

NOVEMBER 26, 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 Belt, to approve

- A. November 19, 2019, Minutes as read.
- B. Engineer/Secondary Roads – Employment of Chad Jacobsen as Truck Driver/Laborer.
- C. Jail – Job Reclassification of Yom Aleu from Entry Security Personnel, to Detention Officer.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve funding request by the 4th Judicial District Department of Correctional Services, for the 13th Annual Crime Victims’ Rights Luncheon to be held on April 22, 2020, in the amount of \$3,242.00. Said funds are to be paid out of the Gaming Fund. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a motion was made by Belt, and seconded by Schultz, to approve proposed assessment of costs for destruction of noxious weeds on property located at 22645 440th Street, Oakland, Iowa; to set a public hearing on said assessment for the 10th day of December, 2019, at 10:40 AM; and authorize Board to sign **Resolution No. 46-2019**, a Resolution entitled: Proposed Cost Assessment for Destruction of Noxious Weeds, Pursuant to Iowa Code Chapter 317. Said Resolution is set out as follows:

RESOLUTION NO. 46-2019

PROPOSED COST ASSESSMENT FOR DESTRUCTION OF NOXIOUS WEEDS, PURSUANT TO IOWA CODE CHAPTER 317

WHEREAS, a request has been filed with the Pottawattamie County Board of Supervisors, asking that action be taken to assess the costs for destruction of noxious weeds on the property located at 22645 440th Street, Oakland, Iowa, legally described as follows:

VALLEY TWP 33-76-39 PT SW NW COMM NW COR TH S889.74'
E359.47' N887.45' W374.19' TO POB, POTTAWATTAMIE COUNTY,
IOWA.

(Parcel No. 7639 33 100 002)

NOW, THEREFORE BE IT RESOLVED that a hearing on the proposed assessment will be held at the Board of Supervisors Hearing Room at 227 South 6th Street, Council Bluffs, Iowa on **December 10, 2019, at 10:40 AM**, in accordance with Iowa Code Chapter 317.

Dated this 26th day of November, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Tim Wichman, Chairman				
_____	○	○	○	○
Scott A. Belt				

_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Marilyn Jo Drake				
_____	○	○	○	○
Lynn Grobe				

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 Schultz, and seconded by Belt, to approve the establishment of the Pottawattamie County Impact Fund. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve setting a public hearing for the 10th day of December, 2019, at 10:00 AM, on the proposed road vacation on a portion of Pinoak Road in Section 1, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa, approximately 3267 Feet; and authorize Board to sign **Resolution No. 47-2019**, a Resolution entitled: Proposed Road Vacation, Iowa Code Section 306. Said Resolution is set out as follows:

RESOLUTION NO. 47-2019

PROPOSED ROAD VACATION, IOWA CODE SECTION 306.

WHEREAS, a request has been filed with the Pottawattamie County Board of Supervisors asking that action be taken to vacate and clear the record of a section of Pottawattamie County Road, described as follows:

A portion of Pinoak Road in Section 1, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa, approximately 3267 Feet, described as follows:

Commencing at the SW corner of said Section 1; thence east along the south line of said Section 1 a distance of 33 feet to the Point of Beginning; thence continuing east along said south line a distance of 3267 feet and terminating 25 feet west of a farm drive on the south side. Norwalk Twp.

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 that a hearing on the proposed vacation will be held at the Board of Supervisors Hearing Room at 227 South 6TH Street, Council Bluffs, Iowa on **December 10, 2019, at 10:00 AM**, in accordance with Iowa Code Chapter 306.

Dated this 26th day of November, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Tim Wichman, Chairman				
_____	○	○	○	○
Scott A. Belt				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Marilyn Jo Drake				
_____	○	○	○	○
Lynn Grobe				

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 Belt, and seconded by Drake, to approve setting a public hearing for the 10th day of December, 2019, at 10:10 AM, on the proposed reclassification of Pinoak Road in Section 1, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa, from Level B to Level C; and authorize Board to sign **Resolution No. 48-2019**, a Resolution entitled: Proposed Road Reclassification. Said Resolution is set out as follows:

RESOLUTION NO. 48-2019

PROPOSED ROAD RECLASSIFICATION

WHEREAS, Pottawattamie County desires to reclassify a certain road on the area service system in the County, to provide for a minimal level of maintenance and access by means of a gate or barrier; and

WHEREAS, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service “C” roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County Engineer has requested that the following road be reclassified from Area Service Level “B” to Area Service Level “C”:

Along the south line of Section 1, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa. Commencing at the SW corner of said Section 1; thence east along the south line of said Section 1 a distance of 3300 feet to a point 25 feet west of a farm drive on the south side and the Point of Beginning; thence continuing east along said south line a distance of 627 feet to the west right-of-way line of county road 298th Street. Norwalk Twp.

NOW, THEREFORE BE IT RESOLVED, that a hearing on the proposed road reclassification will be held at the Board of Supervisors Hearing Room at 227 South 6th Street, Council Bluffs, Iowa, on **Tuesday, December 10, 2019, at 10:10 AM**, in accordance with Iowa Code Chapter 309.

Dated this 26th day of November, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Tim Wichman, Chairman	○	○	○	○
_____	○	○	○	○
Scott A. Belt	○	○	○	○
_____	○	○	○	○
Justin Schultz	○	○	○	○
_____	○	○	○	○
Marilyn Jo Drake	○	○	○	○
_____	○	○	○	○
Lynn Grobe				

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 Schultz, and seconded by Belt, to approve setting a public hearing for the 10th day of December, 2019, at 10:20 AM, on the proposed road vacation of Marigold Lane in Section 9, Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa; and authorize Board to sign **Resolution No. 49-2019**, a Resolution entitled: Proposed Road Vacation, Iowa Code Section 306. Said Resolution is set out as follows:

RESOLUTION NO. 49-2019

PROPOSED ROAD VACATION, IOWA CODE SECTION 306.

WHEREAS, a request has been filed with the Pottawattamie County Board of Supervisors asking that action be taken to vacate and clear the record of a section of Pottawattamie County Road, described as follows:

Marigold Lane in the SE 1/2 SE 1/4 of Section 9, Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, described as follows:

Commencing near the SW corner of the NESE 1/4 of the SE corner a distance of approximately 1010' westerly of the 145th Street Right of Way to the West Right of Way of I29.

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 that a hearing on the proposed vacation will be held at the Board of Supervisors Hearing Room at 227 South 6TH Street, Council Bluffs, Iowa on **December 10, 2019, at 10:20 AM**, in accordance with Iowa Code Chapter 306.

Dated this 26th day of November, 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"/>
_____	<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"/>
_____	<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"/>
_____	<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"/>
_____	<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 setting a public hearing for the 10th day of December, 2019, at 10:30 AM, on the proposed reclassification of a portion of road (272nd Street) in Section 22, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa, from Level B to Level C; and authorize Board to sign **Resolution No. 50-2019**, a Resolution entitled: Proposed Road Reclassification. Said Resolution is set out as follows:

RESOLUTION NO. 50-2019

PROPOSED ROAD RECLASSIFICATION

WHEREAS, Pottawattamie County desires to reclassify a portion of a certain road on the area service system in the County, to provide for a minimal level of maintenance and access by means of a gate or barrier; and

WHEREAS, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "C" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County Engineer has requested that the following road be reclassified from Area Service Level "B" to Area Service Level "C":

A portion of road (272nd Street) from Level “B” to Level “C” commencing near the north line of the SWNE ¼ of the NE ¼ of Section 21, Township 76 North, Range 42 West running Southeasterly approximately 3950 feet to the East Line of the NWSW ¼ of the SE ¼ of Section 22, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa.

NOW, THEREFORE BE IT RESOLVED, that a hearing on the proposed road reclassification will be held at the Board of Supervisors Hearing Room at 227 South 6th Street, Council Bluffs, Iowa, on **Tuesday, December 10, 2019, at 10:30 AM**, in accordance with Iowa Code Chapter 309.

Dated this 26th day of November, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
<hr/> Tim Wichman, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Scott A. Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> 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 Speer Financial Inc.’s Continuing Disclosure Submission Relating to Pottawattamie County Bond Issues: \$1,290,000 General Obligation Bonds, Series 2013B; \$1,940,000 General Obligation Bonds, Series 2014; \$4,670,000 General Obligation Capital Loan Notes, Series 2016; and \$5,260,000 General Obligation Capital Loan Notes, Series 2018. **UNANIMOUS VOTE. Motion Carried.**

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve Cost Advisory Services, Inc.’s Completed FY 2019 Cost Allocation Plan, and approval to pay Invoice for said report in the amount of \$7,600.00. **UNANIMOUS VOTE. Motion carried.**

Motion by Belt, second by Schultz, to close meeting pursuant to Iowa Code Section 20.17(3) which exempts meetings to discuss strategies in collective bargaining from the provision of Iowa Code Chapter 21 (Open Meetings). **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

Motion by Belt, second by Drake, to convene in open session. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

3. OTHER BUSINESS

Motion by Belt, second by Drake, to approve June 2019 East and West Nishnabotna River Watershed Management and Flood Resiliency Plan. **UNANIMOUS VOTE. Motion carried.**

4. RECEIVED/FILED

A. Salary Actions

- 1) Attorney – Payroll Status Change of Patrick Eppler, Janice Warnke.
- 2) Sheriff – Payroll Status Change of Brandon Allen.
- 3) Jail – Payroll Status Change of Stephanie Ford, Megan Legget.

B. Reports:

- 1) Sheriff’s Office Reports of Fees Collected and Disbursed for October 2019.

5. ADJOURN

Motion by Schutz, second by Belt, to adjourn meeting. UNANIMOUS VOTE. Motion carried.

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

Tim Wichman, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: December 3, 2019

PUBLISH: X