

February 11, 2020**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M. All members, except Wichman present. Chairman Schultz presiding, and appearing via Skype.

PLEDGE OF ALLEGIANCE**1. CONSENT AGENDA**

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

- A. February 4, 2020, Minutes as read.
- B. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/Sunday Sales for Palace Event Center LLC d/b/a Palace Event Center, Treynor.
- C. Publication of Claims Allowed for January 2020.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Motion by Drake, second by Grobe, to open public hearing on preliminary plat of Kathryn Rose Subdivision, a subdivision situated in Lewis Township. **Roll Call Vote: AYES: Drake, Belt, Schultz, Grobe. Motion Carried.**

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

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

**PLANNING AND ZONING
RESOLUTION NO. 2020-03**

WHEREAS, the proposed preliminary plat and supporting documents for **Kathryn Rose Subdivision**, a subdivision situated in **Lewis Township**, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under **Case #SUB-2020-01**; and

WHEREAS, said Commission conducted a public hearing on January 13th, 2020, 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 February 11th, 2020 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 **Kathryn Rose Subdivision**, 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.

Dated this 11th day of February, 2020.

ROLL CALL VOTE

| | AYE | NAY | ABSTAIN | ABSENT |
|-----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| _____ Justin Schultz, Chairman | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____ 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"/> |
| _____ 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, Schultz, Grobe. Motion Carried.

Motion by Schultz, second by Grobe, to open public hearing on disposal of county-owned property, legally described as: A parcel of land located in Tract V in the NW ¼ of the NW ¼ of Section 17, Township 76 North, Range 39 West of the 5th Principal Meridian, City of Hancock, Pottawattamie County, Iowa. **Roll Call Vote: AYES: Drake, Belt, Schultz, Grobe. Motion Carried.**

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

Motion by Grobe, second by Schultz, to approve and authorize Board to sign **Resolution No. 12-2020**, a Resolution entitled: A Resolution Authorizing Disposal of an Interest in County-Owned Property, as Provided Under Iowa Code Section 331.361 and/or Iowa Code Section 350.4. Said Resolution is set out as follows:

RESOLUTION NO. 12-2020

A RESOLUTION AUTHORIZING DISPOSAL OF AN INTEREST IN COUNTY-OWNED PROPERTY AS PROVIDED UNDER IOWA CODE §331.361 AND/OR IOWA CODE §350.4.

WHEREAS, the Board of Supervisors has provided legal notice of and set a public hearing for the disposal of an interest in county-owned property described below; and

WHEREAS, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of certain county-owned property and to allow the property be transferred; and

WHEREAS, on October 29, 2019, Pottawattamie County, Iowa purchased the property by Warranty Deed from Robert D. Reineke and Donna Reineke; and

WHEREAS, the Iowa Department of Transportation, has expressed interest in obtaining title and ownership of said property from Pottawattamie County, Iowa.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa that the Board of Supervisors does hereby authorize the disposal of Pottawattamie County's interest in the property legally described as follows:

A parcel of land located in Tract V in the NW ¼ of the NW ¼ of Section 17, Township 76 North, Range 39 West of the 5th Principal Meridian, City of Hancock, Pottawattamie County, Iowa, said parcel is more particularly described as follows:

Commencing at the SW Corner NW ¼ NW ¼ of Section 17, Township 76 North, Range 39 West of the 5th P.M.; thence 0° 00' 54" West 667.43 feet along the West line of the NW ¼ NW ¼ of said Section 17, thence N 0° 59' 06" East 388.55 feet to a point on the present easterly right of way line of U.S. 59, said point also being the most northwesterly corner of Tract V, NW ¼ NW ¼; Section 17, Township 76 North, Range 39 West, the Point of Beginning; thence S 71° 03' 31" West 103.79 feet to a point on the present easterly right of way line of U.S. 59; thence N 24° 32' 29" East 78.60 feet along said present easterly right of way line to the Point of Beginning, containing 4,163 sq ft or 0.10 acres.

BE IT FURTHER RESOLVED that the County Auditor be and is hereby authorized, empowered and directed to cause an Easement for Public Highway (Quit Claim Deed) to be prepared duly executed and recorded along with this Resolution and the Proof of Publication of the "Notice of Public Hearing".

Dated this 11th day of February, 2020.

ROLL CALL VOTE

| | AYE | NAY | ABSTAIN | ABSENT |
|---------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| _____ Just Schultz, Chairman | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____ Tim Wichman | <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"/> |
| _____ 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: _____
John Rasmussen, Engineer

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

After discussion was held by the Board, a Motion was made by Grobe, and seconded by Drake, to approve the signed Iowa Homeland Security & Emergency Management’s Iowa Flood Mitigation Program (FMP) Flood Recovery Project Application. NOTE: Due to time constraints, this Application was presented to Chairman Schultz on the afternoon of February 4, 2020, and was signed by Chairman Schultz on that day. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Drake, to amend the Compensation Board’s recommendation, in that the Board of Supervisors’ increase would be 3% instead of the recommended 3.5%, but to approve the 3.5% increase recommended by the Compensation Board for the remaining County Elected officials. UNANIMOUS VOTE. Motion carried.

3. OTHER BUSINESS

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Drake, to approve and authorize Chairman to sign Appendix A – Expectations of ACT and States, Regions and Counties Participating in the ACT Work Ready Communities Boot Camp, for Pottawattamie County to actively participate in the ACT Work Ready Communities (ACT WRC) initiative. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Schultz, to approve list of Compensation / Condemnation Commission for 2020; and approve the posting/publishing of the Notice of Pottawattamie County Compensation / Condemnation Commission Vacancies in the Nonpareil for the eight vacancies to be filled on said Commission. UNANIMOUS VOTE. Motion carried.

4. CLOSED SESSION(S)

Motion by Schultz, second by Drake, to go into Closed Session as allowed by Code of Iowa, Chapter 21.5(1)(i) for a continuance of the performance review of Matt Wyant, Director, Planning and Zoning. **Roll Call Vote: AYES: Drake, Belt, Schultz, Grobe. Motion Carried.**
 Motion by Schultz, second by Drake, to go out of Closed Session. **Roll Call Vote: AYES: Drake, Belt, Schultz, Grobe. Motion Carried.**

5. RECEIVED/FILED**A. Salary Actions:**

- 1) Jail – Payroll Status Change of Angela Rubek, Adam Rutledge, Samantha Stone.

6. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:10 AM.

Justin Schultz, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: February 18, 2020

PUBLISH: X