

JANUARY 2, 2020**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 AM. All members present, with Grobe appearing at 9:05 AM. Chairman Schultz presiding.

2. SCHEDULED SESSIONS

Motion by Drake, second by Belt, to appoint Melvyn Houser, County Auditor, as Temporary Chairperson for the election of a new Board Chairman and Chairman Pro-Tem for the year 2020. UNANIMOUS VOTE. Motion carried.

Houser announced nominations are now in order for the office of Chairman for 2020.

Schultz was nominated by Wichman.

There being no further nominations, Houser declared it ceased. The Board proceeded to vote as follows:

Drake voted for Schultz;
 Grobe voted for Schultz;
 Schultz voted for Schultz;
 Belt voted for Schultz; and
 Wichman voted for Schultz.

Schultz was elected Chairman for 2020.

Houser announced nominations are now in order for the office of Chairperson Pro-Tem for 2020.

Wichman was nominated by Drake.

There being no further nominations, Melvyn Houser, County Auditor, declared it ceased. The Board proceeded to vote as follows:

Drake voted for Wichman;
 Grobe voted for Wichman;
 Schultz voted for Wichman;
 Belt voted for Wichman; and
 Wichman voted for Wichman.

Wichman was elected Chairman Pro-Tem for 2020.

Thereupon, Houser, Temporary Chairperson, turned the meeting over to Chairman Schultz.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Wichman, to approve and appoint Matt Wyant as authorized representative, and the Pottawattamie County Planning and Development office as lead agency for the Pottawattamie County Hazard Mitigation Grant Program. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve and authorize Chairman to sign Memorandum of Understanding with Connections Area Agency on Aging. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve paying the County's deductible for the storm damage to the tower site at 48751 Juniper Road in Oakland, Iowa, ICAP Claim No. ICP052542A1. UNANIMOUS VOTE. Motion carried.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 06-2020**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

RESOLUTION NO. 06-2020

RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.

WHEREAS, Section 306.41 of the Code of Iowa, 2002, provides that “The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor.”

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 2nd day of January, 2020, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved “Pottawattamie County Secondary Road Construction Program for the fiscal year 2020-2021, and any approved supplements thereto.”

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Wichman, second by Drake, to approve and authorize Board to sign **Resolution No. 07-2020**, entitled: Resolution to Authorize the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems. Said Resolution is set out as follows:

RESOLUTION NO. 07-2020

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK ON THE FARM TO MARKET AND FEDERAL AID SYSTEMS.

WHEREAS, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm to Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, and Federal Aid contract construction work,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 2nd day of January, 2020, that said County Engineer John A. Rasmussen, be and is hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to Market and Federal Aid construction projects in Pottawattamie County for the year 2020.

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman	<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"/>
_____ 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: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.

Motion by Drake, second by Grobe, to approve and authorize Board to sign **Resolution No. 08-2020**, entitled: Resolution to Authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight Upon Pottawattamie County Secondary Roads. Said Resolution is set out as follows:

RESOLUTION NO. 08-2020

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.

WHEREAS, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

WHEREAS, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 2nd day of January, 2020, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be

authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer
Jacob Ferro, Assistant Engineer
Lisa Keierleber, Assistant Engineer
Kristina R. Hauger, Assistant to the Engineer

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman	<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"/>
_____ 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: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.

Nick Hanson, a resident of Pottawattamie County, was scheduled to come before the Board to discuss the Roads Department. Mr. Hanson did not appear. No action was taken.

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

3. OTHER BUSINESS

Motion by Drake, second by Grobe, to adopt Robert’s Rules of Order as written rules of parliamentary procedures for transaction of business in meetings, except when it conflicts with the Code of Iowa. **UNANIMOUS VOTE. Motion carried.**

Motion by Wichman, second by Drake, to establish a policy that the Board of Supervisors’ regular sessions will be held on the following day(s): Tuesday, at 10:00 AM. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day.

Motion by Belt, second by Wichman , to approve and authorize Board to sign **Resolution No. 01-2020**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:

RESOLUTION NO. 01-2019

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

FIRST:

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee is terminated upon certification of the officer under which such compensation has been earned.

SECOND:

For transportation of persons transferred at the County’s expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

THIRD:

For Clerk of Court’s certified bills for payment of Grand Jury.

FOURTH:

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman	<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"/>
_____ 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.

Motion by Drake, second by Belt, to approve and authorize Board to sign **Resolution No. 02-2020**, a Resolution pertaining to the Auditor destroying county vouchers and canceled county warrants which have been on file for more than ten years. Said Resolution is set out as follows:

RESOLUTION NO. 02-2020

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2010; and

WHEREAS, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2010.

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman	<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"/>
_____ 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.

Motion by Drake, second by Grobe, to approve and authorize Board to sign **Resolution No. 03-2020**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

RESOLUTION NO. 03-2020

RESOLUTION APPOINTING DEPUTIES

WHEREAS, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

WHEREAS, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

WHEREAS, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

- Attorney** Jon Jacobmeier, Chief Deputy
- Auditor** Kristin M. Everett, First Deputy
Linda Swolley, First Deputy, Real Estate
Kristy Hassay, Second Deputy, Real Estate
- Recorder** Lynn Herrington, First Deputy
- Sheriff** Rob Ambrose, Chief Deputy
- Treasurer** Jamie Smothers, First Deputy

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman	<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"/>
_____ 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.

Motion by Belt, second by Grobe, to approve and authorize Board to sign **Resolution No. 04-2020**, a Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County. Said Resolution is set out as follows:

RESOLUTION NO. 04-2020

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County

Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2020-2021.

RECAPITULATION

TELEPHONE – TELEGRAPH	\$ 24,526,547
RAILROADS	\$ 70,072,342
PIPELINE	\$ 58,897,994
 TOTAL FOR COUNTY	 \$ 153,496,884

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 05-2020**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

RESOLUTION NO. 05-2019

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a “Construction Evaluation Resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2020, and January 31, 2021, and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

Dated this 2nd day of January, 2020.

ROLL CALL VOTE

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

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Drake, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2020 year: The Herald-Oakland, The Avoca Journal Herald-Avoca; and The Daily Nonpareil-Council Bluffs. The County shall pay no more than Iowa Code allows for legal publications in these newspapers. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Wichman, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2020, as per Code of Iowa, Section 33.1:

NEW YEAR’S DAY	JANUARY 1, 2020	WEDNESDAY
MARTIN LUTHER KING, JR. DAY	JANUARY 20, 2020	MONDAY
PRESIDENT’S DAY	FEBRUARY 17, 2020	MONDAY
MEMORIAL DAY	MAY 25, 2020	MONDAY
INDEPENDENCE DAY	OBSERVED JULY 3, 2020	FRIDAY
LABOR DAY	SEPTEMBER 7, 2020	MONDAY
VETERAN’S DAY	NOVEMBER 11, 2020	MONDAY
THANKSGIVING DAY	NOVEMBER 26, 2020	THURSDAY
LIEU OF LINCOLN’S BIRTHDAY	NOVEMBER 27, 2020	FRIDAY
CHRISTMAS	DECEMBER 25, 2020	FRIDAY
NEW YEAR’S DAY 2021	JANUARY 1, 2021	FRIDAY

UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Wichman, to approve Federal Standard Mileage Rate for 2020, at 57.5¢ per mile. UNANIMOUS VOTE. Motion carried.

Motion by Wichman, second by Grobe, to approve Drake as first representative, and Belt as second representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2020. UNANIMOUS VOTE. Motion carried.

Motion by Wichman, second by Grobe, to approve appointment of Belt as first representative, and Schultz as second representative to the Fourth Judicial District Department of Correctional Services Board of Directors for 2020. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Wichman, to approve appointment of Belt as first representative, and Mike Williams as second representative to IGHCP Board for 2020. UNANIMOUS VOTE. Motion carried.

Motion by Wichman, second by Drake, to approve appointment of Schultz as first representative, and Belt as second representative to MAPA for 2020. UNANIMOUS VOTE. Motion carried.

Motion by Drake, second by Belt, to approve stipend amount of 60% for Elected Officials' mobile cellular usage for 2020. UNANIMOUS VOTE. Motion carried.

4. RECEIVED/FILED

A. Salary Actions:

- 1. Communications – Payroll Status Change of Calee Morgal, Desiree Castro.
- 2. Sheriff – Payroll Status Change of Jeremy Harker, Jeremy Petersen, Jesse Windham.

B. Reports:

- 1. Sheriff's Report of Fees Disbursed and Collected for November 2019.

5. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:05 AM.

Justin Schultz, Chairman

ATTEST: _____
 Melvyn Houser, County Auditor

APPROVED: January 7, 2020
 PUBLISH: X