

May 26, 2020

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Schultz 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. May 12, 2020, Minutes as read.
- B. Sheriff – Employment of Travis Kephart, as Deputy.
- C. Jail – Employment of Heidi Swanson, as Full-Time RN.
- D. Renewal of Iowa Retail Permit for Cigarette/Tobacco/Nicotine/Vapor for Kum & Go #0023, Neola.
- E. Renewal of Iowa Retail Permit for Cigarette/Tobacco/Nicotine/Vapor for Casey's Marketing Company DBA Casey's General Store #3204, Minden.
- F. Iowa Retail Permit for Cigarette/Tobacco/Nicotine/Vapor for Casey's Marketing Company DBA Casey's General Store, Council Bluffs.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve renewal of: County's Life Insurance/AD&D, Long Term Disability, and Voluntary Life Insurance with Madison National Life Insurance Company; Vision Insurance with Reliance Standard; and Dental Insurance with MetLife, all effective July 1, 2020. UNANIMOUS VOTE. Motion carried.

Human Resources Director Jana Lemrick came before the Board to discuss the County's Holiday Policy and employees working on a designated County Holiday, due to the COVID-19 pandemic. The Board requested more information on this issue before rendering a decision, and asked that this matter be brought back to the Board on June 2, 2020, for further discussion and/or a decision.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Drake, to approve and authorize Chairman to sign Memorandum of Understanding between Pottawattamie County and the American Federation of State, County and Municipal Employees (AFSCME), Local 2364-911, concerning supplemental pay for employees of the Pottawattamie County Communications Center. UNANIMOUS VOTE. Motion carried.

Grant Anderson, Community and Economic Development Planner with MAPA, came before the Board to discuss and open bids for the asbestos abatement for Carson and Macedonia downtown revitalization projects. Mr. Anderson reported that no bids were submitted for these projects, and that the asbestos abatement RFP will be re-advertised. No action was taken by the Board at this time.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 53-2020**, entitled Resolution for Establishing Official Bituminous Roads. Said Resolution is set out as follows:

RESOLUTION #53-2020

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 the 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
Hunt Avenue	Hwy 6	238 th Street

Dated this 26th day of May 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, Wichman, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve final plat of Criswell Subdivision, a subdivision situated in Hazel Dell Township, and to sign **Planning and Zoning Resolution 2020-06**, set out as follows:

**PLANNING AND ZONING
RESOLUTION NO. 2020-06**

WHEREAS, this Board had approved the preliminary plat of **Criswell Subdivision**, a residential subdivision situated in **Hazel Dell Township**, by approval of Planning and Zoning Resolution No. **2020-05**, dated **April 28, 2020**; 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-2020-02**; 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 **Criswell Subdivision**, 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 26th day of May, 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

RECORD: After passage

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

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to allow Leuder to withdraw their bid on the Courthouse Renovation Project due to a clerical error. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Drake, to award renovation of the B Wing to Ronco Construction for the bid of \$5,165,000.00. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve 2020 Snow Removal request for proposals. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to review Amendment to FY 2019-20 budget, and to set date for pubic hearing on said Amendment for June 16, 2020, at 10:00 AM. UNANIMOUS VOTE. Motion carried.

Chief Information Office David Bayer came before the Board and gave a demonstration of the new County Website and Employee Portal. This was a discussion only. No action was taken.

After discussion was held by the Board on the proposed Pottawattamie County Industrial Park Urban Renewal Plan for the Pottawattamie County Industrial Park Urban Renewal Area, a Motion was made by Belt, and seconded by Wichman to approve setting the date for the Consultation of said Plan for the 2nd day of June, 2020 at 9:00 AM; a second Motion was made by Belt, and seconded by Drake, to approve setting the date for the Public Hearing on said Plan for June 23, 2020, at 10:00 AM; that both the Consultation and Public Hearing shall be held in the Board of Supervisors Hearing Room at the Pottawattamie County Courthouse in Council Bluffs; and to sign **Resolution 54-2020**, entitled Resolution Determining the Necessity and Setting Dates of a Consultation and a Public Hearing on a Proposed Pottawattamie County Industrial Park Urban Renewal Plan for a Proposed Urban Renewal Area in Pottawattamie County, State Of Iowa, with said Resolution set out as follows:

RESOLUTION NO. 54-2020**RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED POTTAWATTAMIE COUNTY INDUSTRIAL PARK URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN POTTAWATTAMIE COUNTY, STATE OF IOWA**

WHEREAS, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the County and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the County; and

WHEREAS, this Board has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and has caused there to be prepared a proposed Pottawattamie County Industrial Park Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Pottawattamie County Industrial Park Urban Renewal Area ("Area" or "Urban Renewal Area"), which proposed Plan is attached hereto as Exhibit 1; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:
LEWIS TWP 17-74-43 SE NW EXC COMM SW COR TH N447.42' E900.84' S447.42'
W900.84' TO POB

AND

192ND STREET (INCLUDING ROW) FROM E SOUTH OMAHA BRIDGE ROAD
SOUTHERLY TO THE SW CORNER OF I-29/I-80 INDUSTRIAL PARK LOT 5

PARCEL NUMBER: 7443 17 176 007

LEGAL DESCRIPTION AND PARCEL NUMBER WILL CHANGE WHEN FINAL
PLAT IS RECORDED.

WHEREAS, the proposed Area is within two miles of the corporate boundaries the City of Council Bluffs, Iowa, and accordingly, the County will enter into a joint agreement with the City of Council Bluffs to allow the County to operate within the proposed Area; and

WHEREAS, County staff has caused there to be prepared a form of Plan, a copy of which has been placed on file for public inspection in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to form the Pottawattamie County Industrial Park Urban Renewal Area suitable for economic development and to include a list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan; and

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the County as a whole prior to Board approval of such Plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Board within thirty (30) days of its receipt of such proposed Urban Renewal Plan; and

WHEREAS, the Iowa statutes require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the County shall submit written responses as provided in Section 403.5, Code of Iowa, as amended; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to hold a public hearing on the proposed Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the County, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Plan and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF
POTTAWATTAMIE COUNTY, STATE OF IOWA:

Section 1. That the consultation on the proposed Urban Renewal Plan required by Section 403.5(2), Code of Iowa, as amended, shall be held on the June 2, 2020, in the Board of Supervisors Room, County Courthouse, 223 South 6th Street, Council Bluffs, Iowa, at 9:00 A.M., and Pam Kalstrup, or her delegate, is hereby appointed to serve as the designated representative of the County for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2), Code of Iowa.

Section 2. That the County Auditor is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, along with a copy of this Resolution and the proposed Urban Renewal Plan, the notice to be in substantially the following form:

**NOTICE OF A CONSULTATION TO BE HELD BETWEEN
POTTAWATTAMIE COUNTY, STATE OF IOWA AND ALL AFFECTED TAXING
ENTITIES CONCERNING THE
PROPOSED POTTAWATTAMIE COUNTY INDUSTRIAL PARK URBAN
RENEWAL PLAN FOR POTTAWATTAMIE
COUNTY, STATE OF IOWA**

Pottawattamie County, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, as amended, commencing at 9:00 A.M. on June 2, 2020, in the Board of Supervisors Room, County Courthouse, 223 South 6th Street, Council Bluffs, Iowa concerning a proposed Pottawattamie County Industrial Park Urban Renewal Plan for a proposed Pottawattamie County Industrial Park Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. Pam Kalstrup, or her delegate, as the designated representative of Pottawattamie County, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Pottawattamie County Industrial Park Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Pottawattamie County, State of Iowa, as provided by Section 403.5, Code of Iowa, as amended. Dated this 26th day of May, 2020.

/s/ _____
Justin Schultz, Chairman, Board of Supervisors
Pottawattamie County, Iowa.

ATTEST: /s/ _____
Melvyn Houser, County Auditor

(End of Notice)

Section 3. That a public hearing shall be held on the proposed Urban Renewal Plan before the Board of Supervisors at its meeting on June 23, 2020, which commences at 10:00 A.M.

Section 4. That the County Auditor is authorized and directed to publish notice of this public hearing in The Daily Nonpareil, The Avoca Journal Herald, and The Oakland Herald, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

**NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED
POTTAWATTAMIE COUNTY INDUSTRIAL PARK URBAN RENEWAL PLAN FOR A
PROPOSED URBAN RENEWAL AREA IN POTTAWATTAMIE COUNTY, STATE OF
IOWA.**

The Board of Supervisors of Pottawattamie County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 10:00 A.M. on June 23, 2020, to consider adoption of a proposed Pottawattamie County Industrial Park Urban Renewal Plan (the "Plan")

concerning a proposed Pottawattamie County Industrial Park Urban Renewal Area in Pottawattamie County, State of Iowa.

Due to public health concerns related to COVID-19, as authorized by emergency proclamation of the Governor of the State of Iowa, this meeting may be held in person or it may be held electronically, depending on the severity of the COVID-19 pandemic at the time. An announcement of whether the meeting will be held in person or electronically will be made no less than 24 hours prior to the meeting.

If the meeting is held in person, it shall be held in the Board of Supervisors Room, County Courthouse, 223 South 6th Street, Council Bluffs, Iowa.

If the meeting is held electronically because an in-person meeting is impossible or impractical, public access information will be provided no less than 24 hours prior to the meeting.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing. Please check the posted agenda in advance of the June 23, 2020 meeting for any updates to the manner in which the public may access the hearing. Please contact the Planning and Development Department at pam.kalstrup@pottcounty-ia.gov if you have questions about the format of the meeting, or to request a copy of the Plan.

The Pottawattamie County Industrial Park Urban Renewal Area is proposed to contain the land legally described as follows:

LEWIS TWP 17-74-43 SE NW EXC COMM SW COR TH N447.42' E900.84' S447.42' W900.84' TO POB

AND

192ND STREET (INCLUDING ROW) FROM E SOUTH OMAHA BRIDGE ROAD SOUTHERLY TO THE SW CORNER OF I-29/I-80 INDUSTRIAL PARK LOT 5

PARCEL NUMBER: 7443 17 176 007

LEGAL DESCRIPTION AND PARCEL NUMBER WILL CHANGE WHEN FINAL PLAT IS RECORDED.

A copy of the Plan is on file for public inspection in the office of the County Auditor, Courthouse, Council Bluffs, Iowa.

Pottawattamie County, State of Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further economic development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A, Code of Iowa. The County also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The Plan provides that the County may issue bonds or use available funds for purposes allowed by the Plan and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the County. The Plan initially proposes specific public infrastructure or site improvements to be undertaken by the County, and provides that the Plan may be amended from time to time.

This notice is given by order of the Board of Supervisors of Pottawattamie County, State of Iowa, as provided by Section 403.5, Code of Iowa.

Dated this 26th day of May, 2020.

/s/ _____
Justin Schultz, Chairman, Board of Supervisors
Pottawattamie County, Iowa.

ATTEST: /s/ _____
Melvyn Houser, County Auditor

(End of Notice)

Section 5. That the proposed Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Plan shall be placed on file in the office of the County Auditor.

Section 6. That the proposed Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for the development of the County as a whole, with such recommendation to be submitted in writing to this Board within thirty (30) days of the date hereof.

Dated this 26th day of May, 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, Wichman, Grobe. Motion carried.

Planning and Development Director Matt Wyant, Safety and Risk Manager Garfield Coleman, Veteran Affairs Director Nick Jedlicka, and Human Resources Director Jana Lemrick came before the Board to discuss the opening of the Courthouse to the public. After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve opening the Courthouse to the public on Monday, June 8, 2020; and to approve funding for thirty (30) days for the screening of individuals entering the Courthouse, and for the sanitation crew due to the COVID-19 pandemic. UNANIMOUS VOTE. Motion carried.

3. OTHER BUSINESS

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and authorize the Chairman to sign Articles of Agreement for Workforce Development Chief Elected Official Consortium Workforce Innovation and Opportunity Act of 2014 (Workforce Realignment 28E). UNANIMOUS VOTE. 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 Agreement between County and MAPA on CITIES Project 20POTT03 – Pottawattamie County CITIES Administration for Cities of Avoca, Macedonia, Neola and Treynor. UNANIMOUS VOTE. Motion carried.

4. RECEIVED/FILED

A. Salary Actions:

- 1) Communications – Payroll Status Change of Tammy Jensen
- 2) Secondary Roads – Payroll Status Change of Brady Schroder and Josh Dau.
- 3) Jail – Payroll Status Change of Luis Trujillo, Matt Corum, Kyle Putnam, and Kyle Hackett.
- 4) Conservation – Payroll Status Change of Andrew Casson.
- 5) IT – Payroll Status Change of Kellie Kincaid (change previously approved on May 5, 2020).

B. Reports:

- 1) Sheriff's Reports of Fees Collected and Disbursed for April 2020.

5. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:20 PM.

Justin Schultz, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: June 2, 2020

PUBLISH: X