

September 24, 2019

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 AM. All members, except Belt 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 Grobe, to approve:

- A. September 17, 2019, Minutes as read.
- B. Approval of addition to Class E Liquor License to include "Full Wine" for Casey's Marketing Company d/b/a Casey's General Store #3204, Minden.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Motion by Schultz, second by Drake, to open public hearing on proposed preliminary plat of Oliver Acres, a subdivision situated in Hardin Township. **Roll Call Vote: AYES: Drake, Wichman, Schultz, Grobe. Motion carried.**

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

Motion by Drake, second by Schultz, to approve and authorize Board to sign **Planning and Zoning Resolution No. 2019-08**, a Resolution on the proposed preliminary plat of Oliver Acres, a subdivision situated in Hardin Township. Said Resolution is set out as follows:

PLANNING AND ZONING RESOLUTION NO. 2019-08

WHEREAS, the proposed preliminary plat and supporting documents for **Oliver Acres**, a subdivision situated in **Hardin Township**, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under **Case #SUB-2019-04**; and

WHEREAS, said Commission conducted a public hearing on August 26th, 2019, 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 September 24th, 2019 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 **Oliver Acres**, 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 SEPTEMBER 24, 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
Pottawattamie County, Iowa

RECORD: After Passage

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

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Drake, to approve second consideration of **Ordinance No. 2019-92**, an Ordinance for the Division of Taxes Levied on Taxable Property in the Shelby/Pottawattamie County Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa; and to adopt said **Ordinance No. 2019-02** into law. Said Ordinance is set out as follows:

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2019-02**

AN ORDINANCE to repeal Ordinance #2006-01, an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Shelby/Pottawattamie County Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa.

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

SECTION 1 - REPEAL OF ORDINANCES: Ordinance #2006-01, an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Shelby/Pottawattamie County Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 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 affect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 3 - 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 September 24, 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

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ATTEST: _____
Melvyn Houser, County Auditor



NOTICE OF PUBLIC HEARING PUBLISHED:	September 12, 2019
BOARD OF SUPERVISORS PUBLIC HEARING:	September 17, 2019
FIRST CONSIDERATION:	September 17, 2019
SECOND CONSIDERATION:	September 24, 2019
PUBLICATION:	October 3, 2019
RECORD:	October 4, 2019

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

After discussion was held by the Board, a Motion was made by Drake, and seconded by Schultz, to approve and authorize Chairman to sign Business Associate Agreement with Iowa Western Community College, for a public health office located on the campus of Iowa Western Community College. UNANIMOUS VOTE. Motion carried.

After an update presented by Matt Wyant, Director of Planning and Zoning, on the Council Bluffs Housing Trust Fund, n/k/a Pottawattamie County Housing Trust Fund, and after discussion was held by the Board, a Motion was made by Schultz, and seconded by Grobe, to approve the request for an additional \$9,100.00 be paid to the Pottawattamie County Housing Trust Fund, to meet the match for increased grant funding for FY 2020. Said funds are to be paid out of the Gaming Fund. UNANIMOUS VOTE. Motion carried.

Discussion was held by the Board and Treasurer Lea Voss to approve and exercise the County’s right of redemption from the tax certificate holder of parcel number 7443 06 151 007, more commonly known as 26 Lynnwood Drive, Council Bluffs, Iowa. This was a discussion only. No action was taken.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Grobe, to approve tax suspension request pursuant to Iowa Code Section 427.9 for the property located at 26 Lynnwood Drive, Council Bluffs, Iowa. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Schultz, to approve the allowed/disallowed Homestead and Military Credit Applications, Disabled Veteran Homestead and Business Property Tax Credit Applications on a monthly basis. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Schultz, to approve Application for Use of Pottawattamie County Grounds for use of County Courthouse for National Adoption Day Celebration on Saturday, November 23, 2019. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Grobe, to approve the Conservation Board to retain their excess revenue from FY19. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Schultz, to approve the Board of Supervisor’s sponsorship of employees and prize award for the 15th Annual Hawk Watch 5k Trail Run or Walk scheduled for October 5, 2019, at Hitchcock Nature Center. Said funds are to be paid out of Gaming Fund. UNANIMOUS VOTE. Motion carried.

Pottawattamie County Medical Examiner, Dr. Christopher Elliott, and Chief Medical Examiner Investigator Cheri Dahlheim, came before the Board to give an update on the Medical Examiner’s Office. This was a discussion only. No action was taken.

Human Resources Director Jana Lemrick, Engineer John Rasmussen, and Montgomery County Board of Supervisor Donna Robinson came before the Board to discuss the Pottawattamie

County Engineer's Office sharing services with Montgomery County Engineer's Office. This was a discussion only. No action was taken.

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Drake, to approve the letter submitted by County Attorney Matt Wilber addressed to the Council Bluffs City Attorney, regarding the B Wing of the Courthouse, formerly known as the Law Enforcement Center. UNANIMOUS VOTE. Motion carried.

3. OTHER BUSINESS

Discussion was held by the Board concerning the possible sale of County owned property, parcel number 7543 19 479 019. This was a discussion only. No action taken.

Discussion was held by the Board concerning Board Appointments and Department Liaisons. This was a discussion only. No action taken.

4. RECEIVED/FILED

A. Salary Actions

- 1) Treasurer – Payroll Status Change of Donna Rasmussen.
- 2) Communications – Payroll Status Change of Calee Morgal; Merissa Cox; Dave Gentleman; and Desiree Castro.

5. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:08 AM.

Tim Wichman, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: October 1, 2019

PUBLISH: X