

December 10, 2019**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 AM. All members, except Drake present. Chairman Wichman presiding.

PLEDGE OF ALLEGIANCE**1. CONSENT AGENDA**

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

- A. December 3, 2019, Minutes as read.
- B. Publication of Claims Allowed for November 2019.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Kris Wood, Director of WIC came before the Board for her department's budget study session. 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 Belt, to approve and authorize Chairman to sign Authorization for Iowa West Foundation – 2020 CITIES Program Re-Capitalization Project. UNANIMOUS VOTE. Motion carried.

Cheri Dahlheim, Medical Examiner Investigator, came before the Board for her department's budget study session. 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 Belt, to approve purchase of new vehicle for Medical Examiner's Office, not to exceed \$45,000.00. UNANIMOUS VOTE. Motion carried.

Chief Information Officer David Bayer came before the Board for the IT Department's budget study session. This was a discussion only. No action was taken.

Chief Information Officer David Bayer and Jamie Peterson with GIS came before the Board for the GIS Department's budget study session. This was a discussion only. No action was taken.

Motion by Belt, second by Schultz, to open public hearing on proposed road vacation of 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 signing **Resolution No. 54 -2019**, regarding disposal of said property. **Roll Call Vote: AYES: Belt, Wichman, Schultz, Grobe. Motion carried.**

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

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 54-2019**, as follows:

RESOLUTION NO. 54-2019

WHEREAS, the following described road has a very low volume of traffic; and

WHEREAS, budget and liability constraints dictate the secondary roads system be reduced; and

WHEREAS, it is in the best interest of Pottawattamie County to vacate the road right-of-way described below.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 10th day of December, 2019, that the following described road easement be vacated:

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).

Dated this 10th day of December, 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

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Belt, second by Schultz, to open public hearing on proposed road reclassification vacation of Pinoak Road in Section 1, Township 76 North, Range 42 West of the 5th Principal Meridian, Pottawattamie County, Iowa, approximately 627 feet, from Level B to Level C; and signing **Resolution No. 55-2019**, regarding reclassification of said road. **Roll Call Vote: AYES: Belt, Wichman, Schultz, Grobe. Motion carried.**

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

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 55-2019**, as follows:

RESOLUTION NO. 55-2019

WHEREAS, Pottawattamie County desired to classify certain roads 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 with the County as Area Service "C" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County has received notification from the Engineer, requesting that the following road be classified as an Area Service "C" road:

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.

WHEREAS, maintenance levels are established as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice removal will not be performed. Sanding and salting will not be performed.
3. Bridges. Bridges on Area Service "C" roads may not be maintained to carry legal loads, but will be posted as appropriate to advise of any loan limitations.
4. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distance will not be maintained on a regular basis.
5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure, if any, may be adequate for traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service "C" roads by Pottawattamie County.
7. Shoulders. Shoulders will not be maintained.
8. Crown. A crown will not be maintained.
9. Repairs. There will be no road repairs on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspections will not be conducted.
12. Gate. The gate shall be purchased and installed by the County, and maintenance by the adjoining landowners. If not so maintained, the County may remove the gate.
13. Lock and keys. Locks will be purchased and installed by the owners, lessees or other persons in lawful possession of any adjoining land. Keys will be purchased and distributed by the owners, lessees or other persons in lawful possession of any adjoining land. Keys will be distributed to all persons or agencies having access rights to the road; and

WHEREAS, the only persons who will have access rights to the road shall be:

1. the owner, lessee, or person in lawful possession of any adjoining land;
2. the agent or employee of the owner, lessee or person in lawful possession of any adjoining land;
3. any peace officer;
4. any magistrate;
5. any public employee whose duty it is to supervise the use or perform maintenance of the road;
6. any agent or employee of any utility located upon the road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa in session on the 10th of December, 2019, that this County does hereby establish the road described as an Area Service "C" road, and restricted access and a minimal level of maintenance.

Dated this 10th day of December, 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

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Belt, second by Schultz, to open public hearing on proposed road vacation of Marigold Lane in Section 9, Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa; and signing **Resolution No. 56-2019** regarding disposal of said property. **Roll Call Vote: AYES: Belt, Wichman, Schultz, Grobe. Motion carried.**

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

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 56-2019**, as follows:

RESOLUTION NO. 56-2019

WHEREAS, the following described road has a very low volume of traffic; and

WHEREAS, budget and liability constraints dictate the secondary roads system be reduced; and

WHEREAS, it is in the best interest of Pottawattamie County to vacate the road right-of-way described below.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 10th day of December, 2019, that the following described road easement be vacated:

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).

Dated this 10th day of December, 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				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Marilyn Jo Drake				
_____	○	○	○	○
Lynn Grobe				

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Belt, second by Schulz, to open public hearing on proposed road vacation of a 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 signing **Resolution 57-2019** regarding reclassification of said road. **Roll Call Vote: AYES: Belt, Wichman, Schultz, Grobe. Motion carried.**

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

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 57-2019**, as follows:

RESOLUTION NO. 57-2019

WHEREAS, Pottawattamie County desired to classify certain roads 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 with the County as Area Service “C” roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County has received notification from the Engineer, requesting that the following road be classified as an Area Service “C” road:

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.

WHEREAS, maintenance levels are established as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice removal will not be performed. Sanding and salting will not be performed.
3. Bridges. Bridges on Area Service “C” roads may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations.
4. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distance will not be maintained on a regular basis.
5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure, if any, may be adequate for traffic thereon.

- 6. Road Surfacing. There will be no surfacing materials applied to Area Service “C” roads by Pottawattamie County.
- 7. Shoulders. Shoulders will not be maintained.
- 8. Crown. A crown will not be maintained.
- 9. Repairs. There will be no road repairs on a regular basis.
- 10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
- 11. Inspections. Regular inspections will not be conducted.
- 12. Gate. The gate shall be purchased and installed by the County, and maintenance by the adjoining landowners. If not so maintained, the County may remove the gate.
- 13. Lock and keys. Locks will be purchased and installed by the owners, lessees or other persons in lawful possession of any adjoining land. Keys will be purchased and distributed by the owners, lessees or other persons in lawful possession of any adjoining land. Keys will be distributed to all persons or agencies having access rights to the road; and

WHEREAS, the only persons who will have access rights to the road shall be:

- 1. the owner, lessee, or person in lawful possession of any adjoining land;
- 2. the agent or employee of the owner, lessee or person in lawful possession of any adjoining land;
- 3. any peace officer;
- 4. any magistrate;
- 5. any public employee whose duty it is to supervise the use or perform maintenance of the road;
- 6. any agent or employee of any utility located upon the road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa in session on the 10th of December, 2019, that this County does hereby establish the road described as an Area Service “C” road, and restricted access and a minimal level of maintenance.

Dated this 10th day of December, 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

RECOMMENDED: _____
Pottawattamie County Engineer

NOTE: As a caveat to this Resolution being passed, and before the road is reclassified to a “C” road, the Secondary Roads Department will barricade the road on both ends of the closure and clean the road of any debris/trees and will make it passable. Once all

debris/trees are removed and the road is passable, the road shall be reclassified as a County “C” road, and gated on both ends of the closure.

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

Motion by Belt, second by Schultz, to open public hearing on proposed assessment of costs for destruction of noxious weeds on property located at 22645 440th Street, Oakland, Iowa; and approval to sign Resolution No. 58-2019, affixing costs to be assessed for said destruction for noxious weeds. Roll Call Vote: AYES: Belt, Wichman, Schultz, Grobe. Motion carried.

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

Motion by Belt, second by Schultz, to approve and authorize Board to sign Resolution No. 58-2019. Said Resolution is set out as follows:

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)

WHEREAS, Notice of Public Hearing was served on November 26, 2019, by posting said Notice on the door of the residence; and by certified mail, with James Hawes, signing for said mailing on December 2, 2019. The Notice of Public Hearing noted that a hearing on this issue was set for December 10, 2019, at 10:40 AM.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 10th day of December, 2019, that the amount assessed for the following work on the property above is as follows:

Work Done: Property was mowed for noxious weeds by the County on July 1, 2019, one year return

Cost: \$1,140.00
Administrative Fee: \$150.00
25% Assessment Fee: \$285.00
Total Amount to be Assessed: \$1,575.00

Dated this 10th day of December, 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: Belt, Wichman, Schultz, Grobe. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and authorize Chairman to sign Memorandum of Understanding for 12 Hour Work Shifts for Continuous Shift Personnel effective January 1, 2020, through June 30, 2020. UNANIMOUS VOTE. Motion carried.

Matt Madsen with DHS; Treasurer Lea Voss; Veteran Affairs Director Nick Jedlicka; Matt Wyant, Direction of Planning/Animal Control, and Public/Environmental Health; and Engineer John Rasmussen came before the Board for their departments' budget study sessions. These sessions were discussions only. No action was taken.

Discussion was held on the 2019 FEMA flood buyout / priorities. This was a discussion only. No action was taken.

3. OTHER BUSINESS

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and authorize Chairman to sign Memorandum to Department Heads/Elected Officials regarding Christmas Eve / New Year's Eve office hours. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Schultz, to approve Notices of Disallowance of Homestead Tax Credits, and Military Service Tax Exemptions. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve Sick Leave being utilized by employee for serious illness/injury for extended family member. UNANIMOUS VOTE. Motion carried.

4. RECEIVED/FILED

A. Salary Actions

- 1) SW Iowa Juvenile Detention – Employment of Lauren Sealey as Part-Time Detention Office.

B. Reports:

- 1) Recorder's Fee Book for November 2019.

5. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:35 P.M.

Tim Wichman, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: December 17, 2019

PUBLISH: X