

# **Consent Agenda**

April 23, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. April 16, 2024, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Shea, to open Public Hearing on discussion regarding Pottawattamie County’s Budget for FY 24/25.

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

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

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

Motion by Wichman, second by Belt, to approve and authorize Board to sign Resolution No. 30-2024, a Resolution to approve Pottawattamie County’s budget for fiscal year 2024/25. Said Resolution is set out as follows:

RESOLUTION NO. 30-2024

WHEREAS, the Board of Supervisors of Pottawattamie County, after due consideration of estimated income and expenses for Fiscal Year 2024-2025, 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 23, 2024, at 10:00 AM, in the Board of Supervisors’ Hearing Room, Second Floor, Courthouse, 227 South 6<sup>th</sup> 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 Wichman, and a second by Supervisor Belt, the Fiscal Year 2024-2025 budget was adopted.

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

Dated this 23rd day of April, 2024.

ROLL CALL VOTE

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

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

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

Motion by Shea, second by Belt, to approve and authorize Board to sign **Resolution No. 31-2024** entitled: Resolution for Transfer from Rural Services Fund to Secondary Roads Fund.

**RESOLUTION NO. 31-2024**

**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 \$2,750,000 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 23rd Day of April, 2024.**

**ROLL CALL VOTE**

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

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

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

Tom Kallman/Manager, Regional Water appeared before the Board to give an update on the two Regional Water Projects (Pioneer and Minden) in the County.  
 Discussion only. No action taken.

Matt Wyant/Director, Planning and Development appeared before the Board to discuss consultation session with Treynor School for the Urban Renewal Plan that will be held on April 24<sup>th</sup> at 1 P.M. in the Planning Department.  
 Discussion only. No action taken.

Matt Wyant/Director, Planning and Development appeared before the Board to give an update on the Public Health building.  
 Discussion only. No action taken.

Motion by Belt, second by Shea, to approve and authorize Chairperson to sign Iowa Department of Transportation Agreement for Lewis Township Volunteer Fire Department Traffic Safety Improvement Program Grant.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve and authorize Board to sign **Resolution No. 36-2024**; regarding Charles Avenue Road Right of way between 2<sup>nd</sup> Street and Bentley Lane (also known as Main Street) located in the town of Bentley, Iowa.

**RESOLUTION NO. 36-2024**

**WHEREAS**, Resolution 48-2023 was passed June 20<sup>th</sup>, 2023 to vacate a Road Right of way; and

**WHEREAS**, title to the vacated right of way was not transferred to the owners of the real estate abutting said right of way; and

**WHEREAS**, it is in the best interest of Pottawattamie County to transfer the vacated right of way as described below; and

**WHEREAS**, there is an additional alley which was not vacated in Resolution 48-2023 which is described below; 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 alley as described below.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of Pottawattamie County in session this 23<sup>rd</sup> day of April, 2024, that the following described alley be vacated and transferred as follows:

The north/south alley between Charles Avenue and G30, in Block 12 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 5<sup>th</sup> P.M., Pottawattamie County, Iowa.

Title of the above-described vacated alley shall be transferred to each property owner of real estate abutting the vacated alley, the West ½ to lots 7-18, and the East ½ to lots 6 and 19, as well as that portion of the vacated alley lying between lots 1-6 and 19-21, all in Block 12, in the Town of Bentley, Iowa.

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)

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of Pottawattamie County in session this 23<sup>rd</sup> day of April, 2024, that the following described vacated right of way be transferred as follows:

Title of the vacated Central Avenue Road Right of way between 2<sup>nd</sup> Street and Charles Avenue shall be transferred to each property owner of the real estate abutting the vacated road right of way, the Northerly ½ to lots 21-44 of Block 3 in the town of Bentley, Iowa. The Southerly ½ to lots 1-14 of Block 5 in the town of Bentley, Iowa.

Title of the vacated Charles Avenue Road Right of way between 2<sup>nd</sup> Street and Bentley Lane (also known as Main Street) shall be transferred to each property owner of the real estate abutting the vacated road right of way, the North ½ to Lots 20 and 21 of Block 3 and Lots 11-15 of Block 5 in the town of Bentley, Iowa. The South ½ to Lots 1 and 12 in Block 11, and Lots 1-7 in Block 12, along with all prior vacated alleys and roadways adjacent thereto, all in the town of Bentley, Iowa.

Title of the vacated 20-foot alley in Block 5, shall be transferred to the owners of the real estate abutting the vacated alley. The Northerly ½ to Lots 4-11, Block 5 in the town of Bentley, Iowa, and the Southerly ½ to Lot 15, Block 5 in the town of Bentley, Iowa.

**Dated this 23rd day of April, 2024.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, Chairperson	<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"/>
_____ Brian Shea	<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: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

**3. COMMITTEE APPOINTMENTS**

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

**4. RECEIVED/FILED**

- A. Out of State Travel Notification(s):
  - 1) Communications – Out of State Travel for Sam Arkfeld, David Sands, and Eric Wallner.
  - 2) Medical Examiner – Out of State Travel for Kalen Knight and Karen Foreman.
- B. Salary Action(s):
  - 1) Recorder – Payroll status change for Brandie Slack.
  - 2) Secondary Roads – Payroll status change for Jonathon Johnson.
  - 3) Conservation – Payroll status change for Hollie Larson.
  - 4) WIC – Payroll status change for Luz Collins.

**5. PUBLIC COMMENTS**

No Public Comments.

**6. CLOSED SESSION**

Motion by Wichman, second by Shea, 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: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

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

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

**7. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

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

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: April 30, 2024  
PUBLISH: X

# **Scheduled Sessions**

**Discussion and/or decision on disaster recovery response.**



# Pottawattamie County EMERGENCY MANAGEMENT AGENCY

205 S Main St, Council Bluffs, IA 51503  
712-328-5777 | [ema@pcema-ia.org](mailto:ema@pcema-ia.org)

## PROCLAMATION OF DISASTER EMERGENCY

**WHEREAS**, on April 26, 2024, and continuing thereafter, a series of severe storm systems affected Pottawattamie County; and

**WHEREAS**, these storm systems caused severe weather, including damaging winds, straight-line winds, tornadoes, heavy rainfall, flash flooding, hail, and thunderstorms, resulting in significant damage to public and private property and power outages resulting from downed power lines and poles; and

**WHEREAS**, Pottawattamie County has suffered significant damage from this event; and

**WHEREAS**, there is a need for assistance and resources to respond to and recover from the effect of this event; and

**WHEREAS**, the conditions threaten the public peace, health, and safety of the citizens of the county and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a State of Emergency pursuant to authorities vested to the board by Iowa Code §331.301(1) and §331.301(5).

**NOW, THEREFORE**, the Board of Supervisors of Pottawattamie County, Iowa, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for the county of Pottawattamie and do hereby **ORDER** and **DIRECT** the following:

**SECTION ONE.** This proclamation activates the disaster response and recovery aspects of the Pottawattamie County Comprehensive Emergency Management Plan and is the authority for the deployment and use of any forces to which the plan applies, and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available [§29C.6(1)].

**SECTION TWO.** This proclamation authorizes the use and deployment of all available county resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster area.

**SECTION THREE.** The emergency management coordinator is delegated the authority to facilitate and coordinate the implementation and execution of the Pottawattamie County Emergency Comprehensive Emergency Management Plan.

**SECTION FOUR.** This State of Disaster Emergency shall be effective retroactively to April 26, 2024, shall continue for thirty (30) days, and shall expire on May 26, 2024, unless sooner terminated or extended in writing by me.

**IN TESTIMONY WHEREOF,** THAT THE BOARD OF SUPERVISORS FOR THE COUNTY OF POTTAWATTAMIE COUNTY HAS EXECUTED THIS POWER PURSUANT TO IOWA CODE §331.302(1), I HAVE HEREUNTO SUBSCRIBED MY NAME AT THE POTTAWATTAMIE COUNTY COURTHOUSE IN COUNCIL BLUFFS, IOWA THIS TWENTY-NINTH DAY OF APRIL IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-FOUR.

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SUSAN MILLER, CHAIR  
POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

ATTEST:

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DOUGLAS REED  
EMERGENCY MANAGEMENT DIRECTOR  
POTTAWATTAMIE COUNTY, IOWA

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

**Discussion and/or decision to approve and authorize the Board to sign Resolution No. 38-2024, Resolution waiving permit fees for properties with damage from the April 26, 2024, tornadic activity.**

**RESOLUTION NO. 38-2024**

**WHEREAS**, on April 26<sup>th</sup>, 2024, several locations in Pottawattamie County, Iowa, experienced extreme events of tornadic activity; and

**WHEREAS**, as a result of this extreme event, tornado damage occurred in the unincorporated areas of the County; and

**WHEREAS**, said tornadic activity has damaged several structures in the unincorporated area of the County; and

**WHEREAS**, Pottawattamie County has enacted a Zoning Ordinance, Building Code, Septic Regulations, Well Regulations and Floodplain Management Ordinance, all of which require that permits be obtained prior to commencing construction or reconstruction; and

**WHEREAS**, Chapter 1.50 of the County Code establishes filing fees for permits required by said Ordinances; and

**WHEREAS**, the Board of Supervisors feels it is in the best interest of the County and those property owners affected, that the filing fees for these permits to be temporarily waived.

**NOW, THEREFORE, BE IT RESOLVED, by the Pottawattamie County, Iowa, Board of Supervisors**, that the filing fees for Zoning Permits, Building Permits, Septic Permits, Well Permits, Floodplain Development Permits shall be waived in the following situations and subject to the following conditions:

1. The property is located in the tornadic activity damaged areas of the unincorporated area of Pottawattamie County, Iowa.
2. The structural repairs are necessary to repair tornadic activity damage occurring during the April 26<sup>th</sup>, 2024 tornadic event.
3. That any structural repairs or construction not tornado damage related shall be subject to the required filing fees.
4. That the waiving of filing fees does not waive any other requirements of Pottawattamie County, Iowa, Code sections.

Passed and Approved this 30 day of April, 2024.

	<b>ROLL CALL VOTE</b>			
	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
_____ Susan Miller, Chairperson	<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"/>
_____ Jeff Jorgensen	<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"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Attest: \_\_\_\_\_  
Melvyn Houser, County Auditor  
Pottawattamie County, Iowa

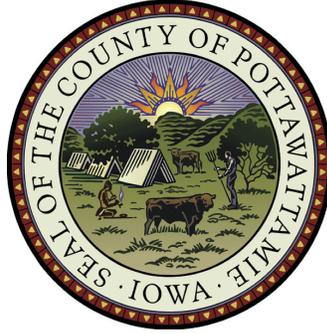
**Mayor Matt Walsh/City of**  
**Council Bluffs and Pete**  
**Tulipania/President,**  
**Southwest Iowa Nonprofit for**  
**Collective Impact (SINC)**

**Discussion and/or decision for funding for a State of Iowa Grant with a local match from both the city and county.**

**Becky Lenihan/Finance and  
Tax Officer, Auditor's Officer**

**Discussion and/or decision to approve and authorize  
Board to sign: Resolution No. 32-2024 entitled:  
Resolution for Transfer from LOST Secondary Roads Fund  
to Bond Series 2021C Debt Fund.**

**MELVYN HOUSER**  
**POTTAWATTAMIE COUNTY AUDITOR**  
**AND ELECTION COMMISSIONER**  
227 S. 6<sup>th</sup> St, Room 243  
P. O. BOX 649  
COUNCIL BLUFFS, IOWA 51502-0649



Kristi Everett, First Deputy – Elections  
Linda Swolley, First Deputy - Real Estate  
Kristy Hassay, Second Deputy – Real Estate  
Becky Lenihan, Finance & Tax Officer  
Phone (712) 328-5700  
FAX (712) 328-4740

April 30, 2024

To: Heather Ausdemore

**RESO 24-**

RE: Transfer from LOST Secondary Roads Fund to Bond Series 2021C Debt Fund

As per board authorization of April 30, 2024, please transfer as follows:

\$338,450.00    **FROM:** 0035-99-0300-000-81400-000 (LOST Secondary Roads Fund)  
\$338,450.00    **TO:**        2235-0-99-0300-904000-000 (Bond Series 2021C Debt Fund)

Semi-annual transfer per bond agreement/issuance, of LOST funds to debt fund to pay FY 23/24 debt payments.

Attached is a copy of authorization from the Pottawattamie County Board of Supervisors.

Thank you,  
Becky Lenihan  
Finance and Tax Officer

**RESOLUTION NO. 32-2024**

**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 \$338,450.00 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 30th Day of April, 2024.**

**ROLL CALL VOTE**

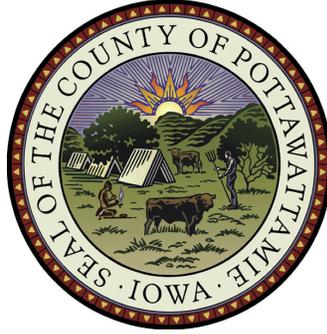
	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, Chairperson	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>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

**Becky Lenihan/Finance and  
Tax Officer, Auditor's Officer**

**Discussion and/or decision to approve and authorize  
Board to sign: Resolution No. 33-2024 entitled:  
Resolution for Transfer from LOST Secondary Roads Fund  
to Bond Series 2020B Debt Fund.**

MELVYN HOUSER  
POTTAWATTAMIE COUNTY AUDITOR  
AND ELECTION COMMISSIONER  
227 S. 6<sup>th</sup> St, Room 243  
P. O. BOX 649  
COUNCIL BLUFFS, IOWA 51502-0649



Marilyn Kennedy – Elections  
Linda Swolley, Deputy - Real Estate  
Becky Lenihan, Finance & Tax Officer  
Phone (712) 328-5700  
FAX (712) 328-4740

April 30, 2024

To: Heather Ausdemore

**RESO 24-**

RE: Transfer from LOST Secondary Roads Fund to Bond Series 2020B Debt Fund

As per board authorization of April 30, 2024, please transfer as follows:

\$202,350.00    **FROM:** 0035-99-0300-000-81400-000 (LOST Secondary Roads Fund)  
\$202,350.00    **TO:**        2225-0-99-0300-904000-000 (Bond Series 2020B Debt Fund)

Annual transfer per bond agreement/issuance, of LOST funds to debt fund to pay FY 23/24 debt payments. Attached is a copy of authorization from the Pottawattamie County Board of Supervisors.

Thank-you,

Becky Lenihan  
Finance and Tax Officer

**RESOLUTION NO. 33-2024**

**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 \$202,350.00 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 30th Day of April, 2024.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, Chairperson	<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"/>
_____ Brian Shea	<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

**Becky Lenihan/Finance and  
Tax Officer, Auditor's Officer**

**Discussion and/or decision to approve and authorize  
Board to sign: Resolution No. 37-2024 entitled:  
Resolution for Transfer from LOST Secondary Roads Fund  
to Secondary Roads Fund.**

**MELVYN HOUSER**  
**POTTAWATTAMIE COUNTY AUDITOR**  
**AND ELECTION COMMISSIONER**  
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Marilyn Kennedy– Elections  
Linda Swolley, Deputy - Real Estate  
Becky Lenihan, Finance & Tax Officer  
Phone (712) 328-5700  
FAX (712) 328-4740

April 30, 2024

**RESO**

To: Heather Ausdemore

RE: 2023-2024 Inter-fund Transfer to Secondary Roads Fund

As per board authorization of April 30, 2024, please transfer as follows:

\$ 3,500,000 **FROM:** 0035-99-0300-000-81200-000 (LOST Secondary Roads Fund)  
\$ 3,500,000 **TO:** 0020-0-99-0300-904000-000 (Secondary Roads Fund)

Attached is a copy of authorization from the Pottawattamie County Board of Supervisors.  
Per request dated April 23, 2024, from John Rasmussen, County Engineer, for material expenses for capital road improvements.

Thank-you,

Becky Lenihan  
Finance and Tax Officer

**RESOLUTION NO. 37-2024**

**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 \$3,500,000 is ordered to be transferred from LOST Secondary Roads 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 30th Day of April, 2024.**

**ROLL CALL VOTE**

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

ATTEST: 

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Melvyn Houser, County Auditor

# **John Rasmussen/Engineer**

**Discussion and/or decision to approve and authorize Board to sign Grant Agreement No. 24-9 from Hungry Canyons Alliance in the amount of \$17,618.82.**

STATE: Iowa

PROJECT PLAN: Hungry Canyons Stream Channel Stabilization

GRANT AGREEMENT NO. 24-9

LOCATION: Keg Crk. Trib., Sec. 26, T76N, R42W, Pottawattamie County

## Hungry Canyons Alliance

### PROJECT AGREEMENT

THIS AGREEMENT, made this 25<sup>th</sup> day of April, 2024, by and between Pottawattamie County, called the Sponsor, and the Hungry Canyons Alliance, hereafter known as HCA.

WITNESSED THAT:

WHEREAS, under the provision of Chapter 161D, Code of Iowa, the Hungry Canyons Alliance is authorized to assist the Sponsor in measures related to the unique natural resources, rural development and infrastructure problems of counties in the deep loess soil region of western Iowa.

NOW THEREFORE, in consideration of the premises and of several promises to be faithfully performed by the parties hereto as set forth, the Sponsor and Hungry Canyons Alliance do hereby agree as follows:

- A. It is agreed that the following described work is to be performed at a total estimated cost of \$89,505.46. This amount includes survey, engineering, construction, inspection, and administration of:

**Construction of stream channel stabilization structure(s) as proposed in the project application(s) labeled Attachment C to this agreement.**

B. THE SPONSOR WILL:

1. Contract for and complete construction of the works of improvement described in Attachment C.
2. Accept responsibility for land and water rights acquisition, survey, design, construction inspection, contract administration, and cost above that provided in C.1. for construction of the works of improvement described in Attachment C. The Sponsor's share will constitute a minimum of 20% of the total cost of the works of improvement described in Attachment C.
3. Accept all financial and other responsibility for excess costs resulting from their failure to obtain or their delay in obtaining adequate land and water rights, permits, and licenses needed for the work described in Attachment C.

4. Accept responsibility for the operation, maintenance and repairs of the structure unless it is determined by HCA and the Sponsor that the cost of repair exceeds the learned benefits of the repaired structure.
5. Hold and save the HCA free from any and all claims or causes of action whatsoever resulting from the obligations undertaken by the Sponsor under this agreement or resulting from work provided for in this agreement.
6. Accept responsibility for performing and keeping records regarding the operation and maintenance of works described in Attachment C and provide necessary facilities, administrative and bookkeeping personnel, and legal counsel for the provision of financial and technical assistance to support installation of grade stabilization measures as described in Attachment C.
7. Prepare a design, construction plans, and construction specifications in accordance with standard engineering principles. The design, construction plans, and construction specifications shall be reviewed and approved by a professional engineer registered in the State of Iowa.
8. Ensure that all contracts for design and construction services will be procured in accordance with procedures prescribed in the Code of Iowa applicable to the Sponsor.
9. Ensure that any special requirements for compliance with environmental and/or cultural resource laws are incorporated into the project.
10. Retain all records pertaining to all work performed in Attachment C for three (3) years from the date of the submission of the final request for reimbursement or until final audit findings have been resolved, whichever is longer.
11. Require that a professional engineer registered in the State of Iowa certify that the project was installed in accordance with the plans and specifications.
12. Request reimbursement from the HCA by submitting a Request for Reimbursement form.
13. Administer their action under this agreement in accordance with 7 CFR 3015, CFR 3016, CFR 3017, CFR 3018, CFR 3052, and OMB Circulars A-102, A-87, and A-133.
14. Comply with the requirements of Attachment A and Attachment B - SPECIAL PROVISIONS which are made a part of this agreement. Attachment A describes Drug Free Workplace and Clean Air and Water requirements. Attachment B describes equal opportunity and nondiscrimination requirements.
15. Comply with Hungry Canyons Cost-Share Program Administrative Procedures labeled Attachment D to this agreement.
16. Issue Internal Revenue Service (IRS) Form 1099 G, Statement for Recipients of Government Payments to the participant and to IRS as required by IRS regulations.

C. HCA WILL:

1. Provide a maximum of \$17,618.82 for total construction costs of the works of improvement described in Attachment C. The HCA share will constitute a maximum of 80% of the total cost of the works of improvement described in Attachment C.
2. Provide advice and counsel as needed with the technical and contractual administration of this agreement at the request of the Sponsor.
3. Upon notification of the completion of construction, HCA shall promptly review the performance of Sponsor to determine if it has met the requirements of this agreement and fund expenditures as agreed.
4. Pay the Sponsor pursuant to this agreement with request submitted on HCA Request for Reimbursement form.

D. IT IS MUTUALLY AGREED:

1. All work under this agreement will be completed by December 31, 2025 .
2. This agreement shall be effective on the date appearing in the first paragraph and shall continue in effect until the purpose of the agreement has been fulfilled or until the agreement expires on the date set forth in D.1.
3. Failure to properly design or construct a project receiving HCA funding will result in 10% of the final reimbursement being withheld and no approval of further county projects for HCA funding until the project has been fixed to accepted standards. All counties are encouraged to contact and work closely with the HCA project director to avoid this situation. All counties are to use the HCA weir design and construction checklist to help assure a good final product.
4. The furnishing of financial and other assistance by the HCA is contingent on the availability of funds appropriated by State Legislature from which payment may be made and shall not obligate the HCA upon failure of the Congress to appropriate funds.
5. HCA may terminate this agreement in whole or in part when it is determined by HCA that the Sponsor has failed to comply with any of the conditions of this agreement. The HCA shall promptly notify the Sponsor in writing of the determination and reasons for the termination, together with the effective date. Payments or recoveries made by HCA under this termination shall be in accord with the legal rights and liabilities of HCA and the Sponsor.
6. This agreement may be temporarily suspended by HCA if it determines that corrective action by the Sponsor is needed to meet the provisions of this agreement. Further, HCA may suspend this agreement when it is evident that a termination is pending.
7. The terms and conditions of this agreement are subject to modification by amendment agreed to in writing by both HCA and the Sponsor.

8. If any part of this agreement is found to be void and unenforceable, then the remaining provisions of this agreement shall remain in effect.
9. The contract for constructing the work described in Attachment C will not be awarded by the Sponsor to any company in which any official of the Sponsor or any member of such an official's immediate family has direct or indirect interest in the pecuniary profits or contracts of such company.
10. This agreement, as set forth on pages 1-4, constitutes the entire agreement between Hungry Canyons Alliance and the Sponsor. No representations, promises, or warranties have been made by either party that are not fully expressed in this agreement.
11. The program or activities conducted under this agreement will be in compliance with the nondiscrimination provisions as contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and Americans with Disabilities Act of 1990. They shall also be in accordance with regulations of the Secretary of Agriculture (7 CFR 15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color, national origin, gender, religion, age, disability, political beliefs, marital or familial status, or sexual orientation, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof.

E. THIS AGREEMENT IS APPROVED AND HEREBY DULY EXECUTED BY:

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

Chair, Pottawattamie County Board of Supervisors

Date: \_\_\_\_\_

HUNGRY CANYONS ALLIANCE

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

Chair, Hungry Canyons Alliance Board of Directors

Date: \_\_\_\_\_

**Discussion and/or decision on letter of support for Play Haven Child Care Grant applications.**



227 South 6<sup>th</sup> Street  
Council Bluffs, IA 51501  
Ph: 712-328-5644 | Fax: 712-328-5770  
PottCounty-ia.gov

Chair Susan Miller  
Scott Belt  
Tim Wichman  
Brian Shea  
Jeff Jorgensen

April 30, 2024

RE: Play Haven Child Care Grant Application

Dear Funding Partner,

Quality childcare is among the biggest needs in Pottawattamie County, especially in the rural areas. Walnut is strategically located near Atlantic, Harlan, and Council Bluffs/Omaha where the majority of community residents are employed. The Play Haven Child Care Board has developed a creative solution by transforming a vacant wing of Peace Haven Independent Living into a childcare center.

The use of vacant space in an existing structure makes this project affordable. The opportunity to bring youth and seniors together under one roof provides value-add benefits.

The Pottawattamie County Board of Supervisors supports the Play Haven Child Care Committee in its efforts to obtain financing to fund its vision, and we see it as a viable business for years to come.

Thank you for your consideration of the Play Haven grant request.

Sincerely,

Susan M. Miller, Board Chair  
Pottawattamie County Board of Supervisors

**Discussion and/or decision on letter of support for City of Walnut for the Walnut Main Street Program application.**



227 South 6<sup>th</sup> Street  
Council Bluffs, IA 51501  
Ph: 712-328-5644 | Fax: 712-328-5770  
PottCounty-ia.gov

Chair Susan Miller  
Scott Belt  
Tim Wichman  
Brian Shea  
Jeff Jorgensen

April 30, 2024

To: City of Walnut

This is a letter of support from the Pottawattamie County Board of Supervisor to support the City of Walnut's application to the Main Street Iowa Program. We understand a Main Street Iowa designation provides a community with additional resources.

In alignment with Main Street Iowa, Pottawattamie County sees this designation as a step forward to improving the Social and Economic well-being of Walnut and a great opportunity to show case the unique and historic assets of this City.

Respectfully,

Susan Miller, Board Chair  
Pottawattamie County Board of Supervisors

**Discussion and/or decision to let the Historical Society put a historical sign on the Green Valley Cemetery gate.**

**Other Business**

**Cate Brehmer/Emergency  
Management Specialist, IA  
Dept. of Homeland Security  
and Emergency Management**

**Update on drainage district projects.**

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

**Discussion and/or decision on pay for HawkWatch  
Counter, Compiler, and Interpreter position in  
Conservation.**

# **Melvyn Houser/Auditor**

**Discussion and/or decision on employment of a Part-Time Temporary clerk.**

# **Mitch Kay/Chief Financial Officer**

**Discussion and/or decision on policy for deputy payouts  
and vacation accruals.**

**Policy Title:** Transition to Deputy Status and Vacation Accrual Policy  
**Policy Number:** 101 – Department Policy Book  
**Effective Date:** 4/30/2024  
**Revision Date:** 4/30/2024  
**Authorized by:** Board of Supervisors

Policy:

It is the policy of Pottawattamie County to ensure proper administration of leave benefits to Deputies of Elected Officials including new deputies, as well as a smooth transition for employees who change employment status from a regular position to a deputy position within the offices of the County Attorney, Sheriff, Auditor, Recorder, and Treasurer. This policy outlines the procedures for new sick leave accruals, payout of accrued vacation/comp time, tracking of leave, and re-accrual of vacation/comp time, if applicable, upon such a status change.

Procedures:

**1. New Deputy Accruals**

- Individuals who are new to Pottawattamie County and their Deputy appointment will accrue sick leave in accordance with Policy 603 in the Employee Handbook.
- Individuals who are new to Pottawattamie County and their Deputy appointment will not accrue vacation or comp time.

**2. Vacation/Comp Payout Upon Status Change:**

- Employees transitioning from regular employment status to deputy status will have their accrued vacation and/or comp time paid out at the pay rate immediately prior to their promotion to deputy status.
- The payout will be calculated based on the employee's accrued vacation and/or comp time balance and their pay rate at the time of transition.

**3. Vacation/Comp and Personal Time for Deputies:**

- Once sworn in as a deputy, the elected official overseeing the deputy position will monitor or track leave as deemed necessary and appropriate for the deputy.
- Deputies will not accrue paid vacation time or comp time during their tenure as a deputy.

**4. Transition from Deputy Back to Regular Status:**

- These employees will once again begin to accrue paid vacation time according to the accrual rates applicable to regular employees and the corresponding years of service, in accordance with Policy 402 in the Employee Handbook, and comp time as applicable.

#### **5. Sick Time Accrual and Payout:**

- Sick time will continue to accrue and be utilized, for deputies in the same manner as for regular employees, without interruption in accordance with Policy 603 in the Employee Handbook.
- The payout of accrued sick time, if applicable, will be handled in accordance with the policies outlined in the employee handbook.

#### **6. Responsibilities:**

- **Elected Officials:** They are tasked with overseeing the management and documentation of leave for deputies in their departments, ensuring compliance with this policy.
- **Payroll/Benefits Division & Human Resources:** These teams collaborate to guarantee the precise calculation and distribution of vacation and compensatory time balances for staff moving into deputy roles. Additionally, they manage the allocation and administration of vacation and compensatory time for individuals reverting to regular roles from deputy positions.
- **Employees Undergoing Status Changes:** Individuals transitioning either to a deputy role or returning to a regular position must familiarize themselves with how these changes affect their accrual and payout of vacation, compensatory, and sick leave. They are encouraged to reach out to the Human Resources Department for any queries or clarifications needed.

This policy aims to provide clear and equitable guidelines on leave accruals and payouts for deputies serving under elected officials. This includes provisions for both newly appointed deputies and employees experiencing a change in status from regular to deputy positions within Pottawattamie County. The goal is to ensure a supportive transition for employees as they navigate changes in their professional roles within county government.

**Andy Brown/Sheriff, Steve  
Winchell/Captain, and Trish  
Bernhards/Detention  
Administrative Coordinator**

**Discussion and/or decision on new positions and the following topics, 4-Detention Officers, 2-Overnight RN's , and Office Assistant's job description and pay.**

# Committee Appointments

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

**Received/Filed**

Office of **Nº 047818**  
**Pottawattamie County Treasurer**

4/19/24 for March 2024  
 Date

Received from Pottawattamie County  
Sheriffs Office

Payor Pottawattamie County Sheriffs  
Office

Amount Thirty Two Thousand Thirty one  
Dollars & 87/100 — \$ 32,031.87

Account to be credited See below

Descriptions of funds See below

Received by PA CK's

Date received 4/19/24

March 1, 2024		
Pottawattamie County Sheriffs Office		
Total	Description	Line Item
\$0.00	Bank Interest	0001-4-05-1060-600000-000
\$3,060.00	Weapon Permits	0001-1-05-1060-441000-000
\$28,971.87	Civil Fees	0001-1-05-1060-440000-000
\$0.00	Outstanding Checks	0001-1-05-1060-820000-000
<b>\$32,031.87</b>	<b>Total Deposit</b>	
	\$11,558.19	total check #224075
	\$20,473.68	total check #224076
	\$32,031.87	total deposit

Pottawattamie County Sheriff's Office

Report of Fees Disbursed for

03/01/2024 - 03/31/2024

I Andy Brown, Sheriff of Pottawattamie County IA., do hereby certify that the following is a correct statement of fees disbursed by me from my office for the period 03/01/2024 - 03/31/2024.

**Disbursements:**

**Paid to Others:**

Service Fees - Notary Fees; Copy Fees	60.00
Postage	7.50
State - Weapon Permit Amount	720.00
Refunds; Publication; Sales; Com	703,666.64

Subtotal 704,454.14

**Paid to Treasurer:**

Service Fees - Notary Fees; Copy Fees	20,294.15
Postage	1,548.42
Transport - Officer Expenses	3,087.60
Mileage Amount	3,761.70
Report Amount	140.00
County - Weapon Permit Amount	3,060.00
Other - Subpoena	140.00

Subtotal 32,031.87

Total 736,486.01

The above information is respectfully submitted on 4/12/2024

  
\_\_\_\_\_  
Andy Brown  
Pottawattamie County, IA

Pottawattamie County Sheriff's Office

Report of Fees Collected for

03/01/2024 - 03/31/2024

I Andy Brown, Sheriff of Pottawattamie County IA., do hereby certify that the following is a correct statement of fees collected by me in my office for the period 03/01/2024 - 03/31/2024.

**Receipts:**

Service Fees - Notary Fees; Copy Fees	26,469.79
Postage	2,343.74
Transport - Officer Expenses	3,087.60
Mileage Amount	3,657.70
Report Amount	130.00
County - Weapon Permit Amount	3,310.00
State - Weapon Permit Amount	790.00
Refunds; Publication; Sales; Com	734,620.89
Other - Subpoena	140.00
Unapplied	-26.00
<b>Total</b>	<b>774,523.72</b>

The above information is respectfully submitted on 4/12/2024

  
\_\_\_\_\_  
Andy Brown  
Pottawattamie County, IA

# Public Comments