

**April 7, 2020**

**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M. All members, except Drake present. Chairman Schultz presiding.

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

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

- A. March 31, 2020, 10:00 AM; March 31, 2020, 6:00 PM, Minutes as read.
- B. Publication of Claims Allowed for March 2020.
- C. Conservation – Employment of Aric Ping, as Conservation Technician.
- D. Jail – Employment of Ryan Thompson, as Detention Officer.
- E. Jail – Employment of Nolan Darnell, as Detention Officer.

UNANIMOUS VOTE. Motion carried.

**2. SCHEDULED SESSIONS**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve the hiring of two additional Medical Examiner Investigators. UNANIMOUS VOTE. Motion carried.

Discussion was held with Chief Information Officer David Bayer concerning payment to Central Square for the annual software maintenance. No decision was made at this time. This was delayed until the Board’s April 28, 2020 meeting. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and sign **Resolution No. 46-2020**, a resolution regarding a proposed road vacation, pursuant to Iowa Code Section 306, as follows:

**RESOLUTION NO. 46-2020**

**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:

Originally platted alleys in Blocks 3 and 4 of the unincorporated town of Bentley, legally described as: Originally platted alleys in Block 3 and 4 of Original Town Plat in the unincorporated Town of Bentley per town plat filed for record in Section 13, Township 76, Range 42 West of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa.

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 6<sup>TH</sup> Street, Council Bluffs, Iowa on **April 28, 2020, at 10:00 AM**, in accordance with Iowa Code Chapter 306.

**Dated this 7<sup>th</sup> day of April, 2020.**

**ROLL CALL VOTE**

AYE	NAY	ABSTAIN	ABSENT
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○	○	○	○
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\_\_\_\_\_  
Justin Schultz, Chairman

_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Marilyn Jo Drake				
_____	○	○	○	○
Lynn Grobe				

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

RECOMMENDED: \_\_\_\_\_  
John Rasmussen, Engineer

; and to set a public hearing date on said Resolution for April 28, 2020 at 10:00 AM in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. **Roll Call Vote: AYES: Belt, Schultz, Wichman, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve and sign **Resolution No. 47-2020**, a resolution regarding a proposed road vacation, pursuant to Iowa Code Section 306, as follows:

**RESOLUTION NO. 47-2020**

**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 roadway (265<sup>th</sup> Street) along the east line of the SW 14 of Section 9, Township 76 North, Range 42 West of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the S ¼ corner of said Section 9, thence North along the East line of said SW ¼ a distance of 1120 feet to the center line of a ditch and the Point of Beginning; thence continuing North along the East line of said SW ¼ a distance of 965 feet to a point terminating 50 feet South of an existing farm entrance West of road. Said road was established by Original Petition No. 323 on April 3, 1877, recorded in Road Calendar Book B on Page 556. This portion of roadway was later petitioned and recorded on August 19, 1957, by Petition No. 354 establishing right-of-way at 66 feet wide. The length of said roadway is 965 feet (0.183 mile)

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 6<sup>TH</sup> Street, Council Bluffs, Iowa on April 28, 2020, **at 10:05 AM**, in accordance with Iowa Code Chapter 306.

**Dated this 7<sup>th</sup> day of April, 2020.**

**ROLL CALL VOTE**

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

	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lynn Grobe				

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

RECOMMENDED: \_\_\_\_\_  
John Rasmussen, Engineer

; and to set a public hearing date on said Resolution for April 28, 2020, at 10:05 AM, in the Board of Supervisors’ Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. **Roll Call Vote: AYES: Belt, Schultz, Wichman, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve final plat of Code Farms Estates, a subdivision situated in Garner Township, and to sign **Planning and Zoning Resolution 2020-04**, set out as follows:

**PLANNING AND ZONING  
RESOLUTION NO. 2020-04**

**WHEREAS**, this Board had approved the preliminary plat of **Coder Farms Estates**, a residential subdivision situated in **Garner Township**, by approval of Planning and Zoning Resolution No. **2019-10**, dated **October 8, 2019**; and

**WHEREAS**, the final plat and supporting documents required by Chapter 9.10 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, has been filed with this Board for its study and consideration under **Case #SUB-2019-07**; and

**WHEREAS**, this Board has examined the final plat and has found it is in substantial compliance with the approved preliminary plat; and

**WHEREAS**, after careful study, and due consideration this Board has determined that the final plat and supporting documents conform to the requirements of Chapter 9.10 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and it has deemed it to be in the best interest of Pottawattamie County, Iowa, to approve the final plat.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA:** That the final plat of **Oliver Acres**, a residential subdivision in Pottawattamie County, Iowa, be, and the same is hereby approved as the final plat of said subdivision.

And that the Chairman of the Board of Supervisors is hereby authorized to enter such approval upon said final plat.

**Dated this 7<sup>th</sup> day of April, 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: Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Grobe, to approve adding Bluebird Lane from Pioneer Trail to The Road Dead Ends to the Official Bituminous Road classification in Pottawattamie County; and to

sign **Resolution No. 44-2020**, entitled Resolution for Establishing Official Bituminous Roads. Said Resolution is set out as follows:

**RESOLUTION NO. 44 – 2020**

**RESOLUTION FOR ESTABLISHING OFFICIAL BITUMINOUS ROADS**

WHEREAS, the Pottawattamie County, Iowa, Board of Supervisors, amended the Pottawattamie County, Iowa, Zoning Ordinance by adopting Ordinance #2015-05, effective December 18, 2015; and

WHEREAS, Section 8.002.200.150 defines “hardsurfaced street” as a street which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, County or state regulations or a street that the surfacing has been prepared and treated with a bituminous coating and designated by the County Board in a Resolution as an Official Bituminous Road; and

WHEREAS, the Board of Supervisors in conjunction with County Engineer has reviewed the current Pottawattamie County, Iowa, Secondary Road System Roads and has determined that only certain roads are sufficiently improved with a bituminous product that warrants allowing residential development to take place along;

NOW, THEREFORE, BE IT RESOLVED, by the Pottawattamie County, Iowa, Board of Supervisors, that the following county Roads be classified as “Official Bituminous (Sealcoat, Blacktop, Asphalt) Roads” for the purpose of satisfying Section 8.002.200.150 of the Pottawattamie County, Iowa, Zoning Ordinance:

Road Name	From	To
Bluebird Lane	Pioneer Trail	The road dead ends.

**Dated this 7<sup>th</sup> day of April, 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: Belt, Schultz, Wichman, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve COVID-19 Disaster Compensation Policy. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve and allow Black Hills Energy to store equipment and supplies on County property, identified as Parcel No. 754436188001. UNANIMOUS VOTE. Motion carried.

**3. RECEIVED/FILED**

A. Salary Actions:

- 1) Secondary Road – Payroll Status Change of Devan Feigenbutz.

B. Reports:

- 1) Recorder's Fee Book for March 2020.

**4. ADJOURN**

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:30 AM.

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Justin Schultz, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: April 9, 2020

PUBLISH: X