle Special Assessment proposal: Duane Decker 18860 Honeysuckle, Jeri Schlickbernd 21436 Lake Hill Lane, Josh Rybin 21234 Lake Hill Ln.

The following citizens appeared before the Board and spoke against the Honeysuckle Special Assessment proposal: Nancy Kealy 18489 Honeysuckle Rd, Tom Kealy 1029 Arbor Ridge, Jamie Reed 1217 Jennings Ave, Tami Newman 18853 Honeysuckle Rd, Dan Kealy 711 Viginia Hills, Tim Kealy 18489 Honeysuckle Rd,

Motion by Wichman, 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 continue the Honeysuckle Special Assessment until Tuesday, September 5, 2023.

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

After discussion was held by the Board a motion was made by Miller, and second by Wichman, to approve the appointment of John Dalton term ending August 15, 2025, Frank Pechacek term ending August 15, 2029, and Josh Gutttau term August 15, 2027, to the Civil Service Commission.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Belt, to approve payment of taxes for County owned properties and drainage.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve and authorize funding for on-site employee blood draws up to \$5,000 from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 57-2023** entitled: Resolution for Transfer from General Fund to General Supplemental Fund.

RESOLUTION NO. 57-2023

RESOLUTION FOR TRANSFER FROM GENERAL FUND TO GENERAL SUPPLEMENTAL FUND

WHEREAS, it is desired to transfer money from the General Fund to General Supplemental Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$600,000.00 is ordered to be transferred from General Fund to General Supplemental Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 22nd Day of August, 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

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

Motion by Belt, second by Miller, to approve and authorize Board to sign Resolution No. 58-2023 entitled: Resolution for Transfer from Gaming Fund to Ski Hill Enterprise Fund.

RESOLUTION NO. 58-2023

RESOLUTION FOR TRANSFER FROM GAMING FUND TO SKI HILL ENTERPRISE FUND

WHEREAS, it is desired to transfer money from the Gaming Fund to Ski Hill Enterprise Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$2,000,000.00 is ordered to be transferred from Gaming Fund to Ski Hill Enterprise Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 22nd Day of August, 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"/>

_____	<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				

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 59-2023** entitled: Resolution for Transfer from Gaming Fund to West SWCD/Pott Co. Structures Fund and East SWCD/Pott Co. Structures Fund.

RESOLUTION NO. 59-2023

RESOLUTION FOR TRANSFER FROM GAMING FUND TO WEST SWCD/POTT CO. STRUCTURES FUND AND EAST SWCD/POTT CO STRUCTURES FUND

WHEREAS, it is desired to transfer money from the Gaming Fund to West SWCD/Pott Co. Structures Fund and from the Gaming Fund to East SWCD/Pott Co. Structures Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$15,000.00 is ordered to be transferred from Gaming Fund to the West SWCD/Pott Co. Structures Fund;

SECTION 2: The sum of \$10,000.00 is ordered to be transferred from Gaming Fund to the East SWCD/Pott Co. Structures Fund;

SECTION 3: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 22nd Day of August, 2023.

ROLL CALL VOTE

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

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 60-2023** entitled: Resolution for Transfer from General Basic Fund to Veterans Relocation Allocation Fund.

RESOLUTION NO. 60-2023

RESOLUTION FOR TRANSFER FROM GENERAL BASIC FUND TO VETERANS RELOCATION ALLOCATION FUND

WHEREAS, it is desired to transfer money from the General Basic Fund to Veterans Relocation Allocation Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$20,000.00 is ordered to be transferred from General Basic Fund to the Veterans Relocation Allocation Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 22nd Day of August, 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

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

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 61-2023** entitled: Resolution for Transfer from General Basic Fund to Secondary Roads Fund.

RESOLUTION NO. 61-2023

RESOLUTION FOR TRANSFER FROM GENERAL BASIC TO SECONDARY ROADS FUND

WHEREAS, it is desired to transfer money from the General Basic Fund to Secondary Roads Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$117,726.00 is ordered to be transferred from General Basic Fund to the Secondary Roads Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 22nd Day of August, 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"/>
_____	<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 change order number 007 for Courthouse ADA ramp in the amount of \$555,654.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Conservation – Employment of Angela Thompson as an Administrative Assistant.
 - 2) Auditor – Payroll Status Changes for Audrey Chapin, Gina Hatcher, and Becky Lenihan.
Motion to remove from Received and Filed.
 - 3) Secondary Roads – Payroll Status Changes for Travis Bauer and Doug Hess.
- B. Report(s):
 - 1) Sheriff’s Report of Fees Disbursed and Collected for July 2023.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Shawna Anderson, Josh Rybin, and Nancy Kealy.

7. CLOSED SESSION

Motion by Wichman, second by Schultz, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on the purchase or sale of particular real estate.

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

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

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

8. ADJOURN

Chairman Shea adjourned the meeting at 12:36 P.M.

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: August 29, 2023

PUBLISH: X

August 29, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members, except Supervisor Wichman 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. August 22, 2023, Minutes as read.
- B. Renewal of Class E Retail Liquor License and Sunday Sales for Taylor Oil Enterprises, Limited d/b/a Taylor Quik Pik, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open Public Hearing on proposed preliminary plat of Stoneybrook East Phase 1 and 2, a subdivision situated in Lewis Township; and to approve and authorize Board to sign Planning and Zoning **Resolution No. 2023-01**.

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

A letter was read from Robert and Cheryl Hemmingsen expressing concerns that the developer Mings has not in previous developments followed the Pollution plan. He has not developed and followed proper procedures to contain water flow onto their property, making more water than before contrary to Iowa law. Developer has not put in acceptable catch basin to contain or control drainage on to neighbors. The subcommittee and our county engineers along with Planning and Development explained that this is a county responsibility to require and enforce said developer to adherence of these preventative state and county requirements.

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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign Planning and Zoning **Resolution No. 2023-01**.

**PLANNING AND ZONING
RESOLUTION NO. 2023-01**

WHEREAS, the proposed preliminary plat and supporting documents for **Stoneybrook East Phase 1 and 2**, a subdivision situated in **Lewis Township**, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under **Case #SUB-2023-01**; and

WHEREAS, said Commission conducted a public hearing on **July 17, 2023**, in accordance with Chapter 9.04 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and has given all parties an opportunity to be heard; and

WHEREAS, after careful study and being thoroughly familiar with the involved real estate and the surrounding area, said Commission has submitted its written recommendation to this Board to approve the preliminary plat; and

WHEREAS, this Board conducted a public hearing on **August 29, 2023** in accordance with the above-noted Ordinance and Statute, and has examined the proposed preliminary plat; and

WHEREAS, after careful study, and due consideration this Board has determined that the proposed preliminary plat conforms to the requirements of Chapter 9.01-9.30. Subdivision Ordinance of the Pottawattamie County, Iowa, Code; the Pottawattamie County, Iowa, Land Use Plan and Chapter 354, Code of Iowa, and has deemed it to be in the best interest of Pottawattamie County, Iowa, to concur with the County's Planning and Zoning Commission's recommendation:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA: That the proposed preliminary plat of **Stoneybrook East Phase 1 and 2**, be, and the same is hereby approved as the preliminary plat of said subdivision.

Provided however, that this Resolution shall not be construed as being a final acceptance or approval of said Plat with the meaning of Chapter 9.01-9.30, Subdivision Ordinance, of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa; that after completion of all improvements and satisfaction of all requirements for final plats required by the State and County Ordinances and this Resolution, the final plat shall be submitted to this Board for its consideration.

PASSED AND APPROVED August 29, 2023.

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

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

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

Motion by Belt, second by Miller, to open Public Hearing to amend Pottawattamie County 2030 Comprehensive Plan by adopting and incorporating the Joint City-County Land Use Study and the associated 28E two-mile limit agreement between the City of Council Bluffs and Pottawattamie County.

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

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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign Planning and Zoning **Resolution No. 2023-02.**

**PLANNING AND ZONING
RESOLUTION NO. 2023-02**

A RESOLUTION TO AMEND THE POTTAWATTAMIE COUNTY 2030 COMPREHENSIVE PLAN, SPECIFICALLY BY ADOPTING AND INCORPORATING THE JOINT CITY-COUNTY LAND USE STUDY.

WHEREAS, On November 3, 2015 the Pottawattamie County Board of Supervisors approved Resolution No. 2015-1 which adopted the Pottawattamie County 2030 Comprehensive Plan; and

WHEREAS, specifics of this Study are included in “Attachment B”, attached hereto; and

WHEREAS, following public meeting, the Planning and Zoning Commission recommended amending the Pottawattamie County Comprehensive Plan, specifically by adopting and incorporating the Joint City-County Land Use Study, as presented; and

WHEREAS, after study and consideration and a public meeting the Board of Supervisors has determined it is in the best interest of the County to amend the Pottawattamie County 2030 Comprehensive Plan, specifically by adopting and incorporating the Joint City-County Land Use Study, as recommended by the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that the Board of Supervisors of Pottawattamie County, Iowa, hereby amend Pottawattamie County 2030 Plan and adopt the Joint City-County Land Use Study, as recommended by the Planning Commission.

PASSED AND APPROVED August 29, 2023.

ROLL CALL VOTE			
AYE	NAY	ABSTAIN	ABSENT

_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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				

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

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

Motion by Jorgensen, second by Belt, to approve and authorize Board to sign Planning and Zoning Resolution No. 2023-03.

**PLANNING AND ZONING
 RESOLUTION NO. 2023-03**

A RESOLUTION AUTHORIZING POTTAWATTAMIE COUNTY, IOWA TO ENTER INTO THE “JOINT CITY/COUNTY LAND USE 28E AGREEMENT” WITH THE CITY OF COUNCIL BLUFFS AND DIRECTING THE BOARD OF SUPERVISORS TO EXECUTE THIS AGREEMENT ON BEHALF OF POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, This Agreement involved a cooperative planning effort between the City of Council Bluffs and Pottawattamie County over the last three years; and

WHEREAS, the proposed Agreement is attached hereto as Exhibit “C”; and

WHEREAS, it is in the best interest of Pottawattamie County, Iowa to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board is authorized to enter into the “Joint City/County Land Use 28E Agreement” with the City of Council Bluffs, Iowa.

PASSED AND APPROVED August 29, 2023.

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

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

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

Sheriff Andy Brown appointed Joe Narmi to the Compensation Board with a term end date of June 30, 2027.
 Discussion only. No action taken.

Motion by Miller, second by Jorgensen, to approve hiring Summerill Law Firm to bid the jail contract with the US Marshalls and I.C.E in the amount \$82,750 to be paid from the general fund.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to provide a loan to support a solar panel power purchase agreement with Red Lion Renewables in the amount of \$160,000 for Hitchcock Nature Center contingent on legal review.

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

Motion by Jorgensen, second by Belt, to approve pump house contract with Forrist Crete Custom Concrete for park improvements in the amount of \$152,455.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve payment of assessments for County owned properties and drainage.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve the rehiring of Nick McCoid as a Truck/Driver Laborer and wages.

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) Community Services – Payroll status for Abbie Ashcraft.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Nancy Kealy and Tom Kealy

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:30 A. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: September 5, 2023

PUBLISH: X

September 5, 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 Miller, and second by Jorgensen, to approve:

- A. August 29, 2023, Minutes as read.
- B. Jail – Employment of Melissa McLean as a Detention Officer.
- C. Auditor – Employment of Evelyn Fridholm as a Tax and Deed Specialist.
- D. August 2023 Vendor Publication Report.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Miller, to approve funding for dry hydrants for East Pottawattamie County Soil & Water Conservation District in the amount of \$75,000, to be paid from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to extend Beaver Bounty Program until July 2024 and to approve \$5,000 for the program.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve letter of support for Methodist Jennie Edmundson Behavioral Health.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to reject the petition as is of the Honeysuckle Road Secondary Roads Assessment District.

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

Motion by Belt, second by Jorgensen, to have Engineer provide the Board with new numbers to modify and approve the Honeysuckle Road Secondary Roads Assessment.

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

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 62-2023**, a Resolution authorizing an Economic Development Forgivable Loan Agreement with Robert J. Mings.

RESOLUTION NO. 62-2023

Resolution Authorizing Economic Development Forgivable Loan Agreement with Robert J. Mings

WHEREAS, a certain economic development forgivable loan agreement (the “Agreement”) between Pottawattamie County, Iowa (the “County”) and Robert J. Mings (the “Developer”) has been prepared pursuant to which the Developer would undertake the construction of street improvements (the “Street Improvements Project”) necessary for the development of the Stoneybrook East Phase 1 residential subdivision (the “Stoneybrook East Phase 1 Project”); and

WHEREAS, under the Agreement, the County would provide an economic development forgivable loan (the “Forgivable Loan”) to the Developer in a total amount not exceeding \$420,000 in order to pay a portion of the costs of the Street Improvements Project; and

WHEREAS, Chapter 15A of the Code of Iowa (“Chapter 15A”) declares that economic development is a public purpose for which a county may provide grants, loans, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans or other financial assistance, a board of supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that, in determining whether funds should be spent, a board of supervisors must consider any or all of a series of factors;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board of Supervisors hereby finds that:

- (a) The Street Improvements Project and the Stoneybrook East Phase 1 Project will add diversity and generate new opportunities for the Pottawattamie County and Iowa economies; and
- (b) The Street Improvements Project and the Stoneybrook East Phase 1 Project will generate public gains and benefits, particularly in the creation of new jobs and housing opportunities, which are warranted in comparison to the amount of the proposed Forgivable Loan.

Section 2. The Board of Supervisors further finds that a public purpose will reasonably be accomplished by entering into the Agreement and funding the Forgivable Loan to the Developer.

Section 3. The Forgivable Loan in an amount not to exceed \$420,000 is hereby approved subject to the terms and conditions set out in the Agreement to be entered into by the Developer and the County. The Chairperson and the County Auditor, or their designees, with advice from bond counsel to the County, are hereby authorized and directed to prepare any additional documentation and to make such changes to the Agreement as are deemed necessary to carry out the purposes of this Resolution. The Chairperson and the County Auditor are hereby authorized to execute such documents as may be necessary to implement the Forgivable Loan approved herein, including the Agreement, in substantially the form as has been presented to this Board of Supervisors.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and Approved this September 5, 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

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

Motion by Belt, second by Miller, to approve and authorize Board Chairman to sign certificate of substantial completion for the Sheriff’s Office Expansion with a recommendation to withhold \$100,000 until the punch list is complete.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Belt, to approve pay for Conservation’s Part-time Environmental Educator position, up to \$15/hr.
UNANIMOUS VOTE. Motion Carried.

Jana Lemrick/Director, Human Resources appeared before the Board to discuss the Memorandum of Understanding between Pottawattamie County and the General Drivers and Helpers Union, Local No. 554 for the employees of the Pottawattamie County Jail Detention Officer-Corporals effective October 1, 2023, through June 30, 2024.

Discussion only. No Action Taken.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Discussion only. No action taken.

5. RECEIVED/FILED

A. Out of State Travel Notification(s):

1) Sheriff – Out of State Travel Notification for John Cool.

B. Salary Action (s):

1) Conservation – Employment of Vigyaan Ramadhin as a HawkWatch Counter.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:

Shawna Anderson

Tim Kealy

7. ADJOURN

Chairman Shea adjourned the meeting at 11:05 A.M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: September 12, 2023

PUBLISH: X

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

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Shea attending via phone. Chairman Pro-Tem Belt presiding.

PLEDGE OF ALLEGIANCE**1. CONSENT AGENDA**

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

- A. September 5, 2023, Minutes as read.
- B. Jail – Employment of Kenneth DeLashmutt as a Certified Medication Aide.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Paula Hazelwood/CEO and Shalimar Mazetis/Rural Development Manager, from Advance Southwest Iowa Corporation appeared before the Board to provide an update.
Discussion only. No action taken.

Rick Killion/Market President, Jason Hansen/President, and Amy Olsen/Senior Vice President, Derek Olson/Vice President, American National Bank appeared before the Board to provide an overview of the management of the deposit accounts the County has with American National Bank.
Discussion only. No Action Taken.

Matt Wyant/Director, Planning and Development appeared before the Board to provide an update on the Public Health building construction.
Discussion only. No Action Taken.

Motion by Wichman, second by Jorgensen, to approve and authorize Board Chairman to sign welding contract with McKenzie Welding for pump station at Mt. Crescent Ski Area from local option sales tax in the amount of \$63,700.
UNANIMOUS VOTE. Motion Carried.

John Rasmussen/Engineer appeared before the Board to discuss the road petition requirements.
Motion by Wichman, second by Jorgensen, to institute a 60 day moratorium on acceptance of any Special Secondary Road Assessment Districts.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Miller, to approve County funding for flu shots for part-time employees, funding out of the Wellness Committee Funds.
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) Communications – Payroll status change for Desiree Dale.
 - 2) Sheriff – Payroll status change for Daniel Temeyer.
- B. Report (s):
 - 1) Recorder Book Fee for August 2023.
- C. Out of State Travel Notification (s):
 - 1) Sheriff – Out of State Travel Notification for Daniel Temeyer.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:36 A M

Scott Belt, Pro-Tem Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: September 19, 2023

PUBLISH: X

September 19, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present, with Supervisor Jorgensen attending via phone. 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. September 12, 2023, Minutes as read.
- B. Buildings and Grounds – Employment of Michael Hovey as a Maintenance Worker.
- C. Public Health – Employment of Allison Head as a Community Health Organizer.
- D. Communications – Employment of Andrea Catlin and Katherine Ritschard as Telecommunicators.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Miller, to open Bids for the Pottawattamie County Secondary Road FY24 Bridge Materials. One bid was received.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to redistribute allocated funds from the Rural Pottawattamie County Infrastructure Coalition (RPCIC) in the amount of \$12,105 from McClelland to Hancock.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Wichman, to approve and authorize Board Chairman to sign construction contract with Boyd Jones for the Public Health building in the amount of \$6,097,304.

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

3. OTHER BUSINESS

Motion by Belt, second by Miller, to adopt **Resolution No. 63-2023 entitled: Rescinding Resolution No. 43-2023** for funds from Board of Supervisors (Department 01) to WIC (Department 48), and to sign **Resolution No. 63-2023.**

RESOLUTION NO. 63-2023

RESCINDING RESOLUTION 43-2023

WHEREAS, on June 6, 2023, the Board of Supervisors passed and adopted Resolution 43-2023, to re-appropriate money from Board of Supervisors (Department 01) to WIC (Department 48); and

WHEREAS, said re-appropriation is in accordance with Section 331-434(6), Code of Iowa, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

SECTION 1: The sum of \$16,105 was ordered to be re-appropriated from Board of Supervisors (Department 01) to WIC (Department 48), and

SECTION 2: The Auditor was directed to correct his/her book accordingly and to notify the Treasurer of this operating re-appropriation.

THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa, that Resolution 43-2023 is hereby rescinded.

Dated this 19th Day of September, 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				

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve publication of County’s Annual Financial Report for Fiscal Year ending June 30, 2023.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve job description of Election Administrator and pay for Marilyn Kennedy.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve pay for Election Assistant, Jodie Beckman.
 UNANIMOUS VOTE. Motion Carried.

Jana Lemrick/Director, Human Resources and Sam Arkfeld/Captain, Communications appeared before the Board to discuss job description for Operations Manager. Will revise and present on September 26th with updated job description.
 Discussion only. No Action Taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Southwest Iowa Juvenile Detention – Employment of Caitlyn Hanson and Anthony Williams as Part-time Youth Corrections Workers.
 - 2) Conservation – Payroll status changes for Natalie Shaw and Robert Hladik.
 - 3) Sheriff – Payroll status changes for Ryan Olderog, John Cool, Jeremy Petersen, and Nick Amdor.
- B. Report(s):
 - 1) Sheriff’s Report of Fees Disbursed and Collected for August 2023.
- C. Out of State Trave Notification(s):
 - 1) Sheriff – Out of State Travel Notification for Jim Doty and Anthony Kava.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

Motion by Belt, second by Wichman to adjourn meeting.
 UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:18 A M

 Brian Shea, Chairman

ATTEST: _____
 Melvyn Houser, County Auditor

APPROVED: September 26, 2023
 PUBLISH: X

September 26, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Jorgensen attending via phone. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

Motion by Miller, and second by Belt to remove item 7.A from the Study Session section of the agenda.

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

- A. September 19, 2023, Minutes as read.
- B. Attorney's Office – Employment of Kristen Bracker as an Attorney II.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Miller, to approve funding for Pottawattamie County Housing Trust Fund in the amount of \$15,000, to be paid from gaming for the next 4 years.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve aerial photo acquisition for GIS.

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

10:30-Chairman Shea recessed the Board of Supervisor meeting and opened the C& R Levee District meeting with Harrison County. The C & R Levee meeting district met and concluded their business at 10:47 A.M.

Chairman Shea reopened the Board of Supervisors meeting.

Motion by Belt, second by Miller, to approve the purchase of a refurbished scissors lift with a 2-year warranty, to be paid out of gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve contract to Oden Enterprises for bridge materials.

UNANIMOUS VOTE. Motion Carried

3. OTHER BUSINESS

Motion by Belt, second by Wichman, to approve tax abatement for Myrtue Medical Center for property located at 510 N Elm St, Avoca (Parcel No. 773909332009).

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve job description for Communications Administrative Coordinator.

UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Out of State Travel Notification(s):
 - 1) Jail – Out of State Travel Notification for Shannon Holman, Kayla Smeal, and Corey Little.
 - 2) Sheriff – Out of State Travel Notification for Steve Winchell.
- B. Salary Action (s):
 - 1) Sheriff – Payroll status change for Jeremy Harker.
 - 2) Communications – Payroll status change for Merissa Cox.
 - 3) Auditor – Payroll status change for Kristi Everett.

6. PUBLIC COMMENTS

No Public Comments.

7. STUDY SESSION

John Rasmussen/Engineer appeared before the Board to discuss the Special Assessment District procedures.

Discussion only. No Action Taken.

John Rasmussen/Engineer appeared before the Board to discuss Secondary Road Budget strategies for FY24.

Discussion only. No Action Taken.

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:55 A. M

Brian Shea, Chairman

ATTEST:

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

APPROVED: October 3, 2023

PUBLISH: X

October 3, 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 Miller, and second by Jorgensen, to approve:

- A. September 26, 2023, Minutes as read.
- B. Medical Examiner – Employment of Brittany Chapman as a Medical Examiner Investigator - On Call.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open Public Hearing to consider disposing of real property by lease pursuant to Iowa Code Section 331.361(2).

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

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

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

Motion by Belt, second by Miller, to approve disposing of real property by lease pursuant to Iowa Code Section 331.361(2).

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

Motion by Miller, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 52-2023** a Resolution to enter into a Farm Lease with Crescent Iowa Farm LLC for Part of the Government Lot 6 22+76-44 or 24699 152nd St.

RESOLUTION NO. 52-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.35 acres and legally described as follows:

A part of the accretions to government Lot 6 in Section 22, Township 76 North, Range 44 West, which is more particularly described as follows:

Commencing at the Northeast corner of said Section 22, thence South 51 degrees 34'51" West, 2730 feet to the Point of Beginning thence South 12 degrees 56'03" West 221.16 feet to the centerline of a county road, thence Northwesterly 238.90 feet along said county road along a 3,621.24 foot radius curve to the left; thence North 86 degrees 48'35" West 92.52 feet; thence North 13 degrees 18'40" East, 181.09 feet; thence along a 20 foot radius curve to the right 36.49 feet; thence, South 77 degrees 57'13" East, 121.10 feet; thence South 77 degrees 10'53" East, 185.60 feet to the Point of Beginning, subject to public right of way, Pottawattamie County, Iowa.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as “open space” in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long-term farm lease (10 years plus) with the adjoining property owner

which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on September 28, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on October 3, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with Crescent Iowa Farm LLC, upon approval of said lease by FEMA.

Dated this 3rd day of October, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<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"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 53-2023** a Resolution to enter into a Farm Lease with Marty N and Rachel K Summy for Part of the NE NW 15-76-44 or 15273 Missouri Ave.

RESOLUTION NO. 53-2023
RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .26 acres and legally described as follows:

Parcel 20050 as described below pursuant to Plat of Survey
dated May 14, 2020 and recorded on May 20, 2020 in Book
2020, Page 06283:

A parcel of land located in part of the North 400 feet of the West 300 feet of the Northeast¼ of the Northwest¼ of Section 15, Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa more particularly described as follows:

Beginning at the Northwest corner of the Northeast¼ of the Northwest¼ of Section 15-76-44, thence along the north line of the Northeast ¼ of the Northwest ¼ of Section 15-76-44 N90°00'00"E 136.90 feet, thence departing said north line S2°39'08"W 119.52 feet, thence N89°07'58"W 132.59 feet to the west line of the Northeast¼ of the Northwest¼ of Section 15-76-44 N0°35'10"E 117.39 feet to the Northwest corner of the Northeast¼ of the Northwest¼ of Section 15-76-44 and point of beginning.

The parcel described contains 0.3663 acre of which 0.1039 acre is existing county road right of way.

The north line of the Northwest ¼ of Section 15-76-44 is assumed to bear N90°00'00"E for this survey plat and legal description.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on September 28, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on October 3, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with Marty N – Rachel K Summy, upon approval of said lease by FEMA.

Dated this 3rd day of October, 2023.

	<u>ROLL CALL VOTE</u>			
	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Shea, Chairman				
_____	<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"/>
Tim Wichman				
_____	<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"/>
Jeff Jorgensen				

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

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

Motion by Miller, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 54-2023** a Resolution to enter into a Farm Lease with Kelly E Summy Trust for Part of the SE SE 9-7-4 or 14897 Marigold Ln.–

RESOLUTION NO. 54-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .4376 acres and legally described as follows:

A parcel of land located in part of the SE¼ of the SE¼ of Section 9, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa more particularly described as follows:

Commencing at the Northwest corner of the SE¼ of the SE¼ of Section 9-76-44, thence along the north line of the SE¼ of the SE¼ of Section 9-76-44 N 89 degrees 53' 38" E 710.86 feet to the point of beginning, thence continuing along the north line of the SE¼ of the SE¼ of Section 9-76-44 N 89 degrees 53' 38" E 118.53 feet, thence departing said north line S 3 degrees 9' 24" W 165.50 feet, thence N 88 degrees 56' 10" W 113.77feet, thence N 1 degree-31' 16"E 162.98 feet, to the north line of the SE¼ of the SE¼ of Section 9-76-44 and point of beginning. The parcel described contains 0.4376 acres. The north line of the SE¼ of the SE¼ of Section 9-76-44 is assumed to bear N 89 degrees 53' 38" E for this legal description.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as “open space” in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on September 28, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on October 3, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Kelly E Summy Trust**, upon approval of said lease by FEMA.

Dated this 3rd day of October, 2023.

	<u>ROLL CALL VOTE</u>			
	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Tim Wichman	<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"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Motion made by Wichman, second by Jorgensen, to authorize Chairman to sign lease amendment for public health clinic located at 600 S. 4th Street, Council Bluffs.
UNANIMOUS VOTE. Motion Carried.

Motion made by Belt, second by Wichman, to approve and sign Proclamation designating the month of October 2023 as Breast Cancer Awareness Month.

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

PROCLAMATION

BREAST CANCER AWARENESS MONTH – OCTOBER 2023

WHEREAS, breast cancer touches every corner of the United States and hundreds of thousands of Americans will be diagnosed with breast cancer; and

WHEREAS, we show our support for every individual and every family struggling with breast cancer and we pause to remember those we have lost; and.

WHEREAS, Breast Cancer Awareness Month in October is a chance to raise awareness about the importance of early detection of breast cancer by getting a mammogram and encouraging our community, organizations, churches, families and individuals to get involved; and

WHEREAS, we salute the women and men who dedicate themselves to prevention, detection and treatment as we observe Breast Cancer Awareness Month.

NOW THEREFORE, BE IT RESOLVED, that The Pottawattamie County Board of Supervisors, does hereby declare October 2023 as Breast Cancer Awareness Month and *encourages all citizens, community agencies, organizations, businesses, and schools within Pottawattamie County to increase awareness.*

Approved on this 3rd day of October, 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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 64-2023** entitled: RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS.

RESOLUTION NO. 64 -2023

Supporting Operation Green Light for Veterans

WHEREAS, the residents of Pottawattamie County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Pottawattamie County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm’s way for the good of all; and

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, the Pottawattamie County appreciates the sacrifices of our United States Military Personnel and believes specific recognition should be granted; therefore be it

RESOLVED, with designation as a Green Light for Veterans County, Pottawattamie County hereby declares from October through Veterans Day, November 11th, 2023, a time to salute and honor the

service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, Pottawattamie County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

Dated this 3rd Day of October, 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

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

Motion by Wichman, second by Jorgensen, to authorize the Board Chairman to sign contract with Oden Enterprises, Inc. for the Bridge materials in the amount of \$399,192.56.
UNANIMOUS VOTE. Motion Carried

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve job description changes for Help Desk Technician I, II, III; Network Administrator I, II, III; and Cybersecurity Analyst I positions.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve the addition of a 3rd Help Desk Technician position to the IT Department.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve setting time and place for public hearing on an amendment for the FY 2023/24 Budget for October 24, 2023, at 10:00 AM.
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) SWI Juvenile Detention – Employment of Avidan Perez as a Part-Time Youth Corrections Worker.
 - 2) WIC – Payroll status change for Kay Wei-Eng.
 - 3) Communications – Payroll status change for Angie Dobyns.
 - 4) Secondary Roads – Payroll status change for Matt White.
- B. Out of State Travel Notification(s):
 - 1) Sheriff – Out of State Travel Notification for Marc Freeman.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Heath Hoppes, John Springhower, and Kimberly Schneckloth

7. CLOSED SESSION

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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

Motion by Wichman, second by Jorgensen, to go out of Closed Session.

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

8. STUDY SESSION

Mitch Kay/Chief Financial Officer appeared before the Board to discuss the Capital Plan. Discussion only. No Action Taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:57 P. M

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: October 10, 2023
PUBLISH: X

October 10, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Belt attending via phone. 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. October 3, 2023, Minutes as read.
- B. September 2023 Vendor Publication Report.
- C. Renewal of Special Class C Retail Alcohol License/ Outdoor Service to Pioneer Trail Orchard and Pumpkin L.L.C. d/b/a Pioneer Trail Orchard and Pumpkin Patch L.L.C, Council Bluffs.
- D. Owner Update for Class E Retail Alcohol License (LE) granting privileges of Class E Liquor License (LE) to Kum & Go LC d/b/a Kum & Go #23, Neola.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Miller, to approve Application for Use of Pottawattamie County Grounds for the National Adoption Day Celebration on Saturday, November 18, 2023.

UNANIMOUS VOTE. Motion Carried.

Motion made by Jorgensen, second by Miller, to approve Lewis Township to hold up to 12 meetings per year.

UNANIMOUS VOTE. Motion Carried.

Al Wegman appeared before the Board to discuss traffic signals on HWY 92.

Discussion only. No action taken.

Motion made by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 65-2023** entitled: RESOLUTION APPROVING AGREEMENT BETWEEN POTTAWATTAMIE COUNTY SECONDARY ROADS AND THE IOWA DEPARTMENT OF TRANSPORTATION FOR LIVING ROADWAY TRUST FUND GRANT.

RESOLUTION NO. 65-2023

RESOLUTION APPROVING AGREEMENT BETWEEN POTTAWATTAMIE COUNTY SECONDARY ROADS AND THE IOWA DEPARTMENT OF TRANSPORTATION FOR LIVING ROADWAY TRUST FUND GRANT.

WHEREAS, Pottawattamie County Secondary Roads is responsible for the Integrated Roadside Vegetation Management program, and

WHEREAS, the Iowa Department of Transportation provides funding assistance through the Living Roadway Trust Fund for some expenses related to these responsibilities, and

WHEREAS, Pottawattamie County has applied for and been awarded a Living Roadway Trust Fund grant, and

WHEREAS, Secondary Roads Operations Administrator is duly authorized to execute the grant, as Authorizing Official on behalf of Pottawattamie County,

THEREFORE BE IT RESOLVED that the Pottawattamie County Board of Supervisors approves a Living Roadway Trust Fund grant agreement between Pottawattamie County Secondary Roads and the Iowa Department of Transportation in the amount of \$15,000.00.

Dated this 10th day of October, 2023.

ROLL CALL VOTE

AYE	NAY	ABSTAIN	ABSENT
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○	○	○	○
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Brain Shea, Chairman

_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Miller, second by Jorgensen, to approve purchase of snowcat for Mt. Crescent Ski Area.
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve funding for Advance Southwest Iowa Des Moines Bus Tour for Pottawattamie County City Clerks, Administrators, Mayors, and City Council Members scheduled for October 26th, 2023 in the amount of \$2,000 from gaming.

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

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve new classification, job description, and wages for an Assistant Engineer within the Secondary Roads Department.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following applications made to the Assessor’s Office: Homestead (approximately 299 recommend allowed, 25 recommend disallowed), Military (23 recommend allowed, 5 recommend disallowed), Disabled Veteran Homestead (6 recommend allowed, 0 recommend disallowed), Family Farm (13 recommend allowed, 2 recommend disallowed).
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) Recorder Fee Book for September 2023.
- B. Salary Action(s):
 - 1) Thriving Families Alliance - Payroll status changes for Jordan Morse, Erika Kirchoff, Carrie Powders, and Jessica Rayment.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Shawna Anderson

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried

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

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: October 17, 2023
PUBLISH: X

October 12, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 1:00 P.M. All members present. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

1. SCHEDULED SESSIONS

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

UNANIMOUS VOTE. Motion Carried.

2. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:08 P. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: October 17, 2023

PUBLISH: X

October 17, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. October 10, 2023, Minutes as read.
- B. October 12, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Marck Shoemaker appeared before the Board to discuss the land acquisition funding update. Discussion only. No Action Taken.

Motion by Wichman, second by Jorgensen, to approve pay range of \$16.00 to \$18.00 per hour for Social Media Content Creator Intern position at Mt. Crescent

UNANIMOUS VOTE. Motion Carried.

3. COMMITTEE APPOINTMENTS

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

4. RECEIVED/FILED

- A. Salary Action(s):
 - 1) SWI Juvenile Detention – Employment of Leonard Skaanning as a Youth Corrections Supervisor.
 - 2) SWI Juvenile Detention – Employment of Cadyn DeSantiago as a Part-time Youth Corrections Worker.
 - 3) Conservation – Employment of Riah Leland as a Kitchen Staff Team Lead.
 - 4) Conservation – Employment of Steven Leland as a Kitchen Manager.
 - 5) Communications – Correction to payroll status change for Merissa Cox.
- B. Out of State Travel Notification(s):
 - 1) Communications – Out of State Travel for Sam Arkfeld, Heather Townsend, Torie Brummett, and Abby Fredrich.
 - 2) Communications – Out of State Travel for Andie Dobyms, David Sands, and Eric Wallner.

5. PUBLIC COMMENTS

No Public Comments.

6. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:12 P. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: October 24, 2023

PUBLISH: X

October 24, 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

Let the minutes reflect that today’s Agenda is being amended to add a payroll status change for Cheri Dahlheim that was not received before the agenda was posted.

After discussion was held by the Board, a motion was made by Miller, and second by Jorgensen to add the payroll status change to Agenda item 3. C.

1. CONSENT AGENDA

After discussion was held by the Board, a Motion was made by Miller, and seconded by Belt, to approve:

- A. October 17, 2023, Minutes as read.
- B. New Class C Liquor License, granting privileges of Class C Liquor License/Outdoor Service/Sunday Service for Pottawattamie County Conservation Board d/b/a Crescent Ridge Ski and Recreation Area, Honey Creek.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open public hearing on Pottawattamie County’s amendment to current county budget for fiscal year 2023-24.

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

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

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 66-2023**, a Resolution to Approve Pottawattamie County’s amendment to current county budget for fiscal year 2023-24. Said Resolution is set out as follows:

RESOLUTION NO. 66-2023

WHEREAS, there were necessary expenses incurred in several county departments, causing the budget of that department to exceed 100% of costs; and

WHEREAS, the Board of Supervisors, County Attorney, Sheriff, Veteran Services, Conservation, Jail, IT, and Nondepartmental will exceed their Budget due to said necessary expenditures; and

WHEREAS, the Amendment to the Fiscal Year 2023/24 Budget for the Board of Supervisors, County Attorney, Sheriff, Veteran Services, Conservation, Jail, IT, and Nondepartmental shall be substantially as follows:

DEPT #	Revenue Amount	Expense Amount
Board of Supervisors - 01	\$ -	\$ (1,925,000)
Total		\$ (1,925,000)
Attorney - 04		\$ 100,000
Total		\$ 100,000
Sheriff - 05		\$ (50,000)
Total		\$ 50,000
Veterans - 21		\$ 5,000
Total		\$ 5,000
Conservation - 22	\$ 25,500	\$ 92,634
Total	25,500	\$ 92,634

Jail - 29		\$ 25,000
Total		\$ 25,000
IT - 52		\$ 50,000
Total		\$ 50,000
Non-Departmental - 99		\$ 610,453
Total		\$ 610,453
	\$ 25,500	\$ (991,913)

WHEREAS, the Board of Supervisors desires to allow those expenditures, and no tax increase will occur due to these expenditures; and

WHEREAS, the public had due notice of the Budget Amendment Hearing held on August 30, 2022, and at the hearing, due time was allowed for objections to any and all portions of the amended budget.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Pottawattamie County, hereby amends the Fiscal Year 2023/24 budget.

Dated this 24th day of October, 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 J. Houser, County Auditor

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

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 67-2023** entitled: Resolution for Transfer from General Basic Fund to Property Acq/Improv/Maintenance Fund.

RESOLUTION NO. 67-2023

RESOLUTION FOR TRANSFER FROM GENERAL BASIC TO PROPERTY ACQ/IMPROV/MAINTENANCE FUND

WHEREAS, it is desired to transfer money from the General Basic to Property Acq/Improv/Maintenance Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$3,000,000 is ordered to be transferred from General Basic to the Property Acq/Improv/Maintenance Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 24th Day of October, 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

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 68-2023** entitled: Resolution for Transfer from Rural Services Fund to Secondary Roads Fund.

RESOLUTION NO. 68-2023

RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND

WHEREAS, it is desired to transfer money from the Rural Services Fund to Secondary Roads Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$1,375,000 is ordered to be transferred from Rural Services Fund to the Secondary Roads Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 24th Day of October, 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

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 69-2023** entitled: Resolution for Transfer from LOST Secondary Roads Fund to Bond Series 2021C Debt Fund.

RESOLUTION NO. 69-2023

RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO BOND SERIES 2021C DEBT FUND

WHEREAS, it is desired to transfer money from the LOST Secondary Roads Fund to Bond Series 2021C Debt Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$54,050 is ordered to be transferred from LOST Secondary Roads Fund to the Bond Series 2021C Debt Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 24th Day of October, 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

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 70-2023** entitled: Resolution for Transfer from LOST Secondary Roads Fund to Bond Series 2020B Debt Fund.

RESOLUTION NO. 70-2023

RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO BOND SERIES 2020B DEBT FUND

WHEREAS, it is desired to transfer money from the LOST Secondary Roads Fund to Bond Series 2020B Debt Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$7,950 is ordered to be transferred from LOST Secondary Roads Fund to the Bond Series 2020B Debt Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 24th Day of October, 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

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

Friends of Westfair Committee appeared before the Board to give a presentation on capital project funding for Westfair. The Board has asked for specific requirements per Iowa Code before a decision can be made.

Discussion only. No Action Taken

3. OTHER BUSINESS

Andy Brown, Sheriff, appeared before the Board to discuss an additional School Resource position for the Sheriff’s Department. Sheriff Brown will provide a copy of the previous 28E agreement and a job description before approving second School Resource Deputy.

Discussion only. No action taken.

Motion by Wichman, second by Miller, to approve 2023 Weed Commissioner's Report.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to put the the payroll status change form for Cheri Dahlheim on under Received and Filed.

AYES: Shea, Belt, Wichman, Jorgensen. NAYS: Miller. 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) Communications – Payroll status change for Tyler Wright.
- 2) Conservation – Payroll status change for Samuel Raine.
- 3) Conservation – Employment of Lary Truscott as a Seasonal Park Aide – Narrows River Park.
- 4) Thriving Families Alliance – Corrected Payroll status change for Jessica Rayment.
- 5) Medical Examiner – Payroll status change for Cheri Dahlheim.

B. Report(s):

- 1) Sheriff Report of Fees Disbursed and Collected for September 2023.

C. Out of State Travel Notification(s):

- 1) Conservation – Out of State Travel for Dustin Clayton.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Geri Fredericksen and Shawna Anderson

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on the purchase or sale of particular real estate.

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

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

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

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:30 A. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: October 31, 2023

PUBLISH: X

October 31, 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 Jorgensen, and second by Belt, to approve:

- A. October 24, 2023, Minutes as read.
- B. Secondary Roads - Employment of Cody Redinbaugh as a Bridge Crew Technician I.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Dr. Elliott/Medical Examiner, Cheri Dahlheim/Chief Medical Examiner Investigator Coordinator, and Jana Lemrick/Director, Human Resources appeared before the Board to discuss an additional position for the Medical Examiner Department. The Board will review again at a later date.

Discussion only. No action taken.

Motion by Belt, second by Miller, to accept Janet Shearer's resignation and to approve the appointment of Nancy Potter as the Waveland Township Clerk.

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign City of Neola-County IT Support Agreement.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Jorgensen, second by Belt, to approve an additional Deputy position for the Sheriff's Department.

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) Conservation – Employment of Amy Graeve as a Hospitality and Guest Service Worker.
- 2) Conservation – Employment of Lane Vennink as Burn Crew Member.

B. Out of State Travel Notification(s):

- 1) Sheriff's Office – Out of State Travel Notification for Matthew Owens.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Shawna Anderson

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:55 A.M

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: November 7, 2023

PUBLISH: X

November 7, 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 Miller, and second by Jorgensen, to approve:

- A. October 31, 2023, Minutes as read.
- B. Jail – Employment of Spencer Pingel and Conner Lange as Detention Officers.
- C. Jail – Employment of Timothy McBride as a Registered Nurse.
- D. October 2023 Vendor Publication Report.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Jorgensen, to moratorium on the Wind and Solar projects.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution 71-2023** entitled: RESOLUTION FOR A TEMPORARY MORATORIUM ON WIND AND SOLAR ENERGY CONVERSION SYSTEMS WITHIN POTTAWATTAMIE COUNTY, IOWA

RESOLUTION NO. 71 - 2023

RESOLUTION FOR A TEMPORARY MORATORIUM ON WIND AND SOLAR ENERGY CONVERSION SYSTEMS WITHIN POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the Board of Supervisors of Pottawattamie County, Iowa (the “Board”), contemplates amendments to the existing Pottawattamie County, Iowa, Zoning Ordinance (the “Ordinance”), to include provisions regulating wind and solar energy conversion systems; and

WHEREAS, the Board desires to impose a moratorium prohibiting the Director of Planning and Development and the Zoning Board of Adjustment, from accepting or otherwise acting on any application to develop a wind or solar energy conversion system, including a "wind farm" as the Ordinance currently defines, for 365 days from the effective date of this resolution, or until the Board completes its review and amendment of the Ordinance regulating wind and solar energy conversion systems, whichever is earlier.

NOW THEREFORE, BE IT RESOLVED, the Board hereby approves this resolution. The moratorium described above shall be effective as of the date below.

Dated this 7th day of November, 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

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

Matt Wyant/Director, Planning and Development appeared before the Board to recommend a TIF agreement with Wayne Petersen for a in process housing development RMP 87 LLC; located off McPherson Ave. Board recommends postponing.

Discussion only. No Action Taken

3. OTHER BUSINESS

Motion by Belt, second by Jorgensen, to hire a Help Desk Technician II at Step 5 on Grade 522 Pay Scale. UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve the job description for Chief Deputy Medical Examiner Investigator/Coordinator position and pay for said position up to a Step 6 on Grade 524 Pay Scale. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve Board to sign Employment Agreement with Director Chief Medical Examiner Investigator, Cheri Dahlheim, and to approve title change and updated job description. UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, 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, effective July 1, 2023, through June 30, 2025. 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) Recorder Fee Book for October 2023.

B. Out of State Travel Notification(s):

- 1) Public Health – Out of State Travel Notification for Maria Torres.

C. Salary Action(s):

- 1) SWI Juvenile Detention – Employment of Hannah Church, Maya Dominguez, and Tyler Johns as Part-time Youth Corrections Workers.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Matthew Spaccapaniccia and Tom Kallman

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:05 A. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: November 14, 2023

PUBLISH: X

November 14, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

Let the minutes reflect that today's Agenda is being amended to remove Study Session 7A from the agenda.

1. CONSENT AGENDA

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

A. November 7, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Jorgensen, to canvass City and School Election, and to authorize Auditor to pay election costs.

UNANIMOUS VOTE. Motion Carried.

PLEDGE OF ALLEGIANCE

Motion by Miller, second by Belt, to open Public Hearing.

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

The following individuals appeared before the Board and spoke opposed to the Ordinance No. 2023-05 to amend Chapter 8 "Zoning Ordinance" by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03): Matt Spaccapaniccia, Jerome Howard, William Daugherty, Dick Miller, Harry Finch, Dan Peterson, Paula Hazelwood, Dean Krohn, JP Cronkite, Russ Brandes, Ron Kaminski, Julie Drennen, Loren Luth, and Terry McClain.

The following individuals appeared before the Board and spoke for the Ordinance No. 2023-05 to amend Chapter 8 "Zoning Ordinance" by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03): Jessica Gaines, Jim Schnoor, Rosalie Soloth Mike Holeyton, Rodney Wahle, Jeff Buckingham, Kim Schnoor, Craig Swenson, Teri Vorthman, Chris Perdue, Larry Plagman, Ann Vorthman, Bryan Easton, Scott Casson, Greg Solath, Jonathan Miller, Joyce Isaacson, and Charity Duey.

Motion by Wichman, second by Miller, to recess public hearing until November 29th at Oakland Community Center at 6:00 P.M.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Belt, to approve pay for the Certified Medication Aide candidate to be hired at a Step 10 of Grade 511 which is \$23.00 per hour. The pay range for a Grade 511 is \$18.41 - \$23.57 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. Salary Action(s):

1) Secondary Roads – Payroll status change for Ryan Husz and Ron Hough.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSION

Motion by Wichman, second by Miller, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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

Motion by Wichman, second by Jorgensen, to go out of Closed Session.

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

8. ADJOURN

Motion by Belt, second by Miller, to adjourn meeting.
UNANIMOUS VOTE. Motion Carried.

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

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: November 21, 2023

PUBLISH: X

November 21, 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

Let the minutes reflect that today's Agenda is being amended to remove Closed Session 7A and 7B from the agenda.

1. CONSENT AGENDA

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

- A. November 14, 2023, Minutes as read.
- B. New Special Class C Retail Alcohol License for 5-day term, granting privileges of Special Class C Retail Alcohol License for Slush Up & Drink, LLC d/b/a Lucky Wife Wine Slushies Inc., Treynor.
- C. Jail – Employment of Robyn Murray as a Certified Medication Aide.
- D. Communications – Employment of Robert Stubbs as a Telecommunicator.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Miller, canvass of Shared School, and to authorize Auditor to pay election costs. UNANIMOUS VOTE. Motion Carried.

Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to provide an update and discuss the 2023 Award Cycle 3. Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve Letter of Support for Westfair in the amount of \$125,000 from gaming. UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to sign Certificate of Substantial Completion on Courthouse Addition Project. UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve Change Order #1 on Courthouse Parking Lot Improvement Project. UNANIMOUS VOTE. Motion Carried.

Matthew Spaccapaniccia/Utility-Scale Development Manager and Julie Drennen/Development Outreach Manager, RWE Clean Energy appeared before the Board to present wind energy concerns and setback ramifications. Discussion only. No Action Taken.

Harry Finch/Senior Associate, Renewable Development Invenergy appeared before the Board to discuss concerns on setbacks and wind turbine siting impact. Discussion only. No Action Taken.

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve pay negotiation for the Assistant Engineer Candidate. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to accept the Board Chairman signature on the Quit Claim Deed for 42485 Mahogany Rd, Hancock; the original agreement was approved on the March 22, 2022, minutes to transfer the transfer station site to the City of Hancock. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve EBS flex spending amount effective January 1, 2024, through December 31, 2024, with a change to the Section 125 IRS maximum from \$3,050 to \$3,200 for annual medical contribution.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to deny the New Class C Retail Liquor License for Apres Bar Co LLC d/b/a Apres Bar Co, Council Bluffs.

AYES: Shea, Belt, Wichman, Miller. NAYS: Jorgensen. 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 Trey Carstens and Travis Healy.
- 2) Medical Examiner – Payroll status change for Cheri Dahlheim.
- 3) Jail – Payroll status change for Tony Rubek, Ben Heath, Kyle Hacket, Doug Whittington, Riley Jones, Kenny Loghry, Tom Smith, Kyle Putnam, Mike Eckmann, Ryan Thompson, Amber Roberts, Grant Gilliam, and Chris Bradford.
- 4) Conservation – Payroll status change for Samuel Raine and Hollie Larson.
- 5) Conservation – Employment of Jordyn Reimer, Jake Reimer, and Taylor Hills as Rental Shop Team Leads.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Shawna Anderson, Lisa Lima, and Rosalie Solotta

7. ADJOURN

Chairman Shea adjourned the meeting at 11:50 A. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: November 28, 2023

PUBLISH: X

November 28, 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 Miller, and second by Jorgensen, to approve:

- A. November 21, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Jerome Howard/Chief Flight Instructor, REVV Aviation, appeared before the Board to discuss safety concerns on the proposed wind farm(s) in the Treynor area.

Discussion only. No Action Taken.

Andy Biller/Executive Director, Council Bluffs Airport Authority, appeared before the Board to discuss safety concerns on the proposed wind farm(s).

Discussion only. No Action Taken.

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 72-2023** to add a stop sign on Overland Trail at the Cardinal Lane Intersection.

RESOLUTION NO. 72-2023

RESOLUTION FOR THE ESTABLISHMENT OF A STOP SIGN AT THE INTERSECTION OF CARDINAL LANE AND OVERLAND TRAIL

WHEREAS, under the provisions of Section 321.255 and 321.236 (1.C.6) of 2021 Code of Iowa, the Board of Supervisors and County Engineer are empowered to designate the location and erection of stop signs.

AND WHEREAS, The County Board and County Engineer may designate certain roads as through roads and erect stop signs at specified locations to furnish access thereto or designate any intersection as a stop intersection and erect like signs at one or more locations of access to such intersections.

AND WHEREAS, there are currently no stop signs controlling traffic at the intersection.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Pottawattamie County on this 28 day of November, 2023, recognize Cardinal Lane as a through road and cause the erection of a stop sign on Overland Trail.

Dated this 28th day of November, 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

ATTEST: _____
 Melvyn Houser, County Auditor

Recommended: _____
 Pottawattamie County Engineer

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

After discussion the Board tabled **Resolution No. 73-2023** to add north and southbound stop signs at the Juniper Avenue intersection until December 5, 2023
 Discussion only. No Action Taken.

Motion by Belt, second by Miller, to approve and authorize Board Chairman to sign Preconstruction Agreement for L55 Interstate Overpass with the Iowa DOT.
 UNANIMOUS VOTE. Motion Carried.

After discussion the Board tabled the Railroad Crossing Safety Improvement for BNSF crossing on 192nd Street (L31) until December 5, 2023.
 Discussion only. No Action Taken.

3 OTHER BUSINESS

Motion by Wichman, second by Belt, to approve revised job description and pay for the position of Hospitality and Guest Services Lead at Mt. Crescent.
 UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Out of State Travel Notification(s):
 - 1) GIS – Out of State Travel Notification for Chris Nelsen.
- B. Salary Action(s):
 - 1) Conservation – Employment of Baden Luna, Dennis Schaeppi, Scott Vanarsdale, Gabor Czako, and Toni Henderson as Ski/Snowboard Instructors.
 - 2) Conservation – Employment of Howard Roorda, James Rauch, Kirk Pulliam, and Xavier Yarges as Chair Lift Operators.
 - 3) Conservation – Employment of Evan Wham as a Rental Shop Team Member.
 - 4) Conservation – Employment of Fallon Rooks, Cynthia Blanchard, and Trace Mergen as Kitchen Staff Team Members.
 - 5) Conservation – Employment of Ryan Dibben and Bryan Hunt as Snowmaking Team Members.
 - 6) Conservation – Employment of Jason Kyzer as a Snow Sports School Coordinator.
 - 7) Conservation – Payroll status change for Amy Graeve.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
 Matthew Spaccapaniccia and Andy Biller.

7. STUDY SESSION

John Rasmussen appeared before the Board to discuss the Road Improvement Policy and Secondary Road Assessment Districts.
 Discussion only. No Action Taken.

8. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion on labor negotiations/collective bargaining matters.
Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

Motion by Wichman, second by Miller, to go out of Closed Session.

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

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:30 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: December 5, 2023

PUBLISH: X

November 29, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 6:00 P.M. All members present. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

1. SCHEDULED SESSIONS

Motion by Miller, second by Jorgensen, to continue Public Hearing.

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

The following individuals appeared before the Board and spoke opposed to the Ordinance No. 2023-05 to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03): Tom Reardon, Trisha Fuller, Dan Storjohann, Pat Honeywell, and Merlin Bonz.

The following individuals appeared before the Board and spoke for the Ordinance No. 2023-05 to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03): Brandon Vorthmann, Diane Forristall, Paul Gehrman, Lisa Schnepel, Anica Olson, Starlyn Perdue, Dave Applegate, Corey Schnepel, Justin Horton, Corey Vorthmann.

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

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

2. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 6:59 P. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: December 5, 2023

PUBLISH: X

December 5, 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 Jorgensen, and second by Miller, to approve:

- A. November 28, 2023, Minutes as read.
- B. November 29, 2023, Minutes as read.
- C. Communications – Employment of Hayley Lee as a Telecommunicator.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Jorgensen, to approve funding request of \$15,000 for West Central Community Action from gaming for the FY 24/25.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 73-2023** to add north and southbound stop signs at the Juniper Avenue intersection.

RESOLUTION NO. 73-2023

RESOLUTION FOR THE ESTABLISHMENT OF A STOP SIGN AT THE INTERSECTION OF JUNIPER ROAD AND 240TH STREET

WHEREAS, under the provisions of Section 321.255 and 321.236 (1.C.6) of 2021 Code of Iowa, the Board of Supervisors and County Engineer are empowered to designate the location and erection of stop signs.

AND WHEREAS, The County Board and County Engineer may designate certain roads as through roads and erect stop signs at specified locations to furnish access thereto or designate any intersection as a stop intersection and erect like signs at one or more locations of access to such intersections.

AND WHEREAS, there are currently no stop signs controlling northbound or southbound traffic on 240th Street at the intersection.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Pottawattamie County on this 5th day of December, 2023, recognize a four way stop condition at Juniper Road and 240th Street and cause the erection of stop signs on 240th Street.

Dated this 5th day of December 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

Recommended: _____
Pottawattamie County Engineer

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

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign Railroad Crossing Safety Improvement for BNSF crossing on 192nd Street (L31).
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve a continuation of the moratorium on Special Assessment Districts until January 1, 2024.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 74-2023** entitled: Resolution for Transfer from Rural Services Basic Fund to Financial Assurance Fund.

RESOLUTION NO. 74-2023

RESOLUTION Transfer from Rural Services Basic Fund to Financial Assurance Fund

WHEREAS, it is desired to transfer money from Rural Services Basic Fund to Financial Assurance Fund; and

WHEREAS, said transfer is in accordance with Section 331.432, Code of Iowa; and

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors as follows:

SECTION 1: The sum of \$6,575 is ordered to be transferred from Rural Services Basic Fund to Financial Assurance Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

Dated this 5th day of December, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, Chairman	<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"/>
_____ Scott Belt	<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

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

3. OTHER BUSINESS

Jason Slack/Director, Buildings and Grounds appeared before the Board to request the removal of tree from Parcel #744412380001. Board requested additional quotes.
Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Report(s):
 - 1) GAAP Summary Report
 - 2) Recorder Fee Book for November 2023.
- B. Salary Action(s):
 - 1) Conservation – Employment of Kaelyn McKinney, Gia Stang, and William Borgaila, as Chair Lift Operators.
 - 2) Conservation - Employment of Anna Melville and Andrew Namuth as Chair Lift Attendants.
 - 3) Conservation – Employment of Ginny Epp, Coleton Townsend, and Nathan Carver as Kitchen Staff Team Members.
 - 4) Conservation – Employment of Lance Brisbois, Jacob Raine, Nicole Truax, Caden Reece, Quinn Boland, Nate Jensen, and Jason Boulton as Snowmaking Team Members.
 - 5) Conservation – Employment of Mikayla Yanovich, Edward Shaefer, Brett Zarantonello, Ted Duitsman, Jacqueline Ericson, Jeanette Augustryn, Richard Womack, Nathan Hunt, and Charles McGovern as Ski/Snowboard Instructors.
 - 6) Conservation – Employment of Quintin Ahmann, Noah Kiley, Peyton Bell, Elliott Coziahr, Kodie Donovan, Jack Jaffe, Taiven Stang, Nolan Duitsman, Rex Eicher, Cooper Schaa, and Ryland Waterkotte as Rental Shop Team Members.
 - 7) Conservation – Employment of Christine Hampton, Madeline Leland, Mallory Kjeldgaard, and Caysie Schlins as Hospitality and Guest Services Workers.
 - 8) Medical Examiner – Payroll status change for Cody Pane.
 - 9) Conservation – Employment of Troy Para and Terry Friis as Snowmaking Team Leads.
 - 10) Conservation – Employment of Chlole Subbert-Borgaila as a Kitchen Staff Team Lead.
 - 11) Conservation – Employment of Cody Black as a Rental Shop Manager.
- C. Out of State Travel Notification(s):
 - 1) Sheriff – Out of State Travel Notification for Chad Freeberg.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on the purchase or sale of real estate.

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

Motion by Wichman, second by Miller, to go out of Closed Session.

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

8. STUDY SESSION

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:05 A. M

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: December 12, 2023

PUBLISH: X

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 regard to 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 19th, 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

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: Amended December 26, 2023

PUBLISH: X

December 19, 2023**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M. All members present, except Supervisor Belt and Supervisor Jorgensen. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

Let the minutes reflect that today's Agenda is being amended to add an item to the Consent Agenda for approval for Class B Retail Alcohol License for Desoto Bend Mini Mart that was not received before the agenda was posted.

After discussion was held by the Board, a motion was made by Wichman, and second by Miller to approve today's amended Agenda items.

UNANIMOUS VOTE. Motion Carried.

1. CONSENT AGENDA

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

- A. December 12, 2023, Minutes as read.
- B. Information Technology – Employment of Devin Koesters as a Help Desk Technician II.
- C. Renewal of Class B Retail Alcohol License by Donald Rief d/b/a Desoto Bend Mini Mart, with privileges of Class B Retail Alcohol License.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Miller, to approve Second 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 adopt **Ordinance No. 2023-06** into law.

**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.

SECOND CONSIDERATION: December 19, 2023
 PUBLICATION: December 28, 2023
 RECORD: December 29, 2023

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

Motion by Miller, second by Wichman, to approve the transfer of the Liquor license and Tobacco permits from the Auditor's Office to the Planning and Development Department.

UNANIMOUS VOTE. Motion Carried.

David Bayer/Chief Information Officer, Information Technology appeared before the Board to discuss the Agreement with the City of Avoca Police Department for computer purchase.
 Discussion only. No action taken.

Jason Slack/Director, Buildings and Grounds appeared before the Board to discuss the removal of tree from Parcel #74441238000. Jason asked for this to be tabled because the property may not be owned by the County.

Discussion only. No action taken.

Motion by Wichman, second by Miller, to relocate building material from current location to jail property.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, and second by Miller, to approve pay range to be \$14 -\$15 for Natural Areas Management Intern, Position in Conservation.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, and second by Miller, to approve pay range increase to be \$16-\$18 for Natural Areas Management Intern, Crew Lead, Position in Conservation.

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) Conservation – Employment of Konatsu Taira as a Ski/Snowboard Instructor.
- 2) Conservation – Employment of Trentyn Jansen and Ezekiel Leichtner as Chair Lift Attendants.
- 3) Conservation – Employment of Garbiel Castro, Joey Eisan, and Kimberly Starkovich as Rental Shop Team Members.
- 4) Conservation – Payroll status change for John Huebscher.
- 5) Conservation – Employment of Abigail Ridder as a Natural Areas Management Intern-Crew Lead.
- 6) Conservation – Employment of Roger Clark as a Snowmaking Team Member.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:

Doreen Blakely

7. CLOSED SESSION

Motion by Wichman, second by Miller, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

Motion by Miller, second by Wichman, to go out of Closed Session.

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

8. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session.
Discussion only. No action taken.

9. STUDY SESSION

Motion by Miller and second by Wichman to remove study session on Ordinance No. 2023-05 to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03).
No action taken.

10. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:56 P. M.

Brian Shea, Chairman

ATTEST: _____
Marilyn Kennedy, Elections Administrator, Auditor’s Office

APPROVED: December 26, 2023

PUBLISH: X

December 26, 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 Miller, and second by Jorgensen, to approve:

- A. Amended December 12, 2023, Minutes as read.
- B. December 19, 2023, Minutes as read.
- C. Jail – Employment of Daniel Allen as a Detention Officer.
- D. Attorney – Employment of Shelby Stanford as Attorney I.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

John Rasmussen/Engineer appeared before the Board to discuss the Secondary Roads Department's Road Improvement Policy. The Board would like to discuss this further at the January 2, 2024, meeting. Discussion only. No Action Taken.

Motion by Belt, second by Miller, to approve and authorize Board Chairman to sign Iowa DOT funding agreement 4-23-HBP-S-010 for the Pigeon Creek Bridge on 210th Street in the amount of \$1.8 million. UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Wichman, to approve and authorize Board Chairman to sign Professional Service Agreement for the project identified as Summit Carbon Solutions Carbon Express Pipeline – County Inspector Services with Snyder and Associates. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the removal of tree from Parcel #744412380001 and to accept the bid from Hughes Tree Service in the amount of \$2,350. UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to fill vacancy on the Zoning Board of Adjustment to Stella Huerter for a five-year term.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to fill vacancy on the Planning and Zoning Commission to Jill Chapman for a five-year term.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to fill vacancies on the Board of Health to Lea Voss and Susan Lorkovic for a five-year term.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to fill vacancy on the Magistrate Appointing Commission to Mitch Kay for a six-year term.

UNANIMOUS VOTE. AYES: Shea, Belt, Wichman, Jorgensen. NAYS: Miller. 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) Communications – Payroll status change for Katherine Ritschard.

6. PUBLIC COMMENTS

No Public Comments.

7. BUDGET STUDY SESSION

Mitch Kay/Chief Financial Officer appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:55 A.M.

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: January 2, 2024
PUBLISH: X