

**April 23, 2019**

**MET IN REGULAR SESSION**

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

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

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

- A. April 16, 2019, Minutes as read.
- B. Conservation – Employment of Jenn Buyert, as Seasonal Burn Crew.
- C. Treasurer – Employment of Kelsie Forristall, as Clerk II.
- D. Secondary Roads – Employment of Shaun Kyndesen, as Truck Driver/Laborer.

UNANIMOUS VOTE. Motion carried.

**2. SCHEDULED SESSIONS**

Motion by Belt, second by Drake, to open public hearing on first consideration of **Ordinance No. 2019-01**, AN ORDINANCE to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 1.90 acres from a Class A-4 (Loess Hills) to a Class C-2 (General Commercial) District. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

Motion by Schultz, second by Belt, to close public hearing. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Schultz, to approve first consideration of **Ordinance No. 2019-01**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 1.90 acres from a Class A-4 (Loess Hills) to a Class C-2 (General Commercial) District; and to schedule second consideration of said Ordinance for April 30, 2019, at 10:00 AM. Said Ordinance is set out as follows:

**POTTAWATTAMIE COUNTY, IOWA**

**ORDINANCE NO. 2019-01**

**AN ORDINANCE** to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 1.90 acres from a Class A-4 (Loess Hills) to a Class C-2 (General Commercial) 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-4 (Loess Hills) to a Class C-2 (General Commercial) District of certain real estate, as shown on the attached plat and which is legally described as follows:

AUD SUB NW SW 7-75-43 PT LTS 2 & 3 COMM SW COR LT 3 TH N310.02' ELY472.86' SLY399.61' W540.64' TO POB

**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** \_\_\_\_\_.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott A. Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

AYES: Wichman, Belt, Grobe; NAYS: Schultz, Drake. Motion carried.

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 24-2019**, a Resolution entitled: Pottawattamie County Conflict of Interest Policy. Said Resolution is set out as follows:

**RESOLUTION NO. 24-2019**

**POTTAWATTAMIE COUNTY CONFLICT OF INTEREST POLICY**

In addition to State of Iowa, and Local codes, applicable to Conflict of Interest, the following policy, pertaining to Federal Funds shall be applicable.

Per 2 CFR Part 200.112 Conflict of Interest

The Federal awarding agency must establish conflict of interest policies for Federal awards. Pottawattamie County must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

And per 2 CFR Part 200.318 (c)(1) General Procurement Standards

Pottawattamie County must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a

financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of Pottawattamie County may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, Pottawattamie County may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of Pottawattamie County.

To the extent permitted by federal, state, or local laws or regulations, violations of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against officers, employees, or agents.

**Dated this 23<sup>rd</sup> day of April, 2019.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott A. Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

**Roll Call Vote: AYES: Drake, Belt, Wichman, Grobe; ABSENT: Schultz. Motion carried.**

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 25-2019**, a Resolution entitled: Pottawattamie County Fraud Reporting Policy. Said Resolution is set out as follows:

**RESOLUTION NO. 25-2019**

**POTTAWATTAMIE COUNTY FRAUD REPORTING POLICY**

2 CFR Part 200  
200.113 Mandatory disclosures.

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.

If a County department or employee learns of a violation of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant, the department or employee must report the violation to:

Tim Wichman, Chairman, Board of Supervisor; and/or  
Matt Wilber, County Attorney; and/or  
Melvyn Houser, County Auditor.

The above named are responsible for reporting the violation to the relevant federal agency or pass-through agency in writing and in a timely manner.

**Dated this 23<sup>rd</sup> day of April, 2019.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott A. Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

**Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve the drafting of an addendum to the County’s current Procurement Policy. UNANIMOUS VOTE. Motion carried.

**3. OTHER BUSINESS**

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 26-2019**, a Resolution entitled: Resolution for Second and Third Quarter 2018-19 Transfer to Secondary Roads Fund. Said Resolution is set out as follows:

**RESOLUTION NO. 26-2019**

**RESOLUTION FOR SECOND AND THIRD QUARTER 2018-2019 TRANSFER TO SECONDARY ROADS FUND**

**WHEREAS**, it is desired to transfer money from the Rural Services Fund to the Secondary Roads 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 \$2,486,750 is ordered to be transferred from the Rural Services Fund to the Secondary Road 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 23<sup>rd</sup> day of April, 2019.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, 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 A. Belt				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Justin Schultz				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marilyn Jo Drake				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lynn Grobe				

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

Roll Call Vote: **AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

Motion by Belt, second by Grobe, to approve and authorize Board to sign **Resolution No. 27-2019**, a Resolution entitled: Resolution for Interfund Operating Transfer. Said Resolution is set out as follows:

**RESOLUTION NO. 27-2019**

**RESOLUTION FOR INTERFUND OPERATING TRANSFER**

**WHEREAS**, it is desired to transfer money from 0001 General Basic Fund, to 0046 West SWCD/Pott Structures Fund; and

**WHEREAS**, said transfer is in accordance with Section 331.432, Code of Iowa.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

**SECTION 1:** The sum of \$622.70 is ordered to be transferred from 0001 General Basic Fund, to 0046 West SWCD/Pott Structures Fund; and

**SECTION 2:** The Auditor is directed to correct his/her books accordingly and to notify the Treasurer of this operating transfer.

**Dated this 23<sup>rd</sup> day of April, 2019.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tim Wichman, Chairman				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scott A. Belt				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Justin Schultz				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marilyn Jo Drake				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lynn Grobe				

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

Roll Call Vote: **AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

**4. RECEIVED/FILED**

**A. Salary Actions:**

- 1) Buildings and Grounds – Payroll Status Change of Jeffrey Walker, Andrew Smith, Benjamin Shudak.
- 2) Attorney – Payroll Status Change of Lyndze Olivas, James Burger, Hope Rodarte.
- 3) Community Services – Payroll Status Change of Abbie Ashcraft, Shelly Hovey.

**5. ADJOURN**

Motion by Drake second by Schultz, to adjourn meeting. UNANIMOUS VOTE. Motion carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:48 PM.

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Tim Wichman, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: April 30, 2019

PUBLISH: X